

Planning and Highways Committee

Tuesday 1 May 2018 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 Dianne Hurst (Chair), Peter Rippon (Chair), Ian Auckland, David Baker, Jack Clarkson, Michelle Cook, Tony Damms, Roger Davison, Bob Johnson, Alan Law, Zahira Naz, Joe Otten, Peter Price, Chris Rosling-Josephs 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
1 MAY 2018**

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 10 April 2018
- 6. Sheffield Conservation Advisory Group** (Pages 9 - 14)
Minutes of the meeting of the Sheffield Conservation Advisory Group held on 20 March 2018
- 7. Site Visit**
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 8. Proposed Closure of Part of the Footpath off Stanwood Drive, Stannington** (Pages 15 - 20)
Report of the Director of Culture and Environment
- 9. Tree Preservation Order 418: 178 Howard Road, S6 3RX** (Pages 21 - 30)
Report of the Director of City Growth Department
- 10. Applications Under Various Acts/Regulations** (Pages 31 - 32)
Report of the Director of City Growth Department
- 11. Stannington Park, Stannington Road, S6 6BX (Case No. 18/00666/FUL)** (Pages 33 - 46)
- 12. Intake Primary School, Mansfield Road, S12 2AR (Case No. 18/00415/FUL)** (Pages 47 - 64)
- 13. Garage Site, adjacent to 4 Langsett Avenue, S6 4AA (Case No. 18/00250/FUL)** (Pages 65 - 74)
- 14. Sheffield General Cemetery, Cemetery Avenue, S11 8NT** (Pages 75 - 104)

(Case No. 18/00235/FUL)

15. **Sheffield General Cemetery, Cemetery Avenue, S11 8NT
(Case No. 18/00236/LBC)** (Pages 105 - 110)
16. **Land at Junction with Loxley Road, Black Lane, S6 6RR
(Case No. 18/00177/OUT)** (Pages 111 - 132)
17. **Ebenezer Chapel, South Road, Walkley, S6 3TD (Case No. 17/05212/FUL)** (Pages 133 - 150)
18. **Ebenezer Chapel, South Road, Walkley, S6 3TD (Case No. 17/05213/LBC)** (Pages 151 - 156)
19. **Site Of Zion Congregational Church, Lawrence Street, S9 3RG (Case No. 17/04825/FUL)** (Pages 157 - 168)
20. **Land to the Rear and Side of 29 Overcroft Rise, S17 4AX
(Case No. 17/04626/FUL)** (Pages 169 - 186)
21. **Overview of Enforcement Activity** (Pages 187 - 192)
Report of the Director of City Growth Department
22. **Quarterly Update Of Enforcement Activity** (Pages 193 - 214)
Report of the Director of City Growth Department
23. **Record of Planning Appeal Submissions and Decisions** (Pages 215 - 222)
Report of the Director of City Growth Department
24. **Date of Next Meeting**
The next meeting of the Committee will be held on 22 May 2018

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 10 April 2018

PRESENT: Councillors Dianne Hurst (Chair), Peter Rippon (Chair), Ian Auckland, David Baker, Jack Clarkson, Michelle Cook, Roger Davison, Bob Johnson, Joe Otten, Peter Price, Chris Rosling-Josephs, Zoe Sykes and Ian Saunders (Substitute Member)

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Alan Law and Councillor Ian Saunders attended the meeting as the duly appointed substitute. An apology for absence was also received from Councillor Tony Damms 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 Zoe Sykes declared a personal interest in an application for planning permission for erection of 4 dwellinghouses and 3 flats in a courtyard block and provision of car parking accommodation at land at former Dial House Club, 72 Far Lane (Case No. 18/00214/FUL) as a Parish Councillor for the area. Councillor Sykes commented that she had advised interested parties on the process for the application but had not declared her position prior to the meeting. Councillor Bob Johnson also declared a personal interest in the application as a local Ward Councillor.

3.2 Councillor Bob Johnson also declared a personal interest in the application relating to land at former Dial House Club, as a local Ward Councillor.

3.3 Councillor Michelle Cook declared a personal interest in an application for planning permission for change of use from former members club (Sui Generis) to Public House (Use class A4) at the Polish Catholic Centre, 518-520 Ecclesall Road (Case No. 17/05136/FUL) as a local Ward Councillor.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the meeting of the Committee held on 20 March 2018, were approved as a correct record.

5. SITE VISIT

5.1 **RESOLVED:** That the Chief Planning Officer, 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

6.0.1 **RESOLVED:** That the applications now submitted for permission to develop land under the Town and Country Planning Act 1990 and the Regulations made thereunder and for consent under the Town and Country Planning (Control of Advertisements) Regulations 1989, be decided, granted or refused as stated in the report to this Committee for this date 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.

6.1. LAND AT FORMER DIAL HOUSE CLUB, 72 FAR LANE (CASE NO. 18/00214/FUL)

6.1.1 Having considered representations at the meeting from a local Ward Councillor, an application for planning permission for erection of 4 dwellinghouses and 3 flats in a courtyard block and provision of car parking accommodation at land at former Dial House Club, 72 Far Lane, S6 4FF (Case No. 18/00214/FUL) be granted, conditionally, subject to the completion of a legal agreement, for the reasons detailed in the report now submitted and the Heads of Terms be amended to state that funding accrued from the Section 106 agreement be spent in Spider Park and/or Hillsborough Park, in consultation with the Local Area Panel and local Ward Councillors.

6.2. THE POLISH CATHOLIC CENTRE, 518-520 ECCLESALL ROAD (CASE NO. 17/05136/FUL)

6.2.1 Subject to an amendment to condition 3, as outlined in a supplementary report circulated at the meeting, an application for planning permission for change of use from former members club (Sui Generis) to Public House (Use Class A4) at the Polish Catholic Centre, 518-520 Ecclesall Road, S11 8PY (Case No. 17/05136/FUL) be granted, conditionally, for the reasons detailed in the report now submitted.

6.3. BALDWINS OMEGA CENTRE, BRINCLIFFE HILL (CASE NO. 17/04961/REM)

6.3.1 **RESOLVED:** The Chair reported that this application would not be considered at the meeting, and would be submitted to a future meeting of the Committee.

6.4. 20 WOODBURN DRIVE (CASE NO. 17/04628/FUL)

6.4.1 Following consideration of an amended description, additional representations, corrections to the report, a clarification to the report and subject to an additional directive, all as outlined in a supplementary report circulated at the meeting, and following consideration of representations at the meeting from three local

residents speaking against the application, an application for planning permission for demolition of existing conservatory and outbuildings and erection of single-storey rear extension, erection of a detached garage/workshop and construction of a vehicular access from Burn Grove (amended drawings received 23 March 2018) at 20 Woodburn Drive, S35 1YS (Case No. 17/04628/FUL) be granted, conditionally, for the reasons detailed in the report now submitted.

6.5. SITE OF BANNERDALE CENTRE, 125 BANNERDALE ROAD (CASE NO. 13/04206/COND1)

6.5.1 An application to approve details in relation to condition number 13 (Affordable Housing Provision) imposed by planning permission 17/03068/FUL (Amended Description) at the site of Bannerdale Centre, 125 Bannerdale Road, S7 2DJ (Case No. 13/04206/COND1) be granted, subject to the completion of a legal agreement, for the reasons detailed in the report now submitted.

7. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

7.1 The Committee received and noted a report of the Chief Planning Officer 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.

8. DATE OF NEXT MEETING

8.1 It was noted that the next meeting of the Committee will be held at 2:00p.m. on Tuesday 1 May 2018 at the Town Hall.

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SHEFFIELD CONSERVATION ADVISORY GROUP

Meeting 20th March, 2018

<u>PRESENT;</u>	<u>Name</u>	<u>Organisation</u>
	Dr. Philip Booth	Co-opted Member
	Dr. Jo Lintonbon (Deputy Chair)	University of Sheffield
	Prof Clyde Binfield	Twentieth Century Society
	Mr. Patrick Burns	Co-opted Member
	Ms. Liz Godfrey	Civic Trust
	Mr. Howard Greaves	Hallamshire Historic Buildings Society
	Mr. Graham Hague	Victorian Society/ South Yorkshire Industrial History Society
	Dr. Roger Harper	Ancient Monuments Society
	Mr. Bob Marshall	Royal Town Planning Institute
	Mr. Philip Moore	Sheffield Society of Architects
	Mr. Andrew Shepherd	Society for the Protection of Ancient Buildings
	Mr. Andrew Tabor	Hunter Archaeological Society

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr. Bob Hawkins (Campaign to Protect Rural England), Cllr. Ian Saunders (Sheffield City Council), Ms. Kaeran van Vliet (Sheffield Hallam University) and Dr. Jan Woudstra (Landscape Institute).

2. MINUTES

The Group (a) approved the minutes of the meeting on 20th February, 2018 as a correct record, subject to (i) the addition of Mr. Tim Hale to the apologies for absence and (ii) the substitution (A) in item 2 of the words “Esperanto Place and 31- 35 Arundel Place” for the words “Arundel Place Buildings” and (B) in item 6.1 of the words “off Montague Street, within the existing” for the words “within the existing”

and (b) noted that Mr. Hale had sent his apologies for absence at the previous meeting, on 18th January, 2018.

Arising therefrom, the Group noted that:-

- (1) the Stokes Tiles scheme was still being amended and would be brought to a future meeting;
- (2) a financial assessment was being made of the Mount Pleasant scheme, prior to making the application for planning permission; and
- (3) the Chief Planning Officer had made contact with the new owner of the Farfield Inn, who had confirmed that it would be restored and would be managed as a public house; and
- (4) the amended scheme for the General Cemetery would be brought to the Group.

3. CHAIR'S REPORT

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

4. CHIEF PLANNING OFFICER'S REPORT

The Chief Planning Officer reported that:-

- (a) additional First World War Memorials in the churchyard of St. Mary's' Walkley, dating from 1922 and St. Johns' Ranmoor dating from 1921, had been listed on Grade II; and
- (b) the Government proposed to abolish various Planning Policies. The Chief Planning Officer would send copies of the Policies to the Group to enable Members to make representations within the time limit. The matter would be considered at the next meeting.

The Group noted the information.

5. SHEFFIELD SUSTAINABLE DEVELOPMENT AND DESIGN PANEL

The Group noted that (a) there was no scheduled meeting of the Sheffield Sustainable Development and Design Panel and (b) a bid had been made for funding, part of which would be used to enable meetings of the Panel to take place .

6. HERITAGE ASSETS

The Group considered the following applications for planning permission affecting heritage assets and made the observations stated:-

6.1 Erection of a two-storey side extension and refurbishment of the existing building to provide a new evangelical facility for the Diocese of Hallam and the Parish of St Vincent's Church and refurbishment of the existing building to provide a new evangelical facility for the Diocese of Hallam and the Parish of St Vincent's Church, including a cafe and associated offices, at the former St Vincent's RC School, Solly Street. (Case Number: 18/00656/FUL)

The Group welcomed the proposal to bring the property back into use and the proposed use. The Group felt it that would be inappropriate to lower the window

cills of the windows on the street frontage and that timber, rather than aluminium, windows should be used. The Group considered that the glazing panels of the link should be vertical, rather than horizontal. The Group felt that the installation of louvred ventilation stacks, on the roof, would be inappropriate.

6.2 Demolition of existing workshops and erection of 10 apartments in a 3-4 storey block and a ground floor restaurant/cafe (Use Class A3) at 95 Mary Street.

(Case Number: 18/00406/FUL)

The Group felt that in general the proposed addition to Mary Street was to be welcomed. The Group did, however, think that further consideration should be given to the design of the façade, especially to the relationship between the ground floor pattern of openings and the upper floor windows, and to the wall-to window ratios, which needed to match those of adjacent buildings.. The Group felt concern at the relationship of the building to the Porter Brook and its impact on the open spaces of the site. The Group recommended that the stone wall, adjacent to the river, should be maintained. The Group felt concern at the future of the adjacent building, particularly its crucible chimney and recommended that its continuity should be ensured.

(Note: Mr Moore declared an interest in the above item)

6.3 Demolition of existing dwelling house and erection of a new dwelling house at Bennett Cottage, Mayfield Road.

(Case Number: 17/02756/FUL)

The Group endorsed its previous decision regarding the application, as there was nothing in the present submission, to warrant changing the decision. The Group felt that the existing cottage did not protrude into the Mayfield Valley, whereas the one proposed would do so. The Group noted that the proposed house was substantially larger than the existing cottage, in contradiction to Green Belt policy. Although the proposed material was now natural stone, nothing else had been done to the design to reflect the character of other buildings in the Mayfield Valley, in form or in layout.

(Note: Mr.Hale declared an interest in the above item)

7. UPDATE

The Chief Planning Officer reported that:-

- (a) there had been pre-application discussions regarding the former Hallam Tower Hotel, with the developer, who had expressed the intention to develop the property in accordance with the scheme which was approved in 2006, but with different materials;
- (b) there had been no progress with regard to the Ebenezer Chapel scheme and the Edward Street scheme;
- (c) a report on the Buildings at Risk Register would be made at the next meeting;
- (d) there was a proposal to convert the former gentlemen's toilet, at Blonk Street

to a café/restaurant. Investigations were being made to identify a way to preserve the building's internal coat of arms in-situ; and

(e) the lease of Spout House Farm had been relinquished by its owner, so the property had reverted to the estate of the former leaseholders, which could facilitate a claim against an insurance policy, to provide funding for the restoration of the Farm.

8. MISCELLANEOUS ITEMS

Members of the Group reported on development affecting heritage assets and conservation areas and the Group noted that:-

(a) the Chief Planning Officer would (i) investigate and report on signs on the gable end of Sheaf House, in the Canal Basin; and (ii) report on (A) the Heart of the City (Two) scheme, which had been the subject of a recent article in the Star newspaper and (B) the public consultations on the City Centre Plan due to be held during this week and the forthcoming week, which had been cancelled;

(b) a property at Garden Street was due to be restored. Only the twentieth century alterations were to be demolished;

(c) a report in the Press that a building was to be erected in Charles Street was inaccurate;

(d) the Guardian newspaper had recently published an obituary regarding Mr. Ivor Smith, who had been one of the designers of Parkhill Flats;

(e) it appeared that the new owner of Pisgah House intended to occupy it as a single family dwelling;

(f) the new H.S.B.C. building would intrude onto Moorhead;

(g) if a scheme for a substantial development at Castlegate was submitted, it would be brought to the Group;

(h) the University of Sheffield proposed to carry out development at the Robert Dainton Building, but it related to the service area only;

(i) the Chief Planning Officer was unaware of a proposal to list Hillsborough Stadium;

(j) advertising on private telephone boxes in conservation areas would require consent and consent had been refused for those applications relating to the City Centre;

(k) the Manor Fields development was worth seeing;

(l) the owner of the former Anglican Chapel, at the General Cemetery was seeking to repair the roof;

(m) the Belgian refugees memorial was in good condition;

(n) the Civic Trust would be holding a meeting, today, regarding Castlegate;

(o) the organisers of the forthcoming Heritage Open Days were seeking information on Mrs. Ethel Haythornthwaite, the daughter of the industrialist Thomas Ward and the wife of Gerald Haythornthwaite, a former member of the Group, with a view to promoting her as an 'Extraordinary Woman'; and

(p) repairs were being carried out to the roof of the Old Town Hall and the condition of its structure was being assessed.

The Group noted the information.

9. DATE OF NEXT MEETING

The Group noted that the next meeting would be held on 17th April, 2018.

(Note: the above minutes are subject to amendment at a future meeting.)

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Culture and Environment

Date: 1st May 2018

Subject:

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257, PROPOSED CLOSURE OF PART OF FOOTPATH OFF STANWOOD DRIVE, STANNINGTON, SHEFFIELD 6.

Author of Report: Mark Reeder 0114 2736125

Summary:

To seek authority to process the Public Path Extinguishment Order required to close part of the adopted footpath off Stanwood Drive, Stannington shown hatched black on the plan attached as Appendix A, hereby referred to as 'the plan'.

Reasons for Recommendations

Based on the information in the report the Council is satisfied that the proposed closure of the footpath is necessary to enable the Development to be carried out.

Recommendations:

Raise no objections to the proposed closure of part of the footpath off Stanwood Drive, as shown on the plan included as Appendix A, subject to planning consent and subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.

Authority be given to the Director of Legal and Governance to

- a. take all necessary action to close the footpath by order under the powers contained within Section 257 of the Town and Country Planning Act 1990.
 - b. confirm the order as an unopposed order, in the event of no objections being received, or any objections received being resolved and withdrawn prior to the order being confirmed.
-

Background Papers:

Category of Report: OPEN

DIRECTOR OF CULTURE AND ENVIRONMENT

REPORT TO PLANNING
AND HIGHWAYS COMMITTEE
1st MAY 2018

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257, PROPOSED
CLOSURE OF PART OF FOOTPATH OFF STANWOOD DRIVE, STANNINGTON,
SHEFFIELD 6.

1.0 PURPOSE

- 1.1 To seek authority to process the Public Path Extinguishment Order required to close part of the adopted footpath off Stanwood Drive, Stannington shown hatched black on the plan attached as Appendix A, hereby referred to as 'the plan'.

2.0 BACKGROUND

- 2.1 This application is made in conjunction with planning application 17/05099/FUL in which the applicant is seeking approval for the demolition of former residential home and erection of 20 dwelling houses including parking provision and amenity space at the former Hawkhill Residential Home, 11 Stanwood Road, Sheffield S6 5JE
- 2.2 In order to enable the development to be carried out, it is necessary to close the public footpath which leads to the site. To be done legally, a Public Path Extinguishment Order must first be made and confirmed.
- 2.3 This is a cul-de-sac footpath leading off Stanwood Drive which serves several residential properties and the former residential home. Closure of this part of the path will not affect any of the aforementioned residential properties.

3.0 CONSULTATIONS

- 3.1 Consultations have been carried out with Statutory Undertakers (i.e. utility companies), the Emergency Services, and other relevant bodies, including footpath societies.
- 3.2 Not all the consultees had responded at the time of writing this report. No objections have been received from those that have responded.
- 3.3 If any negative comments relating to the application are received before the Planning and Highways Committee meeting, they will be reported verbally.

4.0 LEGAL IMPLICATIONS

- 4.1 The Director of Legal and Governance has been consulted and has advised that, if the Council is satisfied that public footpath needs closing to enable the

Development to be carried out, it would be appropriate to process the closure by creating a legal order using powers contained within Section 257 of the Town and Country Planning Act 1990.

- 4.2 An order made under Section 257 does not come into effect until it is confirmed. In accordance with Schedule 14 of the TCPA 1990, an order may not be confirmed until interested parties have been given the opportunity to object to the making of the order.
- 4.3 Where no objections are received to the order (or if they are received and then subsequently withdrawn) the order may be confirmed by the Council without modification. If there are unresolved objections then the order must be confirmed by referral to the Secretary of State.

5.0 HIGHWAY IMPLICATIONS

- 5.1 The path is an adopted public footpath that leads to and terminates at the former Hawkhill Residential Home.
- 5.2 The path is a cul-de-sac footpath and there are no recorded or claimed rights of way that continue through the site.
- 5.3 Therefore the closure of the footpath should not adversely affect the public's enjoyment of the area and will have no detrimental effect on the surrounding highway network and its users.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

- 6.1 No particular equal opportunity implications arise from the proposals in this report.

7.0 ENVIRONMENTAL IMPLICATIONS

- 7.1 No particular environmental implications arise from the proposals in this report.

8.0 FINANCIAL IMPLICATIONS

- 8.1 All costs associated with this proposal will be met by the Applicant.
- 8.2 Therefore there will be no increase in liability on the Highway Maintenance revenue budget.

9.0 CONCLUSION

- 9.1 The Highway Authority is satisfied that the proposed closure of the footpath is necessary to enable the Development to be carried out. Based on all of the above information, the application is supported.

10.0 RECOMMENDATIONS

10.1 Members raise no objections to the proposed closure of part of the footpath off Stanwood Drive, as shown on the plan included as Appendix A, subject to planning consent and subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.

10.2 Authority be given to the Director of Legal and Governance to

- c. take all necessary action to close the footpath by order under the powers contained within Section 257 of the Town and Country Planning Act 1990.
- d. confirm the order as an unopposed order, in the event of no objections being received, or any objections received being resolved and withdrawn prior to the order being confirmed.

Philip Beecroft

Head of Highway Maintenance

1st May 2018

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SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Director of City Growth Service

Date: 1 May 2018

Subject: Tree Preservation Order No. 418,
178 Howard Road, Sheffield, S6 3RX

Author of Report: Ian Stanyon, Urban and Environmental Design Team

Summary: To seek confirmation of Tree Preservation Order No. 418

Reasons for Recommendation

To protect a tree of visual amenity value to the locality

Recommendations Tree Preservation Order No. 418 should be confirmed unmodified.

Background Papers: A) Tree Preservation Order No. 418 and map attached.
B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.

Category of Report: OPEN

CITY GROWTH SERVICE

REPORT TO PLANNING & HIGHWAYS COMMITTEE

1st MAY 2018

TREE PRESERVATION ORDER NO. 418

178 HOWARD ROAD, SHEFFIELD, S6 3RX

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No. 418.

2.0 BACKGROUND

2.1 Tree Preservation Order No.418 was made on 1st December 2017 to protect a large mature sycamore tree located within the curtilage of 178 Howard Road. A copy of the order with its accompanying map is attached as Appendix A.

2.2 The Sycamore is positioned close to the front boundary of 178 Howard Road and is seen as being visually prominent along Howard Road. It is seen as part of a cohesive element of the landscape with other trees in the area and together they are considered to contribute to the visual amenity of the locality.

2.3 The property was being put up for sale by auction and the tree was perceived to be under threat due to the potential to develop the site. The large car park and garden to the rear were described in the sale documents as being suitable for development potential and the tree was felt to be vulnerable as a consequence.

2.4 A condition inspection of the tree has been carried out by Sheffield City Council's, Trees and Woodlands Team. The tree was found to be in normal health when inspected and no obvious health and safety reasons requiring major intervention were found when inspected which would negate the tree's contribution to the amenity of the locality. A TEMPO assessment was also carried out following the inspection and supported the protection of the tree.

2.5 No objections to the order have been received.

3.0 VISUAL AMENITY ASSESSMENT

3.1 The tree is large and of significant amenity value when viewed along Howard Road and is considered to contribute to the visual amenity value of the area because of its stature and prominent frontage location. It is considered to form part of a cohesive group with other trees on Howard Road.

3.2 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out by the Landscape Planning Officer and Community Tree Officer,

Trees and Woodlands Team and is attached as Appendix B. The assessment produced a clear recommendation for protection.

4.0 EQUAL OPPORTUNITIES IMPLICATIONS

4.1 There are no equal opportunities implications.

5.0 ENVIRONMENTAL AND PROPERTY IMPLICATIONS

5.1 There are no environmental and property implications based on the information provided.

5.2 Protection of the tree detailed in Tree Preservation Order No.418 will benefit the visual amenity of the local environment.

6.0 FINANCIAL IMPLICATIONS

6.1 There are no financial implications.

7.0 LEGAL IMPLICATIONS

7.1 A local authority may make a Tree Preservation Order (TPO) where it appears that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area (section 198, Town and Country Planning Act 1990).

7.2 A TPO may prohibit the cutting, topping, lopping or uprooting of the trees which are the subject of the order. It may also prohibit the wilful damage or destruction of those trees. Any person who contravenes a TPO shall be guilty of an offence and liable to receive a fine of up to £20,000.

7.3 The local authority may choose to confirm a TPO it has made. If an order is confirmed, it will continue to have legal effect until such point as it is revoked. If an order is not confirmed, it will expire and cease to have effect 6 months after it was originally made.

7.4 A local authority may only confirm an order after considering any representations made in respect of that order. No such representations have been received in respect of Tree Preservation Order No.418.

8.0 RECOMMENDATION

8.1 Recommend Provisional Tree Preservation Order No.418 be confirmed.

Rob Murfin, Chief Planning Officer

1 May 2018

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Tree Preservation Order
Town and Country Planning Act 1990
The Tree Preservation Order No 418 (2017)
178 Howard Road, Sheffield

The Sheffield City Council in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as Tree Preservation Order No 418 (2017) – 178 Howard Road, Sheffield

Interpretation

2.— (1) In this Order “the authority” means the Sheffield City Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

- (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 1st day of December 2017

EXECUTED as a DEED)
By the Sheffield City Council)
Whose Common Seal was)
Hereunto affixed in the presence of)

David Jellicoe



17.955.3795

SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Acer Pseudoplatanus(Sycamore)	

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	NONE	

Groups of trees

(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>

Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	NONE	

NOTES / REVISIONS:

Notes:
 The use of this data acts as agreement to the following conditions:
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TREE SCHEDULE

⊙ Tree specified individually (Encircled in black on the map)

T1 ACER PSEUDOPLATANUS (Sycamore)

Trees specified by reference to a group - None

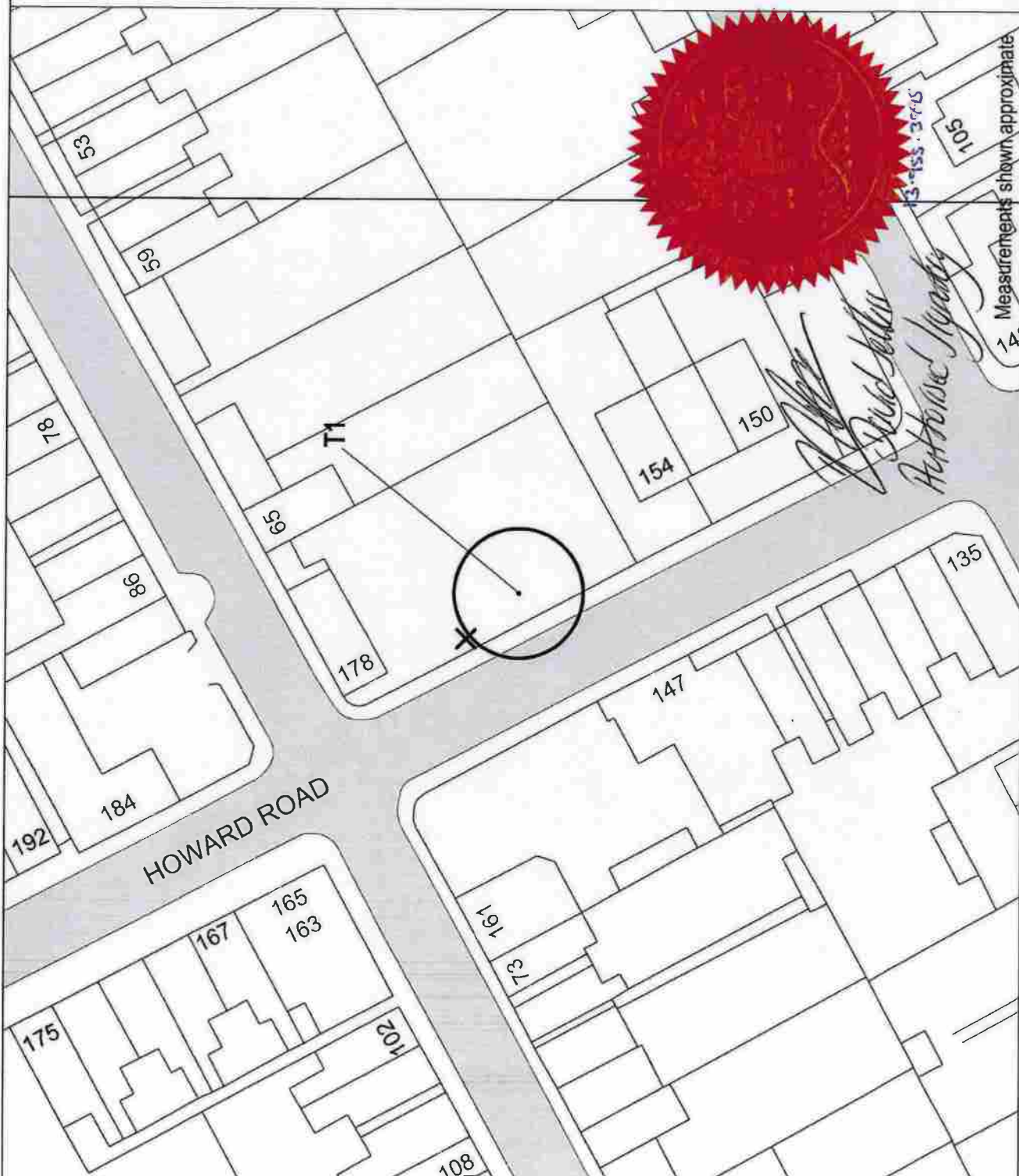
Trees specified by reference to an area - None

Trees specified by reference to woodland - None

✕ Other Trees not included in this Preservation Order

OS Grid Reference SK 3347 8834

SHEFFIELD CITY COUNCIL PLACE	
REGENERATION & DEVELOPMENT SERVICES	
SCHEME: TREE PRESERVATION ORDER	
No. 418	
TITLE: 178 HOWARD ROAD, S6 3RU	
SCALE: 1:500 @ A4	
Drawn by: _____	Check by: _____
IS _____	DATE: 29/11/2017
Drawing No: A4/JUED/808/418	



Measurements shown approximate

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 28/11/2017 Surveyor: Ian Skynyon / Nathan McWhinney

Tree details
 TPO Ref (if applicable): N/A Tree/Group No: 1 Species: SYCAMORE
 Owner (if known): N/A Location: 178 HOWARD ROAD, SHEFFIELD

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous* Unsuitable

* Relates to existing context and is intended to apply to severe irremediable defects only

Score & Notes
 5 TREE MIDDLE AGED, HEALTHY AND IN GOOD CONDITION. SOME DEADWOOD, ONE WEIGHTED LIMB

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

Score & Notes
 2 EXPECTED 20-40 YEARS.

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

Score & Notes
 4 VISIBLE IN BOTH DIRECTIONS ALONG HOWARD STREET, SEEN AS A GROUP WITH TREES ON OPPOSITE SIDE OF ROAD

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes
 1 ALTHOUGH SEEN AS A TREE WITH OTHERS, GROUP IS NOT TOGETHER, IE. NOT IN SAME GROUP

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes
 2 PERCEIVED - PROPERTY UP FOR AUCTION

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

Add Scores for Total:
 14

Decision:
 TPO

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 28/11/2017 Surveyor: IAN STANTON / NATHAN MCWHINIE

Tree details
 TPO Ref (if applicable): N/A Tree/Group No: 2 Species: SYCAMORE
 Owner (if known): N/A Location: 178 HOWARD ROAD, STEFFIELD

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

6
1

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous* Unsuitable

Score & Notes
 TREE UNBALANCED DUE TO SHADING BY TREE 1, WEAKER TREE OF THE PAIR

* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

2

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

Score & Notes
 EXPECTED 20-40 YEARS

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

4
7

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

Score & Notes
 VISIBLE IN BOTH DIRECTIONS ALONG HOWARD STREET, SEEN AS A PART OF A GROUP ON BOTH SIDES OF THE ROAD

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

4
1
8 11

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes
 ALTHOUGH SEEN WITH OTHER TREES CAN ONLY BE GROUPED AS A PAIR WITH TREE 1

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

2
13

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes
 PERCEIVED - PROPERTY UP FOR AUCTION

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

Add Scores for Total:
 10

Decision:
 DOES NOT MERIT TPO



SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Director of City Growth Department

Date: 01/05/2018

Subject: Applications under various acts/regulations

Author of Report: Chris Heeley/ Lucy Bond/Adam Chapman
0114 2734556

Summary:

Reasons for Recommendations

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

Recommendations:

Background Papers:

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.

Category of Report: OPEN

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Case Number	18/00666/FUL
Application Type	Full Planning Application
Proposal	Change of opening times of existing cafe from 0700 to 1900 hours Monday to Sundays and opening two occasions per month for functions/events from 0700 hours to 2300 hours Fridays/Saturdays (application to vary condition 4 of planning ref: 13/04166/FUL) (amended description and plans)
Location	Stannington Park Stannington Road Sheffield S6 6BX
Date Received	14/02/2018
Team	West and North
Applicant/Agent	Mr Martin Mcgrail
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:

Redline Site plan received on the 17th April 2018.

Drawing Number A/2010/30/01 rev G and email received 4th February 2014.

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)

5. No amplified sound or live music shall be played above background levels within the building except through an in-house amplified sound system fitted with a sound limiter, the settings of which shall have received the prior written approval of the Local Planning Authority.

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

6. Within 1 month of the date of this decision a suitable receptacle for the disposal of litter shall have been provided outside of the premises and thereafter retained at all times during the opening hours authorised by this consent.

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

Other Compliance Conditions

3. The building shall be removed on or before the 6th February 2019.

Reason; In the interests of the amenities of the locality owing to the design and external appearance of the mobile building.

4. The building shall be used for the above-mentioned purpose only between 0700 hours and 1800 hours on any day except for a period of 12 months from the date of this decision, or expiry of the planning consent whichever is the earlier, when the building shall be used between 0700 and 1900 hours on any day and on two separate occasions (Friday and/or Saturday only) per calendar month (inclusive of Temporary events notice [TENS]) when the building can be used between 0700 hours and 2300 hours.

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

7. The bi-fold door glazing systems and any other windows shall remain closed from 2000 hours on all days, save for access and egress or in case of emergency.

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

8. Any outside seating areas withi the curtilage of the premises shall only be used between 0700 hours and 1800 hours on any day.

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

9. All windows and doors shall be kept closed, save for access and egress or in case of emergency, whenever amplified sound is played within the commercial use hereby permitted at above background levels.

Reason: In the interest of the amenities of residential properties.

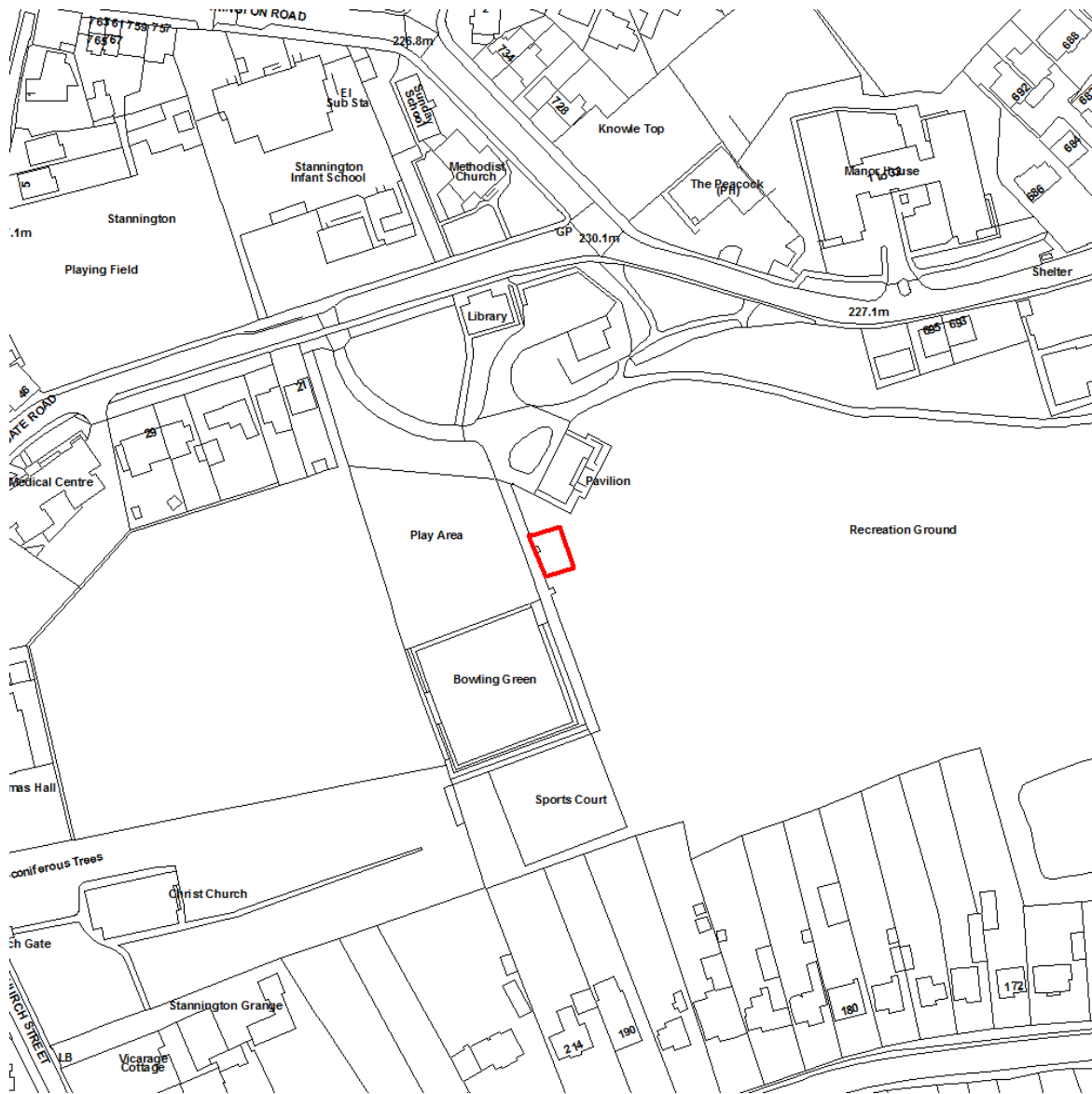
10. Loudspeakers shall not be fixed externally nor directed to broadcast sound outside the building at any time.

Reason: In the interests of the amenities of the locality and occupiers of adjoining 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 condition 1 of planning ref: 13/04166/FUL is not repeated on this notice as the development has already commenced.

Site Location



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LOCATION AND PROPOSAL

This application relates to an existing café building (Reserved Café) which is located at the western end of Stannington Park adjacent to the children's play area.

Members will recall that planning consent was refused at the 6th February this year for the retention of the existing cafe and extensions to form toilets and storage area including changes to opening times to 0700 to 2330 hours on two occasions per month (Fridays/Saturdays) for functions/events. The application was refused for the following reasons;

'The Local Planning Authority consider that the use of the premises between the hours of 0700 hours and 2330 hours on two occasions per month for

functions/events would be detrimental to the living conditions of nearby residents owing to the noise and general disturbance which would be generated by the use of the building for this purpose. As such, the proposal is contrary to Policy LR5 (k) of the Unitary Development Plan.'

Planning consent was previously granted for a café building on this site in 2010 and 2014. Both previous planning consents were time limited due to the temporary nature of the building proposed and condition 4 of planning application 13/04166/FUL limited the hours of opening to between 0700 hours and 1800 hours 7 days a week.

Following the previous refusal this application seeks permission for the following;

- Alterations to the hours of opening of the café to 0700 to 1900 hours seven days a week and until 2300 hours on two occasions per calendar month (Friday/Saturday) for functions/events for a temporary period of 12 months.

No extensions or other alterations to the building are proposed as part of this application.

The site is located in Stannington Park which is an allocated Open Space Area as defined in the adopted Sheffield Unitary Development Plan (UDP).

RELEVANT PLANNING HISTORY

10/03480/FUL – Erection of log cabin style building to form cafeteria – Granted Conditionally.

13/04166/FUL - Siting of pre-fabricated building to form cafeteria (Email received 04/02/2014) – Granted Conditionally.

17/01148/FUL - Retention of existing cafe and extensions to form toilets and storage area including changes to opening times to 07:00 to 23:30 on two occasions per month for functions/events (Amended Plans and Description) – Refused.

SUMMARY OF REPRESENTATIONS

The application was advertised by way of neighbour letter and site notice.

A total of 95 Letters of representation were including comments from Loxley Valley Protection Society (LVPS), Bradfield Parish Council and Councillors Penny Baker and Vicky Priestley. The issues raised are summarised as follows:

25 representations in objection

- Stannington Park should be a peaceful area for the quiet enjoyment of residents and visitors.
- The proposal will create noise and light pollution especially at night.

- Potential for increase in broken glass, bottles and litter on the playing fields is unacceptable.
- Late night noise will affect residents especially in the summer months when residents wish to sit out in their gardens.
- The application does not address increased potential for late night noise and disturbance, litter antisocial behaviour and does not merit breaching the normal park deadline (Byelaw) of 2200 hours as this is a commercial venture and not an occasional event.
- During past events noise from the café and revellers has been heard inside resident's houses.
- The site backs onto the children play park and this should be an area where alcohol is not permitted.
- Other venues are available in the area where people can consume alcohol and Lomas Hall is available in the village for functions in addition to other shops and cafes.
- Objection to any extension of the site and operation on the playing fields.
- The extension of hours will severely affect quality family time in what is a peaceful area.
- Lack of suitable noise containment due to the construction of the buildings and independent acoustic tests have not been done by the council on behalf of residents.
- Amplified sound has caused disturbance on previous occasions and the inclusion of amplified sound in this application adds greater weight to the previous refusal.
- If planning is given it should be without amplified sound and on a trial basis so trust can be regained.
- The proposal only reduces the opening hours by half an hour.
- The application should be refused on the same grounds as the previous proposals for extension of its hours of opening as the reasons for refusal have not been addressed.
- Pathways are unlit and dangerous and not suitable for evening opening giving rise to health and safety issues.
- Increased traffic will adversely affect the park entrance roads and verges without the café paying towards repairs or clearing up.
- Increase in antisocial behaviour in the park associated with the use.
- Potential for accidental/deliberate damage to existing park structures.

- Supporting comments focus on non-planning matters like events being fun and the café being good for the village.
- A majority of the supporters of the application do not live in the Stannington area and are not affected by the development.
- The cafe will attract unwanted attention and cause tension between nearby residents and who wish to have peaceful buildings at their home and sleep without noise and disturbance.
- The police have been informed of loud music on more than one previous occasions due to private parties.
- Further Temporary events notices (up to 15 per year) could be applied for in addition to the 2 events per month.
- Previous non-compliance with hours of use restrictions raised concerns and there is no confidence that applicant will comply with future restrictions.
- The comments of LVPS are endorsed.
- The building is not suitable for large events

Councillor Penny Baker

- Increase in noise and traffic late at night which will cause general disturbance for the residents living nearby.

Councillor Vicky Priestley

- Noise associated with traffic and disturbance of the village late at night. Noise will also affect the houses near the park.

Loxley Valley Protection Society (LVPS)

- Previous objections and comments made to the extension of hours still stand. The previous application received many objections, which need to be considered and little support as the café had operated in the evening without permission giving rise to noise and disturbance issues.
- If the application had been presented without previously operating outside the permitted hours and had not caused disturbance it would not have attracted the level of objection it has.
- Main concerns with the evening operation are late night noise and disturbance exacerbated by alcohol within a public park.
- Noise will drift to neighbouring houses, and previous issues of broken glasses and bottles near to the children's playground.

- Parking issues and the requirement to negotiate an unlit potholed drive with stones to the side which is a trip hazard.
- Given the letters of support if the application is granted it should be under strict understanding that if there is any disturbance to the amenity of neighbours the permission or TENS permission are withdrawn.
- More events could be applied for than the two events per month in the week or by TENS applications.
- The current application no longer mentions the extension of date for the removal of the permission as such any trial period should be restricted until 6th February 2019, in line with the expiry of the planning consent.

Bradfield Parish Council

- Recommend refusal due to noise and disturbance resulting from the use, including hours of operation. There are concerns regarding the apparent lack of adherence of current planning conditions regarding opening hours.

70 Representations in support.

- No objection to the café opening until 1900 hours as this is considered to be an acceptable closing time in a residential area.
- The café is a small venue, far enough away from residents and other pubs are already open after the proposed extended hours of opening.
- The café provides local jobs.
- The café is a welcome and much needed community asset and an excellent addition to the park.
- The café provides an alternative venue to the public house in the area in which to socialise.
- The café has a greater degree of separation from residents than existing pubs who are allowed to open later and serve alcohol.
- The café benefits the community and the sustainability of the park.
- The café does not make the park any more dangerous or noisy than any other park in Sheffield.
- The café is a meeting place for families, friends and where before there was none.
- Teenagers no longer hang around the park and instead use the café to meet friends, if the café opened later it would deter anti-social behaviour.

- The café has enhanced the look and popularity of the park.
- The café has brought a real sense of community back to the village.
- Events at the café area executed and managed professionally.

The Councils Parks and Countryside Service who agreed a lease for the premises with the applicant have written in support of the application. The issues raised are summarised as follows;

- Parks and Countryside approve and support that up to 6.00 pm Reserved CB is to operate as a café, after 6.00 pm they can operate Bistro Nights/Private Functions (only up to 12 occasions a year maximum). On these occasions the premises shall not open any later than 11.00 pm at any time subject to any restrictions imposed by the planning authority.

The applicant has also written in support of the application the issues raised are summarised as follows:

- The proposal is for a probationary period of 12 months and seeks permission to open until 1900 hours Monday to Sunday and on 2 occasions per month maximum 24 events during a 12 month period (including TENs applications) for private functions including;
 - Pop up bistro nights
 - Private group dining
 - Weddings (possible amplified music)
 - Baby showers/christenings
 - Private parties (possible amplified music)
 - Seasonal events.
 - Craft groups.
- In the last 2 years only 13 events have been operated.
- All the relevant authorities Sheffield City Council, Parks and Countryside, Licensing and the police would be notified of future events as required.
- CCTV is used to monitor all events and can be accessed at any time.
- No issues of antisocial behaviour, waste or broken glass, abuse of play equipment, anti-social behaviour or illegal sale of alcohol have been attributed to the café since opening.
- Any concerns with noise pollution can be addressed by a sound engineer who has conducted a preliminary report.
- The councils lease sets out minimum hours of operation of the premises as follows:

(a) From 1st April to 30th September (inclusive) every day between 9.00am and 6.00pm. and

(b) From 1st October to 31st March (inclusive) every day (except Christmas Day, Boxing Day and New Year's Day) between 10.00am and 4.00pm.

(viii) The Demised Premises shall not be open later than 11.00pm at any time subject to any restrictions imposed by the Planning Authority.

- The current planning consent allows the café to be operated up to 1800n hours it does not say the building cannot be used for any other purposes outside these café hours.
- The application allows the planning and licensing permitted hours to fall in line with each other.
- Existing events have been operated in accordance with the current lease.
- Previous premises license to sell alcohol was withdrawn.
- The park is for all to use not just adjacent properties.

PLANNING ASSESSMENT

Policy Issues

Stannington Park is an allocated Open Space Area as defined in the adopted Sheffield UDP. The principle of siting a temporary café building on a small area of open space within Stannington Park has been established by the previous and extant planning consents on this site. This application is for the extension of the operating hours of the premises only and as such is not considered to give rise to any principle policy issues.

Design Issues

No external alterations or extensions to the building are proposed as part of this application and as such the proposal is not considered to give rise to any design issues.

Amenity issues

Policy LR5 part (k) seeks to ensure that development in Open space areas would not be incompatible with surrounding land uses.

In accordance with condition 4 of planning application ref: 13/04166/FUL the existing café is permitted to operate between 0700 hours and 1800 hours 7 days a week. The applicant is seeking to extend the day time operation of the premises until 1900 hours 7 days a week; and on two occasions per calendar month (Friday/Saturday) permission is sought to extend the opening hours until 2300 hours to cater for events including bistro evenings, weddings, parties etc. The applicants have noted that amplified sound equipment in conjunction with some events.

The proposed increase in the general operating hours until 1900 hours 7 days a week is not considered to give rise to any amenity issues.

The application site is located approximately 70 metres from the boundary with the closest residential properties which are located on Uppergate Road. These properties are separated from the site by the existing play area and some established mature tree planting on the periphery of the park.

The site benefits from existing dedicated (vehicular and pedestrian) access points off Uppergate Road and Stannington Road which customers of the premises would use to access the site, minimising any potential for noise and disturbance to occur from customers coming and going from the premises.

The applicants have indicated that certain events will require the use of amplified sound equipment. It is considered that noise breakout from the premises can be adequately controlled by imposing planning conditions which will limit noise breakout from the premises to levels which are not considered to detrimentally affect the amenities of nearby residential properties. This will be secured through the provision of a noise limiter the setting of which will need to be first agreed with the council.

Furthermore conditions are recommended to be imposed requiring opening windows and doors to remain close at all times during events where amplified sound equipment is being used. These conditions will prevent any harmful noise breakout from the building and prevent the use of the outside seating areas in the evening, further minimising any potential noise and disturbance associated with the operation of the premises.

During events (Fridays/Saturdays) there will be some increased activity in the evening at the venue as a result of the proposed extended opening hours (until 2300 hours), however taking account of the position of the existing building and the separation distances between the site and existing residential properties the impacts of the increased hours of use are not considered to be harmful. Furthermore the presence of other established commercial uses in the area is also noted, which currently operate until late in the evening. The proposed evening operation is limited to only two occasions per calendar month (Fridays and/or Saturday) and the extended hours are proposed for an initial trial period of up to 12 months which will allow for any operational issues associated with the extended operating hours to be considered in more detail. In light of the above it is considered that the proposed extension of the operating hours for trial period is not considered to give rise to any significant noise and disturbance issues which would detrimentally affect the amenity of residents.

In light of the above the proposal is considered acceptable from an amenity perspective and accords with policy LR5.

Highways

The extension of operating hours is not considered to give rise to any highways issues. The site is in a sustainable location within easy walking distance of established residential areas. The café due to its limited scale is considered to

primarily be a local facility and as such a large majority of people using the premises will arrive on foot and use the café as part of a linked trip to the park, children's play area or other existing facilities in the locality including the library on the Uppergate Road. As such the existing café use is not considered to be a significant traffic generator itself.

The park benefits from a number of dedicated pedestrian access points and an established vehicle access from Uppergate Road which leads to a small shared use car parking area that includes disabled car parking provision. Should customers arrive by car it is considered that any parking demand that is specifically generated by the use could be reasonably accommodated within the existing parking area or on the adjoining roads without harming highway safety.

In light of the above the proposal is considered acceptable from a highways perspective.

RESPONSE TO REPRESENTATIONS

Two events per month is a maximum and is inclusive of TENS events. A suitably worded planning condition will be imposed to restrict the number of events.

There is considered to be ambient light in the area which will allow customers to access the site safely.

Byelaws are separate private non planning matters.

The sale of alcohol is controlled by separate licensing legislation.

The proposal will not significantly affect visibility between the main park area and the children's play area as the extensions are located to the south of the existing building.

It is not the Planning Authority's role to prevent competition between operators of commercial uses.

There is no evidence to suggest that the existing use or extended opening hours will give rise to any antisocial issues and there is considered to be adequate separation between the building and the other uses within the park.

A condition will be attached requiring a bin to be provided outside of the premises during opening hours in order to prevent the spread of litter.

Maintenance of the park, its facilities and associated access to it is a matter for the landowner.

All other matters are considered in the main body of the report.

The consent for the café expires on the 6th February 2019 As such a suitable the trial period for the extended hours will be worded to relate to the expiry of the

consent or a 12 month period should the applicant wish to apply to extend retain the building for an extended period of time.

SUMMARY AND RECOMMENDATION

Member will recall that planning consent for the retention of the existing cafe and extensions to form toilets and storage area including changes to opening times to 0700 to 2330 on two occasions per month for functions/events was refused at in February this year.

The café is an established feature in Stannington Park having original been granted planning consent back in 2010 and 2014. Hours of use of the café were restricted under condition 4 of planning consent 13/04166/FUL to between 0700 and 1800 hours 7 days a week.

This application seeks permission to extend the daytime operation of the premises by one hour until 1900 hours. It is also proposed to operate the café until 2300 hours on two occasions (Friday/Saturday) per calendar month (inclusive of TENS). The proposed changes to the hours of use are sought for an initial trial period of up to 12 months. No external alterations or extensions to the building are proposed as part of this application. The applicant has however indicated that certain events may require the use of amplified sound within the building.

The site is in an allocated Open Space area as defined in the adopted Sheffield Unitary Development Plan.

Taking account of the separation distance of the building from existing residential properties, the proposal is not considered to give rise to any harmful amenity issues. Furthermore the applicants are proposing to operate extended opening hours for a trial period of up to 12 months and conditions are recommended which will limit the potential for noise breakout from the use of amplified sound and to control the operation of the café.

The site benefits from dedicated pedestrian and vehicle access points and a small shared use car park and the extended hours of operation are not considered to detrimentally affect highways safety.

In light of the above the proposed development is considered to comply with the relevant adopted Unitary Development Plan and Core Strategy Policies and the National Planning Policy Framework and it is recommended that Planning Permission is granted conditionally.

Case Number	18/00415/FUL
Application Type	Full Planning Application
Proposal	Erection of a single-storey pre-school building with associated car parking and vehicle turning facilities
Location	Intake Primary School Mansfield Road Sheffield S12 2AR
Date Received	29/01/2018
Team	City Centre and East
Applicant/Agent	MG Design Services Ltd
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. 17-2 Revision F - Site Layout
Drawing No. 17-18548-01 Rev. H - Proposed Modular Nursery

Reason: In order to define the permission.

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

3. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off -site works, have been submitted to and approved by the Local Planning Authority . If discharge to public sewer is proposed , the information shall include:

i) evidence that other means of surface water drainage have been properly considered and why they have been discounted ; and

ii) the means by which the discharge rate shall be restricted to a maximum rate of 3.5 litres per second.

Furthermore, unless otherwise approved in writing by the Local Planning Authority , there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works .

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal

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

4. Before the development is brought into use, a Community Use Scheme shall be submitted to and approved by the Local Planning Authority, after consultation with Sport England. The Scheme shall include details of pricing policy, hours of use, access by non school users and non members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of the use of the development.

Reason: To secure well managed safe community access to the sports facility and to ensure sufficient community benefit to the development of sport at the site.

5. Prior to the occupation of any part of the development, a detailed Travel Plan(s), designed to: reduce the need for and impact of motor vehicles, including fleet operations; increase site accessibility; and to facilitate and encourage alternative travel modes, shall have been submitted to and approved in writing by the Local Planning Authority. Detailed Travel Plan(s) shall be developed in accordance with a previously approved Framework Travel Plan for the proposed development, where that exists.

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.

On occupation, the approved Travel Plan(s) shall thereafter be implemented, subject to any variations approved in writing by the Local Planning Authority.

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

6. 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 any footways damaged or altered as part of the creation of the new vehicular and pedestrian access or other construction works 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.

7. 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.

8. Before work on site is commenced, details of a suitable means of site enclosure shall be submitted to and approved by the Local Planning Authority and the nursery shall not be used unless such means of site enclosure has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

9. Prior to installation, full design details of the steps and ramps shown on the approved plans shall have been submitted to and approved by the Local Planning Authority. The steps and ramps shall thereafter be provided in accordance with the approved details and be retained.

Reason: In the interests of inclusive access for all.

10. A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved by the Local Planning Authority before the development is commenced, or within an alternative timeframe to be agreed by the Local Planning Authority. The soft landscaped areas shall be managed and maintained for a period of 5 years from the date of implementation and any plant failures within that period shall be replaced in accordance with the approved details.

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

11. The development shall not be used unless details have been submitted to and approved 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 buildings commencing, and shall thereafter be retained.

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

12. Before the development is commenced, or 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: To promote and deliver sustainable forms of transport.

13. The development shall not be used unless the car parking accommodation for the development 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.

Other Compliance Conditions

14. No gates shall, when open, project over the adjoining highway.

Reason: In the interests of pedestrian safety.

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

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

16. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

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 proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/coalauthority

3. Yorkshire Water has advised that on the Statutory Sewer Map, there is a 375 mm diameter public combined sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. It is understood that the applicant/agent is aware and it would appear that the public sewer is unlikely to be affected by building-over proposals although any tree planting must follow regulations.

Therefore, as part of Condition ..., the following points should be addressed:

a) a re-submitted drawing should show surface water storage and flow control rate; and

b) confirmation that planting over the line of public sewer crossing the site should be in accordance with Sewers For Adoption 7th Edition.

For further information, the developer should contact our Developer Services Team (telephone 0345 120 84 82, [technical.sewerage@yorkshirewater .co.uk](mailto:technical.sewerage@yorkshirewater.co.uk))

4. With regard to drainage proposals (Condition 3), the applicant is advised that evidence should be submitted to show that other (than discharge to public sewer) means of surface water disposal have been considered and why they have been discounted. Only as a last resort surface water may discharge to the public sewer crossing the site at a rate restricted to no more than 3.5 litres/second, up to and including the 1 in 100 year return period plus climate change.
5. A model Community Use Scheme is available on the Sport England website www.sportengland.org
6. 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.
7. The construction of the new vehicular access will require the relocation of a lamp column at the applicant's expense. Please contact Craig Spafford (Technical Officer) on 0114 2057422 for further information.
8. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website here:

<http://www.sheffield.gov.uk/home/roads-pavements/Address-management>

For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk.

Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

9. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

Telephone: 0114 273 6677

Email: highways@sheffield.gov.uk

They 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.

10. 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.
11. 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:-

Highway Co-Ordination
Sheffield City Council
Town Hall
Sheffield
S1 2HH

Telephone: 0114 273 6677
Email: highways@sheffield.gov.uk

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.

Where the notice is required as part of S278 or S38 works, the notice will be submitted by Highways Development Management.

12. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

You should contact the S278 Officer for details of how to progress the S278 Agreement:

Mr J Burdett
Highways Development Management
Highways Maintenance Division
Howden House, 1 Union Street
Sheffield
S1 2SH

Tel: (0114) 273 6349
Email: james.burdett@sheffield.gov.uk

13. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980. You should apply for permission, quoting your planning permission reference number, by contacting:

Ms D Jones
Highways Development Management
Highways Maintenance Division
Howden House, 1 Union Street
Sheffield
S1 2SH

Tel: (0114) 273 6136
Email: dawn.jones@sheffield.gov.uk

14. Where highway schemes require developers to dedicate land within their control for adoption as public highway an agreement under Section 38 of the Highways Act 1980 is normally required.

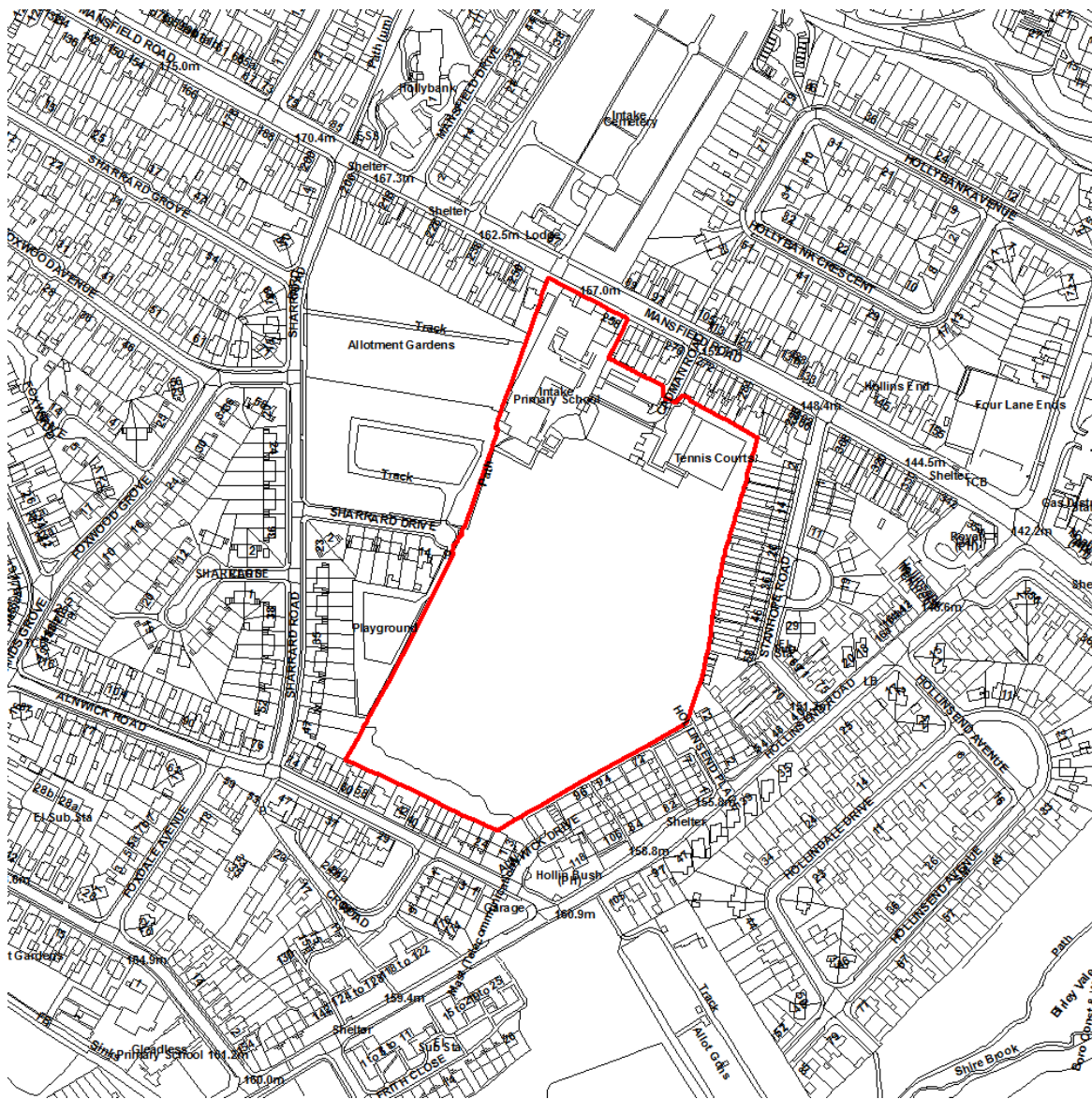
To ensure that the road and/or footpaths on this development are constructed in accordance with the approved plans and specifications, the work will be inspected by representatives of the City Council. An inspection fee will be payable on commencement of the works. The fee is based on the rates used by the City Council, under the Advance Payments Code of the Highways Act 1980.

If you require any further information please contact:

Mr S Turner
Highway Adoptions
Highways Maintenance Division
Howden House, 1 Union Street
Sheffield
S1 2SH

Tel: (0114) 273 4383
Email: stephen.turner@sheffield.gov.uk

Site Location



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LOCATION AND PROPOSAL

The application site is located at the end of Sharrard Drive, which is a cul-de-sac road in Intake, S12 (Richmond Ward). The site measures approximately 0.2 hectares and consists of part of the grassed playing fields belonging to Intake Junior and Infant School.

There is an existing pedestrian access at the bottom of Sharrard Drive, to a path that leads to the rear of Intake Junior and Infant School, which is located immediately adjacent to the application site's north boundary.

To the west of the application site – beyond the path – there are the Sharrard Road Allotments, which are Council owned and can be accessed by holders (including

their vehicles) from double gates positioned at the bottom of Sharrard Drive. The allotments are enclosed by a 2 metre high palisade fence.

Due to the existence of the allotments, Sharrard Drive has dwellings on only its south side comprising of two-storey semi-detached properties. In total there are 7 properties on Sharrard Drive.

The application proposal seeks planning permission for the erection of a pre-school nursery on the site with associated playground, car parking, turning head and landscaping on the site. The single-storey building will provide approximately 286 square metres of ground floor space and includes 2 play rooms as well as a sensory room, kitchen and staff facilities. Overall, there will be 44 child spaces available at the Pre-School for children aged between 2 – 5 years old.

In addition to the pre-school facilities, the building contains 2 x changing rooms on its southern end. These rooms are being provided as mitigation for the loss of part of the playing field being brought about by the proposed development.

Vehicle access is proposed from Sharrard Drive and the site comprises car parking for 12 cars (including 2 disabled spaces) and turning provision.

The end user of the Pre-School will be Intake Pre-School, which is currently operated from Intake Methodist Church. The applicant has explained that this existing building is currently unsuitable because of its shared use and nature, requiring many adaptations to turn it into a full day care use that is child friendly. The outdoor space is limited given that it is a small concrete space. The application proposal is intended to be a new dedicated facility that will assist provision of private and funded childcare in the Intake area.

RELEVANT PLANNING HISTORY

05/00780/FUL

Planning permission to erect a day care nursery on the same application site was previously granted conditionally in July 2005 but never implemented and has now expired. This development was similar in character to the current proposal and comprised of a building with approximately 266 square metres of ground floor space and external play space. It also proposed vehicle access from Sharrard Drive leading to an on-site car park (8 spaces) and turning facilities.

12/0092/FUL

Following the expiry of the 2005 planning permission, another planning application to erect nursery accommodation on part of the same site was submitted in 2012. However, this application was withdrawn.

17/01979/FUL

A planning application to erect a pre-school nursery in the south-east corner of Intake Junior and Infant School's playing field (accessed via Alnwick Drive) was submitted in May 2017. This application was also withdrawn following concerns raised by officers and Sport England in relation to the impact of the proposed development on a usable football pitch that exists at the southern end of the playing field.

SUMMARY OF REPRESENTATIONS

The application has been advertised by neighbour notification letter to the nearby properties on Sharrard Drive and Sharrard Road. A site notice has also been placed on a lamp post immediately adjacent to the proposed vehicle access.

2 letters of objection have been submitted from local residents living on Sharrard Drive and they raise the following highways / access issues:

- Sharrard Drive is a small cul-de-sac and not suitable for the proposed facility and the extra traffic that it will bring. The volume of traffic is already high. The road is often gridlocked forcing cars to reverse on to Sharrard Road which at school times is almost impossible to pass.
- If the application goes through then the parking problem will escalate on the cul-de-sac with further congestion. It will be a nightmare for residents. There are already issues on school runs with some parents blocking access to the residents' drives, which prevents access on and off. The cars associated with the allotments also cause obstruction.
- There are road safety issues. The turning circle at the bottom would have 3 vehicle access points and 3 pedestrian points, one of which (leading to a child's play area) has an obscured view of the road from because of No.14's boundary.
- Intake School has a parking scheme with the local CO-OP as it cannot cope with the overspill of traffic at the moment.
- The plans do not show an access to the playing fields, which there is now and has been for over 50 years. The access allows residents of Intake and surrounding area to use the fields for sports and leisure. Whilst not sure if there is an easement, access from Sharrard Drive is a must for the children in the community.

PLANNING ASSESSMENT

1. Planning Policy Considerations

Local Policy

The application site is part of an existing school playing that is identified in the adopted Sheffield Unitary Development Plan (UDP) as being within an Open Space Area.

Sheffield's Local Plan Core Strategy recognises the importance of open space provision and seeks to safeguard what we already have. It recognises that once built

upon, open space is likely to be lost to the community forever. Safeguarding open space is therefore considered vital in ensuring that there is a sufficient quantity to help meet the needs of local people. To this end, Core Strategy Policy CS 47 (Safeguarding of Open Space) is the most relevant local policy that applies to assess proposed development in Open Space Areas.

It is confirmed that the application site was not included in the Council's open space audit (2008) or most recent open space study (2018) and so it is not included in the most recent supply figures. Therefore, the loss of land to the proposed development will not worsen the shortage in quantitative terms and the application is technically not contrary to Policy CS 47 (part a). However, we know that the evidence from the 2018 study demonstrates that there is a significant shortage of formal outdoor sports provision in the local area and so this, as well as the fact that the school playing fields are accessible for public use at the moment (out of school hours), means that the development will reduce access to outdoor sports provision, which is against the spirit of Policy CS 47 (part a).

Given that the site is not surplus to requirements – and there is no proposal to replace the lost open space within the local area – the proposal is contrary to CS 47 (e).

In reaching a decision on this application in local policy terms, your officers must consider this somewhat negative policy position against the positive characteristics of the application and benefits to the community. Indeed, Policy CF1 (Provision of Community Facilities) promotes the provision of facilities that are available to all Sheffield people. The positive elements of this application include:

- The nursery will be delivered on a small part of this large playing field area where planning permission has been previously granted for a nursery facility (2005). The character and extent of the application site was very similar to the proposed use.
- The land that is positioned close to the playing fields boundary and adjacent to existing school buildings / infrastructure. It does not include any marked out playing pitch or sports facility and is unlikely to do so.
- The application building will include a set of changing rooms that are compliant with the Football Association's (FA) design guidance. These are being provided as mitigation for building on the playing field and seen as a key part in encouraging / enhancing use of the retained playing field space by local sports teams.
- The application building's kitchen facilities will also be made available to local sports teams.
- The applicant has agreed to enter into a Community Use Agreement to ensure the facilities are available to the local sports teams in perpetuity, as currently proposed.

In addition to the items listed above, the applicant has submitted a document to justify their decision to choose this site location. It explains that other sites in the

locality have been considered and it details why they have been discounted. It also explains why the application site is a good location for the end user as well as the adjacent Intake Junior & Infant School, which has no capacity to house a nursery of its own and is a main recipient of children from the existing Intake Pre-School. It also describes that the proposed location is the best outcome for all and that the School fully supports the development.

Taking all of the above into account, it is concluded that the loss of a small area of playing field and Policy CS 47 shortfalls relating to this small parcel of Open Space land is being positively mitigated by the delivery of a new dedicated pre-school facility that will support the childcare needs of the local area as well as enhance sporting facilities on site to the benefit local clubs in the community.

Sport England

Due to the nature of the application, consultation with Sport England is a statutory requirement and it has considered the application in light of the National Planning Policy Framework (particularly Paragraph 74) and Sport England's Playing Fields Policy, which is presented within its Planning Policy Statement titled 'A Sporting Future for the Playing Fields of England'. It is the case that Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

Through consultation, Sport England state that the new Pre-School building element of the proposal does not accord with any of the exceptions in its playing fields policy, however it is mindful of the characteristics that relates to this site, the design of the building and this specific planning application (bullet pointed above). Therefore, on this occasion, Sport England has confirmed that it is satisfied that there will be no harm to the sport and recreation provision on site and that the proposal will deliver sporting benefits for a local football club and the wider community through making the changing rooms and playing field available for community use. It is advised that the ability to access good pitches within the local community is vital to any sports organisation, yet many clubs struggle to find places to play and train. A large number of sporting facilities are located on school sites and making these available to sports clubs can offer significant benefits to both the school and the local clubs.

In reaching this decision, Sport England has sought the views of the Football Association who has confirmed that that the changing proposals are designed to the standards required and that they present an excellent opportunity for a local junior football team (Sheffield Steelers JFC) to use multiple pitches and to establish a home base.

Therefore, Sport England offers no object to the application subject to a condition that requires a Community Use Scheme to be submitted to and approved by the Local Planning Authority, after consultation with Sport England. The Scheme shall

include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review.

2. Highway Considerations

UDP Policy BE9 (Design for Vehicles) requires that new developments provide a safe, efficient and environmentally acceptable site layout for all vehicles (including cycles) and pedestrians.

The proposed level of on-site car parking for the Pre-School (12no. spaces, including 2 disabled) is considered acceptable in terms of the quantity provided and overall arrangement on site. This provision is 4 spaces more than previously accepted in the 2005 approval and it is expected that these spaces will be made available for drop-off / pick-up purposes and visitors given that it is currently intended that Pre-School staff park elsewhere in the adjacent Primary School's staff car park, which it is advised currently has space available.

Officers are mindful that the proposal will inevitably result in an increased level of vehicular usage on Sharrard Drive throughout the week. Therefore, in an attempt to reduce the impact of the development for local residents and prevent excessive vehicle movements at certain times, the Pre-School proposes to phase the arrival and departure of children throughout the day. For example, it is currently proposed that there are two start times in the morning (8am and 9am) and two start times in the afternoon (12pm and 1pm) with pick up times being between 4pm and 6pm.

There is no objection to the creation of another vehicle access leading onto Sharrard Drive. There is a generous turning facility proposed within the curtilage of the site that can accommodate cars and larger vehicles, thus allowing them to turn and exit onto Sharrard Drive in a forward gear. Furthermore, there is a dedicated pedestrian entrance and footpath proposed that will lead from the adjacent public footway.

The existing footpath that leads to the rear of the Primary School and provides access to the playing fields will be retained between the application site and the allotments on the site's western boundary. The design of the access point to the path from Sharrard Drive is not clear on the approved plans and so the final arrangement is proposed to be agreed by condition.

The use of the Pre-School's changing room facilities by the community sports will occur during evening and weekend times, and it is expected the car park facilities will be made available at these times for use by parents / spectators to any sporting event, thus discouraging on-street car parking on Sharrard Drive and avoiding potential conflict with residents and allotment users. It is expected that this access be secured via the Community Use Scheme.

Due to the close proximity of a large residential area around the application site, it is considered there is significant potential for encouraging Pre-School staff and parents to use alternative modes of transport to the site. This can be achieved through the

preparation of a Pre-School Travel Plan and the applicant has confirmed that they are committed to doing this as part of the new use.

In light of the above, and notwithstanding the objections received, it is concluded that the impact of the development in terms of the existing and future highways environment has been appropriately addressed and that refusal of the application is not justified. The proposal is consistent with the relevant policies described above.

3. Residential Amenity Considerations

UDP Policy LR5 (Development in Open Space Areas) (part k) states that development in Open Space Areas will not be permitted that would be incompatible with surrounding land uses.

It is common for pre-schools and nursery uses to be situated in residential areas and either adjacent to or within close proximity of existing houses. Furthermore, the application site is already used as part of an existing school playing field which has the potential to generate a variety of noises and activities during daylight hours.

The entrance to the application site located a minimum distance of approximately 18 metres from the front elevation of the nearest property (14 Sharrard Drive) and the new building is situated approximately 48 metres away. This degree of separation is considered to be sufficient to ensure that the impact on existing residential amenity – due to noise and disturbance – will be minimal.

As per the 2005 application, it is considered that any limited disturbance that could potentially occur to surrounding residents will be minimised by the outdoor play area associated with the proposed nursery being located facing east towards the school playing fields. Therefore, the building will act as a good buffer and thus limit the prospect of such disturbance occurring.

4. Design / Visual Amenity Considerations

The application site is not situated in a particularly prominent location but it will be seen from and across the playing fields as well as from the residential properties in the immediate area.

UDP Policy BE5 (Building Design and Siting) sets out criteria for good design and expects the use of good quality materials in all new buildings. Core Strategy Policy CS 74 (Design Principles) continues the theme of UDP policies, expecting high quality design.

The application building will be a pre-fabricated modular building that will be clad in timber with grey windows / doors, a modern style fascia, and a single ply membrane flat roof. Although the design of the building is very simple and limited architecturally, the proposed appearance is considered to be acceptable and will not detract from the appearance of the area. In particular, the use of timber as an external

appearance is welcomed because it will weather over time and allow the building to blend into its surroundings. The use of the colour grey for openings and detailing also gives the building a more modern appearance.

Therefore, it is concluded that the application is compliant with the requirements of Policy BE5 and CS 74.

5. Access Considerations

UDP Policy BE7 (Design of Buildings used by the Public) states that in all buildings which are to be used by the public, provision will be expected to allow people with disabilities or with young children safe and easy access to the building and appropriate parking spaces. Furthermore, Core Strategy Policy CS 74 (Design Principles) expects development that enables safe and convenient access for all.

Due to the modular design of the building, all of doors will be raised off the ground and so access to all will be provided by ramps and steps with tactile warning paving, which is acceptable. There is also a dedicated pedestrian footpath leading from Sharrard Drive and part of the car park as well as 2 disabled car parking facilities positioned adjacent to the building.

Therefore, it is considered that the building will provide sufficient facilities for all members of the public in accordance with the relevant policies.

6. Drainage

Core Strategy Policy CS 67 (Flood Risk Management) seeks to reduce the extent and impact of flooding through various means, including limiting surface water run-off and promoting sustainable drainage systems, techniques and/or management.

Yorkshire Water and the Lead Local Flood Authority offer no objection to the proposed development, subject to recommended conditions relating to the proposed means of disposal of surface water drainage, evidence of any other alternative means of drainage discounted and a maximum discharge rate (3.5 litres per second). Therefore, the proposal is considered to be compliant with Policy CS 67.

7. Coal Mining

The application site falls within the defined Development High Risk Area but the Coal Authority confirms that the area where this single-storey pre-school building and associated car parking is to be located is predominantly within the Development Low Risk Area and only a small portion of the site, where the formation of the access road is being proposed, falls within the Development High Risk Area. In light of the above, the Coal Authority has no objections to this planning application.

RESPONSE TO REPRESENTATIONS

It is considered that the main concerns of the objections received that are relevant to this planning application have been addressed in the assessment above.

Comments received in relation to Intake Junior and Infant School's links with the adjacent CO-OP and overspill parking are noted but not considered to be relevant to the assessment of this application. The proposed use has its own dedicated car park, which is of a size deemed sufficient to accommodate the parking needs of the Pre-School.

SUMMARY AND RECOMMENDATION

The loss of existing undeveloped school playing field space to accommodate the proposed Pre-School building is considered to be justified at this at this site. The site area is just a small part of the playing field that is not currently and is unlikely to be used as part of a marked pitch due to its character and location. For the reasons discussed, the benefits of this application and the mitigation measures proposed (including the provision of sports changing facilities) are considered to outweigh the harm caused by the loss. It is confirmed that Sport England has reached the same conclusion and subsequently withdrawn its original holding objection.

It is acknowledged that the proposal will inevitably result in an increased level of vehicular usage of Sharrard Drive, which will be considered undesirable by the local residents. However, the nursery does provide adequate levels of off street parking/dropping off and vehicle turning facilities on site such that the impact will not be at an unacceptable level.

The design of the proposal does not detract from the local area; there will be no detrimental impact on the appearance of the street scene or on the occupiers of neighbouring properties given the external appearance of the building, its siting and arrangement of the site.

In light of the above, it is recommended that Members approve this application, subject to the listed conditions.

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Case Number	18/00250/FUL
Application Type	Full Planning Application
Proposal	Retention of dwellinghouse and decking including amendments to fenestration and facing materials (Retrospective application) (Resubmission of 17/03331/FUL)
Location	Garage Site Adjacent 4 Langsett Avenue Sheffield S6 4AA
Date Received	11/01/2018
Team	West and North
Applicant/Agent	Haywood Design
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:

Site Location Plan received 25th January 2018
Proposed Elevations: Dwg No: JJ00212/2C received 9th April 2018
Proposed Plans: Dwg No: JJ00212/1B received 29th January 2018

Reason: In order to define the permission.

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

3. Details of all proposed external materials and finishes, including samples shall be submitted within 28 days of this approval and approved in writing by the Local

Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

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

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

4. The building shall not be used unless the hard surfaced areas of the site are constructed of permeable/porous materials, the details of which shall be submitted to the Local Planning Authority for approval. Thereafter the approved permeable/porous surfacing material shall be retained.

Reason: In order to control surface water run off from the site and mitigate against the risk of flooding.

5. The dwellinghouse shall not be occupied unless a 1.8 metre high close boarded fence has been erected on the eastern boundary of the site which adjoins the rear gardens of 587 to 597 Middlewood Road, details of which shall be submitted to the Local Planning Authority for approval, and thereafter such means of site enclosure shall be retained.

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

6. The development shall not be used unless the car parking accommodation for development 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.

Other Compliance Conditions

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Schedule 2, Part 1 (Classes A to H inclusive), Part 2 (Class A), or any Order revoking or re-enacting that Order, no extensions, porches, garages, ancillary curtilage buildings, swimming pools, enclosures, fences, walls or alterations which materially affect the external appearance of the dwellinghouse shall be constructed without prior planning permission being obtained from the Local Planning Authority.

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

8. 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.

9. No gates shall, when open, project over the adjoining the highway.

Reason: In the interests of pedestrian safety.

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. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process, or a draft Liability Notice will be sent if the liable parties have not been assumed using Form 1: Assumption of Liability.
3. 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.
4. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

Telephone: 0114 273 6677

Email: highways@sheffield.gov.uk

They 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.

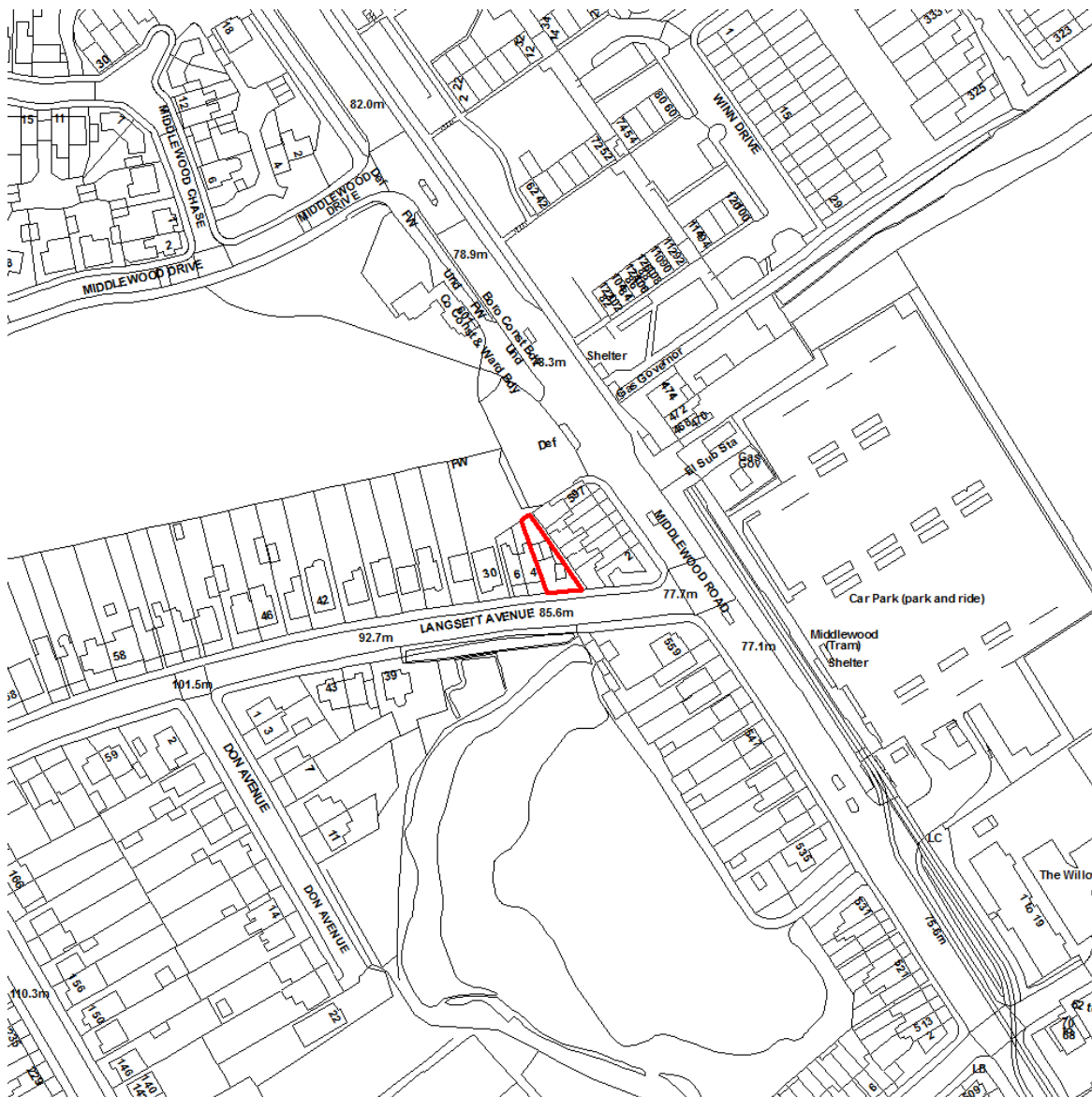
5. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website here:

<http://www.sheffield.gov.uk/home/roads-pavements/Address-management>

For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk.

Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

Site Location



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LOCATION AND PROPOSAL

This application seeks retrospective planning permission for the retention of a bungalow and decking, including amendments to fenestration and facing materials of the property.

This application site comprises of the former curtilage of 4 Langsett Avenue where planning permission has previously been granted for a contemporary designed bungalow (ref: 15/03015/FUL). The bungalow has not been built in accordance with the approved plans. The fenestration detailing and material finishes (render) are not in line with the approved plans and the dwelling is slightly higher than previously approved, due to a variation in the site levels. The building as constructed does not

have planning permission and this application is the second attempt to regularise the development.

Members will recall that a retrospective application (reference 17/03331/FUL) which sought permission to regularise amendments to the previously approved scheme was refused at committee on 14th November 2017 for the retention of a bungalow including amendments to the fenestration and facing materials. It was considered that the alterations previously proposed were harmful to the character and appearance of the street scene.

The site is in an allocated Housing Area as defined in the adopted Sheffield Unitary Development Plan (UDP). The locality consists of a mix of dwellings of varying design, style and age. Due to the steepness of Langsett road, several properties do not have off-street parking. No.4 Langsett Avenue which is located immediately adjacent to the site is a semi-detached property with two-storeys plus attic accommodation. The land falls steeply to the East, and the land to the side which comprises the application site is approximately 2 metres lower than No.4. To the East lies a row of terraced properties on Middlewood Road, which have their main rear aspect facing the site. These properties are situated a storey lower than the application site.

RELEVANT PLANNING HISTORY

15/02133/FUL - Demolition of existing garages and provision of 3 storey building containing 3 self contained flats (Further plans received 24th June 2015) – Refused

15/03015/FUL - Erection of a dwellinghouse – Granted conditionally – this was for a single-storey building.

16/03854/FUL - Erection of dwellinghouse – refused – This application was for a two-storey dwellinghouse and was refused on design grounds and impact to neighbouring properties.

17/03331/FUL - Retention of dwellinghouse and decking including amendments to fenestration and facing materials (Retrospective application) - Refused

SUMMARY OF REPRESENTATIONS

Two letters of representation have been received. They are summarised below:

- Concerns with regards to the boundary fence. It would be over 2 metres due to the additional raised height of the wall.
- Fence would be overbearing.
- The land level should be lowered back to original level.
- The decking should be lowered.
- Windows in the side are better, but the patio is not acceptable due to overlooking.
- The pathway at back of terraces is not a public footpath.

PLANNING ASSESSMENT

Land Use Policy.

The adopted Unitary Development Plan (UDP) shows that the application site is designated as a housing policy area. The principle of accommodating a dwellinghouse on the site has been established under the previous planning permission (ref:15/03015/FUL)

Layout, Design and External Appearance.

UDP policy H14 and Core Strategy policy CS74 expect good quality design in keeping with the scale and character of the surrounding area. Good building design is also reflected in UDP policy BE5.

The principle of a single-storey flat roofed dwelling on this site has been established under the previous planning permission (reference 15/03015/FUL, however the dwelling has not been constructed in accordance with the approved plans. The building has been rendered and includes elements of artificial slate cladding to the front elevation which are not considered appropriate in this location.

The property is located to the side of a Victorian red brick semi-detached property and to the rear of brick Victorian terraces situated on Middlewood Road. It is considered that a red brick finish to match the neighbouring properties is required in order to minimise the visual impact of the property and to ensure that the dwelling does not appear overly prominent in the street scene.

Following the refusal at the planning committee, the applicant has amended the scheme to ensure that it more closely reflects the previously approved scheme (ref: 15/003015/FUL).

The previously refused scheme (ref: 17/03331/FUL) had a similar footprint to the proposed scheme, but the intention was to use a red brick slip cladding system to the outer walls and smaller, more traditional window openings and to square off the curved south east corner of the building. Members ultimately considered that the alterations from the previously approved scheme were unacceptable.

The applicants previously indicated that a brick finish could not be provided to the building without complete demolition and re build, as it would negate any pedestrian access to the side of the building. This was therefore the applicant's reasoning behind proposing a red brick slip cladding system under the previous application. A brick slip has a significantly reduced width in comparison to a standard brick.

The applicant has noted the concerns raised at the previous committee in terms of the external appearance of the building and it is now their intention to use a full solid brick to the outer face of the building. The submitted plans show that a full brick can be used to face the building whilst retaining the access to the side and rear of the building. The applicant has also reinstated areas of vertical cedar cladding to reflect the previously approved drawings, which adds a degree of variation and interest to the elevations. A condition is recommended to secure appropriate quality materials.

The submitted drawings also show that the fenestration has been amended to reflect the previously approved scheme, by incorporating full height slot windows on the front elevation and a horizontal slot window on the side elevation in line with the contemporary design approach originally approved.

The fenestration shown on the proposed drawings now reflects the approved scheme, apart from the omission of a single window located on the South-east corner of the building.

The footprint of the building is broadly the same as that granted previously, however the approved plans showed that the south-east corner of the building to have a curved form. The building as built and shown on the submitted plans omits the curved form replacing it with an angular corner instead. The change is not considered to represent a significant departure from the approved plans or to detrimentally affect the appearance of the dwelling.

The building as shown on the submitted plans is actually lower in height (approx. 200mm) to the front of the site than that shown on the previously approved drawings, but is slightly higher to the rear (approx. 100mm). Ultimately the alterations to the height of the building is due to variations in land levels which were not indicated clearly under the approved scheme (reference 15/03015/FUL). The submitted drawings show that the proposal will result in the land being raised approximately 400mm on the eastern side of the site to give a level gradient to the frontage. The overall differences in height are marginal and do not detrimentally affect the appearance of the building.

The relatively simple form and fenestration proposed is similar to that granted previously. The scheme would ultimately introduce a contemporary property to the street scene, however the use of primarily red brick with elements of feature cedar cladding will ensure that it assimilates with the established built context.

The dwelling as now proposed is considered to closely reflect the approved scheme and in light of the above the proposal is considered acceptable from a design perspective.

Amenities of neighbouring residents.

UDP policy H14 says that new development in housing areas should not cause harm to the amenities of existing residents.

Core Strategy policy CS74 requires new development to contribute to the creation of successful neighbourhoods.

It is important to ensure that the alterations to the approved scheme would not result in a significant and/or unreasonable loss of privacy to neighbours nor result in a development having an overbearing nature which would be to the detriment of neighbours' amenities.

The dwelling as constructed is located on effectively the same footprint as the previously approved scheme although it is noted that the approved curved corner is now angular. The width of the property will be slightly wider due to the addition of an

outer skin of brickwork, however for all intents and purposes the separation distance to all neighbours is essentially the same as the approved scheme. It is considered that the additional width of a brick skin (approx. 102.5 mm) will not have a detrimental impact on neighbours. The approved scheme was considered acceptable in terms of impact upon neighbouring living conditions. The only other difference is that the site levels have been adjusted to create a level site. The alterations to the site level and slight alterations in the height of the building are not considered significantly harmful given that the dwelling is read against the backdrop of a two-storey gable end, which is located on a higher land level than the application site.

The side elevation of the dwelling as constructed includes two windows and the main door to the house. These unauthorised windows allow direct overlooking to the first floor bedroom windows of the terraced houses on Middlewood Road which is not acceptable. Following negotiations with the applicant the submitted plans and elevations have been amended to ensure that a single high level window replicating the approved scheme is now proposed. This window would have a cill height of 1.7 metres above the floor level of the dwellinghouse. The provision of this high level window will ensure that no harmful overlooking occurs.

The fenestration proposed is similar to that previously approved, with the only omission being a single full height slot window on the corner of the building. The omission of this window would improve privacy for neighbours in comparison to the granted scheme. The proposed scheme would therefore not give rise to any additional privacy issues.

A raised decking area to the rear has been constructed to run flush with the floor level of the dwelling, approx. 320mm above the garden level. This currently allows overlooking to the rear gardens of the houses on Middlewood Road due to the absence of any boundary treatment. The applicant has agreed to construct a 1.8 metre high close boarded fence along the side boundary to ensure any overlooking from the rear garden of the proposed dwelling is prevented. The 1.8 metre high fence is intended to run along the side boundary line from the front elevation extending all the way to the rear boundary. The main door to the house is located within the side elevation and therefore this boundary fence would also prevent any overlooking to the houses on Middlewood Road from people accessing the dwelling. A condition will be attached to ensure that details of the fence and its location are submitted to the Local Planning Authority for approval. The condition will also ensure that the approved fence will be erected before occupation of the dwelling and that the fence remains in perpetuity.

Permitted Development rights will be removed due to the limited size of the plot and relationship to adjoining dwellings any additions or alterations to the dwelling could give rise to amenity issues.

Amenities of future occupiers

The main outlook for the property would be to the front and rear elevations. Each room in the house would have either a window or glazed door. Outlook and lighting levels are considered acceptable in this instance.

The dwelling would have a rear private garden proportionate to the size of the dwelling.

The plot size is such that any future extensions would reduce the garden size to an unacceptable level. A condition removing Permitted developments rights is therefore considered to be appropriate.

In light of the above the proposal is considered acceptable from an amenity perspective.

Highways

UDP policy H14 requires new development to have adequate on-site parking and safe access for vehicles and pedestrians.

Core Strategy policies CS51 and CS53 deal with transport priorities and management of travel demand, respectively. Both seek to ensure that access and parking arrangements are safe and adequate.

The site plan submitted shows that the property could accommodate one off-street parking space, as permitted under planning permission 15/03015/FUL. The site benefits from a dropped kerb as it previously housed two garages. The driveway is to be constructed with permeable block paving, which will ensure that no surface water will run onto the highway.

A condition is recommended to be attached ensuring that any gates do not project over the adjacent highway for reasons of highway safety.

The site is also considered to be located in a sustainable location, being in close proximity to the Middlewood Supertram terminus and Middlewood Road which has regular bus routes.

In light of the above the proposal is considered acceptable from a highways perspective.

Community Infrastructure Levy (CIL)

The development is liable to providing a contribution to the CIL, in order to provide improved infrastructure to meet the needs of new development. The agent has completed a relevant form to indicate they are aware of the required contribution for the scheme.

The site is located within charging zone 3 which has a charge of £30 per square metre.

RESPONSE TO REPRESENTATIONS

Whilst the concerns raised from a neighbour with regards to the proposed boundary fence are noted, it is considered that this fencing is necessary to prevent overlooking of the terraced properties on Middlewood Road and the additional height specified would not be significantly more harmful than the height specified

SUMMARY AND RECOMMENDATION

The principle of redeveloping the site for a single storey dwelling is established as planning permission has previously been granted on this site (ref: 15/03015/FUL). The dwelling which has been constructed on site does not accord with the previously approved plans. Members will note that a previous application was refused (ref: 17/03331/FUL) at Planning Committee on 14th November 2017 to regularise unauthorised changes that had been made to the development

The applicant has noted the previous refusal and has amended the scheme.

This planning application seeks permission for the retention of the bungalow including the following amendments:

- Alterations to height/site levels.
- Amendments to building footprint – replacing the curved south east corner of the building with an angular wall.
- Provision of rear decking area.
- Reinstatement of the previously approved fenestration detailing with the exception of the omission of a single slot window on south-east corner.
- Reintroduction of red brick and cedar cladding facing materials.

The amendments shown on the submitted drawings are now considered too closely reflect the previously approved scheme (ref: 15/03015/FUL) and as such are considered to be acceptable from an amenity and design perspective.

In light of the above the proposal is considered to accord with the provisions of the Unitary Development Plan, the Core Strategy and the National Planning Policy Framework and it is recommended that planning permission is granted conditionally.

Case Number	18/00235/FUL (Formerly PP-06468903)
Application Type	Full Planning Application
Proposal	Conservation works to listed/non-listed historic features; walls/catacombs; and to listed/non-listed monuments, improvements to site entrance points, landscape improvements including general footpath improvements, installation of wayfinding signage, management of trees/vegetation, and improvement/inclusion of new amenities, lighting, and car parking
Location	Sheffield General Cemetery Cemetery Avenue Sheffield S11 8NT
Date Received	16/01/2018
Team	South
Applicant/Agent	Harrison Design Development
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:

- Whole Site Masterplan (Planning) / 105.01.410 rev F
- Detail Area 1 - Gatehouse Forecourt / 105.01.420 rev B
- Detail Area 2 - Gatehouse Courtyard / 105.01.421 rev A
- Detail Area 3 - NC Chapel / 105.01.422 rev A
- Detail Area 4 - Central Intersection / 105.01.423 rev A
- Detail Area 5 - Montague Street Entrance + Car Park / 105.01.424 rev B
- Detail Area 5 - Montague Street Pedestrian Entrance / 105.01.425 rev B
- Detail Area 7 - Catacombs Valley / 105.01.426 rev A
- Boundary Wall PROPOSED MINOR REPAIRS TYPE A / 105.01.360 rev -
- Boundary Wall PROPOSED MAJOR REPAIRS TYPE B / 105.01.361 rev -

- Boundary Wall PROPOSED RECONSTRUCTION TYPE C / 105.01.362 rev -
- Boundary Wall PROPOSED RECONSTRUCTION for End Pier / 105.01.363 rev -
- Proposed Catacombs Terraces Section / 105-01-470 rev -
- Section F - Sheet 1 of 2 / 105-01-471 rev -
- Section F - Sheet 2 of 2 / 105-01-472 rev -
- Section C-C - Non Conformist Chapel / 105-01-475 rev -

Reason: In order to define the permission.

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

3. No development shall commence until full details of measures to protect the existing trees to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2005 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

Reason: In the interests of protecting the identified trees on site. It is essential that this condition is complied with before any other works on site commence given that damage to trees is irreversible.

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

4. Details of the new pedestrian entrance onto Montague Street including details and samples of materials where required, and elevational drawings specifying how the exposed stonework created by the new opening shall be finished off, shall be submitted to and approved in writing by the Local Planning Authority before that part of the development commences. Thereafter, the development shall be carried out in accordance with the approved plans.

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

5. Details of the amendments to the existing site entrance onto Montague Street including details and samples of materials where required, and elevational drawings specifying details of the modifications, shall be submitted to and approved in writing by the Local Planning Authority before that part of the development commences. Thereafter, the development shall be carried out in accordance with the approved plans.

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

6. Prior to the installation of any signage within the site or its perimeter a Signage Strategy document shall be submitted to and approved in writing by the Local Planning Authority, this shall include details of signage relating to the access/mobility

parking provisions. Thereafter, all signage shall be installed in accordance with the approved documentation.

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

7. Prior to the installation of any lighting within the site or at its perimeter a Lighting Strategy document shall be submitted to and approved in writing by the Local Planning Authority, this shall include details of the location and specifications of each item of lighting equipment. Thereafter, all signage shall be installed in accordance with the approved documentation.

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

8. Prior to the installation of any refuse bins within the site, details of the location and appearance of each refuse bin shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all refuse bins shall be installed in accordance with the approved documentation.

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

9. Prior to the installation of any handrails details of their location and design shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all handrails shall be installed in accordance with the approved documentation.

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

10. Prior to the installation of any benches within the site details of their design and location shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all benches shall be installed in accordance with the approved documentation.

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

11. 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.

12. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved 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.

13. The Local Planning Authority shall be notified in writing when the landscape works are completed.

Reason: To ensure that the Local Planning Authority can confirm when the maintenance periods specified in associated conditions/condition have commenced.

14. Notwithstanding the details shown of tree removals in the approved drawing (Whole Site Masterplan (Planning) / 105.01.410 rev F), a Management Plan document covering a minimum 10 year period shall be submitted to and approved in writing by the Local Planning Authority. The document shall include short, medium and long term strategies, identify trees and areas of vegetation to be removed within each of these identified phases, give details of a rotational approach to thinning out of vegetation and shrubbery and give details of site monitoring. Thereafter works shall proceed in accordance with the approved details.

Reason: In the interests of biodiversity.

15. Prior to the commencement of development a document detailing a program of bat surveys shall be submitted to and approved in writing. The document shall identify portions of the site, identify when works are programmed within each of these portions and give details (including timings) of the bat surveys to be carried out in relation to each of the identified portions. The bat surveys shall be carried out in accordance with the agreed time schedules, include any appropriate recommended mitigation strategies and each be submitted to and approved in writing by the Local Planning Authority. The works on site shall be undertaken in accordance with any agreed mitigation strategies.

Reason: In the interests of biodiversity.

16. Prior to the commencement of development a document detailing methods for dealing with Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority. The Japanese Knotweed shall thereafter be removed in accordance with the approved methodology.

Reason; In the interests of biodiversity.

17. Prior to the commencement of development, construction details for the groundworks for new and altered areas of pathways, hardsurfacing and associated drainage relating to vehicle access and the mobility car park shall be submitted to and approved in writing by the Local Planning Authority. The construction details shall include depths of excavation, where required. Thereafter, the works shall proceed in accordance with the approved details.

Reason: To ensure that there is no disturbance to any archaeological remains present at the site.

18. Prior to the commencement of development a Car Park Management document shall be submitted to and approved in writing by the Local Planning Authority, which shall identify mechanisms to ensure that the car parking is for disabled users only and methods to prevent usage by non disabled users. Thereafter the car park shall be operated in accordance with the approved documentation.

Reason: In order to ensure the car park is used solely for parking by disabled persons.

Other Compliance Conditions

19. The Flood Risk Mitigation measures given in Section 4.0 to 4.2 of the William Saunders - Sheffield General Cemetery - Flood Risk Assessment (11512/12 REV A DECEMBER 2017) shall be implemented as part of the development hereby approved.

Reason: In order to mitigate against the risks of flooding.

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. Any vegetation clearance should take place outside of the bird breeding season, generally accepted as being between March 1st and August 31st. If works are anticipated within this period, it is strongly recommended to have a suitably qualified ecologist on hand to carry out a breeding bird survey no more than 48 hours prior to work commencing.

Site Location



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LOCATION AND PROPOSAL

The historic cemetery site occupies a considerable area of land on steeply sloping ground between Cemetery Road and Stalker Lees Road.

It is designated as being a 'Cemetery' under the provisions of the Unitary Development Plan (UDP), and also forms the General Cemetery Conservation Area.

The Cemetery includes 10 separately listed buildings or structures, including:

- Main Gateway and Lodges (Gatehouse) – Grade II*
- Gateway to General Cemetery with Screen and Flanking Walls (Egyptian Gateway) – Grade II*
- Old (Non-Conformist) Chapel – Grade II*

- New (Anglican) Chapel – Grade II
- Montague House- Grade II
- The Catacombs – Grade II
- George Bennet Monument – Grade II
- William Parker Monument – Grade II
- Mark Firth Monument – Grade II
- James Nicholson Monument – Grade II

In addition to these individual designations the site is identified as a Historic Park and Garden and is graded as II*.

The site is an Area of Natural History Interest as part of the UDP. The site is also designated as both a Local Wildlife Site and a Local Nature Reserve.

The initial scheme included a 13 bay car park off the Montague Street entrance. Through the course of the application and as a response to public representations, the proposal was revised to show 3 access/mobility bays within the reduced car park.

Both full planning permission and listed building consent are sought for the following works, and this report covers each:

- Provision of 3 accessible parking spaces within the site adjacent to the existing Montague Street entrance, featuring adaptations to the current entrance
- Improvements to the site's entrance points including provision of a new pedestrian access point adjacent to the Cemetery Road and Montague Street junction,
- Conservation works to listed and non-listed infrastructure features such as wall and catacombs
- Conservation works to listed and non-listed monuments
- Landscape improvements to the site's accessibility, including general footpath improvements, some provision of new paths, installation of wayfinding signage, and sensitive interpretation of the site's important history,
- Management, including removals, of trees and vegetation within the site,
- Improvement and inclusion of site amenities (including viewing and seating areas)
- A café is *not* proposed as part of the scheme but a note was provided on the initially submitted Masterplan drawing, as more of an allusion to a potential future addition

The key objectives of the scheme are to remove the site from Historic England's 'Heritage at Risk' register, make the park more accessible and welcoming for users increasing use to a wider audience, provide a safe, accessible and welcoming public park, engage people with the site's heritage, and to protect the natural habitat and enhance bio-diversity.

The scheme forms a part of a Heritage Lottery Fund 'Parks for People' grant application. If the overall bid to the Heritage Lottery Fund is successful this would ultimately lead to funding totalling £3.8million. Due to the staged based nature of the bidding process, full details of the landscape management and maintenance schedule have not yet been developed. The scheme cannot proceed through the next part of the bid process without the appropriate planning permission/listed building consents. Further funding would allow dedicated staff and expertise to

work with volunteers and other relevant staff to produce a Ten Year Management & Maintenance Plan which would give these precise details.

RELEVANT PLANNING HISTORY

In July 1979 planning permission was granted for use of the Cemetery as open space. This coincided with the point at which an Act of Parliament was passed to change the status from a cemetery to a park.

In November 2002 planning permission was granted for restoration of Victorian features and the provision of a memorial area. The scheme authorised removal of 14 trees, to facilitate the creation of a memorial area and the demolition of a section of walling added in the 1970s to allow re-instatement of another section of historic pathway.

SUMMARY OF REPRESENTATIONS

After neighbour notification, press advertisements and the placement of 7 separate site notices, 74 representations (as of 17/4/18) have been received in relation to the scheme as originally submitted and the revised version with its reduced car parking provisions. The comments made can be summarised as follows:

In addition two separate petitions and two joint letters have been received.

The individual written comments can be summarised as follows:

Car Park

- Car park results in the loss of green space, has an aesthetic harm, introduces cars into a space which is felt to be remote from cars and is over-development.
- Many local residents have no garden and the proposal would reduce the level of green space and tranquillity.
- Would cause light, noise and air pollution creating conflict with park's wide range of users and undermines current peaceful atmosphere. Would conflict with Council's own Clean Air Strategy.
- Undermines value of a historically significant site (site is a Conservation Area), and has a negative visual impact.
- Impact on ecological value.
- Flooding issues.
- Creates conflict with pedestrian users of site. Children and dogs won't be able to roam independently.
- Discourages sustainable transport options.
- Spaces would be used by surrounding business users, visitors to locality or over-night use. Unclear how spaces would be managed.
- Pedestrianisation of northern end of Montague Street would increase competition for spaces.
- Adequate on-street parking in area (especially at weekends). Parking could be provided at the Gate House Entrance and commuter parking should be prevented. Disabled parking could be provided at the roundabout in front of the Anglican Chapel

(avoiding loss of Green Space), the Children's Nursery at Montague House, Montague Street and/or Stalker Lees Road.

- Application would set precedent for further parking proposals relating to the Anglican chapel, or further applications to expand provisions.
 - Parking should only be for essential works / to allow disabled access.
 - Funds should instead be spent on mobility scooter hire facility / public transport infrastructure / pedestrian crossing facilities / Ofo bike facility.
 - Conflicts with National Planning Policy Framework, Core Strategy, Local Nature Reserve policy, the Green and Open Space Strategy and the Clean Air strategy, despite claims made in the submission.
 - Proposed drawings regarding car parking are not fully clear, and proposal lacks detail supporting a car park. Provision of a Parking Feasibility document was delayed.
-
- Revised scheme (with 3 disabled spaces) is still objected to, due to loss of green space which conflicts with many policies and the 1979 Act of Parliament. Such spaces should be provided on Montague Street.
 - Any kind of car parking undermines serenity of space.
 - Many people understood to object to principle of cars within the area. Concern that the previously stated views will be discounted as plan has changed.
 - Disregard for the War Memorial.
 - Any parking is a precedent for similar at Anglican Chapel.
 - Disabled parking does not justify the desecration of and/or removal of green space.
 - No extensive feasibility study / impact assessment of different disabled parking options has been carried out.

Ecological Issues

- Site is a Local Nature Reserve (LNR) and is part of a Green Corridor, so warrants protection.
- LNR has grown and developed over time, providing a rich habitat for range of wildlife. Removal of trees/landscaping to create viewpoints is a retrograde step.
- No studies of how the proposals, including a car park and lighting will affect bats, birds, wildlife, ecology and flooding.
- A yew tree near Lion Gate / Gatehouse entrance appears to be proposed for removal, and it regularly has Goldcrests there.
- Other trees proposed for removal enhance the area.
- Plans imply significant scrub clearance. This has been inaccessible for a number of years and provides a valuable habitat (feeding and nesting) for numerous bird species. Some of this should be protected.
- No survey listing vegetation and wildlife, and how this would be impacted has been provided. Cemetery has an abundance of wood mice and tawny owls. No Bird Survey carried out as part of application, but a separate independent bird survey concluded 40 species were recorded, with 12 confirmed as breeding and another 15 probably doing so.
- Bird species on the legally protected list (fieldfares and kingfishers) do visit the cemetery.
- A statement should be provided to avoid disruption to wildlife during works.
- Ecology Survey is 2 years out of date.

Landscaping Issues

- Removal of trees is a concern as they are community assets, and as much a part of the cemetery as its monuments and interred bodies.
- Proposed removal of the healthy Goat Willow tree next to the Gate House entrance is not supported given contribution to visual amenity.
- Previous tree removal has exposed rear of factories and views of graffiti.
- Proposed car park area conflicts with a well-used footpath, maintained lawn areas, mature trees and planting beds. The loss of this and replacement with parked cars would damage character.
- Trees contribute to ecological value, and replacement trees will take 30-40 years to mature.
- No new paths should be provided, although some improvements may be needed to enable greater use of the space. Many of the current paths are well used by people with prams, and don't require improvements.
- Any new paths should be in keeping with heritage nature of the site.
- Path next to Montague House is currently accessible and historically valuable. It should be improved and not replaced, particularly given that associated works involve removal of an excellent Beech tree.
- Proposals imply removal of a yew tree which would conflict with English Heritage's 'Paradise Preserved' document covering the management and conservation of cemeteries.
- Existing stone circle should remain in-situ.
- Bench provision does not justify tree removal.
- Lighting will encourage anti-social behaviour.

Open Space Issues

- Open space was created by a 1977/78 Act of Parliament for everyone, involving removal of gravestones to create much needed open-space.
- Especially valued by surrounding apartment and flat occupants, beneficial to people's well-being. Locality's growing population means open space / capita is decreasing. Planning guidelines discourage development in these conditions.
- Proposed area of parking is integral part of parkland.
- Cemetery is a small local park and doesn't need signposting/lighting, this would undermine tranquillity.
- Works to the open space to the north-east of the application are implied, but not detailed.
- Site should be visited by Committee Members before decision is arrived at.

Heritage Issues

- Site is a Conservation Area, is a Grade II* Park and Garden and should be protected from car parking.
- Heritage Statement is 2 years out of date, and does not relate to the submitted / current scheme.
- Proposed car park's location coincides with area where grave clearance was prevented in 1980s, as the area was understood to have been where the Cholera victims were buried.

- Limited / contradictory information on works to the Dissenter's Wall which hasn't been visible for many years. Information provided by Applicant contradicts the details given on the Masterplan. Dissenter's Wall never crossed the area shown on the plan.
- A viewing platform under a mature horse chestnut, where the River Porter comes closest to the catacombs would be ideal and involve modest alteration.
- Works at top/s of Catacombs are unclear. Gravestones there are some of the few remaining intact gravestones from the cleared Anglican area.
- Materials, fixtures and lighting should be in keeping with the original elements of the site.
- Query regarding proposals for pathway provision immediately to the east of the site.
- New Montague Street entrance is inappropriate. Original entrance was only used for a few years and is in a dangerous position in highway safety terms.
- Wall around site is a feature of special architectural interest and integral to overall design.

Café

- Café is not required, there are numerous others nearby.
- Would further reduce open space; involve deliveries, waste, litter and crowds.
- Not usual for charities to pursue commercial activities (i.e. car parking and café). Such activity should be concentrated into the refurbished chapel / the neglected chapel building.
- Converted chapel should be open at all times to allow use of WCs and coffee bar facilities instead.

Consultation

- Limited pre-planning consultation, conflicting with Statement of Community Involvement.
- Lack of notification and opportunity to comment. Short period for comments.
- Planning Portal facility is not adequately democratic and is hard to use and submit comments on it.

Other Issues

- Site should be promoted with additional signage on Ecclesall Road and Cemetery Road to increase awareness.
- Design and Access Statement is too brief.

Comments of Support

- Works to catacombs, monuments, walls and path networks are supported. Opening of views and pathway improvements are welcomed.
- Limited lighting would be supported
- Appreciated that maintenance is needed, and this is solely the Council's responsibility, and that there is the need to secure external funding.
- Consideration has been given to disabled/elderly people who are currently excluded by dealing with paths. Car park is small and should be screened from rest of cemetery, and shouldn't impact on ecology

-Proposals are welcomed, The Friends of the General Cemetery / General Cemetery Trust appear happy with the decision making.

-Supportive of café.

-Alteration of car parking proposals to 3 spaces, has resulted in scheme being supported.

-The General Cemetery Trust is broadly supportive of much needed investment in the important historical site.

Non Planning Issues

-General Cemetery Trust haven't carried out sufficient consultation

-No artist's impression drawings have been provided.

-The open space to east of the site should be improved, and made more attractive as an open space facility.

Petitions

One petition includes 653 signatures, and states support for the principle of investment and conservation of the General Cemetery. However, it also states they object to the proposed car park off Montague Street, and that the addition of any new buildings wouldn't be in keeping conservation principles of the site. Reasons stated are it would conflict with planning guidelines regarding open space, it would have a negative visual impact, would not work as planned due to competition for parking in local area and an alternative provision for disabled parking could be provided at Stalker Lees Road.

The second petition includes 256 signatures. It states that the car park proposal should be rejected, the public consultation period should be extended past 1/3/18, and the scheme should be revised to include full detailed information and drawings. Concern expressed that since wildlife colonizes quiet green spaces which would be disturbed / destroyed by the proposal.

Joint/Community Group Letters

The first has been signed by 16 people and relates to the revised proposal. The comments can be summarised as follows:

-3 bay car park is not necessary as alternative solutions are available.

-Open Space was created after an Act of Parliament. Trees and vegetation are an important and are the 'lungs' of Sharrow and part of city's green corridor.

Surrounded by high density housing, and area is below minimum guidelines for open space.

-Breaches of numerous relevant local plan policies, and the requirement to improve air quality (i.e. Clean Air Strategy 2017) as even a small car park will have negative impacts.

-No inclusion of the Access Audit for the General Cemetery (2107), which states most disabled people prefer to see reasonable and practical modifications made rather than negate the heritage character of the site. Report provides an alternative location for disabled parking not in the site itself. Another alternative would be provision of spaces on Stalker Lees Road

-The proposed level of tree and shrub/vegetation management should be further reduced (site is a Local Nature Reserve). Insufficient information has been provided to allow a decision to be made, Site is a Natural England Priority Habitat, and NPPF states biodiversity should be conserved and enhanced, and application should be refused if harm from a development cannot be mitigated or compensated for.

-Tree clearance has previously resulted in unsightliness and reductions in wildlife habitat.

-Ecology Survey was prepared before formulation and submission of current plans, and isn't an impact assessment. Without an impact assessment the scheme should be refused.

-Goat Willow Tree adjacent to Gatehouse and Beech tree adjacent to old Cemetery offices give aesthetic and biodiversity benefits and should not be removed. Similar point made in relation to a number of other trees proposed for removal.

-No bird survey prepared, and without the impact assessment it's not certain what functions the shrubs and vegetation provide.

-Existing paths may need improvement, alterations to existing layout should be minimised. The insertion of new entrance near to Montague Street and Cemetery Road junction presents a road safety issue, as people would be exiting near to a blind bend. Also means gravestones will need to be moved again.

-Unsure how lighting would be managed. Extra light pollution would be unacceptable.

-Inadequate / unclear information given in plans.

-There has been a lack of transparency and major emissions in pre-planning consultation process and a site visit is needed to provide inclusive consultation. September 2017 Masterplan Consultation didn't mention car park or removal of habitat. Adjoining residents had no awareness of plans.

-Limited availability of plans in Samuel Worth Chapel and minimal notice was given on social media sites. Consultation exceeding minimum requirements should have taken place.

A community group (Save Our Green Open Space) have provided a representation, which can be summarised as:

-Was made a local nature reserve 40 years ago, and has been car free for that time. Gives a safe and calm space for many people with hidden illnesses. Council needs to meet its Equality Duties, under the Equality Act 2010. Application favours one group with disabilities over another. Air quality in area needs to be improved, and failure to do so would conflict with NPPF.

-Blue badge parking will constantly interrupt peace and tranquility and health benefits.

-The Access Survey (2017) recommended provision of blue badge parking on Cemetery Avenue by main entrance and blue badge parking on Montague Street near to entrance or provision immediately within the park. Also states reasonable modifications would be preferred to inappropriate interventions negating heritage character of the site.

- Blue badge parking in the immediate vicinity is suggested by community group as far preferable to current proposal, avoiding harm to original landscape and an intrusion into Historic Park and Garden and retain more biodiversity and open space.
- Planning Committee should wait for clarification on its requirements under Equality Duty, and postpone meeting.
- Minimal notification and consultation at pre-application stage.
- No details of works in adjacent open space area
- No plan outlining healthy trees proposed for felling
- No visual of Montague Street pedestrian entrance
- Concerns regarding impacts to flora and fauna
- A site visit should be arranged

Councillor Teal

Councillor Teal has provided comments, which are summarised as:

- There is the strong community feeling that the proposed parking area should be removed, to avoid loss of the green space and harm to the nature reserve which is a haven to many locals.
- Other suggested alternatives of Montague Street and Stalker Lees Road for additional parking should be considered.
- Many objectors have an issue with the proposed café, - no requirement for one when there are numerous cafes on Ecclesall Road.
- To meet air pollution reduction responsibilities, it would be better to invest in public transport.

Historic England

Historic England has commented and state that the Cemetery is a highly significant example of an early garden cemetery. The historic core of the site largely survives and local and national interest is expressed in the range of burials and a variety of notable 19th century monuments. The cemetery has a high communal value for a range of different groups, and the HLF project aims to enhance this through increasing and improving access to the cemetery. The proposals are described as resulting from a thorough understanding of the significance of the cemetery and its structures.

HE confirm they support and welcome the proposals, which will address the reasons why the cemetery is placed in their 'Heritage at Risk' Register, and provide many benefits for visitors and local residents. They comment it would provide significant enhancement of the Grade II* registered cemetery and the associated listed structures.

Gardens Trust

The Gardens Trust provided comments in relation to the original submission. They state they welcome the many excellent proposals which have emerged from a long and detailed study. However, the main comment is an objection, as there are serious concerns about the proposed car park (including the 13 bays initially proposed) and the proposed future café.

The car park and café is in the north eastern section of the cemetery where 7,800 headstones/memorials were cleared in 1980 forming a 'public park' area, and it is understood that graves remain below ground. The proposal for the siting of a car park on top of graves would be to many people highly disrespectful. Parking area would damage the site's function as a much appreciated green space, and the Pay & Display facility suggests main purpose is income generation.

An alternative termination feature is suggested, as being more symptomatic of Robert Marnock's design approach. The circular area lacks subtlety and doesn't preserve or enhance the character of this highly significant historic landscape. The car park would harm the north eastern section boundary walk, which goes through the proposed car park.

Planting plan would only partly screen car park and have a negative impact on the cemetery's historic landscape.

The amendments to the entrance will downgrade the historic entrance. Boundary Wall should curve into the entrance.

The circle shown in the south eastern corner at the path junction is crude, and an interesting tree and/or shrub planting should be used as per Robert Marnock typical design approach.

There is also thought to be a lack of information regarding tree removal and planting, hard landscaping, and views.

Natural England

Natural England advise that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Sheffield and Rotherham Wildlife Trust

Sheffield and Rotherham Wildlife Trust have submitted two comments, and these can be summarised as:

-Appears that 7 trees would be removed to accommodate the car park. Generally not in favour of providing car parks in Local Nature Reserves and Local Wildlife Sites.

-No ecological impact assessment of car park. Reports have been received about bats using this area, and this isn't covered in bat reports.

-The requirement for access/mobility is understood. If it were built, it shouldn't have bright lighting.

-Query how use of car park would be controlled, in order to prevent commuter usage.

PLANNING ASSESSMENT

National Planning Policy Framework (NPPF)

The NPPF sets out the Government's planning policies and how these are expected to be applied. The key principle of the NPPF is the pursuit of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life. The following assessment will consider these overarching principles.

Land Use Policy Issues

The site's designation as a Cemetery means it falls into the provisions of the Open Space chapter within the UDP.

Policy LR4 covers 'Open Space' and states open space will be protected from built development where it is needed for outdoor recreation, or where it makes valuable contribution to the natural environment, urban heritage or quality of life. The implications on recreation space will be covered in this section, and the impacts on the natural environment and urban heritage are covered below.

Policy LR9 (Cemeteries, Graveyards and Crematoria) requires redundant cemeteries to be retained as open space, whilst not preventing public access for grieving and paying respects and enhancing public use and appreciation of the grounds. The proposals very much retain public access to the area, and more significantly are designed to expand public usage to a wider audience and to increase engagement with the historical aspects of the cemetery. It is therefore considered that the proposals are considered to meet these land policy requirements.

LR9 also requires the relevant provisions of policy LR5 to be met. LR5 underpins the UDP's approach to open spaces, and includes the requirements that new development should not harm the character or appearance of the public space, cause a loss of open space of City-wide importance, or result in over-development or harm to the area's character.

There is a lack of informal open space in the local area. So the proposed parking area would further diminish this provision. The parking facility, as now amended includes a small car parking area giving 3 accessibility spaces adjacent to the existing Montague Street access. It would include a hardstanding area measuring approximately 11.0m by 12.5m, and the removal of 3 trees. This would involve some slight reconfiguration of boundary and plinth walling at the access to give an entry point which would be 3.5m wider.

The parking area is of limited extent. It is required as no other acceptable alternatives which would meet access/mobility criteria are available, either in the site or immediately adjacent. Those people requiring access parking bays are currently an under represented user group of the facility, and this provision would address that issue.

Given these circumstances, it is considered that the resulting minor reduction in green open space would be considered to be acceptable.

Policy CS46 (Quantity of Open Space) within the Sheffield Development Framework Core Strategy (CS) states that as opportunities arise new open spaces will be created where a quantitative shortage of open space is identified in the local area.

Policy CS47 of the CS deals with 'Safeguarding of Open Space'; and sets out the parameters against which the loss of open space must be considered.

Section a) of CS47 states that the loss of existing open space would not be permitted if it would result in a quantitative shortage of the relevant type of open space.

Section b) states that the loss of open space would not be supported if that open space is of high quality, or of heritage, landscape or ecological value.

Section c) says that people in the local area should not be denied easy or safe access to a local park that is valued or well used.

Section d) states the development should not cause or increase a break in the green network.

Given that open space is underprovided locally and the scheme does not include a quantitative replacement of the lost open space, the proposal contravenes the relevant sections of the above policies, with a particular note to CS47 a).

Against this point it is relevant that a key objective of the proposals is to enhance general public's use of the facility, with particular focus on disabled users by providing 3 mobility parking spaces within the confines of the cemetery. So whilst the proposal would result in a small quantitative reduction in open space provisions, it also achieves greater usage particularly by an under represented user-group.

In relation to CS47 b), the area of open space involved in the formation of the access/mobility parking is not considered to be of high quality. The 3 mobility spaces would not impact upon the existing war memorial, and the widened access would not undermine the historic value of the overall site. The excavations involved in the formation of the parking bays would be highly unlikely to conflict with any burial plots. It is therefore considered that the proposal would not undermine the heritage value of the site.

The 3 trees proposed for removal are not considered to make a significant contribution to the landscape value of the site in their own right, and 5 replacement trees are proposed. As a result, the proposal would be considered to not lead to a loss of open space that's of significant value in landscape terms.

In addition to the existing trees the area is maintained grass and pathways, and as a consequence the area is not considered to be of high ecological value. There is therefore not considered to be a conflict with section b).

In regards to CS47 c), no part of the community would be denied access to the site. Instead usage would be enhanced and promoted. Therefore, there is not considered to be conflict with section c).

Regarding CS47 d), the small area of the proposed parking facility would not cause a break in the Green Network.

CS47 e) to g) give circumstances where development resulting in the loss of open space will be allowed, these include where equivalent or better replacement open space would be provided in the local area; or where the site is identified as surplus for its open function; or where the development would be ancillary to the open space and have minimal impact on the use or character of the

open space. The scheme would be considered to be integral to wider and improved access to the open space, achieving increased usage. It is therefore considered that the proposal would comply with these sections of CS47.

Based upon the above, it clear that there would be some non-compliance with specific sections of local policy, most notably elements of Policy CS47. These points of conflict are considered to be outweighed by the achievement of increased access by a currently under represented user group. As such it is not considered that it would be reasonable to resist the proposals based on these issues.

Conservation and Heritage Issues

Policy BE16 'Development in Conservation Areas' states permission will only be given for proposals which preserve or enhance the character and appearance of the Conservation Area.

Policy BE19 'Development affecting Listed Buildings' states that proposals for alterations to a listed building will be expected to preserve the character and appearance of the building / structure.

Policy BE21 'Historic Parks and Gardens' states the character, setting and appearance of Historic Parks and Gardens will be protected.

Policy LR9 deals with 'Cemeteries, Graveyards and Crematoria' and is summarised above. It also requires compliance with Policy LR5 of the UDP.

LR4 states that open space will be protected where it makes a valuable contribution to urban heritage.

LR5 identifies situations including the following conservation and heritage issues where development in Open Space Areas such as the General Cemetery will not be permitted. These are where it would damage nature conservation sites, Scheduled Ancient Monuments or other archaeological sites, harm the setting of a Listed Building, damage the character of a Historic Park / Garden, harm the character or appearance of the Public Space, lead to loss of open space which is of City-wide importance, or result in over-development or harm the area's character.

The Sheffield Development Framework – Core Strategy at Policy CS74, states development will be expected to respect and take advantage of distinctive features of the city, including open spaces.

Paragraph 132 of the NPPF states that great weight should be given to conservation of designated heritage assets. Paragraph 134 adds that where a development proposal will lead to less than substantial harm to a designated heritage asset, this should be weighed against public benefits of the proposal.

The proposed formation of 3 accessible parking spaces would take an area of approximately 140sqm. Whilst it would be visible from the main open space area, it would not be considered to have a significant visual impact. The surface is proposed to be surfaced in bonded gravel, but more details would be required to be provide by

condition. There would be replacement trees planted, and it would be viewed against the backdrop of the existing stone perimeter wall and widened opening out on to Montague Street.

The proposed parking area is necessary to achieve parking provisions for disabled users. Locating this provision on Montague Street itself would not be feasible for disabled users given its gradient. Users of any access bays at or near to the Gatehouse Entrance would be faced by gradients of 1 in 12 to get to the Non-Conformist / Samuel Worth Chapel, which would be excessively steep. Given the absence of alternatives the proposed parking facility is considered to be the only remaining option for achieving access/mobility parking bays either within or adjacent to the site.

Given this context, the proposed parking facility would be considered to have an acceptable impact, and to not significantly undermine the historic amenities of the site, its listed buildings / structures, its designation as a listed garden or its general character and appearance. The impacts would be considered to have a less than substantial harm upon the designated heritage asset, and this harm would be outweighed by the public benefits which would be generated. As a result it would meet with the requirements of paragraph 134 of the NPPF.

The Gardens Trust's comments made in regards to the proposed car park relate to the original scheme featuring 13 parking spaces. However, from their comments it would appear likely that a similar objection would apply to the revised proposal.

The eastern section of the Cemetery site was re-specified as a public park from a cemetery in 1980. The clearance of 7,800 gravestones followed this with only a small portion of reburials. It is therefore likely that the proposed car-park would overlay previous burial plots.

The Gardens Trust and other representations express concern that this represents an insensitive approach, lacking appropriate respectfulness. The revised layout, has been confirmed to involve dig-depths below existing ground level of no more than 350mm. Such excavation depths are highly unlikely to involve any grave disturbance. Since no disturbance would be expected, the proposal would be considered to ensure that graves are dealt with sensitively and respectfully.

Conservation Works to the Listed and Unlisted Structures

The main components of these works concerns the catacombs, where it is proposed to address structural issues. The works primarily involve tying the outer stone leaf to the inner structural brickwork core and repointing the façade to form a weather proof surface discouraging vegetation growth. The lower tier also requires reinforcement of brick archways, and the upper tier requires the fixing of anchors into the structure.

The lower wall is to be taken down, with a suitable concrete foundation and inner leaf being constructed. The outer stone would then be re-constructed in the same form. A significant mature tree would be retained and protected, as it likely dates back to the original planting scheme. Works proposed to the upper wall are more modest, involving filling in of voids and rebuilding of sections of fallen stone walling.

Works to the top portion of the catacomb structure are proposed to prevent structural movement, involving reconstruction of a bay/pier, replacement of balustrades/pier caps and improvements to surfacing to prevent water ingress. The making good of surfacing of the two catacomb's terraces is proposed to prevent water ingress. Also the proposal involves access into an empty catacomb vault, including removal of the current stone infill from the doorway and installation of high quality metal gates.

Works are also proposed to the Non-Conformist Chapel's external areas. The focus of these works is to improve access into the chapel, including improvements to the path in front of the chapel, provision of an accessible route into the chapel and formation of a parking area for less able users.

This involves:

- The addition of extra steps in front of the chapel to address a cross-fall in front of the chapel leading to an accessible ramp at the chapel's west side and occasional car parking with grass surfacing proposed at the east side.
- The large steps at the front of the chapel include repairing of stonework and resetting of treads. A central handrail is proposed to aid accessibility. Repairs to the retaining walls at either side of the large staircase are proposed, to remove vegetation, repair stonework and install coping stones.

Works to Listed Monuments

Works are proposed to all 4 of the listed monuments, from very minor pointing and repairs to more substantial conservation works. However, the full extent of the works will not be known until elements of the structures are removed during works.

Unlisted Walls and Monuments

- Works to non-listed boundary and internal walls are proposed, and these are considered as being repairs which do not constitute development requiring planning permission or listed building consent.
- Works to non-listed monuments are also proposed, including vegetation clearance, repair and resetting of monuments if necessary, and in some cases removal of monuments to provide access to key areas of the site. These works would also not require planning permission or listed building consent.

Site Entrance Works

The proposed improvements to the site's entrance points include;

- Improvements of awareness of the site from Cemetery Avenue, by providing high quality paved forecourt area at the Gatehouse roadway/turning area. A nameplate wall is also proposed. A courtyard will also be provided just within the site as a congregation/orientation space.
- Improvements to the existing Montague Street entrance to improve awareness of the site

-The re-establishment of a smaller entrance on Montague Street close to Cemetery Road. This would be pedestrian only and improve access to the site from Cemetery Road and the city centre approach.

Pathways and Landscape Works

Proposed pathways and general landscape improvements are:

- Pathway improvements to address the site's steep gradients, focusing on the reduction of steep crossfalls, to make gradients as shallow as practical, which is 1:12 in the majority of cases. No-dig pathways are proposed in and around existing trees.
- Where paths are extremely steep (over 1:6) stepped ramps are proposed, to avoid steep and slippery paths.
- Feature spaces are proposed at key areas of the site including the central path intersection, the upper catacomb entrance and at the north of Montague House. Enhancement of existing features is also proposed, mainly at the Montague Street entrance to improve the setting of the Commonwealth War Graves Commission memorial wall.

Site Amenities

- These include lighting to the main route from Montague Street to the Non-Conformist chapel, this will support use of the converted chapel as a base for activities / events. Lighting design would be carefully considered to minimize impacts to wildlife and appropriate design.

The range of works are considered to be necessary in order to secure appropriate repairs ensuring that the buildings, monuments and structures involved have a future lifespan. The proposals also ensure that the site will become more usable in a safe and accessible way.

The range of proposals would be considered to meet the requirements of the relevant local policies. Similarly in regards to paragraphs 132 and 134 of the NPPF, it is not considered that any harm to the heritage assets would be considered to arise whilst significant public benefits would be generated. As a result, these elements of the NPPF would be considered to be satisfied.

The Applicant has provided confirmation and produced an amended Masterplan drawing to illustrate that it is not intended to reconstruct the Dissenter's Wall. The Dissenters Wall is a historically significant element of the history of the Cemetery, being a low stone wall separating the original and extended cemetery. It is intended to carry out some repairs to a maximum 10metres overall, where sections are exposed and visible for interpretation. This is most likely to be where the wall is close to or easily visible from footpaths. Notwithstanding this, the Dissenter's Wall is not a listed structure and as a result the repair works would not require full planning permission or listed building consent.

Archaeology Issues

UDP Policy BE22 covers Archaeological Sites and Monuments and requires sites of archaeological interest to be preserved, protected and enhanced. It goes onto state

that development will not normally be allowed which would damage or destroy significant archaeological sites.

The predominant archaeological interest relevant to the site are the graves, both marked and unmarked, in the remaining cemetery portion as well as the area converted to open space.

The main potential conflict with these features is the excavation works involved in the provision of new/altered pathways and in the formation of the 3 bay access/mobility parking provision.

The improvements to existing paths would essentially involve resurfacing to enhance use. There would be limited excavation, as weight loadings involved in footpath provision are not excessive. The limitation of the excavation depths results in there not being detrimental implications in this respect.

The formation of the car park would involve excavation up to a maximum of 350mm depth. This is considered to be a 'light-touch' form of construction which would be highly likely to avoid disturbance of graves, which would be further below ground level.

In order to ensure that all ground and excavation works involve acceptable excavation depths, a condition requiring submission and agreement of these measures should be incorporated into any approval.

Concern has been expressed about that the provision of the pedestrian-only entrance onto Montague Street would lead to gravestones inside the site being moved again. The entrance was previously provided and was blocked over. The gravestones are understood to have been relocated to this position as part of the removal of graves through the 1980s period when the open space was formed. Since they do not actually mark graves, and the pathway would involve very shallow excavations this issue would not be considered to form a reason to resist the scheme or require alteration to the proposals.

On this basis the proposal would meet the requirements of UDP Policy BE22, and be acceptable in this regard.

Landscaping Issues

UDP Policy GE15 covers Trees and Woodlands and states that developers will be required to retain mature trees wherever possible, and replace any trees which are lost.

UDP Policy LR5, amongst other things, requires proposals to not cause damage to mature or ancient woodland or result in significant loss of mature trees, or to significantly detract from the green and open character of the Green Network.

The applications are accompanied by a comprehensive tree survey. Along with the ecological survey, the tree survey recommends the managed thinning and clearance of some trees and vegetation in the site over a period of approximately 10 years.

The thinning of woodland planting and management of pathway edges would not require planning permission, and so will not be assessed here.

It is proposed to remove 54 trees from a total of around 360 trees. Of the 54 trees, 31 are considered to be of 'fair/poor' quality and 23 are considered to be 'good'. The proposed removals would make the entrances more welcoming and open up sight lines throughout the site. Three trees are shown as being removed in order to enable provision of the parking area. However, five trees would be planted as replacements, and the species/maturity details of these could be controlled by condition.

The proposed tree removals would be considered to have an acceptable impact upon the character of the General Cemetery site, providing enhancements of sight-lines, bringing more light into areas and enhancing habitat value, access and appreciation of the site.

It is considered that retention of the trees proposed for removal would significantly undermine the project's benefits of increasing access and making it more welcoming. The retention of all existing trees would prevent the scheme from achieving these benefits which are welcomed in broader planning terms and represent a key objective of the overall proposals. Therefore, the proposed tree removals are considered to be acceptable and to meet the requirements of policies GE15 and LR5.

Ecology Issues

The site is designated as an Area of Natural History Interest, a Local Nature Reserve and a Local Wildlife Site. It is also part of the Green Network as identified in the UDP.

UDP Policy GE10 (Green Network) states that the Green Network will be a) protected from development which would detract from its green and open character or cause serious ecological damage, and b) enhanced by encouraging development which increases the value for wildlife and recreation.

UDP Policy GE12 (Sites of Special Scientific Interest and Local Nature Reserves) states developments which would damage LNRs will not be permitted.

UDP Policy GE13 (Areas of Natural History Interest and Local Nature Sites) states development damaging Areas of Natural History Interest will normally not be permitted, and development affecting Local Nature Sites, should where possible, be sited and designed so to protect and enhance the most important features. Where development would decrease the nature conservation value, the decrease must be kept to a minimum and compensated for.

UDP Policy LR5 in part c) requires development to not detract from the green and open character of the Green Network. Also Policy LR4 states open space will be protected from development where it makes a valuable contribution to the natural environment.

The Ecology Survey provided with the application concludes that the cemetery includes a variety of habitats, including grassland, woodlands, mature trees and flowerbeds. The west of the site comprises mature trees, with self-set woodland species which are becoming increasingly dense and overgrown. The eastern portion of the site includes areas of woodland plantations planted in the 1980s which are also becoming dense, resulting in areas of impoverished ground and shrub floras and closed canopies.

It is concluded that without some thinning of the woodland, habitat diversity is declining which is reducing the variety of habitat.

The survey concludes that there is a high potential for bats and birds to be present within the site, with the Catacombs in particular having a high potential to support bat roosts and bird nesting areas. A Bat Survey was carried out on the Catacombs, which did not find any bats within the structure. There is however, the possibility that bats may use the catacombs in the future, and this also applies to mature trees within the site. It is therefore recommended that further surveys would be provided prior to any works commencing on particular parts of the site.

In response to the submissions, the Council's Ecology officer comments that the Bat Roost Assessment and Ecology Survey give an accurate and thorough assessment of the habitats, and make sensible suggestions for conservation works in line with ecological best practice.

The observation regarding the requirement to provide updated bat surveys is noted, and it is suggested conditions requiring this are added to any approval.

Additionally, it is noted that the Cemetery is widely recognised as a good quality habitat for a range of bird species. It is advised that the appropriate felling, pruning or thinning of trees and shrubs would achieve a balance between regenerating impoverished ground flora and continuing to provide suitable bird habitat. It is agreed that some of the wooded areas have become dark and impenetrable thickets of ornamental, non-native species, with shaded and impoverished ground flora. It is also considered that without conservation input it is likely that the overall biodiversity value of the site will decline. Whilst some bird species thrive in dense scrub, the key to maintaining a rich and biodiverse flora and fauna is through creating a range of habitats of different ages and structure. Therefore, a gradual and phased approach to thinning out dense thickets and scrub would help to achieve this and would therefore be supported.

The selective thinning of trees would open up glades, and in turn greatly benefit ground flora. It would also help to create a varied age structure and would be considered to be acceptable. However, a cautious approach to thinning out dense shrubberies, understorey, saplings and diseased trees is recommended to create open glades and help ground flora re-establish. In order to ensure that these procedures are carried out in a manner sensitive to ecology, a management plan covering a minimum 10 year period should be agreed and this can be required by condition. This would be able to set in place a strong emphasis on regular site monitoring and require submission of details to the Biological Records Centre.

It is therefore considered that the imposition of appropriate conditions would achieve ecological benefits, and that the proposal would meet the relevant UDP policies. As a result, it would be considered to be acceptable in this regard.

Highways Issues

The proposed insertion of three access parking spaces via a widened access point onto Montague Street would not be considered to lead to any detrimental implications upon highway safety. The access would be a shared vehicle and pedestrian point, however, the limited vehicle usage would mean conflict between these two groups would not occur.

The proposed parking area also provides a pedestrian pathway to and from the north avoiding the parking area, meaning those on foot do not need to go through the parking bay area itself.

As a result, the scheme is considered to be acceptable in this regard.

An additional potential access/mobility parking bay lies on-street bay outside of the site immediately adjacent to the Gatehouse Entrance is shown on submitted drawings. The space isn't required to make the scheme acceptable from the perspective of achieving increased access by disabled persons, but does confirm a commitment to achieving this through the entirety of the site.

The provision of 3 car parking bays would not generate a level of vehicle activity which would generate air quality concerns. It would therefore not be reasonable to resist the application due to issues connected to air quality. As such there would be no conflict with UDP policy GE23 which states only development which would not locate sensitive uses where they would be adversely affected by air pollution. Similarly, there would not be conflict with Core Strategy policy CS66, which requires air quality to be protected and action to be taken to improve air quality.

Flood and Drainage Issues

Small portions of the site are located within Flood Risk Zones 2, and a Flood Risk Assessment (FRA) has been provided with the application.

The FRA concludes that the proposal is considered suitable, subject to the implementation of recommended mitigation measures. These measures include replicating existing levels in the parts of the site in Flood Zone 2, profiling of land levels to direct flows towards nearest drainage points and the use of French drains adjacent to footpaths to allow infiltration into the ground.

It is therefore concluded that the proposals would not lead to any increase in risks from flooding either to those attending the site or others elsewhere. As a result, the proposal is considered to be acceptable in this regard, and it is recommended that any approval should include a requirement for implementation of the mitigation measures given in Section 4.0 of the FRA.

The revised drawing/s showing the modified parking layout makes provisions for drainage, which would connect into the existing drainage network in the highway. This would avoid any drainage implications within this portion of the site.

RESPONSE TO REPRESENTATIONS

The large majority of comments have been addressed in the above report. In relation to the outstanding matters the following comments can be made:

- The light, noise and air pollution arising from the revised parking provision including 3 access/mobility bays wouldn't be considered to be significant, and would not constitute a supportable reason for refusal.
- The amended proposal for 3 access/mobility parking spaces would not act to discourage sustainable transport usage.
- Montague Street is too steep to provide access/mobility parking, and being on-street there would be no scope to provide access zones adjacent to the bays. Parking on Cemetery Road would leave disabled users needing to cross the road, which would not be acceptable. Provision of access/mobility parking at Stalker Lees Road/Cemetery Avenue with access via the Gatehouse Entrance would take users to paths which either run along the site's northern perimeter to the Montague Street access or lead to over steep lengths of pathway. As a result, these suggested alternatives would not in fact achieve appropriate disabled access to the site and would not be acceptable.
- Some concerns are expressed that the proposed parking provisions would act as a precedent for similar provisions at the Anglican Chapel, however, as each case is assessed on its merits any approval of the current scheme would not justify parking provisions at Anglican Chapel.
- The alternative suggestions of mobility scooter hire, public transport infrastructure, pedestrian crossing facilities or Ofo bike facilities were not proposed as part of the application and therefore are not able to be assessed as alternatives.
- The yew tree near to Lion Gate / Gatehouse entrance would be retained
- The Ecology Survey is considered to have provided an appropriate account of the site. The bat surveys are noted as being 'in-date' up until last summer, and therefore further surveys will need to be undertaken and provided prior to the commencement of works in particular locations.
- Only 3 trees are proposed to be removed alongside the site's northern boundary. Their removal would not reveal the rear of factory units.
- The Masterplan shows a retained (and enhanced) geological circle feature.
- Lighting will be low level and aid navigation at dusk and after-dark. They would not be intended to provide wide areas of illumination and would not be expected to generate anti-social behaviour.
- The age of the Heritage Statement is not relevant, as no or little alteration has been made to/within the site in the intervening period.
- The proposed works relating to the Dissenter's Wall are limited. The structure is not listed and the proposed works are considered to be acceptable.
- A part new / part improved path runs virtually adjacent to the boundary of the site with the River Porter, making a viewing platform in this area unnecessary.
- The Catacomb works (and works to all other listed buildings / structures) are closely specified, and are considered to be acceptable.
- Materials and lighting details will be covered by conditions.

- The adjacent to the site at its east is currently open space, but is not included in the application site so is not considered as part of the current application / assessment.
- The proposed entrance on Montague Street near to Cemetery Road is not considered to present a highway safety concern. It re-instates a previously existing opening, increases access opportunities to the site and is therefore supported.
- The application does not propose a café, and the reference to one was inserted as a future potential proposal, rather than a definite proposal. It has been removed from the amended Masterplan drawing. As such there is no requirement to consider a café as part of the assessment of this application.
- Notification regarding the application/s was in accordance with normal requirements, involving 7 separate site notices and over 50 direct letters. Prior to the submission of the application several different consultation exercises were carried out.
- The alleged inadequacies of pre-application consultation would not represent reason to resist the applications or to delay their determination. Notification of the application is fully in line with statutory requirements, and the Council's published Code of Practice for publicity of planning applications, having included 7 separate site notices and direct notification of over 50 neighbouring occupiers.
- Officers have complied with their obligations in respect of the "Equalities Duty". In assessing the application and making this recommendation officers have had due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. Officers have also had due regard to the need to eliminate discrimination, harassment, victimisation and prohibited conduct and the need to foster good relations between persons who share a protected characteristic and persons who do not share it.

SUMMARY AND RECOMMENDATION

The proposal seeks full planning permission and listed building consent for a wide programme of works to the General Cemetery Site, which includes a number of individually listed buildings, monuments and structures.

The Applicants are currently part way through a bid process where grant funding totalling £3.8million from the Heritage Lottery Fund is being sought. This funding would facilitate works allowing the site to be removed from Historic England's 'Heritage at Risk' Register.

The proposals are considered to have an acceptable impact on the architectural and historic character and significance of the site overall, as well as the individually listed buildings and structures.

The proposed tree removal would be carried out through a 10 year management programme and would be considered to open up the site, and have ecological benefits throughout the site.

The scheme would be considered to enhance the site's attractiveness as an open space feature, and the proposed accessible car parking facility would widen the user groups able to access the site with only a very limited reduction in the open space area.

Overall, the scheme would be considered to meet the relevant UDP and Core Strategy policies and the relevant aspects of the National Planning Policy Framework.

On this basis the applications are considered to be acceptable and therefore planning permission and listed building consent are recommended.

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Case Number	18/00236/LBC (Formerly PP-06468903)
Application Type	Listed Building Consent Application
Proposal	Conservation works to listed/non-listed historic features; walls/catacombs; and to listed/non-listed monuments, improvements to site entrance points, landscape improvements including general footpath improvements, installation of wayfinding signage, management of trees/vegetation, and improvement/inclusion of new amenities, lighting, and car parking
Location	Sheffield General Cemetery Cemetery Avenue Sheffield S11 8NT
Date Received	16/01/2018
Team	South
Applicant/Agent	Claire Halestrap
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 Planning (Listed Buildings and Conservation Areas) Regulations 1990.

Approved/Refused Plan(s)

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

- Whole Site Masterplan (Planning) / 105.01.410 rev F
- Detail Area 1 - Gatehouse Forecourt / 105.01.420 rev B
- Detail Area 2 - Gatehouse Courtyard / 105.01.421 rev A
- Detail Area 3 - NC Chapel / 105.01.422 rev A
- Detail Area 4 - Central Intersection / 105.01.423 rev A
- Detail Area 5 - Montague Street Entrance + Car Park / 105.01.424 rev B
- Detail Area 5 - Montague Street Pedestrian Entrance / 105.01.425 rev B
- Detail Area 7 - Catacombs Valley / 105.01.426 rev A
- Boundary Wall PROPOSED MINOR REPAIRS TYPE A / 105.01.360 rev -

- Boundary Wall PROPOSED MAJOR REPAIRS TYPE B / 105.01.361 rev -
- Boundary Wall PROPOSED RECONSTRUCTION TYPE C / 105.01.362 rev -
- Boundary Wall PROPOSED RECONSTRUCTION for End Pier / 105.01.363 rev -
- Proposed Catacombs Terraces Section / 105-01-470 rev -
- Section F - Sheet 1 of 2 / 105-01-471 rev -
- Section F - Sheet 2 of 2 / 105-01-472 rev -
- Section C-C - Non Conformist Chapel / 105-01-475 rev -

Reason: In order to define the permission.

Pre-Commencement Condition(s)

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

3. Details of the new pedestrian entrance onto Montague Street including details and samples of materials where required, and elevational drawings specifying how the exposed stonework created by the new opening shall be finished off, shall be submitted to and approved in writing by the Local Planning Authority before that part of the development commences. Thereafter, the development shall be carried out in accordance with the approved plans.

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

4. Details of the amendments to the existing site entrance onto Montague Street including details and samples of materials where required, and elevational drawings specifying details of the modifications, shall be submitted to and approved in writing by the Local Planning Authority before that part of the development commences. Thereafter, the development shall be carried out in accordance with the approved plans.

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

5. Prior to the installation of any signage within the site or its perimeter a Signage Strategy document shall be submitted to and approved in writing by the Local Planning Authority, this shall include details of signage relating to the access/mobility parking provisions. Thereafter, all signage shall be installed in accordance with the approved documentation.

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

6. Prior to the installation of any lighting within the site or at its perimeter a Lighting Strategy document shall be submitted to and approved in writing by the Local Planning Authority, this shall include details of the location and specifications of each item of lighting equipment. Thereafter, all signage shall be installed in accordance with the approved documentation.

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

7. Prior to the installation of any refuse bins within the site, details of the location and appearance of each refuse bin shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all refuse bins shall be installed in accordance with the approved documentation.

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

8. Prior to the installation of any handrails details of their location and design shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all handrails shall be installed in accordance with the approved documentation.

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

9. Prior to the installation of any benches within the site details of their design and location shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all benches shall be installed in accordance with the approved documentation.

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

10. A document identifying details of works to all listed structures and buildings shall be submitted to and approved in writing prior to the commencement of the works on each listed structure and building. The works shall proceed in accordance with the approved details thereafter.

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

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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Joint Report – for main report see 18/00235/FUL

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Case Number	18/00177/OUT (Formerly PP-06663773)
Application Type	Outline Planning Application
Proposal	Erection of up to 4no dwellings with integral garages including provision of two access roads and associated parking
Location	Land At Junction With Loxley Road Black Lane Sheffield S6 6RR
Date Received	15/01/2018
Team	West and North
Applicant/Agent	Crowley Associates
Recommendation	Refuse

Refuse for the following reason(s):

- 1 The development is not considered to constitute one of the exceptions from the definition of inappropriate development identified in Paragraphs 89 and 90 of the National Planning Policy Framework and Policy GE3 of the Unitary Development Plan. In the absence of very special circumstances, which in this case have not been demonstrated, the Local Planning Authority consider the development constitutes inappropriate development in the Green Belt and is therefore contrary to Unitary Development Plan Policy GE3 and paragraph 89 of The National Planning Policy Framework.
- 2 The Local Planning Authority consider that the development of this greenfield site with a substantial undeveloped road frontage does not represent limited infilling in a village for the purposes of Paragraph 89 of the National Planning Policy Framework or represent infilling of a single plot within the confines of a village, group of buildings or substantially developed road frontage as defined by Unitary Development Plan Policy GE5. The development therefore constitutes inappropriate development in the Green Belt. In the absence of very special circumstances, which in this case have not been demonstrated, the Local Planning Authority consider that the development would be contrary to Unitary Development Plan Policies GE1 (a) and (c), GE3 and GE5, Core Strategy Policy CS71 and Paragraphs 14, 17, 79, 87, 88 and 89 of the National Planning Policy Framework.
- 3 The Local Planning Authority consider that the development of this site for up to four dwellings would lead to the unrestricted sprawl of the built up area and

the encroachment of urban development into the countryside. The development is therefore considered to detract from the general openness, landscape character and visual amenities of the Green Belt and would not conserve and enhance the landscape and natural environment. In the absence of very special circumstances, which in this case have not been demonstrated, the development is considered to be inappropriate development contrary to Unitary Development Plan Policies GE1 (a) and (c), GE3, GE4, Core Strategy Policy CS71 and Paragraphs 7, 14, 17, 79, 80, 87, 88 and 89 of the National Planning Policy Framework.

Attention is Drawn to the Following Directives:

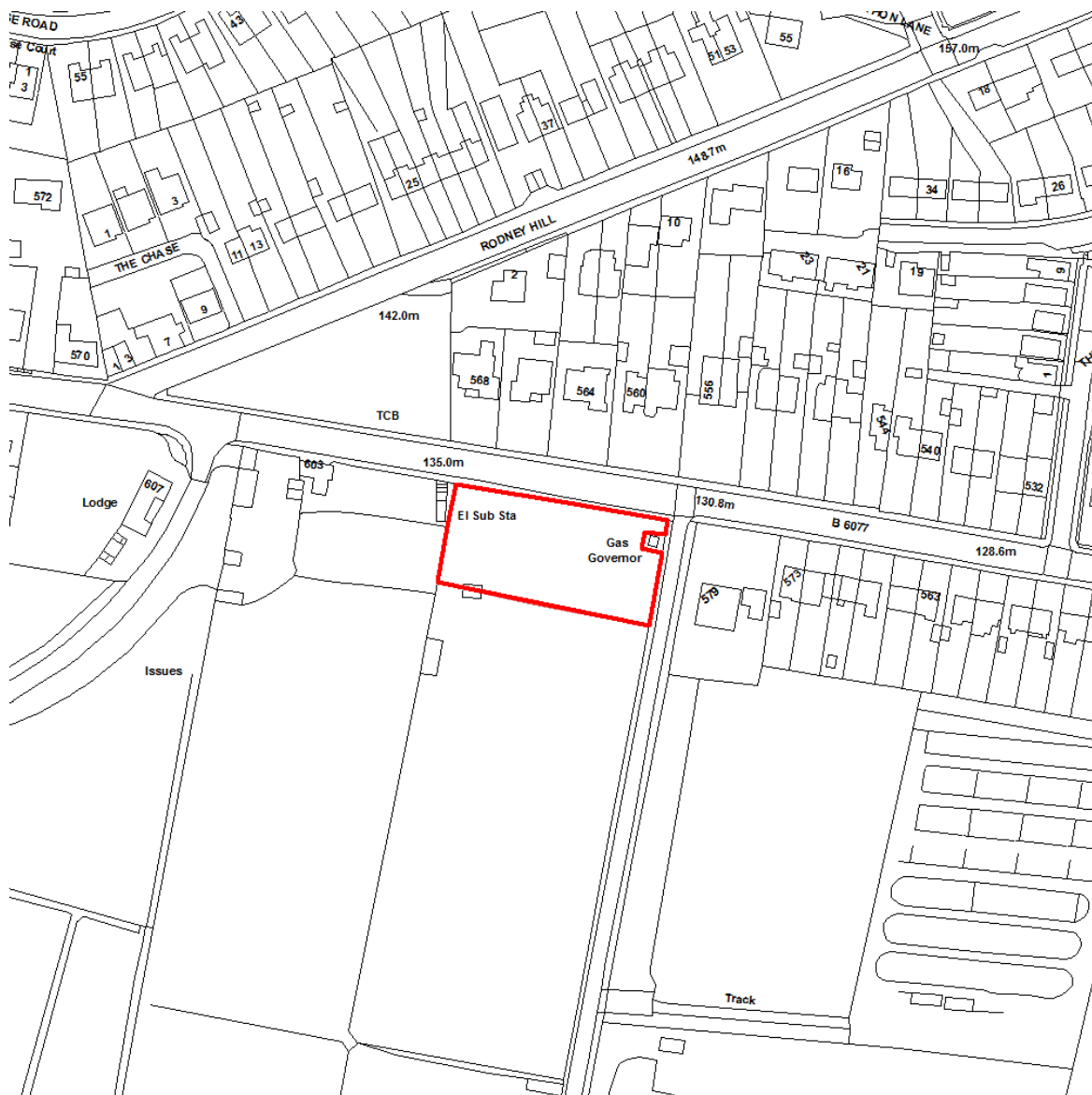
1. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:

- Drawing No. 1601/OP02 Revision A (Section Through Loxley Valley);
- Drawing No. 1601/OP03 Revision C (Indicative Site Plan);
- Drawing No. 1601/OP04 Revision C (Indicative Ground Floor Plan);
- Drawing No. 1601/OP05 Revision C (Indicative First Floor Plan);
- Drawing No. 1601/OP07 Revision B (Indicative Long Sections);

Prepared by WAP Architects

2. Despite the Local Planning Authority trying to work with the applicant in a positive and proactive manner it was not possible to reach an agreed solution in negotiations.

Site Location



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LOCATION AND PROPOSAL

The application relates to the northern part of an open field that is situated along the southern side of Loxley Road.

The application site is situated in the Green Belt as identified on the Unitary Development Plan (UDP) Proposals Map. The site covers an area of approximately 0.2 hectares and is currently being used as a grassed paddock for the keeping of horses and includes two horse shelter structures.

The site fronts onto Loxley Road to its north and Black Lane to its east. To Loxley Road, the site frontage is 65m and to Black Lane it is 32m. The site has a gently sloping landform that falls away from Loxley Road in a southerly direction. Low stone walling forms the boundary enclosures to both road frontages. To the east of Black Lane is a detached dwellinghouse (570 Loxley Road) and to its west is an electricity sub-station compound, beyond which is

the front garden area of a detached dwellinghouse that is owned by the applicant (Chase Farm, 603 Loxley Road). The land to the rear of the application site is also used as a paddock for the keeping of horses. Beyond this paddock, the land drops down to the valley floor that runs to the River Loxley and a wooded escarpment.

Black Lane is a private road, which carries a definitive footpath. The lane provides access to the Telecom Sports Ground and a small cluster of dwellinghouses that link into Low Matlock Lane. Loxley Cemetery is situated to the southwest of the application site.

The applicant is seeking outline planning permission to erect up to four dwellinghouses on this site. The applicant is requesting that only the principle of the dwellinghouses and access to the site be considered under this outline application, with appearance, landscaping, layout and scale being reserved for future consideration. Notwithstanding that, the application is accompanied by several drawings to illustrate the potential layout and appearance of the proposed four dwellinghouses and their means of access from the adjoining highways.

The indicative layout of the four dwellinghouses shows three of the four houses would be accessed from Black Lane and arranged on site with two of the properties located towards the southern side of the plot and the third located at the end of a shared driveway. The fourth dwellinghouse in contrast would have its own access from Loxley Road and be sited towards the western side of the plot. All four houses are indicated to be two-storey in height and comprise 3/4 bedrooms. The indicative design of all four takes a traditional form, all constructed with dual pitched tiled roofs.

RELEVANT PLANNING HISTORY

A pre-application enquiry (Reference No. 17/01295/PREAPP) was submitted in March 2017 to establish whether it would be acceptable in principle to develop the site for housing. The indicative plans that accompanied the pre-application submission showed the erection of four detached dwellinghouses with vehicular access being taken from Black Lane and Loxley Road. Despite the advice given by officers that the proposed development of four dwellinghouses on this Green Belt site would represent inappropriate development as defined in the development plan and government policy contained in National Planning Policy Framework (the NPPF), the applicant has decided to pursue the development of this site for housing through the submission of this application.

SUMMARY OF REPRESENTATIONS

A number of representations have been received in response to this application. Of these representations, 21 are in support of the application, and 31 are opposed. Representations have also been received Loxley Valley Protection Society (LVPS), and Bradfield Parish Council.

A summary of all the representations received are listed below:-

Support (21)

- The development is well designed and sympathetic to the area;

- The difference in ground levels of the site would mean that the ground floor of the houses will not be readily visible from Loxley Road;
- Small housing sites like this should be allowed;
- The proposal represents appropriate infill development between other properties on the side of the application site;
- The development would have very little impact on the amenity of the area;
- The development will allow more families to live in this beautiful area of Sheffield;
- There is currently a shortage of suitable family housing in the immediate area;
- The development is located in a desirable area with good local services;
- The development does not involve extending the village outwards and would only enhance Loxley;
- The construction of more houses using Black Lane will make no difference to the amount of traffic that road already carries. It is already being extensively used to serve housing and to gain access to the sports ground;
- The proposed development does not take up much of the Green Belt, being a small proportion of the land and continues the building line along Loxley Road;
- The site is ideal for new housing, being located to a primary school that has recently gained 'outstanding' in a recent Ofsted review;
- Attracted to an area that is multicultural;

Object (31)

- It would change the landscape character of the Parish.
- The application would potentially set a precedent for further development in the Green Belt;
- The proposed housing infills open green space. The designation of the site as Green Belt is to prevent exactly this sort of development. To allow the development, exceptional circumstances must exist that this development does not fulfil;
- It is highly questionable whether the proposed development is an 'exceptional circumstance' and can justify encroachment in the Green Belt;
- Visual amenity and landscape/urban character. The proposed development on this land would erode the existing semi-rural character at this edge of Loxley. This gap in the line of housing on Loxley Road provides the first open green space, allowing views down to the wooded valley, and indicates the 'edge' of the built up area and start of the countryside;
- Highway Safety Issues. The junction of Black Lane and Loxley Road is hazardous and is blind to vehicles entering from Loxley Road. More cars would also be a detriment to pedestrian safety. The Lane is used primarily for access to the cottages at the bottom of the road and dog walking. It is a one track road, which is not wide enough to allow for the safe access of more traffic. The hazards of the junction were recognised in a report to the West and North Planning and Highways Committee in 2009 (application No. 09/03568/FUL) where Members requested a TRO to provide double yellow lines either side of Loxley Road/Black Lane. This was never carried out.
- Limited infrastructure to support further housing. The local primary school is oversubscribed and only one small shop on Loxley Rd;
- Black Lane is foremost a public footpath and must remain as such;
- It is understood that there are covenants regarding the use of the land where attached to the registered title when the land was sold to the applicant by SCC;

- Loxley is a rural area which would be spoilt should houses continue to be built;
- Sheffield prides itself as being a Green city. The development on this Green Belt site would be in direct opposition to these ambitions;
- The grass paddock marks the access to the beautiful lower valley and provided uninterrupted views across the valley;
- Black Lane forms the end of the developed area of Loxley Road with only original old farm buildings and 100 + year old properties on the final section of Loxley Road;
- It is understood that the applicant is seeking to build an accessible property due to ill-health
- There is a wealth of brownfield sites nearby more suited for housing development;
- The Planning Statement outlines other developments that have taken place within the Green Belt. The fact that building work has taken place elsewhere is no reason to allow this land to be developed;
- Environmental effect on wildlife;
- The development could mean a further eight cars using the bottle neck at Malin Bridge;
- Increased pollution and surface water runoff;
- The development of four detached houses will not be affordable for young families;
- The development would conflict with the guidelines of the Loxley Valley Design Statement, which details that ‘development should not damage important views in and into the Loxley Valley’. The proposed development would damage important views and remove the ‘gateway view’ from Loxley Road. It would also remove the view from the bridleway and bench on the village green at the junction of Loxley Road and Rodney Hill.
- The development would be strategically damaging for the city as well as locally damaging for the neighbourhood. Campaign to Protect Rural England (CPRE) has made the point that ‘the surrounding countryside is a major economic asset for Sheffield, now recast as the Outdoor city (CPRE South Yorkshire ‘Green Belt Blueprint’).

Bradfield Parish Council has no objection to the application but did raise general concerns regarding the development within the Green Belt.

Loxley Valley Protection Society (LVPS) has raised an objection to the application stating that the site is within the Green Belt and there are no special circumstances to allow the development. The concerns of LVPS are summarised as follows:

- The other Green Belt developments quoted in the applicant’s Planning Statement to justify this development are perfectly legitimate developments in planning terms;
- The application site is at a point where there is a break in the more modern ribbon development on Loxley Road and the older traditional stone properties around the village green;
- This gap in the housing allows for an important view into the Loxley Valley as enshrined in the Loxley Valley Design Statement.
- If the infill of this Green Belt gap is allowed, it could create a precedent for continuous ribbon development on both sides of Loxley Road out as far as Rowell Lane;
- There are restrictive covenants put on the use of the fields at Chase Farm at the time of the sale. One of the covenants states that ‘The land shall be used for agricultural purposes only’;

- Black Lane also has its own restrictive use clauses put on it by its owners, and apart from some very limited access, clearly laid down for each land parcel, it is merely a footpath. There is a possibility that there is no right to use the access from the application site field at the top of Black Lane.

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;
- iv. Residential Amenity Issues;
- v. CIL issues; and
- vi. Other Material Planning Issues

These are considered in turn below:-

Principle of Development - Policy and Land Use

The application site should be assessed against Unitary Development Plan (UDP) Policies GE1, GE3, GE4 and GE5. Also relevant is Core Strategy Policy CS71 (Protecting the Green Belt). The application should also be assessed against government policy contained in the National Planning Policy Framework (NPPF).

Green Belt Considerations

UDP 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.

UDP Policy GE3 states that in the Green Belt, the construction of new buildings will not be permitted, except in very special circumstances, for purposes other than agriculture, forestry, essential facilities for outdoor sport and recreation, cemeteries, and other uses which would comply with Policy GE1.

UDP Policy GE4 seeks 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.

UDP Policy GE5 sets out the circumstances where new houses would be allowed in the Green Belt. Under this policy it states that other than those needed to support agricultural and other acceptable uses, housing will be permitted only where this would involve either infilling of a single plot within the confines of an existing village, group of buildings or substantially developed road frontage or replacement of an existing house on the same site providing it is not significantly larger than the one it replaces.

Core Strategy Policy CS71 states that countryside and other open land around the existing built-up areas of the city will be safeguarded by maintaining the Green Belt, which will not

be subject to strategic or local review. Exceptionally, changes may be made to remove untenable anomalies where the change would not undermine the purposes or objectives of Green Belt in that area. Development needs will be met principally through the re-use of land and buildings rather than through expansion of the urban areas and villages. It is acknowledged that a Green Belt review is going to be undertaken as part of the forthcoming Local Plan process and as such part of Policy CS71, which states that the Green Belt will not be subject to strategic or local review is arguably out of date but the other element of Policy CS71 remains extant i.e. development needs should be met principally through the re-use of land and buildings rather than through expansion of urban areas.

National policy is contained within National Planning Policy Framework (the NPPF). It states at Paragraph 79 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics of Green Belts being their openness and their permanence.

Paragraph 87 of the NPPF details that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 89 details that Local Planning Authorities should regard the construction of new buildings as inappropriate development in Green Belt, with exceptions to this limited to amongst others, buildings for agriculture and forestry, the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, limited infilling in villages and limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

Assessment against relevant UDP and Core Strategy policies

The Council's policy position is very clear in terms of circumstances where new houses would be allowed in the Green Belt. Under Policy GE5 of the UDP, it states that new houses in the Green Belt, other than those needed to support agriculture and other acceptable uses will be permitted only where this would involve either the (i) infilling of a single plot within the confines of an existing village, group of buildings or substantially developed road frontage or (ii) the replacement of an existing house on the same site, providing that the new house is not significantly larger than the one it replaces.

In terms of part (a) of Policy GE5, the UDP defines "existing village and substantially developed road frontages". This definition includes the villages of Bolsterstone, Dungworth, Brightholmlee and Ewden Village with substantially developed road frontages including road frontages along Chapeltown Road, Whitley Wood Road and Long Line. The definition does not include Loxley as a village and nor does it define Loxley Road as a substantially developed road frontage for the purposes of this policy.

The reasoning behind policy GE5 is provided in the supporting text, which details that as a general rule, the policy restricts infilling to a single plot in order to strictly control further built development in the Green Belt. It does however go on to state that much will depend on the character and appearance of the site and its surroundings, making reference that in existing villages, infilling of larger areas of land to accommodate more than one house may be justified where it would meet an identified local need for affordable housing.

In order to benefit from the provisions of GE5, the application site must lie within the confines of an existing village, group of buildings or substantially developed road frontage that has been clearly defined in the UDP. Furthermore even if the application site does lie within such a location, it should normally be of a single plot size only. In other words, the plot width of the development site should be of a size that could reasonably accommodate a 'single dwellinghouse' only.

The proposal involves the erection of up to four detached dwellinghouses on a site of 0.2 hectares that comprises a road frontage to Loxley Road of 65m, a plot width which is significantly greater than the typical plot widths of existing housing along Loxley Road.

The development could not reasonably be considered to represent the infilling of a single plot for the purposes of Policy GE5. With regard to this, although there are a few examples of properties along the southern side of Loxley Road that comprise generous plot widths, including 579 Loxley Road and the applicant's own property (603 Loxley Road), the typical plot width of houses along the southern side of Loxley Road range between 9m and 10m. Even if the plot widths of No. 579 Loxley Road (25m) and 603 Loxley Road inclusive of its side garden curtilage (41m) is included within the assessment, the plot width of the application site (65m) is significantly greater, and in respect of the typical plot widths, some six times larger.

The application relating to the erection of four dwellinghouses does not involve the infilling of a single plot within the confines of an existing village, group of buildings or substantially developed road frontage nor does it represent the replacement of existing houses on site. Moreover, the proposed development is for private sale and would not meet an identified local need for affordable housing, where infilling of larger areas can be justified, but again only if the application site is within the confines of an existing group of buildings, or a village or substantially developed road frontage as defined in the UDP.

As such, it is considered that the development of this site for housing would be contrary to Policy GE5 of the UDP.

Also material in officers' opinion is the recent appeal decision relating to a proposed development at Holt House Farm, Long Line that was dismissed by the Inspector in September 2017 (APP/J4423/W/3174720). The Planning Inspector considered that the development of one dwellinghouse and the subdivision of a farmhouse into 3 dwellinghouses that would be visually split into two distinct plots did not represent 'substantially developed frontage' for the purposes of Policy GE5 of the UDP. While the Inspector accepted that the new dwellinghouse would be positioned at the other end of the appeal site to the existing farmhouse, he concluded that the new dwellinghouse would result in a loss of openness by introducing new built form within the Green Belt.

As set out above, UDP Policy GE1 details that development in the Green Belt will not be permitted, except in very special circumstances, where it would (a) lead to unrestricted growth of the built-up area, (b) contribute towards merging of existing settlements, (c) lead to encroachment of urban development into the countryside, and (d) compromise urban regeneration. The proposal to erect up to 4 dwellinghouses on this site would introduce new built form on an open parcel of Greenfield land that is designated Green Belt. The development would therefore be contrary to parts (a) and (c) of UDP Policy GE1, in that it

would lead to unrestricted growth of the built-up area and lead to the encroachment of urban development into the countryside.

UDP Policy GE3 relates to new buildings in the Green Belt, and states that new buildings will not be permitted, except in very special circumstances, for purposes other than agriculture, forestry, essential facilities for outdoor sport and outdoor recreation, cemeteries and other uses that would comply with UDP Policy GE1. The development of the site for housing does not fall within any of the acceptable uses in the Green Belt as set out under this policy. The development would therefore be contrary to UDP Policy GE3.

Core Strategy Policy CS71 details that it is proposed to maintain the strategic extent of the Green Belt. Although the Council will undertake a review of its Green Belt boundary as part of its preparation of the Local Plan, the development would fail to meet the aims and intentions of the policy in that new development will be primarily met through the re-use of land and buildings rather than 'through expansion of the urban areas and villages'.

Assessment against policies contained within the NPPF

Paragraph 17 of the NPPF sets out 12 core land use principles that both underpin plan-making and decision taking, within the overarching role that the planning system ought to play. One of these core planning principles (5th bullet point) is to take account of the different roles and character of different areas and the protection of Green Belts.

Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt, with exceptions to this including limited infilling of villages and limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

With regard to Paragraph 89, the NPPF is silent in terms of explaining the term "limited infilling" for the purposes of assessing whether a proposed development is appropriate in the Green Belt as defined in paragraph 89. Similarly the NPPF does not define "village" for the purposes of applying national Green Belt policy either. Of relevance however is the 2015 Court of Appeal Ruling in *Wood v Secretary of State for Communities (Wood v SSLG - 2014)*. In this case, it was ruled that whether or not a proposed development constitutes "limited infilling in a village" is a matter of planning judgement taking into consideration what is on the ground. While the fact that a site may lie outside a village boundary as designated in the development plan might be relevant, it is not however determinative of the point as to the proper meaning of Paragraph 89 of the NPPF with regard to "limited infilling in villages". In respect of this application there is nothing to suggest in 'officers view' that Loxley is anything other than within the main urban area of Sheffield.

Within the context of the development plan, Loxley is not considered to be a separate settlement or village, rather it is part of the main urban area. This is evidenced on the UDP proposals map which includes Loxley as being contiguous with the urban area. The boundary of the main urban area is effectively the Green Belt boundary. Development proposed outside the boundary of the main urban area, in the Green Belt, is covered by Green Belt policies, and the only exceptions to this are those small settlements and

substantially developed frontages specifically referenced within UDP Policy GE5, which does not include Loxley.

At Paragraph 4.4, the Core Strategy confirms the overall settlement pattern noting that the main urban area includes all of the continuously built-up area and suburban areas. This would include Loxley.

The proposed development from Loxley Road would be visually split into two plots, one providing a single house and the other three houses. Secondly the size of the plot width is far greater than the typical plot sizes of houses along the southern side of Loxley Road as well as being 'physically' divorced from the houses to the east by Black Lane, which limits the existing dwellings' association with this proposed group of houses. The application site is also separated from the residential curtilage of 603 Loxley Road by the confines of the electricity sub-station compound, which also limits its association with houses along its western side.

It is the opinion of officers that 'limited infilling' as identified in the NPPF may not specifically limit the number of new buildings to one. If that was the case, it would have spelt this out within the NPPF, but instead it allows the discretion of the Local Planning Authority to make a clear and reasoned interpretation of this by taking into account the site specifics and surrounding context.

In this regard, it is disputed by officers that the development of a 65m length of open frontage comprising of an area of some 0.2 hectares of undeveloped greenfield land, which is separated from neighbouring housing on both its outer sides could reasonably be considered to represent limited infilling for the purposes of Paragraph 89 of the NPPF. Moreover, the application site forms a wide parcel of former agricultural land, now in use as a grassed paddock that provides an attractive green buffer between the existing buildings on either side of the site and currently provides open and unrestricted views of the valley. It is considered that the application site provides an important open space along the line of houses along Loxley Road, which allows open views down to the wooded valley. The openness of the site is one of its key characteristics. Consequently development on the site would conflict with the fundamental aim of Green Belt policy as set out in Paragraph 79 of the NPPF, which is to prevent urban sprawl by keeping land permanently open. On openness, Members are advised that there is a distance of approximately 100m between the eastern gable of no. 603 Loxley Road and Back Lane, and a further 15m to the western elevation of no. 579 Loxley Road. Within this substantial gap is a small electricity substation part way along the frontage, a gas governor kiosk close to the road frontage alongside Back Lane, and two horse shelter structures further into the field set back from the road frontage. Despite the presence of these structures and buildings this gap is characterised by its openness, which would be significantly diminished by the proposed development.

While it is accepted that there are several dwellings to the west of the site, these properties form part of the older heritage of Loxley, which together with the application site and adjacent cemetery signifies the point at which there is a marked change to the character of the area, changing from an urban setting to rural setting. The application site is part of an open field that forms part of an attractive valley landscape. The site is open grassland, which is considered to positively contribute to the visual character of the surrounding area. While it is acknowledged that the application site is lower than the adjoining highway, the erection of new houses on upper sections of the open field closest to Loxley Road, together with the

proposal to open up the stone boundary wall to Loxley Road would have a significant impact on the landscape character of the site. It is considered that the development fails to preserve the landscape and natural environment contrary to UDP Policy GE4.

The application site is not considered to be in a village but in any event the proposed development is not considered to constitute limited infilling. Officers do not therefore consider that the erection of up to four houses on this site would meet the terms of the fifth bullet point of Paragraph 89 of the NPPF and as such the proposed development is considered to be inappropriate development.

Again the Holt House Farm decision is considered relevant as the Planning Inspector concluded that the development of one dwellinghouse and the subdivision of a farmhouse into 3 dwellinghouses as described above did not represent "limited infilling" for the purposes of paragraph 89 of the NPPF.

The development would also not benefit from the exemption relating to the partial or complete redevelopment of previously developed sites contained in the sixth bullet point of Paragraph 89 of the NPPF since the site is a grassed paddock that is greenfield land and does not fall with the definition of previously developed land set out in Annex 2 of the NPPF.

For the reasons set out above, it is considered that the development would not benefit from any of the exceptions set out in Paragraph 89 of the NPPF. As such, the development for up to four dwellinghouses should be regarded as inappropriate development in the Green Belt.

In instances when the development is considered to be inappropriate development, Paragraph 87 of the NPPF details that the development should not be approved except in very special circumstances.

Paragraph 88 of the NPPF details that when considering any planning application, local authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

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

The applicant considers that the proposed development is both compliant with Development Plan policies GE1, GE3 and GE5(a) and government policy contained in the NPPF. The applicant's planning statement goes on to assert that even if the proposed development was not policy compliant, very special circumstances exist due to the fact the Council does not have a five year housing supply and this development would contribute towards housing supply.

Officers are of the opinion that the lack of a five year housing supply alone would not necessarily constitute very special circumstances but certainly does not in this case. Up to date information regarding the five year supply, which forms part of the assessment of

officers with regard to establishing whether or not very special circumstances exist, is contained below.

Officers have set out below other land use considerations that should be considered as part of the assessment of developing this site for housing.

Other Policy Considerations

Core Strategy Policy CS23 seeks to concentrate new housing (at least 90%) within the main urban areas of Sheffield. Policy CS24 seeks that priority be given to the development of previously developed land (brownfield sites) and states that no more than 12% of new dwellinghouses should be on greenfield sites between 2004/05 and 2025/26.

In terms of Core Strategy Policies CS23 and CS24, the Council is currently achieving 96% of all new housing on previously developed land. The development of this greenfield site for up to four dwellinghouses would not therefore conflict with either of these two core strategy policies.

Paragraph 6 of NPPF details that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 of the NPPF details that there are three dimensions to sustainable development: economic, social and environmental, all of which give rise to the need for the planning system to perform a number of roles. In short, these roles are to contribute to building a strong, responsive, and competitive economy by ensuring that sufficient land of the right type is available in the right places, supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the need of present and future generations, and contributing to protecting and enhancing the natural, built and historic environment.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It goes on to state that where a Local Planning Authority cannot demonstrate a five-year housing supply, relevant policies for the supply of housing should not be considered up-to-date.

At present, Sheffield can only demonstrate a 4.5-year housing supply of deliverable housing sites across the city. In addition to Paragraph 49, Paragraph 14 of the NPPF indicates that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless, amongst other things, specific policies in the NPPF indicate development should be restricted. The specific policies, which indicate that development should be restricted are set out at Footnote 9 of the NPPF and include policies relating to land designated as Green Belt. Therefore, despite the fact that the Council is currently unable to demonstrate a five-year housing supply, the NPPF is clear that the failure to demonstrate a five-year housing supply does not apply a presumption of granting planning permission at the expense of the development of Green Belts.

In any event, officers' consider that the development of this site for a maximum of four dwellings would only make a modest contribution to the provision of housing across the city, the weight being attached to this should therefore be limited. It is also considered that the economic and social benefits of the scheme would be modest, and would not significantly contribute towards construction jobs and local area spending that any significant weight should be attributed.

It is also considered that the development of four dwellinghouses on this site would not contribute to protecting and enhancing the natural, built and historic environment, one of the three dimensions to sustainable development as set out at Paragraph 7 of the NPPF. While the site is currently used as a grassed paddock, the application site provides an open expanse of land that provides views down to the valley floor, which the development would diminish at the expense of the character of the surrounding area. Despite the applicant's assertion that the proposed development would not diminish open views and would have no adverse impact on the character or appearance of the surrounding landscape or its landscape value, it is clear from officers' site visit and indicative section drawings provided with the application that the redevelopment of this site would have an impact on openness. While it is acknowledged that the site levels are lower than the adjoining public highway (Loxley Road), the upper sections of the dwellinghouses and their roofs (as per the indicative drawings) show that they would be pronounced above the stone boundary wall to impinge on the current unrestricted view that is taken through and across the site.

As set out in the Loxley Valley Design Guide 1995, the landscape setting of the area including the application site is recognised for its special quality and details at Guideline a) that 'Development should not damage important views in and into the Loxley Valley'. From the officer's site visit it was clear that the development of this site would damage an important view into the Loxley Valley particularly from the public open space that lies across Loxley Road to the northwest of the site.

Summary of policy analysis on the principle of the proposed development

In light of the above, it is considered that the development of this site up to four dwellinghouses represents inappropriate development in the Green Belt.

While some weight can be given to the economic and social benefits of the scheme, it is considered that these do not amount to very special circumstances to allow the development and it is in clear conflict with the environmental role of sustainable development. Paragraph 88 of the NPPF details that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'. It is considered that the harm that would arise by the development of this site is not outweighed by other considerations of any significant weight that would outweigh the clear presumption against inappropriate development in the Green Belt.

The development is therefore considered to be contrary to UDP Policies GE1 (a) and (c), GE3, GE4 and GE5, Core Strategy Policy CS71 and government policy contained in NPPF.

It is acknowledged by officers that the Council has placed on record that it is committed to undertaking a review of its Green Belt boundary as part of its preparation of the Local Plan, which may in due course lead to the release of some Green Belt land for housing. This is despite the policy position of Core Strategy Policy CS71, which states that the Green Belt will not be subject to strategic or local review. However, Members are advised that the initial review of the Council's Green Belt boundary will not be available until the draft Local Plan is published for consultation later this year. The current Green Belt boundary will remain in place until formal adoption of the new Local Plan, which is anticipated to be in 2021. Any proposed Green Belt boundary changes consulted on would be afforded the appropriate

level of weight as may be relevant at the time until a new Local Plan is adopted but as at today's date the current Green Belt boundary and related policies are afforded full weight.

Highway Issues

From a highway perspective it is considered that the development does not raise any significant concerns. Despite a number of objections being received from the residents of neighbouring properties with regard to highway safety, it is not considered that the proposal would result in significant vehicle movements, insofar as to prejudice highway safety. Visibility onto Loxley Road from Black Lane is good. 'CrashMap' has been interrogated to ascertain that over the past 5 year period, there have been no personal injury accidents recorded at the junction. Indeed, neither have any accidents been recorded associated with movements directly on and off Loxley Road from residential private drives in the vicinity of Black Lane.

While it is acknowledged that Black Lane is narrow in places, officers are satisfied that the proposal to provide a new access serving three dwellinghouses off Black Lane would not tangibly impede the free flow of traffic along Loxley Road or result in conflict between vehicles approaching from the site and vehicles turning onto Black Lane from Loxley Road. It should be noted that Black Lane already serves a number of private properties, including being the main access to the sports playing fields. Trips associated with the proposed 3 houses will not be significant when set against current levels of traffic.

Some concerns/objections have also been received relating to the applicant's rights of vehicular passage along Black Lane. Highway records show that Black Lane is a private road, which carries a definitive footpath. The Land Registry shows no registered ownership of the road and nothing to show that the occupants of the existing cottages at the southern end of Black Lane own it, although they almost certainly do have rights of vehicular passage/access. Officers are unaware whether the applicant has their own private rights of vehicular passage along Black Lane, but regardless of this, this is a private matter that does not fall within the scope of planning control.

Design Issues

UDP Policy BE5 seeks to ensure good design and the use of good quality materials in all new and refurbished buildings and extensions. The principles that should be followed include encouraging original architecture where this does not detract from the scale, form and style of surrounding buildings, the use of special architectural treatment be given to corner sites and that designs should take advantage of the site's natural features.

Core Strategy Policy CS74 sets out the design principles that would be expected in all new developments. It details that high quality development respect and take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods. At Part (c) it includes the townscape character of neighbourhoods with their associated scale, layout and built form, building styles and materials.

The applicant has requested that appearance and layout of the dwellinghouses be reserved for future consideration. However, for indicative purposes only, the applicant has provided a number of drawings showing the layout and design of the houses. These drawings show four detached dwellinghouses, with a group of three houses towards the eastern side of the

site that includes a pair of handed detached dwellinghouses (House C and D), and detached dwellinghouse (House C) that is turned perpendicular to the pair of houses. These three dwellinghouses would be accessed from Black Lane. The fourth and larger of the four dwellinghouses (House A) would be positioned towards the western side of the site. This would be accessed via a new opening in the front boundary wall to Loxley Road.

As appearance and layout of the dwellinghouses are reserved, it is not considered necessary or appropriate at this stage to fully consider these in detail here. It is however appropriate in officers' opinion that the scheme should include sufficient detail to ensure that an appropriate form can be achieved if up to four houses were to be built, with the key issue being the form of development that would be seen in its immediate context. On this point, while some of the comments raised at the pre-application stage have been incorporated into the scheme, there remain several issues that would need to be addressed in order for a finalised design to be approved at reserved matters stage. These issues include improvements to the layout and arrangement of the dwellinghouses in order to create a tighter courtyard such that the resulting roofscape mirrors a more traditional stone built courtyard form.

Notwithstanding the concerns raised with regard loss of openness and impact on the visual character of the area as a result of the development, officers raise no significant objection to the illustrative scale and massing of the proposed built form. If the application was considered to be acceptable in other respects, these matters could be adequately controlled at reserved matters stage.

Residential Amenity Issues

It is considered that the future residents of the proposed new dwellinghouses would be provided with acceptable levels of amenity. The indicative plans supporting the application show that each of the dwellinghouses would be provided with good sized gardens and acceptable internal living accommodation.

In terms of neighbouring properties' amenity, the nearest properties to the development site are Nos. 570 Loxley Road to its east and 603 Loxley Road to its west. No. 570 Loxley Road is situated to the east of Black Lane, some 8m from the back edge of the highway and would be set back from the side elevation of the easternmost property (House D) by some 17m away. While this property has habitable windows within its side elevation, officers are satisfied that the proposed development would not harm the residential amenity of this neighbouring property. As illustrated on the indicative plans, it is considered that the proposed house nearest to this neighbouring property could be orientated on site to prevent any significant overlooking. In any event, as this neighbouring house is located across a public highway from the application site, it is considered that these windows should not be afforded the same level of protection as windows that are located on the building that are veiled from a public highway.

In terms of No. 603, this property is situated some 50m from the nearest part of the development. Given this separation distance, it is not considered that the proposed development would result in any loss of privacy that would be harmful to this neighbouring property's residential amenity.

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 that would otherwise be 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 application site lies in an area where CIL is liable with a charge rate of £30 per square metre. The applicant has signed CIL Form 1: Assumption of Liability.

Other Material Planning Issues

To the west of 603 Loxley Road is Chase Barn, a Grade II listed building. This listed building is mostly hidden from the application site by No. 603 and would be situated some 60m away. It is considered that any effect on the setting of this listed building as a result of the development would be negligible.

Environmental Protection Services (EPS) has stated that they do not anticipate the site would be noisy. While some traffic noise would be expected EPS has advised that it would be unlikely that it would be at a level where a noise report should be required.

EPS has however advised that if planning permission be granted that the standard suite of land quality conditions should be attached due to the elevated risk associated with private gardens of the dwellinghouses.

The application site was formerly owned by the Council and was sold to the applicant in 2002 with a covenant on the sale that the land shall be used for agricultural purposes only. Should planning permission be granted for the development therefore, the applicant would need to apply to the Council for permission to have the covenant removed. Members are advised that the terms of sale and any restrictive covenants attached to the sale of the land is a private matter between the Council and the applicant and is not a planning matter to which any material consideration can be given.

Some of the concerns that have been raised state that the development is situated in an area that has limited infrastructure, commenting that the existing school is oversubscribed, situated in an area that is distanced from local shops and limited public transport. While this is noted, it is considered that the development of up to four dwellinghouses would not place a disproportionate strain on local services including local schools that would justify grounds for refusal.

The application site is identified in the Sheffield and Rotherham Sheffield Housing Land Availability (November 2015) document. It is identified in Appendix 7 of the SHLAA as being part of a 'Site Suggested to the Council in the Green Belt. (site ref: S01127 which includes a note stating that the suitability of sites in the Green Belt has not been assessed), and that the SHLAA does not allocate and for housing development and does not make policy decisions on which sites should be developed. The introduction to Appendix 7 also makes this clear and states that the suitability of sites in the Green Belt will be assessed through work on the new Sheffield Plan as part of the comprehensive Green Belt review.

SUMMARY AND RECOMMENDATION

The application relates to the northern part of an open field that is situated along the southern side of Loxley Road and is on land designated as Green Belt.

Outline planning permission is being sought to erect up to four dwellinghouses. The applicant is requesting that only the principle of the dwellinghouses and access be considered under this outline application, with appearance, landscaping, layout and scale being reserved for future consideration. While reserved for future consideration, the application was accompanied by several indicative plans to illustrate the proposed siting and appearance of the dwellinghouses.

The supporting information details that the application site would be developed to provide up to four dwellinghouses, with three of the dwellinghouses being accessed from Black Lane and the fourth from Loxley Road.

UDP Policy GE5 sets out the circumstances where new houses would be allowed in the Green Belt. Apart from the replacement of an existing house on the same site, houses to support agriculture and other acceptable uses, new houses will only be permitted in instances where this would involve either infilling of a single plot within the confines of an existing village as defined in the UDP, group of buildings or substantially developed road frontage. The development of this site for up to four houses is considered to be contrary to this policy and cannot reasonably be considered to represent the infilling of a single plot for the purposes of Policy GE5. Even when considering the erection of a single house, the plot width of the site (approximately 65m) far exceeds the typical width of neighbouring plot sizes along Loxley Road.

Paragraph 88 of the NPPF details that when considering any planning application, local authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. While officers accept that the erection of up to four dwellinghouses would make a small contribution to the delivery of housing across the city, substantial weight has been attributed to the harm that the development would have on the openness of the Green Belt. Officers do not consider that the applicant has demonstrated 'Very special circumstances' to outweigh the clear presumption against inappropriate development in the Green Belt.

The development is also considered to conflict with government policy contained in the NPPF. Paragraph 89 of the NPPF details that the construction of new buildings in the Green Belt should be regarded as inappropriate development save for where it falls within one of six exceptions, one of these being limited infilling in villages. It is considered that the application site is not situated within the confines of a village, but instead is situated along Loxley Road that is a residential suburb of Sheffield. The development would therefore fail to meet the qualifying requirements of the 5th bullet point of Paragraph 89 of the NPPF. Even if the site was considered to be situated in a village location, officers do not consider that the development could reasonably be considered to represent limited infilling for the purposes of Paragraph 89 given the plot width (65m), and the fact that the site is separated from the two neighbouring properties by a public highway and electricity sub-station which would limit the proposed dwellinghouses association with the neighbouring group of houses along Loxley Road.

The application site forms part of an open parcel of land, previously in agricultural use that is considered to provide an attractive green buffer along the southern side of Loxley Road. The land provides open and unrestricted views of the valley that if developed would be harmful to the open character of the Green Belt. Moreover, the application site is 'physically' divorced from the houses to the east by Black Lane, which limits the dwellinghouses association with the group of houses beyond this road as well as being separated from the residential curtilage of 603 Loxley Road by the confines of the electricity sub-station compound. The development is therefore considered to represent inappropriate development in the Green Belt contrary to government policy contained in the NPPF.

The applicant has cited the fact the Council does not have a five year housing supply and has suggested that the contribution this development would make towards housing supply constitute very special circumstances. A number of letters of support also stated that the development would help to provide 'much needed housing' in the area. While it is acknowledged that the development would contribute to housing supply, which some weight should be given to, it is considered that the development of up to four houses would only make a small contribution to housing supply which does not outweigh the significant harm that the development would cause to the openness of the Green Belt.

Some of the comments received to the application relate to the applicant's proposal to use Black Lane as a means of access. Some of the comments suggest that as Black Lane is a private road, the applicant does not have permission to use this road as a means of accessing the site. Comments received state that Black Lane has its own restrictive use clauses put on it by its owners, and apart from some very limited access, it is clearly laid down for each existing land parcel. While these comments are noted, Members are advised that Black Lane, whilst within private ownership is a public highway, which the public have a right of way. It is irrelevant for the purposes of this application whether the road is maintained at public or private expense. What is relevant is that the suitability of the access has been assessed in planning and highway safety terms. In any event, Members are advised that the fact that the road is within private ownership is not a material planning consideration where any weight can be given in the assessment of this application.

Officers are satisfied that the development would not raise any significant highway concerns or result in loss of amenity to the detriment of neighbouring properties. It is also considered that a satisfactory scheme could be achieved from a design perspective at detailed stage.

Notwithstanding the modest contribution to housing supply, it is considered that the application represents inappropriate development in the Green Belt, which by definition, is harmful to the Green Belt. The erection of four dwellinghouses would result in a loss of openness that would be harmful to the character of the Green Belt, and would be in clear conflict with the environmental role of sustainable development by failing to contribute to protecting the natural, built and historic environment.

For the reasons set out above, and having regard to all other matters, it is considered that the development is unacceptable and would be contrary to Policies GE1 (a) and (c), GE3, GE4 and GE5 of the UDP, the aims and purposes of Core Strategy Policy CS71 and government policy contained in Paragraphs 7, 14, 17, 79, 80 and 87-89 (inclusive) of the National Planning Policy Framework. It is therefore recommended that the application be refused.

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Case Number	17/05212/FUL (Formerly PP-06614777)
Application Type	Full Planning Application
Proposal	Removal of existing student accommodation on ground floor and conversion to eight one and two bedroom apartments; removal of organ, pulpit and partial removal of first floor balcony; reinstatement of original main entrance, lobby and route up to first floor level; installation of mezzanine floors in part of the first floor conversion; insertion of new services and party walls/floors; and proposed access improvements with the erection of a new external stepped ramp
Location	Ebenezer Chapel South Road Walkley Sheffield S6 3TD
Date Received	22/12/2017
Team	West and North
Applicant/Agent	Studio Gedye
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 nos:
Un-numbered Red-lined Location Plan;
001 Site Plan;
13563-104_G Building Survey Ground Floor Plan;
13563-104_1 Building Survey First Floor Plan;
13563-104_CP Building Survey First Ceiling Plan;
13563-104_S Building Survey Section A-A;
13563-104_S Building Survey Section B-B;

13563-104_E Building Survey Elevation 1;
13563-104_E Building Survey Elevation 2;
13563-104_E Building Survey Elevation 3;
13563-104_E Building Survey Elevation 4;
201 Site Plan;
202 Rev D Ground Floor Plan;
203 Rev A First Floor Plan Scheme 2 Plan;
204 Mezzanine Plan Scheme 2;
205 Section A-A;
206 Section B-B;
207 Rev B Elevations A and C;
208 Rev A Elevation B;
209 Rev A Elevation D;
210 Amenity Space with Bins and Cycle Storage;
211 Rev A Typical Window Detail;
all received on 22.12.17.

Reason: In order to define the permission.

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

3. Notwithstanding the indication given on the submitted drawings, before development commences full details of the design and appearance of the windows shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details.

Reason: In the interests of special architectural and historic interest of this listed building.

4. Before development commences, large scale details of the abutment of new walls to the fabric of the existing building shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details.

Reason: In the interests of special architectural and historic interest of this listed building.

5. Before development commences, details of the re-use of the cast iron columns shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details.

Reason: In the interests of special architectural and historic interest of this listed building.

6. Unless shown not to be feasible and viable, no development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any

part of the development is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

Reason: In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change and given that such works could be one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences.

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

7. Before any works on the building(s) commence a full Schedule of Works, identifying all of the works inside and outside the building(s) including drawings and specifications, and samples of materials when requested by the Local Planning Authority, shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved Schedule of Works.

Reason: In order to ensure the protection of the original fabric of the Listed Building

8. A schedule of all fixtures and fittings, with a photographic record, and details of their retention, repair, removal or relocation including measures securing that the organ and pulpit are placed with the appropriate salvage specialist, shall be approved in writing by the Local Planning Authority before that part of the development commences. The development shall then be carried out in accordance with the approved schedule.

Reason: In order to protect the character of the original building.

9. Before development commences, details of the provision of interpretive material to be displayed on or near the site shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details.

Reason: In the interests of special architectural and historic interest of this listed building.

10. Details of the location, specification and appearance of all new services to the building (including meter boxes, outlets and inlets for gas, electricity, telephones, security systems, cabling, trunking, soil and vent stacks, fresh and foul water supply and runs, heating, air conditioning, ventilation, extract and odour control equipment, pipe runs and internal and external ducting) shall be approved in writing by the Local Planning Authority before installation.

Reason: In order to protect the character of the original building.

11. Before development commences, details of a scheme for the provision of restricting opening and obscure glazing or equivalent to the windows to apartments 4 and 5 up to a height of 1.7 metres above the internal floor level of the apartments shall have been submitted to and approved in writing by the Local Planning Authority.

Thereafter the approved measures shall be carried out in accordance with the approved details and thereafter retained.

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

12. 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.

13. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved 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.

14. The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been installed and thereafter retained. Such scheme of works shall:
- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.
 - b) Be capable of achieving the following noise levels:
Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);
Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);
Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours); Bedrooms: LAFmax - 45dB (2300 to 0700 hours).
 - c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.
- Before the scheme of sound insulation works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority.

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

15. Before the use of the development is commenced, Validation Testing of the sound attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall:
- a) Be carried out in accordance with an approved method statement.
 - b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

Reason: In order to protect the health and safety of future occupiers and users of the site.

Other Compliance Conditions

16. The screen fence on the northwest boundary of the site shall be retained and maintained.

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

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. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process, or a draft Liability Notice will be sent if the liable parties have not been assumed using Form 1: Assumption of Liability.
3. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website here:

<http://www.sheffield.gov.uk/home/roads-pavements/Address-management>

For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk.

Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

Site Location



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INTRODUCTION

This is a joint report relating to the applications for planning permission and listed building consent under application nos. 17/05212/FUL and 17/05213/LBC.

LOCATION

This building, known as Ebenezer Chapel, is located on the corner of South Road and Greenhow Street in Walkley.

The Ebenezer Chapel building is currently vacant, the ground floor of the building having last been used for student living accommodation.

The building is two-storey, stone faced with a slated ridged roof. Its primary frontage faces onto South Road. Its ground floor level is slightly raised above the South Road frontage. The building is sited close to the road frontages behind stone boundary walls and has a narrow yard on its northwestern side. The building is a grade 2 listed building.

The site adjoins another building (not listed) which is now used as the Methodist church which is a separate building situated off Greenhow Street to the rear of Ebenezer Chapel.

On the South Road frontage the site adjoins the end house in a row of terraced residential properties.

The buildings opposite the site on South Road and this part of Greenhow Street are mainly commercial premises forming part of the local shopping centre.

Beyond these commercial and institutional buildings the surrounding area is generally residential in character.

PROPOSAL

This application seeks full planning permission for various alterations and use of the building as eight apartments.

The proposed alterations comprise:

- removal of internal partition walls, doors and ceilings comprising the existing student living accommodation on the ground floor of the building;
- removal of the organ, pulpit and partial removal of the first floor balcony;
- reinstatement of the original main entrance, lobby and route up to the first floor;
- installation of mezzanine floors in part of the first floor conversion;
- insertion of new services;
- insertion of new party walls and floors;
- access improvements and erection of new external stepped ramp.

The applicant has stated that the existing telecommunications equipment on the building will be removed as part of the proposals.

In support of this application, the applicant has submitted various documents including a Planning Statement, Heritage Statements, a Design and Access Statement, a Structural Assessment, a Transport Statement, and a Sales History.

The applicant has also subsequently submitted a Heritage Considerations Summary Note and a Structural Assessment letter relating to the gallery removal.

RELEVANT PLANNING HISTORY

This building was first added to the list of buildings of special architectural and historic interest in 1986.

In 1988 planning permission was refused, and subsequently dismissed on appeal, for alterations to church to form 8 self-contained flats for reasons of the complete alteration of the interior and lack of parking (application no. 88/0616P refers).

In 1990 planning permission and listed building consent was granted for use of building for Class B1 purposes (office and light industry) and provision of car parking accommodation. Whilst it was noted that there were possible parking problems the proposed sympathetic conversion was seen as a positive way of retaining the building (application nos. 89/1248P and 89/1366P refer).

In 1995 planning permission and listed building consent was granted for alterations to church for use as student accommodation. The officer report noted that at the time of this application the building had been vacant for many years and was beginning to show signs of dereliction. The proposal involved sub-division of the ground floor to accommodate 11 students with communal kitchen and common room with no on-site car parking provision. The ground floor fixed seating was to be removed whilst retaining the main features of the interior including the pulpit, organ and balcony (application nos. 95/0239P and 95/0244P refer). This permission was subsequently implemented.

In 2005 planning permission and listed building consent was refused for the installation of a 6.5 metre high flagpole antenna, 200mm diameter dish and radio housing equipment for reasons of they would be incongruous features detrimental to the special character and appearance of a grade 2 listed building and prominent and obtrusive features in the streetscene (application ns. 05/02319/FUL and 05/02326/LBC refer).

In 2005 planning permission and listed building consent was granted for erection of two wide band antennas to chimney and associated equipment cabinets (application nos. 05/02427/FUL and 05/02430/LBC refer).

SUMMARY OF REPRESENTATIONS

This application has been publicised by display of site notices, newspaper advert, and by notification letters to adjacent occupants.

4 representations have been received, 2 in support and 2 described as neutral by the person making the representations. The following matters were raised.

In support:

- would be great to see this dilapidated building brought back to its former glory;
- if this landmark building were renovated and refurbished it would serve to enhance the street scene, any scheme that will retain an important landmark should be supported.

Neutral comments (neither objecting or supporting):

- it would be good to see this building renovated and deal with what has become an eyesore, will be great advantage to have this building returned to some of its former glory;
- concerns regarding the increased pressure on car parking, will mean more cars, area already under extreme pressure eight new apartments would lead to a potential 16 or more additional cars looking for parking in neighbouring streets taking up 80m or more of kerb length, already finding it difficult to park within a reasonable distance of homes;
- developers should address parking issue;
- developer should look at viability of creating parking in the sub-floor space with access from Greenhow Street, use a car turntable to ensure manoeuvrability and maximise parking.

Historic England has advised:

- Historic England is supportive in principle of the conversion of the former chapel to residential accommodation, recognise the vision to invest in the building to repair and restore it;
- understand the sales history and the condition of the building Is deteriorating and damage to the decorative plasterwork ceiling;
- recognise it is imperative to find a viable use to secure long term future;
- the proposals for the interior would have a considerable impact on its significance as a listed chapel;
- internal fixtures and fittings: acknowledge difficulties in trying to find alternative use due to intactness of interior, removal of gallery, pulpit and organ would cause considerable harm to the illustrative value of the building as an example of a nineteenth-century Methodist chapel, the overall harm has been mitigated to an extent through the retention of the existing entrance lobby, staircases and a section of the gallery structure, disappointed to note removal of the organ, prefer to incorporate the organ into the scheme, alternatively options to re-house the organ elsewhere should be considered;
- internal subdivision: internal double height space largely removed but the design has attempted to retain some appreciation of the original height of the main worship space through use of mezzanine levels within the individual apartments;
- combined effect of the losses and subdivision would cause considerable harm to the significance of the listed building;
- in terms of overall impact agree with the conclusions of the Heritage Statement that the proposals would cause a range of impacts from moderate beneficial to large adverse;
- the chapel has been vacant for 10 years and the proposals would provide for repair and improvement of much of the historic fabric, taking into account these enhancements reduces the overall impact on the listed building, acknowledge that harmful development may sometimes be justified in the interest of realising the optimum viable use of an asset notwithstanding the loss of significance caused provided the harm is minimised;
- paragraph 132 of the NPPF requires any harm to designated assets to have a clear and convincing justification, in determining this application Historic England recommend the local planning authority is satisfied that the proposals

are justified to ensure a viable use for the listed building, the harm identified above should be weighed against the public benefits of the scheme in accordance with paragraph 134 of the NPPF, this weighing exercise should give considerable weight to the conservation of the listed building as required by section 16 of the Planning (Listed Buildings and Conservation Areas) act 1990;

Historic England recommendation:

- concerns regarding the application on heritage grounds, the issues and safeguards outlined need to be addressed to meet paragraphs 132 and 134 of the NPPF;
- in determining this application bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess;
- take these representations into account in determining the application.

The Ancient Monuments Society has commented:

- this is a really difficult case, in ordinary circumstances the presumption lies with finding a new preferably auditorial use which retains the principle elements;
- hard to disagree that now at the point in the life of this building where such a use is unlikely to materialise;
- probably the best last hope for the building;
- urge that the organ, pipes and case be registered with The British Institute of Organ Studies (BIOS) which operates a service under which disused organs are offered for reuse elsewhere;
- urge the pulpit be offered into the architectural salvage market and is not destroyed;
- as a lay observation where galleries are entrenched into the inner face of the shell they act as a quasi-ring beam.

Sheffield Conservation Advisory Group:

- The group considered that the submitted design was inappropriate. The Group did not support the principle of the removal of the former Chapel interior. The Group felt that a design including the retention of the gallery and the organ could be acceptable.

PLANNING ASSESSMENT

Policy Issues

The Sheffield Local Plan includes the Core Strategy and the saved policies and proposals map of the Unitary Development Plan (UDP). The UDP Proposals Map identifies the site as being within a Housing Area where housing, which includes apartments, is a preferred use in principle (UDP Policy H10 refers).

Impact on the Visual Amenities of the Locality

The UDP Proposals Map identifies the site as being within the Carr Road Area of Special Character.

UDP Policies BE15, BE17 and BE18 include seeking to ensure that the character and appearance of Areas of Special Character is not harmed.

UDP Policy H14 relating to conditions on development in housing areas also includes matters of design. UDP Policy BE5 seeks good design in new developments and Core Strategy Policy CS74 relating to design principles also expects high quality development respecting distinctive features and heritage including townscape and landscape character.

The proposal retains and re-uses this currently vacant building. It is considered that the proposed external alterations and use would not harm the visual appearance of the streetscene or this Area of Special Character.

Impact on the Listed Building

The representations made by Historic England, the Ancient Monuments Society and Sheffield conservation Advisory Group have been considered and taken into account in the assessment of this proposal.

The building on this site is a grade 2 listed building. The original main entrance doors opened into a lobby with two stairs at either side to access the first floor balcony (referred to in the listing description as a gallery) which is supported by columns. Originally this led to the double height void with a moulded ceiling. This void was surrounded by the first floor balcony. At the end of the building is a panelled pulpit with an organ above. The ground floor pews were removed under the 1995 permissions. The portioning of the building under the 1995 permissions included provision of a perspex ceiling across the underside of the balconies. Access to the balconies can still be gained via the retained staircases.

The building has been vacant for some time and is suffering from a significant lack of maintenance, water ingress in places, and significant damage to the interior including the balcony and the organ as a result of pigeons gaining access through broken windows and the accumulation of droppings.

The applicant has stated that the external stonework is weathered but complete and that the roof appears to be in poor condition. The original windows, including stained glass windows, still exist although a large proportion at first floor are broken and boarded up with several of the original hoppers missing.

UDP Policies BE15 and BE19 seek to preserve the special interest, character and appearance of listed buildings and their setting.

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a requirement to have special regard to the desirability of preserving listed

buildings or their setting or any features of special architectural or historic interest which they possess.

The Government's planning policy guidance on historic buildings, and other matters, is contained in the National Planning Policy Framework (NPPF).

The NPPF includes that when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation (paragraphs 128 to 132, NPPF).

The applicant's submissions have described the significance of this listed building noting that it is of high aesthetic significance, a fine example of its type with a high level of intactness, constituting a local landmark.

In assessing the applicant's proposals, it is noted that the proposal requires the horizontal subdivision of the interior of the building and that it retains the front lobby, the two front staircases and the exterior significant elements. The remnants of the telecommunications equipment previously installed on the building are to be removed. Also noted is the removal of the pulpit, organ and balcony.

The horizontal subdivision has previously been accepted in part under the 1995 permissions. The proposed use of the upper floor levels has, by incorporating mezzanines kept a significant element of the upper floor void internally against the southwest and northwest elevations and the existing large upper floor windows. The external repairs to the glazing and rainwater goods will have a beneficial impact.

The removal of the gallery will have a harmful effect on the significance of the listed building. To mitigate this, the applicant proposes documenting and photographic recording prior to the proposed works and providing interpretive material in or near the site.

The removal of the organ will have a harmful effect on the significance of the listed building. In mitigation the applicant is proposing that the organ can be salvaged, stored and re-used by specialists in the re-use of church organs, as well as photographic recording prior to the proposed works.

The removal of the pulpit will have a harmful effect on the significance of the listed building. In mitigation the applicant is proposing documenting and photographic recording prior to the proposed works, providing interpretive material in or near the site, and placing the removed material with an architectural salvage business for re-use.

A condition is recommended to secure the proposed mitigation measures and ensure that the organ and pulpit are placed with the appropriate salvage specialists.

The removal of the remnants of the telecommunications equipment will have a positive impact on this heritage asset.

It is considered that this proposal although removing some features causes less than substantial harm on the significance of this listed building. This harm is outweighed by the benefit of bringing the building back into a viable use.

Alternatives

The applicant's summary of the sales history of the building shows that it was sold at auction in 2003, failed to sell at auction in July 2007, was sold at auction in November 2007 failed to sell at auction in 2010, sold at auction in 2014 and failed to sell at four auctions in 2016/7 over which time no apparent effective repairs or maintenance of the building took place.

The applicant has stated that they have owned the building since early 2017 and have investigated various options to secure the building's long term future and conserve its high aesthetic significance.

The previous conversion of the building into student accommodation was not viable and did not generate the funds required to successfully maintain the building.

Alternative options investigated by the applicant include:

A: development of the ground floor only to create 7 small studio apartments whilst retaining the staircases, gallery, and organ;

B: development of ground and first floor levels creating 16 units, removing staircases and gallery, whilst retaining the organ;

C: development of ground and first floor levels, conversion of roofspace to creating 20 units, removing staircases and gallery, whilst retaining the exterior of the organ;

D: as 'B' above creating larger but fewer units and retaining staircase and entrance (ie the basis of the current submitted proposal);

E: utilising ground and first floor, retaining stairs and gallery and exterior of the organ creating 11 units.

The applicant's development appraisal states that schemes A and E fail to achieve a profit, and the profit return on schemes B to D is less than 15% which given the nature of the building and potential for additional unseen costs is, in the applicant's terms, extremely tight. The applicant concludes that the only schemes that are financially viable require the use of the middle floor and thus the removal of the gallery or the bulk of it.

In assessing this proposal, considerable weight is given to the harm that would be caused to this listed building by the proposed works. It is also considered that the justification for the harm caused by the proposed works is clear and convincing and significant weight is given to the benefit that the proposed works would bring including securing the long term future of this visually prominent listed building which positively contributes to the character and distinctiveness of the locality. On balance, it is concluded that the proposed works are justified and the proposal therefore accords with paragraphs 128 to 134 of the NPPF.

Highway and Transportation Issues

UDP Policy H14 relating to conditions on development in housing areas including matters of highway safety.

The site is sustainable location close to high frequency bus routes and local facilities.

The Ebenezer Chapel building covers most of the site area. The small yard on the site is elevated above South Road and consequently there is no opportunity for on-site provision of car parking. 8 cycle parking spaces are proposed.

There are existing on-street parking restrictions on the lower part of Greenhow Street alongside and opposite the site. There are peak hour parking and waiting restrictions on South Road alongside the site and opposite the site. Beyond these restrictions on street parking occurs on South Road and Greenhow Street and in the immediate locality.

Whilst the proposed use will generate pedestrian and vehicular movements to and from the site, the site is well located for using public transport and any resultant demand for car parking would be dispersed within the surrounding streets. The demand for parking as a result of this proposal would not be so significantly greater compared to previous use of the building.

It is considered that whilst the proposal would create a demand for on-street car parking, such parking would not have a significant impact on highway safety in the locality.

Effect on the Amenities of Residents and Occupiers in the Locality

UDP Policy H14 relating to conditions on development in housing areas also includes matters of amenity.

There are residential, institutional and commercial properties adjacent to and close to the site.

The existing building has ground and upper floor windows on each of its external elevations. The existing partitioning of the building has living accommodation on the ground floor utilising the ground floor windows for daylighting. There is currently no living accommodation on the upper floor of the building.

The proposed layout provides 3 apartments on the ground floor and 5 apartments on an upper floor which also include a mezzanine level. The proposed layout again utilises the existing windows to provide daylight to the proposed apartments. The side elevation facing northwest has 12 windows of which 4 on the ground floor and 5 on the first floor would provide daylighting to bedrooms and living areas (the other 3 windows being to stair and landing areas).

The side gable of the adjacent dwelling at no. 313 South Road includes two single casement windows, one on the ground floor and one to the floor within its roofspace. The impact of the proposed ground floor layout of on no.313 is similar to and not significantly more harmful than the existing layout of the building. Currently a hit and miss screen fence runs alongside this gable and a stone boundary wall runs

alongside the garden of no. 313 on the boundary between the two properties. The windows utilised by the proposed upper floor living habitable rooms are sufficiently offset from the windows on the gable of no. 313 to ensure there would be no significant overlooking of this neighbouring building. A condition is recommended to secure the retention of screen fencing on the northwestern boundary.

Some of the upper floor windows would however overlook the rear gardens of the terraced dwellings at no. 313 and beyond which would result in some loss of privacy to some of these rear garden areas. These upper floors of the proposed conversion comprise a kitchen/dining/living area to apartment 4 and a kitchen/dining/living area and a bedroom to apartment 5, and both these apartments would have a second floor bedroom mezzanine set back from the windows. Internally the proposal would provide satisfactory daylighting and living accommodation for the future occupants and any overlooking from the proposed mezzanine levels is mitigation by them being set back away from the windows. A condition is recommended to secure the provision of obscure glazing or equivalent to the lower part of the windows to apartments 4 and 5 up to a height of 1.7 metres above the internal floor level of the apartment to ensure the potential for significant overlooking of adjacent rear gardens from the first floor level of the proposed conversion is appropriately mitigated.

It is considered that the proposal would provide satisfactory living accommodation for the future occupants of the building. There would be sufficient separation between the proposal and remaining properties in the immediate locality to ensure that there would be no significant harm to the occupants of these properties subject to appropriate conditions to mitigate potential overlooking.

Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is applicable to this development. The site lies within CIL Zone 3 where the contribution is £30 per sq m. The funds generated through CIL will be used in connection with strategic infrastructure needs.

SUMMARY

The UDP Proposals Map identifies the site as being within a Housing Area where housing, which includes apartments, is a preferred use in principle (UDP Policy H10 refers).

Whilst the proposed use will generate pedestrian and vehicular movements to and from the site, the site is well located for using public transport and any resultant demand for car parking would be dispersed within the surrounding streets. The demand for parking as a result of this proposal would not be so significantly greater compared to previous use of the building.

It is considered that whilst the proposal would create a demand for on-street car parking, such parking would not have a significant impact on highway safety in the locality.

It is considered that, subject to a condition to retain the provision of screen fencing on the northwestern boundary and the provision obscure glazing or equivalent to the

lower part of the windows to apartments 4 and 5 up to a height of 1.7 metres above the internal floor level of the apartment, there would be sufficient separation between the proposal and properties in the immediate locality to ensure that there would be no significant harm to the occupants of these properties.

The proposal retains and re-uses this currently vacant building. It is considered that the proposed external alterations and use would not harm the visual appearance of the streetscene or the Carr Road Area of Special Character.

The proposed removal of the gallery, pulpit and organ will have a harmful effect on the significance of this listed building. It is considered that this proposal, although involving removing these features, causes less than substantial harm on the significance of this listed building. This harm is outweighed by the benefit of bringing the building back into a viable use.

The proposal complies with UDP Policies H10, H14, BE5, BE15 to BE19, Core Strategy Policy CS74 and the Government's planning policy guidance contained in the NPPF.

RECOMMENDATION

It is recommended that planning permission and listed building consent is granted subject to conditions.

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Case Number	17/05213/LBC (Formerly PP-06614777)
Application Type	Listed Building Consent Application
Proposal	Removal of existing student accommodation on ground floor and conversion to eight one and two bedroom apartments; removal of organ, pulpit and partial removal of first floor balcony; reinstatement of original main entrance, lobby and route up to first floor level; installation of mezzanine floors in part of the first floor conversion; insertion of new services and party walls/floors; and proposed access improvements with the erection of a new external stepped ramp
Location	Ebenezer Chapel South Road Walkley Sheffield S6 3TD
Date Received	22/12/2017
Team	West and North
Applicant/Agent	Studio Gedye
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 nos:
Un-numbered Red-lined Location Plan;
001 Site Plan;
13563-104_G Building Survey Ground Floor Plan;
13563-104_1 Building Survey First Floor Plan;
13563-104_CP Building Survey First Ceiling Plan;
13563-104_S Building Survey Section A-A;

13563-104_S Building Survey Section B-B;
13563-104_E Building Survey Elevation 1;
13563-104_E Building Survey Elevation 2;
13563-104_E Building Survey Elevation 3;
13563-104_E Building Survey Elevation 4;
201 Site Plan;
202 Rev D Ground Floor Plan;
203 Rev A First Floor Plan Scheme 2 Plan;
204 Mezzanine Plan Scheme 2;
205 Section A-A;
206 Section B-B;
207 Rev B Elevations A and C;
208 Rev A Elevation B;
209 Rev A Elevation D;
210 Amenity Space with Bins and Cycle Storage;
211 Rev A Typical Window Detail;
all received on 22.12.17.

Reason: In order to define the permission.

Pre-Commencement Condition(s)

3. Notwithstanding the indication given on the submitted drawings, before development commences full details of the design and appearance of the windows shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details.

Reason: In the interests of special architectural and historic interest of this listed building.

4. Before development commences, large scale details of the abutment of new walls to the fabric of the existing building shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details.

Reason: In the interests of special architectural and historic interest of this listed building.

5. Before development commences, details of the re-use of the cast iron columns shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details.

Reason: In the interests of special architectural and historic interest of this listed building.

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

6. Before any works on the building(s) commence a full Schedule of Works, identifying all of the works inside and outside the building(s) including drawings and specifications, and samples of materials when requested by the Local Planning Authority, shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved Schedule of Works.

Reason: In order to ensure the protection of the original fabric of the Listed Building

7. A schedule of all fixtures and fittings, with a photographic record, and details of their retention, repair, removal or relocation, including measures securing that the organ and pulpit are placed with the appropriate salvage specialist, shall be approved in writing by the Local Planning Authority before that part of the development commences. The development shall then be carried out in accordance with the approved schedule.

Reason: In order to protect the character of the original building.

8. Before development commences, details of the provision of interpretive material to be displayed on or near the site shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details.

Reason: In the interests of special architectural and historic interest of this listed building.

9. Details of the location, specification and appearance of all new services to the building (including meter boxes, outlets and inlets for gas, electricity, telephones, security systems, cabling, trunking, soil and vent stacks, fresh and foul water supply and runs, heating, air conditioning, ventilation, extract and odour control equipment, pipe runs and internal and external ducting) shall be approved in writing by the Local Planning Authority before installation.

Reason: In order to protect the character of the original building.

10. Before development commences, details of a scheme for the provision of restricting opening and obscure glazing or equivalent to the windows to apartments 4 and 5 up to a height of 1.7 metres above the internal floor level of the apartments shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved measures shall be carried out in accordance with the approved details and thereafter retained.

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

11. 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.

12. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved 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.

Other Compliance Conditions

13. The screen fence on the northwest boundary of the site shall be retained and maintained.

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

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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Joint Report – For main report please see 17/05212/FUL

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Case Number	17/04825/FUL
Application Type	Full Planning Application
Proposal	Use of land as a car sales/storage site
Location	Site Of Zion Congregational Church Lawrence Street Sheffield S9 3RG
Date Received	24/11/2017
Team	City Centre and East
Applicant/Agent	Mr Zaffar Hussain
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:

Site Layout and Drainage Plan dated 15.04.2018
Location Plan received 26.02.2018

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 site shall not be used unless the hard surfaced areas of the site are constructed of permeable/porous surfacing as shown on the approved drainage plan. Thereafter the approved permeable/porous surfacing material shall be retained.

Reason: In order to control surface water run off from the site and mitigate against the risk of flooding

4. The site shall be used solely for the sale and storage of cars and shall not at any time be used for car repairs , breaking of vehicles or car washing.

Reason: In order to prevent pollution of the water environment and in the interests of the amenities of the locality.

5. The site shall not be used for the use hereby permitted unless the access gate onto Zion Lane has been removed and fencing reinstated as shown on the approved plan

Reason: In the interests of highway safety.

6. No excavations or removal of ground material shall be carried out on the site at any time

Reason: To ensure that any onsite historical remains are undisturbed.

7. No more than 48 cars shall be stored on the site at any time.

Reason: In order to prevent pollution of the water environment, in the interests of the amenities of the locality and highway safety.

8. Any solar lighting installed on the site shall be positioned in a manner to avoid light pollution to the adjoining churchyard.

Reason: In the interests of nature conservation.

9. The landscape works as agreed with the Friends of Zion Churchyard and detailed in email dated 15.04.17 shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved 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.

10. The development shall not be brought into use unless the loose back filled material adjacent to the boundary with the churchyard has been removed and replaced with a gabion wall as detailed on the approved plan.

Reason: In the interests of the amenities of the locality and to ensure the stability of the land.

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.

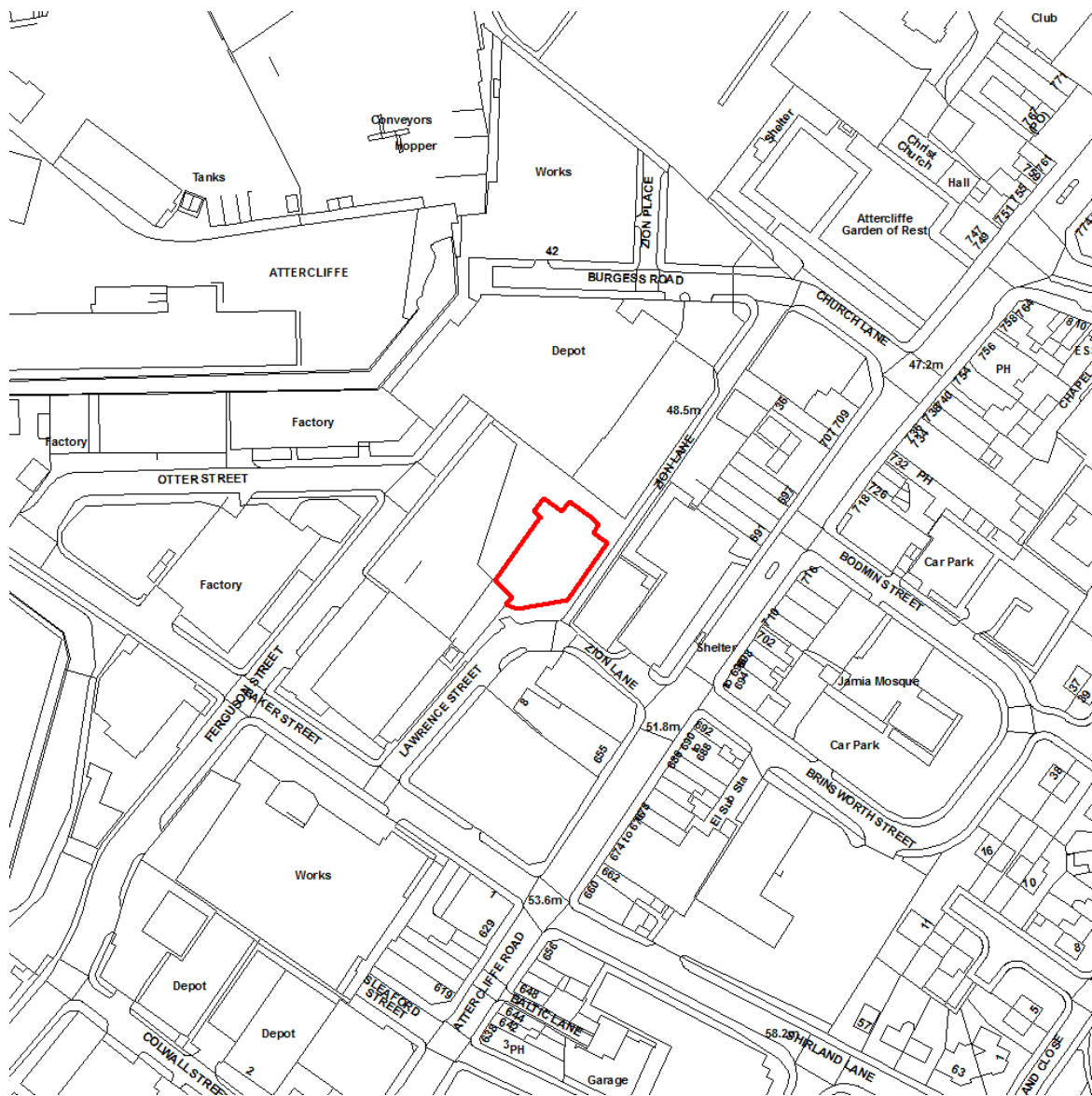
2. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider. If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/coalauthority

3. 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.
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.

Site Location



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LOCATION AND PROPOSAL

The application relates to land located on the corner of Zion Lane and Laurence Street which was the site of the former Zion Congregational Church. The land has been unused since the church buildings were demolished following a fire in the 1980's.

The site falls within a Fringe Industry and Business area and the immediate area is characterised by a mix of industrial and commercial uses. The site abuts the now disused Zion Churchyard located on lower land to the north which is currently being restored by the Friends of Zion Graveyard. The Churchyard contains over 40 graves including that of Victorian anti-slavery campaigner Mary Anne Rawson.

The application seeks approval to utilise the former church site for the storage of cars waiting to be exported and for limited car sales to the trade. The site was cleared prior to the submission of the application and now forms a largely level plateau secured by palisade fencing along its Zion Lane and Laurence Street frontages.

RELEVANT PLANNING HISTORY

97/00974/FUL Retention of palisade fencing Granted 18.07.1997

SUMMARY OF REPRESENTATIONS

6 letters of objection have been received which raise concerns that:

- The adjoining graveyard which is of national and international importance must be protected from the adverse effects of the development.
- Gates have been formed in the fence on the Zion Lane frontage of the site. There are concerns that the use of the gates will cause damage to the cobbled surface of Zion Lane and damage to neighbouring buildings due to its inadequate width. The cobbles should be protected by the Council.
- There is no water course on the site and the application says there is no intention to connect to the existing drainage system. If an impermeable surface is laid the graveyard will flood and be damaged.
- There is risk of contamination of the adjoining land from car fuel, pollutants, car fires and herbicides which has not been addressed
- There are important habitats and other biodiversity features on the adjoining land, the impact on which has not been considered or addressed. No ecological survey was carried out prior to the site being cleared to establish if the site contains any protected species or is an important foraging ground for them. The site which was covered with trees and shrubs has been cleared to the detriment of local wildlife and adjoining cemetery leaving just one tree on the site. This should be retained and protected.
- A green buffer should be provided along the boundary with the cemetery
- It is unclear if there will be a site cabin, as it states that none will be erected but the application includes details of a pre-fabricated cabin on the site
- The site is full of historical interest and a full survey should be carried out. The church site may contain human remains left over from graves in the old churchyard (which was built over). There should be no excavation without due process.
- A land registry search has confirmed that the applicant doesn't own the entire site which is subject to the planning application and he has not served notice on the owner.

- No sections have been submitted through the site.
- The proposal is contrary to the Attercliffe Action Plan which plans to redevelop the area into a public space. This application is detrimental to these proposals
- The Friends of Zion Graveyard (FoZGA) are doing excellent work to safeguard the secluded graveyard and to preserve and raise awareness of the important history that it contains. If the application is approved this would prejudice that work
- Although the applicant has taken pre-application advice he has disregarded it in almost every respect. The Council should give due consideration to taking enforcement action. To do otherwise would set a dangerous precedent whereby applicants can seek advice to establish the significant issues, undertake works to remove those obstacles and then retrospectively submitting an application fait accompli.
- The Chair of the FoZGA has acknowledged the concession that the applicant has made in fencing off a pathway across his land to give access to the graveyard and confirm that their solicitors are hoping to formalise this arrangement to ensure ongoing access to the site.
- They are concerned that there should be no negative impact from accidental leakage or rain runoff from the car lot which is at a higher level so it is important that permeable surfacing is used and that the vehicles are in good condition.
- The FoZGA confirm that the new fence along the boundary with the graveyard has been positioned to skirt around four graves on the applicants land so that they remain an integral part of the graveyard. They consider that there may be other significant graves which lie close to the fencing beneath the banking.
- The group confirm they have had discussions with the applicant to agree suitable landscaping along the boundary with the churchyard

12 letters in support of the application have been received. The letters indicate that the current owners have done a good job clearing the site which has been used as a dump and been neglected for many years.

The letters question why any of those opposing the scheme haven't raised concerns regarding the neglect of the site and adjoining churchyard prior to the application being submitted or invested their own money to seek improvements. In addition it is acknowledged that the applicant has installed a footpath making the graves in the adjoining churchyard accessible.

PLANNING ASSESSMENT

Background

For many years the application site, along with the adjoining graveyard has been overgrown and subject to fly tipping. Since the applicant has purchased the site he has cleared all the undergrowth, trees and bushes and has erected a security fence along the boundary with the churchyard. As part of the works a path has been provided adjacent to the southern boundary of the site giving pedestrian access to the churchyard from Laurence Street. The site forms a largely level plateau which falls outside the site boundary towards the churchyard. The applicant has infilled part of the site adjacent to the churchyard boundary with rubble to maximise the usable area. The site has vehicular access from Laurence Street through large gates within the existing boundary security fence.

The application seeks approval for the use of the land for the storage and trade sale of motor vehicles. The site will be split into two distinct zones separating vehicles for sale and for those being stored awaiting export. As the sale of vehicles will be by appointment the site will be unmanned the majority of the time removing the need for any onsite office accommodation or connection to services.

The application site has been reduced in size since first submission as the area to the north of the site was found not to be within the applicant's ownership and it was confirmed that no notice has been served on the owner of this land as required by the planning legislation. The revised application site is wholly owned by the applicant. Any trespass by the applicant on the adjoining land is a private matter between the two parties concerned and not a planning consideration.

Prior to the application being submitted two additional vehicular access gates were installed on the Zion Lane frontage of the site, including the land which no longer forms part of the application. The applicant has been advised that for highway safety reasons these additional gates are unacceptable in this location. A condition will be added to any subsequent approval requiring the new gate which gives access to the applicant's land to be removed and reinstated as fencing. The council is unable, as part of this application, to take action to secure the removal of the gate which gives access to the neighbouring land which is outside the application site.

Although planning approval has not been granted the applicant has already parked a number of vehicles within the site. Although this is unauthorised, officers considered it would not be expedient to take any action to remove these vehicles prior to the current application being determined.

Land use issues

The site is within a Fringe Industry and Business Area as defined by the Unitary Development Plan where policy IB6 indicates B1, B2 and B8 uses as the preferred land uses. This policy approach was continued in the Core Strategy in Policy CS5a that promotes manufacturing, distribution and warehousing in the area.

Policy IB6 is clear that development which is not listed will be decided on its individual merits. Car sales/storage uses are not listed within the policy but are considered to be largely compatible with the surrounding industrial and commercial uses, including that of a van rental company on Ferguson Street to the west which

includes vehicle storage. From this point of view the proposal is considered acceptable in principle subject to other policy requirements.

Policy IB9 'Conditions on development in industry and business areas' permits new development provided that it would not lead to a concentration of uses which would undermine the dominance of industry and business uses in the area. The proposal is not for a preferred use but as these are dominant in the area the proposal raises no concern in this respect

Historical Interest and impact on Churchyard

Policy BE15 'Areas and Buildings of Special Architectural or Historic Interest states that areas of historic interest will be preserved or enhanced.

The site has remained undisturbed since the former church buildings were demolished and the site levelled in the 1980's. It is not known what remains are below the site, although the FoZGA believe that there may be further historic graves. The site and adjoining graveyard have no legal protection and it is understood that prior to the applicant purchasing the site there was no independent access to the churchyard. Access to the Churchyard is to be formalised by a legal agreement between the applicant and the FoZGA. The FoZGA have recently applied to Historic England for the grave of Mary Ann Rawson to be listed.

The application has been referred to the South Yorkshire Archaeology Unit for comment. As the application does not propose any onsite excavation, any remains which do exist buried on the site will not be disturbed and in this respect the proposal raises no concern. Conditions will be added to any subsequent approval preventing any onsite excavation in the future to ensure that any remains are preserved.

The graveyard is set down approx. 1m from the application site and secured by a 2m high palisade security fence. The actual line of the fence has been positioned to skirt around the edge of four flat gravestones which were on the edge of the applicant's land. The area of rubble used to infill land which lies adjacent to the boundary with the churchyard is to be removed and replaced with an engineered gabion wall to prevent slippage in the future. The submitted plans indicate that the palisade fencing which faces the churchyard will be painted green to reduce its visual impact.

The applicant has been in discussion with the FoZGA to agree a planting scheme which will reinforce the boundary with the churchyard. It is understood that the FoZGA will carry out the planting which will be funded at the applicant's expense. Conditions will be added to any subsequent to secure the agreed planting.

Although no services are to be connected to the site the applicant has indicated he may install solar lighting on the site. Conditions will be added to ensure any such lighting is positioned to prevent light disturbance to wildlife within the churchyard.

Amenity Issues

Policy IB9 requires development not to cause any unacceptable living conditions for local residents and not to harm the quality of the environment to such an extent that other new industry and business would be discouraged.

The proposal is for a small scale operation and the limited movement of vehicles onto and within the site will not give rise to any noise issues which would impact on adjoining industrial and commercial uses and there are no residential uses in the locality which would be affected. The applicant has confirmed that no vehicle repairs or car cleaning will take place on the site as he has other premises where these activities are carried out. This can be controlled by condition.

In light of the above the proposal is considered acceptable from an amenity perspective.

Drainage and Site Contamination

Core Strategy policy CS 67 'Flood Risk Management' requires development on small sites to reduce surface water runoff as far as possible by design measures such as permeable paving.

The site has been free draining for a number of years and there will be no increase in rainwater runoff as a result of this application. There are concerns that the use may compact the ground resulting in water pooling on the surface. In view of the sensitive nature of the site the applicant intends to raise the existing site level using a coarse aggregate to provide an infiltration blanket across the site. As this will be built up above the existing site levels there will be no disturbance to the existing ground, allow rainwater to adequately drain off the site and will provide a suitable running surface for vehicles.

The Environment Agency advises that sites which are used for the parking of cars that are larger than 800m² in area or for 50 or more parking spaces should have measures in place to prevent pollution. The application site is less than 600m² and will not be used for the storage of more than 50 vehicles. Furthermore the applicant has confirmed that all vehicles will be road worthy and that no vehicle repairs will take place on the site. The proposed porous surfacing is considered to offer a suitable means of treatment from this low risk use. A condition will be added to any subsequent approval limiting numbers of vehicle to be stored on the site to less than 50 at any time to ensure it remains within EA limits.

The Council's land drainage section has advised that the proposals for managing surface water are satisfactory.

Highway issues

Policy IB9 requires development to provide safe access to the highway.

The applicant has confirmed that all vehicles will be driven onto the site. There will be no deliveries by car transporters which would block Laurence Street and impact on highway safety. The low level of traffic generation from the development is

unlikely to have any significant impact on the highway network and the existing vehicular access to the site from Laurence Street is considered to be satisfactory.

The access gate which has previously been installed onto Zion Lane will be reinstated as fencing. The access is considered to be unsuitable for vehicular access due to the limited width of Zion Lane.

The proposed site layout with vehicles positioned around the periphery of the site allows for the ease of movement of vehicles on and off the site without detriment to highway safety.

The submitted plans confirm that a hard standing will be provided at the entrance to the site to prevent any aggregate from being dragged onto the highway.

Coal Mining

The application site falls within a Coal Mining High Risk Area. The Coal Authority has however confirmed that as the application is for a change of use, with no building operations, there is no objection to the proposal.

Attercliffe Action Plan

The Attercliffe Action Plan 2011 to 2021 outlines a framework to promote the economic regeneration of Attercliffe. The plan identified the application site as vacant land which had become overgrown and unsightly and recommends that land to the rear of Attercliffe Road be infilled with development to complement a revitalised 'High Street'. The application site has the potential to be opened up improving the setting of the churchyard.

Whilst the application does not fulfil the objectives of the Action Plan it secures a visual improvement to the area which has been recognised by a number of the representations which have been received. The proposal will not damage the site and with its sensitive nature is unlikely to be redeveloped for any alternative use. In dealing with the application officers have considered if any approval on the site should be on a temporary basis to aid the long term regeneration of the area. This though is private land and the granting of a restrictive permission would not be justified in the current economic climate where alternative funding for such works is unlikely to become available.

SUMMARY AND RECOMMENDATION

The site has remained undeveloped since the 1980s prior to which it was the site of Zion Chapel with adjoining churchyard. Since this time the site has become overgrown and unsightly. The applicant has cleared the site and allowed access across his land to the adjoining churchyard which is undergoing restoration by the FoZGA.

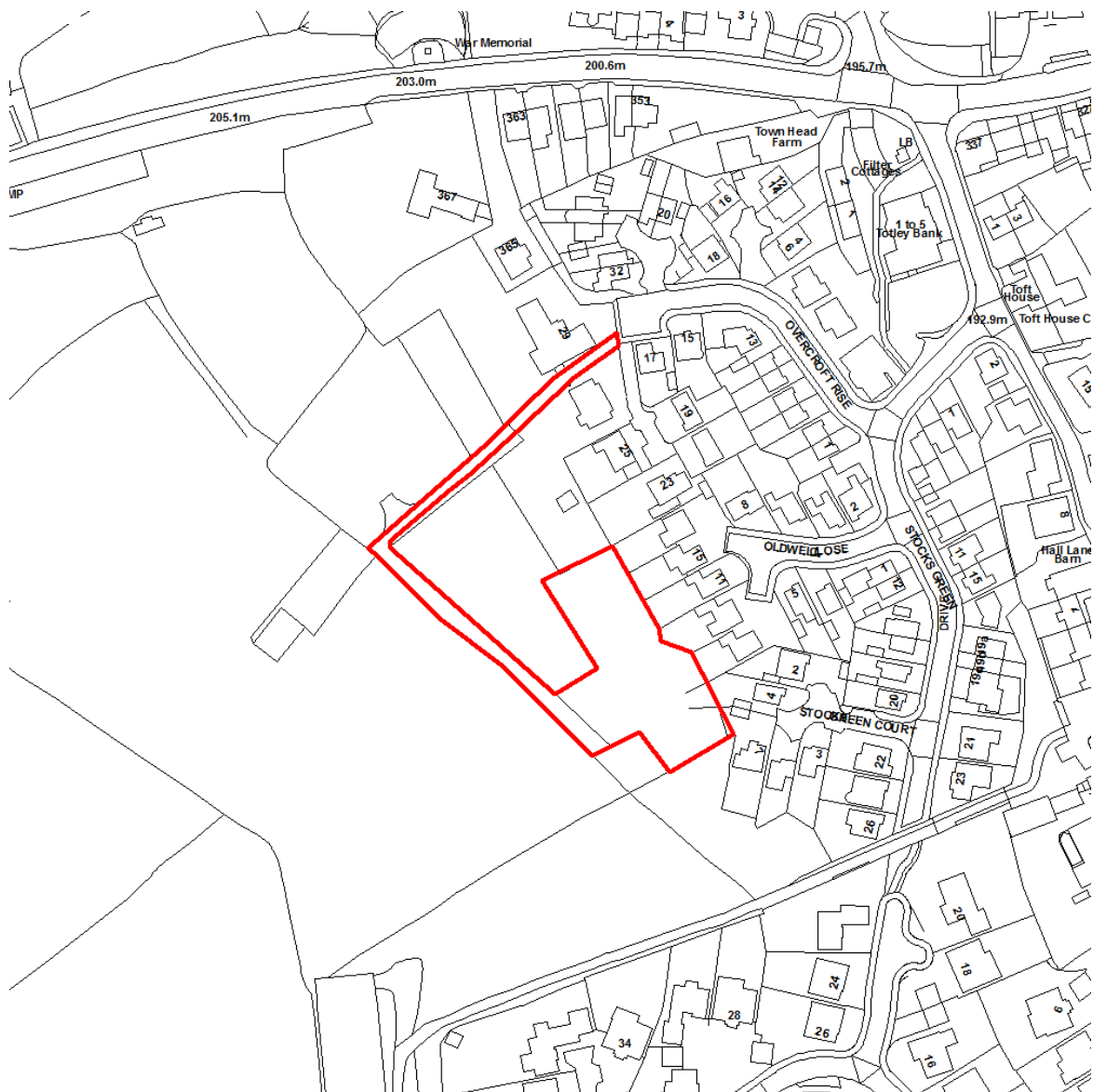
The use of the land for the storage and sale of cars is considered to be compatible with neighbouring uses and will not prejudice the continuation of industrial and business uses in the area. No on site excavations are proposed which may disturb

historic remains on the site. Landscaping will be provided along the boundary with the churchyard in full agreement with the FoZGA.

The development is considered to be in compliance with local planning policy and is recommended for approval subject to the listed conditions.

Case Number	17/04626/FUL (Formerly PP-06493845)
Application Type	Full Planning Application
Proposal	Erection of a dwellinghouse with integral double garage
Location	Land To Rear And Side Of 29 Overcroft Rise Sheffield S17 4AX
Date Received	09/11/2017
Team	South
Applicant/Agent	Self Architects
Recommendation	Appeal against non-determination

Site Location



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INTRODUCTION

The current application is the subject of an appeal under the grounds of non-determination. The final decision can only be made by the Planning Inspectorate.

Therefore, the purpose of the following report is to seek Members' endorsement of the proposed approach/recommendation of the Local Planning Authority in contesting the appeal.

LOCATION AND PROPOSAL

The application/appeal site is located to the west of houses on Overcroft Rise, Oldwell Close and Stocks Green Court. The main body of the site is an agricultural field, and is accessed between Num's 27 and 29 Overcroft Rise.

The application seeks planning permission for a 5 bedroom, detached dwellinghouse, with a double garage and 2 parking bays. The front of the dwelling would be single storey, and due to site topography and excavation the property would be 2 storeys at its rear. It would comprise 3 components, with connecting glazed links and be constructed from natural sand stone, natural slate and dark grey doors and windows.

The access would lead from the existing approach between Num's 27 and 29 Overcroft Rise. From Overcroft Rise it would follow an existing farm track which leads SW. It would then turn and lead SE, using the track incorporated into a previous approval (granted under 14/01243/FUL). At that point the access would turn towards the proposed house to an area at the front of the dwellinghouse.

The dwellinghouse is located in a Housing Area under the provisions of the Adopted Unitary Development Plan (UDP), whilst the cellular reinforced grass turning area is located in the Green Belt. The application site is adjacent to Totley Conservation Area and the land designated as Green Belt is also identified in the UDP as being an Area of High Landscaped Value (AHLV).

RELEVANT PLANNING HISTORY

14/01243/FUL; Erection of agricultural building and access road.
Approved 21/7/2014

14/03256/FUL; Erection of dwellinghouse Refused - 12/2/15, and Dismissed at Appeal - 18/8/15

The reasons for refusal in summary form were as follows:

- Additional hardsurfacing was harmful to open character of Green Belt and inappropriate development
- Development due to scale, massing and location had adverse impact on visual amenity of Green Belt and Area of High Landscape Value
- Out of character and unsatisfactory design, harmful to setting of Totley Conservation Area.
- Unacceptable overlooking to neighbouring property
- Absence of turning facilities for fire appliances, and refuse / delivery vehicles .

The Planning Inspector concluded:

- the hardsurfacing would be inappropriate green belt development,
- the introduction of the development on the open land, would alter the character of the setting of the settlement, the character of the area, the setting of the Area of High Landscape Value and harm the Green Belt,
- reductions of neighbour privacy and overbearing impacts
- was satisfied that access measures could be achieved.

15/01823/ARPRN; Prior notification of proposed alterations to agricultural access road and provision of turning area Refused Prior Notification – 19/5/15

16/01606/APN; Erection of an agricultural barn (Application for determination if approval required for siting and appearance) Refused Prior Notification – 20/5/16

16/04533/APN: Erection of agricultural storage building (Application for determination if approval required for siting and appearance) Refused Prior Notification - 02.03.2017

17/01698/APN; Extension to turning area and alterations to junction of the access road (Application for determination if approval required) Refused Prior Notification - 18.05.2017

SUMMARY OF REPRESENTATIONS

Following direct neighbour notification and the placement of site notices, 23 representations have been received. These are summarised as follows:

-Many of the factors which applied to the previously refused scheme (also dismissed at appeal) still apply.

Land Designation Issues

-Intrusion into Green Belt. The proposed upgrades to track/part of garden are mostly located in Green Belt, which would be compromised and result in conflict with appropriate policy/s. Would conflict with Appeal Inspector's conclusions which concluded this element of previous scheme was inappropriate development in the Green Belt.

-Appeal Inspector commented current Green Belt boundary is not defined on the ground, and proposal would also result in substantial new development that would alter character and setting of settlement.

-Out of character with Totley Conservation Area. Conflicts with UDP policy BE16.

-Whole site is greenfield development, so scheme would be contrary to Core Strategy policies CS24 and CS71.

-Loss of a green open area which has high levels of biodiversity, with signs of badgers and bats.

-Site was demarcated by Council as a building free buffer zone, which was reinforced recently by Council's expression of the intention to extend Green Belt across the strip to the residential boundary. Consent would conflict with relevant and emerging policies.

-Conflict with National Planning Policy Framework (NPPF) policies.

Design and Amenity Issues

-Proposed dwelling is excessively sized and totally out of character with properties in locality. Is sited on a narrow site.

-Ridge level would almost equal previously refused application. Building is in an elevated position above numerous properties.

-Overbearing presence. Very close to boundaries of four existing dwellings. Property much larger than other dwellings.

-Overlooking to several gardens (specific reference to Num's 7 and 15 Oldwell Close and obliquely to others) and habitable room windows. Impacts would be exacerbated by 'upside-down' nature of house.

-Overshadowing in afternoon and evening.

- Light pollution from glazed links.
- Proposed house would be directly in front of house approved at Stocks Green Court (unbuilt), at very close proximity.
- Property would stand out on landscape.
- Loss of outlook across farmland and an Area of High Landscape Value to distant moorland skyline.
- Glazed links form highly visible features.
- Opposition to any residential development on this piece of land, as previous schemes have been resisted in the past.

Highway Issues

- Increased congestion on Tottle Hall Lane, leading to serious accident risk on Baslow Road. Concerns regarding emergency vehicle access.
- Increased vehicle movements would harm amenities of residents of Num's 27 and 29 Overcroft Rise.
- Access creates a blind junction with right of way to numbers 19-27 Overcroft Rise.
- Farm track would not be suitable for refuse / emergency vehicles. These vehicles could not be assured of access through locked gate at top of Overcroft Rise, which is a difficult access point for large vehicles.
- Refuse bins would only be collected from Overcroft Rise, and not from dwelling.
- Query distance to nearest fire hydrant.
- Cellular reinforced grass would cause changes to natural land drainage.
- Leakage from vehicles would require analysis.

Drainage and Subsidence Issues

- No detail about foul drainage and grey water management. Query whether Yorkshire Water infrastructure can accommodate additional demands. Yorkshire Water don't appear to have been notified.
- Surface water drainage is a concern due to extent of increased risk of flooding. Access route from top of Overcroft Rise has been subject to constant flooding from fields. Any scheme should prevent hard surface run-off onto Overcroft Rise.
- Soakaways require 12 month (4 season) infiltration testing to assess acceptability. Rigorous investigations (ground investigation, ground water monitoring, risk assessment and feasibility studies) don't appear to have taken place to ensure residents would be free from risks.
- Concerns for subsidence on downward slope from site.

Agricultural Use Issues

- The barn approved under 14/01243/FUL should not have been approved. Obviously wasn't required since it hasn't been built. If built, would conflict with amenities of occupiers of proposed dwelling.
- Land is farmed by a tenant farmer not Applicant. Scheme would lessen agricultural value of site. No agricultural justification has been provided with application. Applicant's address at time of previous application was 29 Overcroft Rise and was resident on site at that time so presumably could have remained.

Other Issues

- Land to rear of 11 and 15 Oldwell Close (within site) could be subject to a future planning application, as well as land owned by 27 Overcroft Rise.
- Creation of precedent, undermining Green Belt and Area of High Landscape Value. A complete field could be opened up to development.

Amended Plans

- No substantial changes, and earlier objections still apply. Some elements are worse. Dwelling remains over-sized and out of character, with imposing and overbearing impacts.
- Over-development of an undersized site.
- Overlooking opportunities from glazed links would be harmful. Drawings show occupant of dwelling at 1.51m tall, which would still lead to overlooking.
- Overlooking from large number of 2nd floor windows. Invasion of privacy (to 9 Oldwell Close)
- Inadequate separation distance, given differences in levels.
- Visually the dwelling would appear to link to unbuilt barn and form a continuous block of development.
- Concerns over planting of trees; they aren't permanent, deciduous trees provide little screening for much of year, take years to be established and could become a blocking / overshadowing feature for residents below.
- Harm to local environment, Green Belt and AHLV.
- Paved driveway will form an intrusion into the Green Belt.
- Area has high levels of biodiversity.
- Scheme remains similar to the 14/03256/FUL scheme which was refused and dismissed at appeal, which was over-large in footprint and height, inappropriately sized, overbearing, overlooking, visually intrusive and of dominant appearance.
- Sections don't give a true representation of how proposed house will appear.
- No details of foul drainage or grey water management. No clarification of whether Yorkshire Water could manage additional demands.
- Surface water drainage concerns.
- Proposal is not a farm-house, but a property development. Dwelling is capable of sub-division / multiple occupation
- Any approval would lead to a subsequent larger housing development.

Cllr Martin Smith commented on the original submission:

- Scheme fails to address previous concerns.
- Inappropriate in such a prominent and sensitive location on edge of Green Belt, particularly due to scale and massing
- Overbearing impact on neighbouring properties, leading to loss of privacy and residential amenity
- Out of scale with neighbouring properties
- Planning/enforcement history should be taken into account

Cllr Smith provided a 2nd comment stating that the amendments don't make any significant improvements.

Cllr Ross has also commented on the original submission and states:

- Site has been subject of a number of similar proposals rejected by the Council and later dismissed at appeal to Planning Inspectorate. Reasons for refusals still hold.

- Land is in Buffer Zone on the edge of the Green Belt, is in an Area of High Landscape Value, and can be viewed from the Peak District National Park.

Therefore contrary to relevant policies.

- Site is adjacent to Totley Conservation Area.

- Proposed dwelling stands above neighbouring properties, having a significant overbearing impact. Windows would overlook properties on Oldwell Close and cause loss of privacy.

- Drainage concerns.

- Proposed dwelling would occupy a significant portion of the land available to previously approved barn building.

Cllr Ross provided a 2nd representation regarding the amended drawings stating that the previous concerns still stand, and that the revisions don't make any substantial improvements.

Non-Planning Issues

- Sequence of different application raises questions regarding validity, credibility and motives of Applicant.

- Applicant is seeking to gain consent by a process of attrition.

- A large dwelling isn't required for Applicant's purposes and nearby schools, public transport facilities and amenities suggest property is intended for use by others in future. No requirement for Applicant to be near the farm.

- Loss of view.

A letter of support has been provided by the farmer of the application land.

- It is commented that there was a recent burglary at the site. Applicant wishes to live on the farm to look after it, for security, vermin control and efficiency.

- References to a potential nursing-home and a non-existent buffer zone are irrelevant.

- Refusals of hay barn and tractor turning area have led to inconvenience.

- Dwelling is sited out of Green Belt, and would not be obtrusive when viewed from farm land which doesn't have public access.

- Access road is adequate for large farm vehicles and all likely traffic.

- Scheme meets policies on overlooking and amenity.

PLANNING ASSESSMENT

Greenfield Development

Core Strategy Policy CS23 seeks to concentrate new housing (at least 90%) within the main urban areas of Sheffield. Policy CS24 seeks that priority be given to the development of previously developed land (brownfield sites) and states that no

more than 12% of new dwellinghouses should be on greenfield sites between 2004/05 and 2025/26.

In terms of Core Strategy Policies CS23 and CS24, the Council is currently achieving 96% of all new housing on previously developed land (i.e. only 4% on greenfield sites). The development of this greenfield site would not therefore conflict with either of these two policies.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It goes on to state that where a Local Planning Authority cannot demonstrate a five-year housing supply, relevant policies for the supply of housing should not be considered up-to-date.

At present, Sheffield can only demonstrate a 4.5-year housing supply of deliverable housing sites across the city. In addition to Paragraph 49, Paragraph 14 of the NPPF indicates that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless, amongst other things, specific policies in the NPPF indicate development should be restricted. The specific policies, which indicate that development should be restricted are set out at Footnote 9 of the NPPF and include policies relating to land designated as a heritage asset. Therefore, despite the fact that the Council is currently unable to demonstrate a five-year housing supply, the NPPF is clear that the failure to demonstrate a five-year housing supply does not apply a presumption of granting planning permission at the expense of designated heritage assets.

Land Use

The application site is located in land partly designated as being within the Green Belt and AHLV and partly within a Housing Area under the provisions of the Adopted Unitary Development Plan.

The following policies are therefore relevant:

National level

The National Planning Policy Framework at para 87 states “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.

Para 88 states “local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”

Para’s 89 then states that the construction of new buildings is inappropriate in Green Belt, and then gives a number of exceptions to this with further exceptions in para 90.

Local Level

UDP Policy GE1 'Development in the Green Belt' states; In the Green Belt, development will not be permitted, except in very special circumstances, where it would: c) lead to encroachment of urban development into the countryside

UDP Policy GE3 covers 'New Building in the Green Belt', and states the construction of new buildings will not be permitted, except in very special circumstances, for purposes other than agriculture, forestry, essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses which would comply with Policy GE1.

UDP Policy GE4 covers 'Development and the Green Belt Environment', and states 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.

UDP Policy GE8 covers 'Areas of High Landscape Value and the Peak National Park' and states in Areas of High Landscape Value, protection and enhancement of the landscape will be the overriding consideration. Development which is permitted (b) on land conspicuous from Areas of High Landscape Value or the Peak National Park; must protect, and wherever appropriate enhance the appearance and character of the Area of High Landscape Value and Peak National Park.

Policy CS74 of the CS states; High-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods, including:

b. views and vistas to landmarks and skylines...across the city to the surrounding countryside;

The proposal includes the provision of a forecourt / turning area at the front of the dwelling. The large majority of this would be located in the Green Belt. It would cover an area of approximately 13m by 20m (260 sqm). The drawings specify that this would be treated in a cellular reinforced grass.

Whilst the provision of this surfacing would represent an engineering operation, it would be considered to preserve the openness of the Green Belt and as per para 90 of the NPPF would not be considered to be inappropriate or to conflict with the purposes of including land in the Green Belt.

The drive and turning area provided as part of 14/03256/FUL was not considered by the Appeal Inspector to preserve the Green Belt's openness, so was considered to be inappropriate development. Whilst the driveway in the Green Belt as part of that application covered an area measuring 30m by 4m, it was to be hardsurfaced having a very urbanising visual impact. As a result it is considered that such a surface would have had a much greater intrusion into the Green Belt's openness than the larger area of cellular reinforced grass. Cellular reinforced grass would very closely mirror the existing surfacing, and it would be considered unreasonable to seek to argue it wouldn't preserve the Green Belt's openness.

In concluding that the two situations are different, it is particularly relevant that the cellular grass would be sited in an area where grass coverage can become extremely thin, due to vehicular activity and general operations

It is therefore considered that the element of the development within the Green Belt would not undermine the purposes of including land within the Green Belt.

On this basis, this part of the proposal would be considered to meet the requirements of NPPF para 90, and UDP policies GE1 and GE4.

Design, Character and Appearance

At the national level NPPF para 17 at item 4, states that a core principle of planning is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Item 5 of the same paragraph identifies another core principle of planning as being the recognition of the intrinsic character and beauty of the countryside.

In regards to the historic environment para's 132 of the NPPF requires great weight to be given to the conservation of a designated heritage asset. Para's 133 and 134 give directions on required responses depending on the level of harm to designated heritage assets.

UDP Policy BE5 covers 'Building Design and Siting' and states:
Good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions. The following principles will apply:

Physical Design

- (a) original architecture will be encouraged but new buildings should complement the scale, form and architectural style of surrounding buildings;
- (f) designs should take full advantage of the site's natural and built features;

UDP Policy BE16 covers 'Development in Conservation Areas' and states:

In Conservation Areas permission will only be given for proposals which contain sufficient information to enable their impact on the Area to be judged acceptable and which would preserve or enhance the character or appearance of the Conservation Area.

Material considerations in considering proposals will include matters which would affect the setting of a Conservation Area or significant views into, or out of, the Area.

UDP Policy H14 deals with 'Conditions on Development in Housing Areas' and states;

In Housing Areas, new development or change of use will be permitted provided that:

- (a) new buildings and extensions are well designed and would be in scale and character with neighbouring buildings;

Policy CS74 of the Core Strategy deals with 'Design Principles' and states:

High-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods, including:

c. the townscape and landscape character of the city's districts, neighbourhoods and quarters, with their associated scale, layout and built form, building styles and materials;

The Planning Inspector dealing with the previous appeal stated that there was no boundary clearly defining the land designated as Housing Area on the ground with the land either side of it not differing in character. As a result the portion of the site within the Housing Area was described as being indistinguishable from the land forming the countryside beyond the settlement.

The Inspector went on to say that the existing settlement is physically bounded by the existing properties and their rear gardens. The dwellings are set substantially lower than the open land beyond their rear boundaries. As a result, this arrangement provides a transition between the open countryside and the settlement, as only the rear boundaries and roof forms of the houses are perceived from the open countryside.

These circumstances remain, and whilst the current proposal features 3 elements (connected by glazed links) the central section would have a ridge line approximately 1.9m lower than the ridge level of the main building in the previous scheme. Whilst this is a reasonable reduction, the proposed ridge height of the central section would be 2.47m above the ridge of No 7 Oldwell Close. The ridge's of the proposal's 2 outer sections would be approximately 1.48m above No 7 Oldwell Close's ridge.

The additional height of the proposed building in excess of the height of existing dwellings in the existing settlement would mean it would be considered to be a significantly more prominent construction. As a result the proposed building would continue to be considered to represent a significant and substantial building, that would be set at a high level compared to the development beyond it.

The provision of 3 separate components with glazed links would not adequately reduce the visual impact of the proposal, as they would be viewed together as a single building. The scale and massing of the proposal would be considered to have an adverse impact on the character and appearance of this transitional zone between the open countryside and the settlement.

The site currently reads as an open field with housing beyond the boundary treatment that is present. The development proposed would result in the house appearing as a stand-alone somewhat random feature within the field completely out of character with its surroundings.

On this basis the proposal is considered to conflict with UDP policy GE4, which requires development conspicuous from the Green Belt to be in keeping with the area and to conserve and enhance the landscape and natural environment. It is also considered that there would be conflict with policy GE8, which seeks to prevent harm to and wherever appropriate, enhance the appearance and character of the AHLV. It would also be considered to conflict with UDP policies BE5 and H14, along with policy CS74 from the Core Strategy.

In relation to the implications on the Conservation Area, it is not considered that the existing houses represent important features in the area in their own right. However, the “setting of the conservation area between town and country” is identified in the Conservation Area Appraisal as being one of the features of special interest justifying the designation as a Conservation Area.

The setting of the settlement was considered by the Planning Inspector to be important to the character of the Conservation Area. The current proposal's lack of sympathy to the appearance of the settlement's edge would result in harmful impacts to the setting of the conservation area. It would undermine the immediate surroundings of the Conservation Area as a transitional area between town and country.

In conclusion the proposal would be considered to conflict with UDP policy BE16. In addition there would be considered to be conflict with UDP Policies BE5 and H14.

Paragraph 134 of the NPPF states that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal. The only public benefit of the proposal would be a minimal contribution to housing provisions.

The provision of a single house unit would not be considered to outweigh the less than substantial harm to the Conservation Area as a designated heritage asset. As a result the scheme would also conflict with the provisions of NPPF paragraphs 132 and 134.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It goes on to state that where a Local Planning Authority cannot demonstrate a five-year housing supply, relevant policies for the supply of housing should not be considered up-to-date.

At present, Sheffield can only demonstrate a 4.5-year housing supply of deliverable housing sites across the city. In addition to Paragraph 49, Paragraph 14 of the NPPF indicates that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless, amongst other things, specific policies in the NPPF indicate development should be restricted. The specific policies, which indicate that development should be restricted are set out at Footnote 9 of the NPPF and include policies relating to land designated as a heritage asset. Therefore, despite the fact that the Council is currently unable to demonstrate a five-year housing supply, the NPPF is clear that the failure to

demonstrate a five-year housing supply does not apply a presumption of granting planning permission at the expense of designated heritage assets particularly in light of paragraphs 132 and 134.

Amenity Issues

As well as para 17 of the NPPF at Item 4 requiring developments to provide a good standard of amenity for existing and future occupants of land and buildings, Policy H14 of the UDP states in c) that the site should not be over-developed or deprive residents of light, or security, or cause serious loss of existing garden space.

The rear elevation of the proposed building would be separated by approximately 23.3metres from No 7 Oldwell Close. Notwithstanding the elevated level of the application site, the separation distance/s to neighbouring dwellings would enable the development to avoid having imposing or overbearing presence when viewed from these neighbouring properties and their gardens.

In regards to overlooking the Agent revised the proposal's rear elevation to include windows which were intended as being high level. However, a cill level of 1.51m is shown, which would not fully prevent views to the 1st floor windows of neighbouring properties by adult males who have an average eye height of 1.63m in the UK. (Source – firstinarchitecture.co.uk Therefore, whilst this version of the proposal may have some overlooking and privacy implications, these impacts would be able to be mitigated by a condition on any approval requiring slight alterations to the window cill heights and/or requirements for obscured glazing. Since the internal areas served are either non-habitable rooms or form part of larger rooms / open plan spaces, such a requirement would continue to achieve acceptable internal living conditions.

It is therefore not recommended that Members endorse a suggestion that the scheme is harmful for this reason. But the requirement for an appropriate condition to deal with the potential issue would need to be made as part of the appeal documentation.

The 2 glazed link sections would have glazing facing rearwards. As they would form non habitable areas, overlooking from these link sections would be able to be controlled by requiring installation of obscured glazing. Whilst lighting and movement would be detected, the small and non-habitable nature of these spaces would mean the areas were used predominantly for circulation purposes. As a result persons would only be present in these spaces for short lengths of time, and this would be considered to avoid detrimental impacts upon living conditions of neighbouring occupiers.

Overall, the proposal would be considered to avoid undermining amenities and living conditions of neighbouring occupiers. As a result, the scheme would be considered to meet the relevant requirements of UDP policy H14.

Highways Issues

UDP policy H14 states in part d) that development should provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

The scheme is provided with a double garage and two spaces at the garage frontage. This would be a satisfactory level of off-street parking.

The vehicle movements associated to a single dwelling would be relatively limited, meaning implications at the site access point would not be significant. It is therefore considered that these elements of the proposal would not lead to harmful circumstances which would be capable of supporting a refusal of the application.

The turning area would allow fire appliances, delivery and refuse vehicles to access the site and turn, thereby allowing exiting the site in a forward gear.

In regards to refuse collections, submissions were made as part of the previous appeal which satisfied the Appeal Inspector that measures could be put in place dealing with the issue. It is therefore considered that similar measures would continue to be satisfactory. Conditions covering these items would be able to be included in any approval of the scheme.

On this basis the proposal would be considered to satisfy the requirements of UDP policy H14 d).

Drainage Issues

The application forms state that foul sewerage would be taken to the mains sewer system, and surface water would be dealt with by soakaway. It was stated by the Applicant as part of the previous appeal that there was a permanent easement from the site over and under an access way through the adjoining curtilage of 7 Stocks Green Court, which would give access to the adopted road for purposes of foot traffic, services and drainage to the adopted sewers.

This permanent easement would allow foul sewerage to access the public network via that routing.

No details have been provided to evidence that a soakaway would function properly without any detrimental implications. Any approval would need to be subject to a condition requiring details of foul and surface water drainage, and satisfactory details would need to be submitted and approved at a subsequent point. Were it established that soakaways would not function adequately, the easement routing and public sewer facility would need to be utilised.

Contamination Issues

The site has been used for potentially contaminative agricultural purposes. These present a potential risk to human health and/or the environment. As a result a series of conditions would need to be incorporated into any approval of the scheme.

Community Infrastructure Levy

The site is located within a CIL Charging Zone with a residential levy of £80 per square metre.

The funds generated through CIL will be used in connection with strategic infrastructure needs.

RESPONSE TO REPRESENTATIONS

The majority of comments have been addressed in the above assessment section. In regards to the remaining items the following comments can be made:

-In regards to biodiversity there is no evidence of protected species using the site as a permanent habitat. Whilst there will be highly likely to be wildlife activity on the site it has been stewarded as an agricultural field.

-The Totley Buffer Zone is no longer viable as a planning consideration. The Housing Area and Green Belt designations are relevant. Whilst, an amendment to the Green Belt boundary was proposed as part of the Pre-Submissions City Policies and Sites document, this proposal would be assigned limited weight as the amendment was objected to as part of the consultation process. It would therefore be considered to be unreasonable to resist the application based upon this issue.

-It was suggested within representations that rigorous investigations ought to be required. The nature of the proposal and the site would not be considered to warrant particular attention is given to these issues, and instead the requirements of the building regulations would need to be addressed if approval were granted.

-The potential for further future applications do not form a material consideration relevant to the current application.

-The concern that the dwelling would be occupied by others in future is noted. The Applicant's argument that the farm unit requires an on-site presence is not considered to justify the scheme, so occupation by others would not further lessen the acceptability of the proposal.

-The section drawings are considered to be accurate and a useful tool in assessing the implications of the proposal.

-Yorkshire Water are not notified of applications of this nature.

-The Applicant's previous occupation of 29 Overcroft Rise is not relevant to the current application.

SUMMARY

The application that seeks planning permission for a single detached dwellinghouse is currently the subject of an appeal to the Planning Inspectorate on the grounds of non-determination

Due to the grounds of the appeal, the final decision can only be made by the Planning Inspectorate. Therefore, the purpose of this report is to seek Members' endorsement of the suggested officer approach in contesting the appeal.

The application site is designated in the Adopted UDP as part Green Belt and part Housing Area. It is considered that the proposed dwellinghouse would have a detrimental impact upon the setting of the Green Belt and the Area of High Landscape Value. It would also be considered to undermine the setting of Totley Conservation Area.

In relation to amenity issues, it is considered that the proposed dwelling would not represent an overbearing presence. With the imposition of planning conditions to secure some modest elevational alterations and to control certain details it is considered the living conditions of surrounding residents could be safeguarded.

The scheme would be considered to be acceptable and to avoid any detrimental impacts upon highway safety relating to the application site.

RECOMMENDATION

Members are requested to endorse the suggested officer approach to defend the current non-determination appeal on the grounds of harmful impacts on the setting of the Green Belt and Area of High Landscape Value, and also to the setting of the Conservation Area.

The following reasons for refusal are suggested:

The Local Planning Authority considers that the proposed development, by reason of its scale, design and location would constitute development in an area of open land which would significantly alter the character and setting of the settlement, fail to integrate with its setting and have an adverse impact on the appearance and character of the adjacent Green Belt and Area of High Landscape Value. These impacts would be contrary to Policies BE5, GE4, GE8 and H14 of the Adopted Unitary Development Plan, Policy CS74 of the Sheffield Development Framework Core Strategy and would be in conflict with the requirement of the National Planning Policy Framework to recognise the intrinsic character of the countryside.

The Local Planning Authority considers that the proposed development, by reason of its scale, design and location would be out of character with the appearance of the edge of the settlement and be detrimental to the setting of Totley Conservation Area. This would be contrary to Paragraphs 132 and 134 of the National Planning Policy Framework, Policies BE5, BE16 and H14 of the Adopted Unitary Development Plan and Policy CS74 of the Sheffield Development Framework Core Strategy.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 1 May 2018

Subject: Enforcement Report

Author of Report: Khalid Mahmood

Summary: Progress report on enforcement actions authorised by committee or under delegated powers within the City.

Reasons for Recommendations:

The purpose of this report is to inform Committee members of progress on current enforcement cases in City.

Recommendations:

That members note the current progress on actions

Background Papers:

Category of Report: OPEN

DEVELOPMENT SERVICES

REPORT TO PLANNING AND HIGHWAYS COMMITTEE

1 MAY 2018

OVERVIEW OF ENFORCEMENT ACTIVITY

1. PURPOSE OF THE REPORT

- 1.1 This is the six-monthly report to inform members of the work being undertaken by the Planning Enforcement Team. The period covered runs from 1st October 2017 to 31st March 2018.

2. ACTIVITY DURING THE PERIOD

- 2.1 The enforcement team has had two experienced members of staff leave the Service within the last six months. The loss of two full time staff has resulted in a significant increase in the individual officer workloads and has put a lot of pressure on remaining staff. One of the Enforcement Assistant post has been advertised and two new members of staff have been recruited on a job share and started in their role in February. They are currently in the early stages of their training.
- 2.2 A large proportion of cases are closed through negotiation to remedy breaches or to regularise developments. However, where necessary, strong action is also taken to try and ensure speedy compliance. Prosecution is an important part of enforcement work, without it there is no deterrent to people who have carried out work without consent and who then ignore formal Notices. Recently officers have had excellent results with some of their cases that have been to the Magistrates Courts. In one case the owner had previously been prosecuted for breaching a Notice in December 2012 and June 2015. After the hearing in June 2015, the owner was provided with a schedule setting out how he might go about completing the works in a cost effective and timely manner. He had chosen to ignore officer advice claiming that he simply couldn't afford to do the works. On the third prosecution in September 2017, the Magistrates fined him £5690 including costs. This has resulted in him appointing a company who will be carrying out the required works to comply with the Notice soon.
- 2.3 In another case a company was fined £2100 including costs for not complying with an Enforcement Notice relating to a Listed Building. The natural slate roof of the grade II Listed Building had been replaced

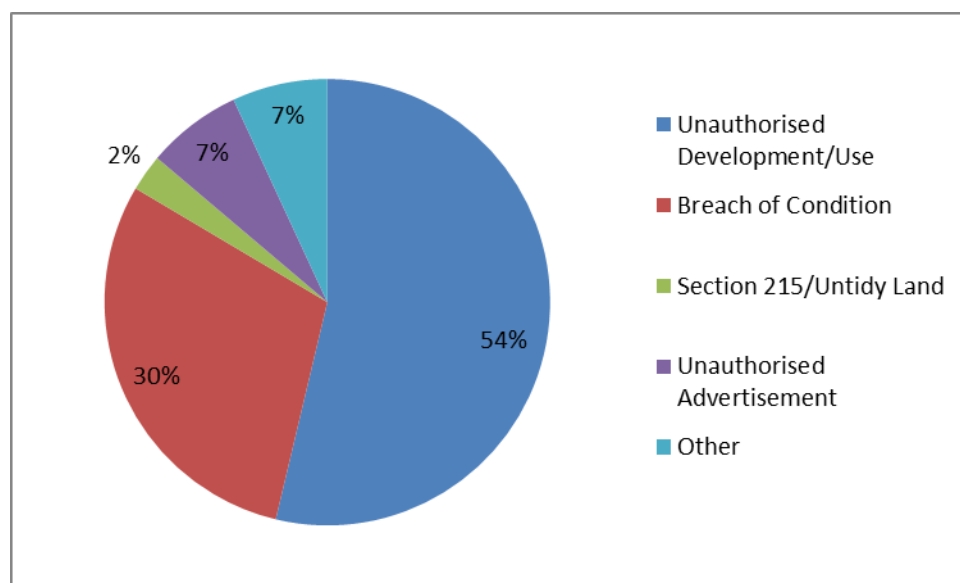
with steel cladding. The Architect has now sent a proposed timescale for getting the work done to comply with the Notice and reinstate a slate roof.

- 2.4 Enforcement action was taken by the Council following refusal of retrospective planning permission to make alterations to, and change the use of a barn into a house. An Enforcement Notice was served requiring the residential use to stop and the building to be changed back into a barn. The owner of the site appealed against refusal of two planning applications and against the Enforcement Notice. The appeals went to a Public Inquiry. Two of the three appeals were dismissed. The owner has until 3 October 2019 to stop using the barn as living accommodation and to physically change it back into a barn.

The Inquiry considered a range of information including officers own visit information over the relevant period, information from the applicant, and although not relied upon, google images. Piecing all things together, on the whole, the Inspector said the evidence that the 'dwelling' was incomplete 4 years before the EN was probably correct.

A third appeal against refusal of the planning permission to remove a planning condition from the horse livery use was upheld. The condition prohibited any living accommodation being formed at the site. This condition is now removed by the appeal decision. The reason being that planning permission is always needed to make living accommodation at a horse livery type use, so the condition was unnecessary and it was therefore invalid.

3 SCALE OF INVESTIGATIONS, INCLUDING MONITORING AND ENFORCEMENT



3.2 A total of 191 complaints were received and 231 cases have been closed in the last 6 months of which 38% have been remedied or made acceptable. There are currently 594 live cases. The number of cases resolved within the target of 6 months was 41% of all the cases closed in the period. Performance has fallen short of the Service target of 60% for cases closed within 6 months due in large part to the staff resourcing issues highlighted above.

3.3 The table below shows the number of complaints received in the last year 2017/18 and the previous year 2016/17:-

Year 1 st Apr 2016 – 31 st Mar 2017	Year 1 st Apr 2017 – 31 st Mar 2018
564	512

4 WILLINGNESS TO TAKE STRONG ACTION

4.1 The table below shows the number of formal Notices served and prosecutions carried out within the last year 2017/18 and the previous year 2016/17 to show trends: -

Notice type	Year 1 st Apr 2016 to 31 st Mar 2017	Year 1 st Apr 2017 to 31 st Mar 2018
Breach of Conditions	10	4
Discontinuance (adverts)	0	0
Enforcement	18	12
Stop	0	0
Temporary Stop	2	1
Section 215 (untidy land)	1	1
Section 225 (signs)	6	9
Total Notices Served	37	27
Prosecutions	10	8

4.2 The table below shows the number of formal Notices served and prosecutions carried out within this period and the previous three quarters to show trends: -

Notice type	Quarter 1 1 st Apr – 30 th Jun 2017	Quarter 2 1 st Jul – 30 th Sep 2017	Quarter 3 1 st Oct – 31 st Dec 2017	Quarter 4 1 st Jan – 31 st Mar 2018
Breach of Conditions	4	0	0	0
Discontinuance (adverts)	0	0	0	0
Enforcement	3	5	0	4
Stop	0	0	0	0
Temporary Stop	0	0	1	0

Section 215 (untidy land)	0	0	1	0
Section 225 (signs)	5	1	2	1
Total Notices Served	12	6	4	5
Prosecutions	0	0	2	6

4.3 The number of formal Notices that have been served in the last 12 months has decreased. The number of prosecutions and Enforcement Notices served in the last 6 months has remained consistent. However, the number of Breach of Condition Notices served has decreased in the last 6 months and also in the last 12 months.

5. CONCLUSION

5.1 Due to issues relating to staffing and resources the six month service target has not been met; the number of Notices served and prosecutions have also dropped slightly. The team's performance is well short of the Service Plan Target of resolving at least 60% of cases within 6 months. This is expected to be a temporary distortion of the statistics that will improve once the new members of the team settle into their job and the caseloads of the existing officers' drops.

6. RECOMMENDATION

6.1 This report is for noting

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 1 May 2018

Subject: Enforcement Report

Author of Report: Khalid Mahmood

Summary: Progress report on enforcement actions authorised by committee or under delegated powers within the City.

Reasons for Recommendations:

The purpose of this report is to inform Committee members of progress on current enforcement cases in City.

Recommendations:

That members note the current progress on actions

Background Papers:

Category of Report: OPEN

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UPDATE ON LIVE ENFORCEMENT CASES WHICH HAVE BEEN GRANTED AUTHORITY UNDER DELEGATED POWERS OR BY MEMBERS

Report abbreviations

PP	Planning Permission	EN	Enforcement Notice
PD	Permitted Development	PCN	Planning Contravention Notice
BCN	Breach of Condition Notice	S330	Notice under Section 330 of the Act requiring details of interest in land
S215	Notice under Section 215 of the Act – Land adversely affecting amenity of neighbourhood.	S225	Notice under section 225 of the Act requiring removal of illegally displayed placards or posters
		PO	Planning Officer
		EA	Enforcement Authority
		NFA	No Further Action
TSN	Temporary Stop Notice		

ITEMS IN BOLD TYPE INDICATE CHANGES SINCE LAST REPORT

CITY CENTRE & EAST AREA

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
1.	119 Gell Street, S3	Increase In Roof Height and erection of staircase to form habitable accommodation.	18/04/2018	19/04/2018 - Planning application (18/00596/FUL) has been refused with enforcement authority. (17/00550/ENUHD – JB)
2.	81 The Oval, S5	Change of use to a Shop	06/03/2018	16/04/2018 – Site visit to be done to check if the property is being used as a Shop. (16/00483/ENCHU – BG)
3.	A W Tools (Europe) Ltd, Globe Steel Works, 24 Alma Street, S3	Erection of hoardings	21/11/2017	16/04/2018 – Application 17/04283/HOARD has been refused with EA. The hoardings have been removed – NFA. (17/00469/ENHOA- JB)

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
4.	White Waters, Station Road, Halfway, S20	Erection of building and change of use to residential	14/07/2017	16/04/2018 – Enforcement Notice has been served and an appeal has been made, to be considered at a Public Inquiry in September 2018. (17/00398/ENCHU – KM)
5.	83 Northern Avenue, S2	Unauthorised erection of a high fence at the front of the property	13/04/2017	16/04/2018 – An appeal was made and subsequently withdrawn because the fee was not paid. A letter to be sent asking to comply with Notice.08/08/2017 – EN served on 25/07/2017 with a 12 week compliance period. (15/00346/ENUHD – KM)
6.	Land at Barleywood Road, S9 5FJ	Unauthorised use as a breakers yard and erection of a building	01/11/2016	16/04/2018 – Planning permission (16/04583/FUL) for retention of building for repair and maintenance of vehicles (Use Class B2) and use of land for storage of car parts (Use Class B8) has been granted with conditions. Site will be monitored to check if the scrapyards use has stopped and conditions are being complied with. 20/04/2017 – EN served 01/11/2016 took effect on 05/01/2017 compliance by 10/06/2017. (16/00434/ENCHU - LB)
7.	142 Devonshire Street, S3	Unauthorised signs and the repainting of the shop front	09/08/2016	16/04/2018 – The original case officer has left the Council and the case has been reallocated to new Officer for new statement to be done. 08/08/2017 – EN has not been complied with and planning application remains invalid. Statement to be done for prosecution. 20/04/2017 – Listed Building EN has been served on 06/01/2017 took effect on 13/02/2017 16 week compliance period. An application (17/00796/FUL) has also been submitted for the existing sign, which is currently invalid. (15/00068/ENLBD – KM)
8.	126 Birley Spa Lane S12 4EJ	Unauthorised flue, and shipping container, and prevent the unauthorised use as a Fast Food Takeaway.	09/08/2016	16/04/2018 – The case was reported for prosecution and the business owner has pleaded not guilty at the first hearing because he states that he was not the business owner at the time we witnessed the breaches. The case is now being heard as a full trial on the 24/05/2018. A

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
				<p>letter has also been sent to the new business owner asking to comply with the Notice. 08/08/2017 – The use is still continuing and the container and the flue have not been removed either. Evidence is being gathered for prosecution for non-compliance with EN. 20/04/2017 – A TSN was served and was not complied with. The company and the occupier have been prosecuted and were fined a total of £1988. An EN has also been served on 07/12/2016 (16/00314/ENUD-JB)</p>
9.	Land adjacent to Finestra Systems Ltd, Old Lane, Halfway, S20	Planning application (15/04500/FUL) refused with enforcement action - Erection of a warehouse-storage unit	17/05/2016	<p>16/04/2018 – Application 17/04936/FUL has been granted. However, site will be monitored to check that the conditions are being complied with - NFA (16/00281/ENUD – KM)</p>
10.	15 Westfield Terrace, S1	Signage	17/05/2016	<p>16/04/2018 – The original case officer has left the Council and case has been reallocated to new officer for a new statement to be done. 08/08/2017 – File being prepared for 2nd prosecution. 20/04/2017 – The company has been prosecuted and fined a total of £1950. A reminder letter to be sent to new company that the signs need to be removed within a reasonable time period and if not the matter will be reported for prosecution again. (16/00110/ENLBD – KM)</p>
11.	25 Moor Valley, S20	Unauthorised fence	26/04/2016	<p>16/04/2018 – The matter was in Court on the 13/03/2018 and was adjourned until 24/04/2018 so that works are done to comply with Notice. 08/08/2017 – Witness statement has been done and file to be sent to Legal Services for prosecution on 09/08/2017. 20/04/2017 – The EN has not been complied with, statement to be done for prosecution. 17/10/2016 – EN has been served on 23/06/2016 and took effect on the 28/07/2016 with a 16 week compliance period. (15/00242/ENBC – KM)</p>

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
12.	38 Sandy Acres Close, S20	Log cabin in rear garden	15/03/2016	16/04/2018 – The outbuilding now complies with the approved plans (17/00718/FUL); modified roof has been completed and the windows, in the side elevations have had an obscured film applied to the glass – NFA. (15/00626/ENUHD – FS)
13.	87 High Street, S20	Flue	15/03/2016	16/04/2018 – In discussion with legal to determine what is the best way to proceed with this case. 08/08/2017 – Draft EN with legal. (14/00128/ENUD – JB)
14.	43 Moorthorpe Rise, S20	Encroachment of garden into buffer strip	22/12/2015	16/04/2018 – The Notice has been complied with – NFA. (15/00532/ENCHU – JB)
15.	261 Staniforth Road, S9	Erection of Marquee	01/12/2015	16/04/2018 – The business has been taken over by new owners. A S330 Notice has been served to establish details of new business owner. 08/08/2017 - Statement to be prepared for prosecution. 03/05/2016 - EN has been served on 22/12/2015 and took effect on 26/01/2016 compliance by 17/05/2016. (14/00017/ENUD – LB)
16.	55 Bawtry Road S9	External wall insulation	24/06/2014	16/04/2018 - Statement being done for prosecution. 20/04/2017 – Reminder letter to be sent to installer. 17/10/2016 – Works have begun to comply with Notice – Monitor. 08/02/2016 – An extension of time has been given to resolve the issue until 01/02/2016, No work has been done – chasing progress, if no progress then that matter will be reported for prosecution. 20/10/2015 – Within compliance period. 08/07/2015 - An EN has been served on 25/06/2015 comes into effect on 27/07/2015 unless appeal is made and needs to be complied by 27/11/2015. (15/00058/ENBC – LB)
17.	24 Dundas Road, S9	External wall insulation	24/06/2014	16/04/2018 - Statement being done for prosecution. 20/04/2017- Reminder letter to be sent to installer. 17/10/2016 – Works has begun to comply with Notice –

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
				Monitor. 08/02/2015 – The EN has not been complied reminder letter to be sent. 20/10/2015 – Within compliance period. 08/07/2015 – An EN has been served on 25/06/2015 comes into effect on 27/07/2015 unless appeal is made and needs to be complied by 27/11/2015. (15/00059/ENBC – LB)
18.	1 Blackmore Street, S4	Re-roofing of a listed building	16/06/2015	16/04/2018 – The owner was fined a £1500, £450 costs and £150 surcharge. A timescale has been submitted for the works to be carried out. (14/00207/ENUD – LB)
19.	Woodhouse Spice, 14 Market Square, S13	Unauthorised signs on a listed building	26/05/2015	16/04/2018 - The signage has been removed. – NFA. (14/00019/ENOA – KM)
20.	20 Dovercourt Road, S2 1UA	Untidy front and rear garden	20/11/2014	16/04/2018 - Following prosecution, in the Magistrates Court some works have been carried out to comply with the Notice. This is considered as an improved on the appearance of the property, which when taking the street scene as a whole, has resulted in a significant lessening on the impact this dwelling has on the amenities of the street, therefore considered not expedient to take further action - NFA. 08/08/2017 - Up to date photographs to be taken before decision is made on appropriate action. 17/05/2016 – Some work has been done to tidy the site since the original successful prosecution in 2015 – monitor. (13/00084/ENS215 – FS)
21.	33 Pavilion Way, S5 6ED	Unauthorised single storey side and rear extension	09/12/2014	16/04/2018 – Planning permission 17/04305/FUL has been granted and has not been implemented yet. EA to be taken against the remaining structure. 08/08/2017 - Seeking legal advice on enforcement options, there are building regulation issues that need to be considered. 20/04/2017 – Appeal against the planning application (15/00183/FUL) was allowed conditionally – Condition

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
				requires plastic to be replaced by brickwork. Serious defects with extension have made it impossible to comply with building regulations; therefore this PP cannot be implemented. (16/00121/ENBC – LB)
22.	42 Dundas Road, Tinsley, S9 1SY	Unauthorised external flue	15/10/2013	16/04/2018 - Awaiting Police to execute the warrant which was issued on the 13/08/2015. 07/04/14 - EN has been served 3/01/14 comes into effect 07/02/14 and required compliance by 02/05/14. (13/00039/ENUD – LB)
23.	484 Staniforth Road, Darnall, S9 3FW	Unauthorised roof extension	25/01/2010	16/04/2018 – Given that the owner has been prosecuted three times before and the fines have been very small due to the owner’s financial circumstances. It is considered that we give a further 2 years to comply with the Notice before reporting the matter for prosecution. 08/08/2017- The owner was found guilty and fined £250, costs £350 and £30 Surcharge. 20/04/2017 – A prosecution statement has been done and the case is due in Court on the 6 June. 17/10/2016 – The owner was found guilty for the 2 nd time and was fined £140.00 with £260 costs. A letter has been sent asking for the EN to be complied with – no response received therefore the matter will now be reported for 3 rd prosecution. 03/05/2016 – Court hearing on the 9/03/2016 and was subsequently adjourned until 12/05/2016. 08/02/2016 – prosecution file with litigation waiting for court date. 20/10/2015 – 2 nd prosecution statements being done. 08/07/11-Fined £200+100 costs, reminder to be sent to comply with EN. 20/01/2011 (10/00384/ENUD – LB)

SOUTH AREA

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
1.	6 Osborne Road, S11	Replacement ground floor front bay window	10/04/2018	16/04/2018 – A letter with 330 Notice to be served.
2.	4 Chantrey Road, S8	Application (17/04140/FUL) has been refused with enforcement authority the building is being used as residential without permission	01/02/2018	16/04/2018 – A letter to be sent before enforcement Notice is served. (18/00044/ENCHU – JB)
3.	24 Clarkehouse Road, S10	Erection of fence and gates	30/01/2018	16/04/2018 – In discussions with PO to resolve issue. (17/00366/ENART4 – KM)
4.	23 Lawson Road, S10	Unauthorised erection of fence	22/08/2017	16/04/2018 - Planning permission 17/02495/FUL for the replacement fence was refused; however, it was allowed by the Inspectorate at the planning appeal. However, site will be monitored to check that the conditions are being complied with – NFA (17/00187/ENHTP – KM)
5.	17 High Trees, S17	Unauthorised tree house	02/08/2017	16/04/2018 – The tree house has been removed – NFA. 08/08/2017- Retrospective PP (17/02565/FUL) has been refused – A letter to be sent asking for the tree house to be removed within 21 days. (16/00586/ENUHD – AW)
6.	41 Glen Road, S7	Unauthorised creation of hardstanding	07/07/2017	16/04/2018 – EN was served on 20/09/2017 which took effect on 25/10/2017 with a 3 month compliance period. An appeal has been made against the Notice. 08/08/2017 – EN is being prepared and will be served shortly. (16/00403/ENART4 – KM)
7.	84 Psalter Lane, S11	Unauthorised removal of boundary wall	26/07/2017	16/04/2018 – The wall has been replaced as required – NFA 08/08/2017 – S330 Notice has been served. (14/00264/ENART4 – AW)

8.	23 Brincliffe Gardens, S11	Unauthorised erection of retaining wall and re-grading of front garden	06/06/2017	16/04/2018 – EN being drafted and will be served shortly. 08/08/2017 – Retrospective PP (16/04547/FUL) has been refused with enforcement action – A letter to be sent asking for the wall to be removed and garden area to be reinstated within 21 days. (16/00482/ENUHD – KM)
9.	Adams Express, 32 Lowedges Road, S8 7LB	Unauthorised large shipping container	170/03/2017	16/04/2018 – The container has been removed as required – NFA. 08/08/2017 – The Notice has not been complied with. Statements have been prepared and file is with legal. 21/04/2017 – EN has been served 04/04/2017 takes effect on 08/05/2017 compliance by 05/06/2017. (16/00166/ENUD – JB)
10.	12 – 14 Barber Road, S10 1ED	Breach of condition 3 relating to the fume extraction system fitted without prior approval in connection with planning permission (16/01257/FUL)	17/03/2017	16/04/2018 – Application has been granted, site visit to be done to check the works required have been implemented. Planning application (17/02056/FUL) has been submitted and is pending consideration, any further enforcement action held in abeyance until application has been determined. 21/04/2017 – A BCN has been served on 10/04/2017, comes into effect and compliance on the 28/05/2017 (17/00087/ENBC – KM)
11.	12 Croydon Street, S11 8BD	Unauthorised ground floor extension	14/02/2017	16/04/2018 – The case came before the Magistrates for a second time on the 30/01/2018. It appears that the owner has been detained under the Mental Health Act prior to the hearing. Litigation advice is to withdraw the prosecution. Further contact is to be made with family members in trying to resolve this issue. 08/08/2017 – EN has not been complied with and the matter has been reported for prosecution. 21/04/2017 – EN has been served on 15/03/2017 and takes effect on the 24/04/2017 compliance by 05/06/2017 – SV to be done to check if work has been done. (14/00435/ENUHD – AW)
12.	369 – 373 Abbeydale Road, S7 1FS	Unauthorised canopy	14/02/2017	16/04/2018 – Reminder letter to be sent before statements is done for prosecution. 08/08/2017 – EN was served on

				09/05/2017, took effect on 12/06/2017 and has a 16 week compliance period 02/10/2017. 21/04/2017 – EN being drafted and to be served. (16/00362/ENUD – LB)
13.	13 College Street, S10 2PH	Planning permission (16/02068/FUL) refused with enforcement action for the retention of Service meter boxes on the front elevation of the property	09/08/2016	16/04/2018 - The meter boxes have been relocated to the side of the property and are therefore permitted development - NFA. 08/08/2017 – EN served on 3/07/2017 and takes effect on 02/08/2017, compliance by 18/10/2017 - 21/04/2017 – Check on site if the boxes have been relocated if not serve EN. 17/10/2016 – In discussion with owners to get the meter boxes relocated to an alternative more acceptable location. (14/00445/ENART4 – KM)
14.	Unit B, Old Station Drive, S7 2PY	Unauthorised fence	28/06/2016	16/04/2018 - The EN asked for the removal of the solid screened corrugated fencing, gate and wooden support frame at the front and side of the unit. The corrugated fence at the front of the property has been removed. However, the fencing at the side elevation has not been removed. Given that this is in between the two properties and it is not as prominent it is considered that we should close the case but leave the EN as not being complied with. 08/08/2017- Site visit to be done to check if all the work has now been done as required in the EN. 21/04/2017 – EN was served on 21/11/2016 and took effect on 02/01/2017 and compliance by 27/02/2017 – Most of the work has been done. Monitor site. 17/10/2016 – EN is being prepared and will be served shortly. (12/00772/ENUD - KM)
15.	Broomhill Property Shop, 319 Glossop Road, S10	A fascia sign has been erected on a listed building without consent	10/11/2015	16/04/2018 – An application (17/04783/ADV) for alternative signage has been submitted and is pending consideration, it is considered that it is not expedient to report this for prosecution until the application has been determined and opportunity given to the occupier to replace the signage. 08/08/2017 – The signage has not

				been removed statement to be prepared for prosecution. 21/04/2017 – A letter to be sent asking to remove the signage within 21 days. (15/00087/ENLBD – KM)
16.	3 Crescent Road, S7	An erection of a tree house	22/12/2015	16/04/2018 – The tree house has been removed – NFA. 08/08/2017 – Most of the work has been done – Monitor site. 21/04/2017 – EN was served on 15/12/2016 and an appeal was made which was subsequently dismissed on 22/02/2017 compliance by 22/04/2017 – SV to be done to if work has been carried out. 17/10/2016 – The amended scheme application (16/01545/FUL) has been refused – A reminder letter to be sent, before EN is served. 03/05/2016 - The owner is to submit an alternative proposal for the Council's consideration. 08/02/2016 – Planning application (15/03806/FUL) has been refused and letter to be sent that an EN will be served if the tree house is not removed. (15/00256/ENUHD – AW)
17.	259 Abbeydale Road, S7	Unauthorised erection of digital signage		16/04/2018 – The box is considered as operational development. Given that the illumination (signage) is not being used it considered that it is not expedient to take action against the box. However, if the sign is illuminated again then we can prosecute, officer will continue to monitor the site as and when in the area - NFA 08/08/2017 – the sign has been switched off and is no longer being used as a sign. Seeking legal advice to determine if the box is now considered as an operational development. 21/04/2017 – The company was prosecuted on 21/03/2017 and fined a total of £2516. A letter to be sent asking for the sign to be removed.17/10/2016 – An application (16/00914/ADV) has been submitted pending consideration. 08/02/2016 – A letter to be sent asking to remove signage or submit an application for an alternative more acceptable sign. (15/00454/ENBC – AW)
18.	166 Abbeydale Road,	Unauthorised canopy	03/03/2015	16/04/2016 – The canopy has been removed – NFA

	S7			08/08/2017 - The land registry still shows same owner a S330 Notice has been served no reply therefore the matter is being reported for prosecution for non-compliance with 330 Notice. - 17/10/2016 – It has been brought to the Councils attention that the ownership has changed. New Land Registry checks to be carried out and S330 Notice to be served. 03/05/2016 – 1 st hearing was on 04/02/2016 and 2 nd hearing was on 03/03/2016 did not attend for both and a warrant has been issued for his arrest. 08/02/2016 – File with litigation waiting for a court date. 21/10/2015 – EN has not been complied with - Prosecution file being prepared. 13/07/2015 – EN has been served on 09/04/2015 and takes effect on 11/05/2015 and compliance by 31/08/2015. (13/00146/ENUD – FS)
19.	277A Fulwood Road, S10 3BD	Unauthorised replacement of 1st floor windows	13/05/2014	16/04/2018 – The notice has not been complied with. However, it has been agreed with the owner to extend the compliance period until end of June 2018 when the property will be empty so that work can be carried out without disturbing the existing tenants. 08/08/2017 – EN was served 06/04/2017 and took effect on 15/05/2017 with compliance required by 15/11/2017. (13/00710/ENUD – BG)
20.	Vestry Hall 80 Crookesmoor Road, S6 3FR	Untidy Grade 2 Listed building	16/10/2014	16/04/2018 – The property is in the process of being sold – Monitor. 17/10/2016 – The works have not been done and the company has gone into receivership. Legal advice being sought on what action can be taken. 08/01/2016 – The works are in two parts 1 st part should have been completed by 31/01/2016 and 2 nd part by 31/03/2016 – no work has been done yet to comply and the matter is to be reported for prosecution. 22/10/2015 – It has been agreed in Court that the works will be done by 01/2016. 13/07/2015 – Appeal has been lodged and is due in Court on the 11 August for full hearing. 19/01/2015 – A S215 Notice has been served on the 16/10/2014. An appeal has been made. Statements being done for hearing in Court.

				(11/00127/LGF215- JB)
21.	44 Grange Crescent, Nether Edge, S11 8AY	Unauthorised replacement of windows, roof tiles, guttering, door and repainting of headers, sills and architectural feature	07/02/2011	16/04/2018 – The case was in court on 26/09/2017 and the owner was fined £5000, £570 costs and £130 surcharge. The owner has given assurances that work will be done soon. 08/08/2017 – Statement has been prepared and file is with Legal Services. 21/04/2017 – No work has been carried out. Statement to be done for 3 rd prosecution. 03/05/2016 - A new phased deadline has been given for the works to be carried out. If the first phase is not carried out before the 25/06/2016 then the matter will be reported for 3 rd prosecution. (10/00370/ENART4 – KM)
22.	166, 223-225, 234, 235, 243-245 and 280 Abbeydale road, S7	Illegal Signs	16/09/2014	16/04/2018 - Some of the signs have been changed and seeking legal advice on whether action can be taken on existing authority granted at Committee for those that remain. 21/04/2017 - Statement to be done for prosecution. 03/05/2016 – Signs at 223- 225 have been removed. Identifying up to date details for properties 166, 234, 235 and 243 -245 before these are reported for prosecution. 08/02/2016 – Serving 330 Notice on new occupiers and prosecution file being prepared for 223-225 Abbeydale Road. 22/10/2015 – No 280 has been prosecuted and fined £420 in total and the signs have been removed. 13/07/2015 – Property no 280 due in Court in August 2015 and with regards to other properties officers are trying to identify the owners before reporting to prosecution. 16/01/2015 – Occupier details being identified before the matter is reported for prosecution. 14/10/2014 - Writing to owners/occupiers to advice of pending prosecution - locating up to date contact details for each property. (13/00164/ENOA – AW – 166) (13/00160/ENOA – AW – 234) (13/00162/ENOA – AW – 235) (13/00161/ENOA – AW – 243-245)

23.	263 Cemetery Road, S11 8FS	Unauthorised replacement of windows to the front and side of 263 Cemetery Road, S11, facing Grange Crescent Road and Cemetery Road, the erection of a new soil pipe facing Cemetery Road, a new down pipe adjacent to the bay window facing Grange Crescent Road, the replacement of guttering and the erection of roof felt on the ground floor bay windows.	05/11/2013	16/08/2018 – As the company is registered in Isle of Man it is outside of the jurisdiction of the Court and prosecution is not possible until the property is registered in the UK or there are resources available to carry out direct action works. (13/00131/ENUD – KM)
24.	204 Chippinghouse Road, Nether Edge, S7 1DR	Unauthorised replacement of windows and door within an Article 4 area	13/08/2012	16/04/2018 – Legal to send letter asking for the last remaining window to be replaced before the matter is reported for the prosecution. 17/10/2016 – New joiner has been appointed and work should be carried out soon as possible to replace the last window. 03/05/2016 – the upstairs windows have been replaced and the old door has been put back. 12/07/13 – EN was served (21/09/12) and took effect on 26/10/12 – 9 month compliance period (26/07/13). No work commenced on site as yet. (12/00106/ENUD – KM)
25.	Ball Inn, Mansfield Road, S12 2AG	Unauthorised Hoarding	21/06/2010	16/04/2018 – No response received and the matter is to be reported for prosecution. 08/08/2017 – A letter to be sent giving a deadline for the hoarding to be removed. 21/04/2017 – Seeking legal advice if action can be taken under the Proceeds of Crime Act. 17/10/2016 – A reminder letter to be sent and then the matter will be reported for prosecution. DN not served as the hoarding has been erected

				within the last 10 years. 03/05/2016 - Low priority but DN to be served. 22/04/2015 – S330 Notice has been served awaiting response. 16/01/2015 – Letter and S330 Notice to be served. (10/00189/ENHOA – BG)
26.	Norfolk Arms Public House, Ringinglow Village, S11 7TS	Unauthorised fume extraction and Lighting Columns.	19/05/2008 & 21/09/2009	16/04/2018 – An officer assessment has been carried out and it has been determined not to pursue this matter further. The original flue has been removed, there is a smaller log burning flue erected at the back of the property and set back from the highway and is not as bright and prominent as the original flue and therefore considered acceptable. The lighting and cctv columns are not ideal but given that they are in the car park and away from the Listed Building and have been in location for over 4 years it is not considered expedient to enforce against this matter. (10/00759/ENBC – BG)

WEST AND NORTH AREA

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
1.	Site of Former Chapeltown Glass Co. 1-9 Orchard Court, S35	Condition relating to the works to the footpath have not been complied with as required by PP 15/00485/FUL	10/04/2018	16/04/2018 – A BCN has been drafted and si with legal. (17/00530/ENBC – BG)
2.	10 Mowson Drive, S35	Change of use of premises for storage scrap metal and pallets	04/04/2018	16/04/2018 – EN has been drafted and is with legal.
3.	32 Longley Farm View, S5	Engineering/excavation works	05/04/2018	16/04/2018 – A retrospective application (18/01179/FUL) has been submitted and is pending consideration. (16/00238/ENUHD – LB)
4.	Rhinegold Hollin House Lane, S6	Timber summerhouse for recreation/storage use	10/04/2018	16/04/2018 – Planning application (17/00422/FUL) has been refused with EA. The owners are in discussions with PO to relocate the building to alternative part of the site so that it would be PD. (16/00497/ENUHD – BG)
5.	Fulwood Head Farm, Fulwood Head Road, S10	Erection Of House & Barn Conversions	08/01/2018	16/04/2018 – A TSN has been served to stop works on the building these works have stopped. An application has been submitted 18/00113/FUL for the conversion of former agricultural barn and erection of building for use as a dwellinghouse, which is currently invalid. Monitor (17/00565/ENOTH – LB)
6.	Garage Site Adjacent to 4 Langsett Avenue, S6	Erection of dwellinghouse	15/11/2017	16/04/2018 – A new application has been submitted (18/00250/FUL) which is to be reported to Planning Committee on the 01/05/2018. (16/00626/ENBC – BG)
7.	4 Findon Place	Single storey side extension and a raised balcony attached to the	25/09/2017	16/04/2018 – Two EN have been served on the 23/03/2018 for the removal of the side and rear extensions (17/00231/ENUHD – LB)

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
		rear of the house.		
8.	Ballast Phoenix Ltd, 2 Beeley Wood Lane, S6 1QT	Condition 8 relating to operating times and condition 21 relating to height limits are not being complied with as required by planning permission	23/01/2017	16/04/2018 – PP has been granted – NFA. 08/08/2017 – Applications have been submitted (16/04644/FUL and 16/04589/EIA) to address the BCN issues, Applications currently pending consideration further enforcement action to be held in abeyance until applications have been determined. 21/04/2017 – BCN served 06/02/2017 takes effect and compliance within 28 days from when it was served (17/00029/ENBC – JB)
9.	Little Intake Farm, Woodhead Road, Grenoside, S35 8RS	Unauthorised alterations and change of use of barn to a dwellinghouse Unauthorised use of land for storage of builders materials Non-compliance with conditions of planning permission 13/03412/FUL Illegal signage	22/11/2016	16/04/2018 - The application 13/03412/FUL has not been implemented. A new application 17/03187/FUL for the change of use from grazing land to caravan and campsite, erection of building to provide washing facilities, conversion of redundant agricultural buildings to create a reception area, indoor play area and shire horse stud area has been submitted and is pending consideration. The signage has been removed. 08/08/2017 - EN, BCN and S225 Notice being drafted. (16/00190/ENBC – LB)
10.	White Acres Farm, Spout Lane, S6 6EF	Unauthorised alterations and change of use of barn to a dwellinghouse	22/11/2016	16/04/2018 – The Appeal has been dismissed. 18 month compliance period set by the Inspector 03/10/2019 to stop the use as a dwelling and alter the building back to a barn. 08/08/2017 – A Public enquiry has been opened on 13/06/2017 and has been adjourned to 21/11/2017. 21/04/2017 – EN has been served on 06/01/2017 and an appeal has been made against the EN and Planning decision (15/04365/FUL. (15/00607/ENUHD – LB)
11.	523 Loxley Road, S6	Unauthorised car port erected at rear of house,	09/12/2014	16/04/2018 – New balcony and carport erected as per approved application 17/02228/FUL. EN has been complied

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
		which includes a balcony roof.		<p>with - NFA. 08/08/2017 – An application (17/02228/FUL) has been granted for alterations to the existing canopy so that it is more acceptable. A letter to be sent to owner asking for confirmation as to when the works will be carried out.</p> <p>21/04/2017 – Pled guilty and was fined a total of £530.</p> <p>17/10/2016 – The appeal has been dismissed. A letter has been sent requesting compliance with EN. 03/05/2016 – Awaiting Inspector decision. 26/10/2015 – Awaiting outcome of appeal. Appeal lodged against EN, process underway. EN served 19/2/15. It requires removal of canopy & balcony by 15/5/15. (12/00731/ENUD – BG)</p>
12.	209 Stannington Road, S6	Unauthorised front extension to house	09/12/2014	<p>16/04/2018 – 2 out of 3 quotes received back. Default action to be taken soon. 08/08/2017 – Quotes being requested for direct action. 21/04/2017 – Statements being done for 2nd prosecution. 17/10/2016 – the owner was found guilty and fined £50 with £50 costs. A further letter to be sent requesting that work is carried out as required by the EN if not the matter will be reported for 2nd prosecution. 03/05/2016 – Work has not been carried out as required by the Notice, prosecution file is being prepared. 09/02/2016 – 6 month conditional discharge given in Court. A letter to be sent asking to comply with EN. 26/10/2015 – 1st hearing on the 26/11/2015. EN not complied with, legal proceedings being prepared at 09/07/15. EN served 16/1/15. It requires removal of white plastic extension from the front of house by 11/5/15. (13/00135/ENUD – BG)</p>
13.	290-308 Pitsmoor Road	(1) Use of Ground floor for retail shop, 1 st & 2 nd floors as HIMO, (11/00050/FUL refused) (2) Canopy to front of Shop refused PP	19/4/2011	<p>16/04/2018 - Application 16/00271/FUL has been granted applications 16/00262/ADV and 11/01912/COND1 pending consideration. 17/10/2016 - Application for signage (16/00262/ADV), condition discharge application (11/01912/COND1) and variation of condition application (16/00271/FUL) have been submitted pending consideration.</p>

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
				(14/00535/ENBC – KM)
14.	Dial House Club, Far Lane/Ben Lane, S6	Non-compliance with conditions attached to PP04/04797/FUL, Cond 2-materials for external surfaces, C3-design details for new apartment building, C4-landscaping for grounds, C6-highway access & finishes to frontage, C8-pedestrian access to new bowling green, C9-new pavilion details, C10-bowling green maintenance.	15/12/2009	<p>16/04/2018 – Application 18/00214/FUL for the erection of 4 dwellinghouses and 3 flats in a courtyard block and provision of car parking accommodation has been granted subject to a S106. A financial contribution in the sum of £53,415.63 towards the provision or enhancement of sports, leisure and recreation facilities in Hillsborough Park. The site will be monitored to check if the development has been implemented and S106 contribution paid.</p> <p>- NFA 08/08/2017 – In discussions with owners to address the concerns. 17/10/2016 - Condition 8 relating to pedestrian access, Condition 9 relating to details of pavilion to serve the new bowling green and condition 10 programme of maintenance have not been discharged - BCN to be served. 09/02/2016 – Conditions applications have been determined site visit to be done to check if work has been carried out in accordance with what has been approved. 26/10/2015 – In discussions with Planning Officer to Resolve issues regarding bowling green. 26/09/2015 - Applications under consideration, decision pending. Discharge of Conditions applications, 13/00599/COND & 13/00606/COND under consideration likely to come to committee in Feb/March. Development nearly complete. PP being implemented at 26/9/11, BCN now complied with. Meeting inc developer, officers & Members was held in Dec10 & promise to start work along agreed lines made</p>

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
				to start Jan'11. Discharge of conditions agreed in principle with applicant at meeting 6/8/10 subject to approval of application. BCN served 21/12/09. Condition details required by 29/3/10. (16/00256/ENBC – LB)

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 1 May 2018

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
1 MAY 2018

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 erection of a dwellinghouse with integral double garage at Land To Rear And Side Of 29 Overcroft Rise Sheffield S17 4AX (Case No 17/04626/FUL)

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for Erection of a dwellinghouse (Application under Section 73 to amend condition 2 (Approved plans) to allow revised position of front door and window, insertion of roof lantern into rear off-shot and use of white render to rear and gable ends of dwellinghouse) at Land Between 151 And 155 Freedom Road Sheffield S6 2XB (153 Freedom Road, S6 2XB) (Case No 16/02179/FULR)

(iii) 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 extension to roof to form additional living accommodation, including a hip roof to a gable and a rear dormer extension at 109 Hemper Lane Sheffield S8 7FB (Case No 17/02965/FUL)

(iv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for First-floor rear extension to dwellinghouse (Resubmission of 17/00215/FUL) at 71 Bradley Street Sheffield S10 1PA (Case No 17/04756/FUL)

3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the delegated decision of the Council to refuse planning consent for a two-storey front/side/rear extension to dwellinghouse at 70 Earl Marshal Road Sheffield S4 8LA (Case No 17/04524/FUL) has been dismissed.

Officer Comment:-

The main issues considered by the Inspector were:

The effect on the character and appearance of the area and

The effect on the living conditions of the adjoining residents especially in respect of privacy.

The Inspector was of the view that, when taken together, the two storey front, side and rear extensions would visually overwhelm the scale, proportions and mass of the host building. The proposals would also unduly disturb the balanced elevation of the existing building and would be obtrusive in the street scene.

With regard to the loss of privacy, the Inspector felt that obscure glazing to the first floor windows in the flank wall would overcome any overlooking problems for the residents of No.72. However, the rear elevated windows would allow significantly greater overlooking to No.68, seriously harming the neighbours enjoyment of their rear garden. The use of obscure glazing to these windows, which would provide the sole external outlook and source of natural light would make these rooms gloomy and uninviting and significantly harm the living conditions of residents

The proposal would conflict with Guidelines 2 and 6 of the Council's SPG "Designing House Extensions" and the NPPF which seeks to secure high quality design and a good standard of amenity for all occupants of land and buildings

For these reasons, the appeal was dismissed.

(ii) An appeal against the delegated decision of the Council to refuse advertisement consent for the replacement of non-illuminated vinyl sign with 1x internally illuminated 6-sheet sequential display unit at the telephone box adjacent to Sheffield Interchange Pond Street Sheffield S1 2BW (Case No 17/04116/HOARD) has been dismissed.

Officer Comment:- The Inspector considered the main issue to be the effect of the proposed advert on amenity. He noted that the existing advertising immediately around the site is surprisingly limited with just modest signage on and to the front of the Interchange. As it is the kiosk has an unassuming presence and advertising on the side of it would draw increased attention to it, especially after dark and particularly on approach from Pond Street, making it highly conspicuous. He concluded that it would appear overly dominant and visually intrusive.

The Inspector also referred to the Council's 'Knowledge Gateway' plans which will result in public realm improvements. The Inspector accepted that in this context the kiosk would become a prominent feature in the new streetscape and would be a highly noticeable feature and would detract from the aims of the regeneration proposals to improve the public realm in the area. He therefore dismissed the appeal.

(iii) An appeal against the delegated decision of the Council to refuse advertisement consent for the replacement of non-illuminated vinyl sign with 1x internally illuminated 6-sheet sequential display unit at the telephone box opposite Midland Station Sheaf Street Sheffield S1 2BP (Case No 17/04117/HOARD) has been dismissed.

Officer Comment:- The Inspector considered the main issue to be the effect of the proposed advert on amenity. He noted that the area around the kiosk has a spacious feel and that the kiosk is a noticeable feature in the streetscape in an area that has very few adverts. He considered that the new advert panel would be significant in size and prominently placed such that it would be highly conspicuous and unduly intrusive. This would be exacerbated by the fact that it would be illuminated. Whilst he did not consider that it would materially affect the setting of the listed station he did consider that the advertisement would cause significant harm to the visual amenity of the area. He therefore dismissed the appeal.

(iv) An appeal against the delegated decision of the Council to refuse advertisement consent for a digital advertising display board at Barrel Inn 123 London Road Sheffield S2 4LE (Case No 17/02485/ADV) has been dismissed.

Officer Comment:-

The Inspector considered that the main issue in this case is the effect of the proposed advert on the visual amenity of the area. He noted that the appeal site is a 3 storey late Victorian Pub retaining many original features which the Inspector considers to be important architectural features defining the character of the building and the wider area.

The advert would be attached to the side elevation of the building and obscure the plaster moulding. It would be highly visible on approach and would be dominant due to its scale, location and illumination. The Inspector therefore concluded that it would be incongruous in the street scene and adversely affect the character of the host building by obscuring architectural features. He deemed it contrary to Policy BE13 of the UDP and dismissed the appeal.

(v) An appeal against the delegated decision of the Council to refuse advertisement consent for the replacement of non-illuminated vinyl sign with 1x internally illuminated 6-sheet sequential display unit at the telephone box adjacent to Sheffield Hallam University Arundel Gate Sheffield S1 2PN (Case No 17/04109/HOARD) has been dismissed.

Officer Comment:- The Inspector considered the main issue to be the effect of the proposed advert on amenity. He noted that existing signage in the vicinity is very restrained for a prime city centre location with an absence of any significant adverts. He felt that the proposal would be in stark contrast to this and would stand alone such that its impact would be considerable and appear incongruous in the context. The illumination of the unit would also

draw attention to it in the dark and would further exacerbate its impact.

For these reasons the Inspector concluded that the advert would be highly obtrusive and an unwelcome addition, causing significant harm to the visual amenity of the area. He therefore dismissed the appeal.

(vi) An appeal against the decision on the Council at its meeting on the 22 November 2016 to refuse with enforcement action planning consent for the alterations and retention of use of a former barn as a dwellinghouse (retrospective application) at White Acres Farm Spout Lane Sheffield S6 6EF (Case No 15/04365/CHU) has been dismissed.

Officer Comment:-

In this appeal, the Inspector considered the main issues to be,

whether it was inappropriate development in the Green Belt, the effect on the openness of the Green Belt, the effect on the character and appearance of the area, whether the development resulted in an isolated new home in the countryside, if it would be intentional unauthorised development in the Green Belt, and if inappropriate, would there be very special circumstances to justify it.

The development was considered to be a new building and in the circumstances, in conflict with policies GE1, GE3 and GE9 within the Unitary Development Plan and paragraphs 87 and 88 of the NPPF and so to be inappropriate development in the Green Belt.

The Inspector was satisfied that the new building did not have a greater impact on openness than the building it replaced but it does represent a degree of limited encroachment into the countryside adding some limited weight to the substantial weight caused by it being inappropriate.

The addition of a residential use and the replacement of a rural building with a domestic bungalow was considered to have some limited detrimental effect on the character and appearance of the area and this added further limited weight to the harm already found.

because of the nature of the road and the topography of the area, occupants of the dwelling would probably rely on the car for accessing local services and facilities but it cannot be considered as isolated or remote so no additional harm was found on this issue.

The development was intentional and so limited weight was given to this matter

The applicant considered that the lack of a 5 year housing supply and the absence of other harm amounted to "very special circumstances". The Inspector concluded that the absence of other harm was not a positive factor and that he had identified additional harm as mentioned previously. The personal circumstances of the applicant were not considered to outweigh the

harm by reason of inappropriateness and the other harm referred to. The shortfall in the 5 year housing supply and the limited contribution the dwelling would make were , similarly not sufficient to outweigh the harm so “very special circumstances” were not found to exist.

Accordingly, the appeal was dismissed.

(vii) An appeal against the delegated decision of the Council to refuse planning consent for the erection of a porch to front of a dwellinghouse at 3 Bannerdale Close Sheffield S11 9FH (Case No 17/03152/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the main issue as being the impact of the development on the character and appearance of the building and the surrounding area.

He noted the building had the appearance of a pair of semi-detached houses though functioned as flats and that the proposed porch would be in an elevated position on an existing concrete platform accessed via steps.

He noted also the presence of side porches on neighbouring properties that had little impact on the street scene. Two exceptions exist at no's 1 and 9 Bannerdale Close. He considered the porch at no.1 had a wide visual impact on the street scene.

He considered that given the absence of front facing porches on principal elevations of properties facing Bannerdale Close, the and the prominent elevated position, the porch would have a significant adverse impact on the character and appearance of the building and the wider street scene.

He did not consider the presence of other porches in the wider area to be justification for inappropriate development.

He therefore dismissed the appeal.

(viii) An appeal against the delegated decision of the Council to refuse advertisement consent for the display of 1x internally illuminated 6-sheet sequential display unit on telephone kiosk at the telephone box fronting 129 Pinstone Street Sheffield S1 2HL (Case No 17/04108/HOARD)

Officer Comment:- The Inspector considered the main issue to be the effect of the proposed advert on amenity. The site is within the City Centre Conservation Area and the Inspector noted there is already a digital display and a bus shelter advertisement in close proximity. The proposed advert would be the third such display and would result in conspicuous and repetitive features giving rise to an excessive advert display, particularly at night when illuminated.

The Inspector concluded that the advert would result in visual clutter and

excess signage in the Conservation Area, would cause significant harm, detract from and fail to preserve the appearance of the Conservation Area. He therefore dismissed the appeal.

(ix) An appeal against the delegated decision of the Council to refuse planning consent for demolition of existing dwellinghouse and erection of a dwellinghouse (Amended Plans Received 24th August 2017) at 11 Harewood Way Sheffield S11 9QR (Case No 17/01996/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the main issues as being the effect of the development on the character of the area and upon the living conditions (outlook and sunlight) of the occupiers of 1 Woburn Place.

He noted the new dwelling would be substantially larger than the existing relatively large dwelling at the head of the cul de sac. He also noted the Council's main concern related to the effect of a proposed two storey projection.

He agreed with officers that the two storey projection would have an awkward relationship with no.1 Woburn Place and would cut across the front garden of no.11 by a considerable degree resulting in an unduly prominent and discordant feature, dominant within the cul de sac and at odds with the typical footprint of dwellings in the area.

The Inspector concluded that the overall scale, width, proximity and bulk of the development would have a significant negative impact on outlook from the ground floor windows of no.1 Woburn Place. He was less convinced that there would be an unacceptable loss of sunlight, though some loss was inevitable.

He therefore dismissed the appeal owing to conflict with para 17 of the NPPF.

4.0 APPEALS DECISIONS - ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for an application to remove the condition that no residential accommodation shall be provided on the site without prior approval of the Local at White Acres Farm Spout Lane Sheffield S6 6EF (Case No 16/04457/FUL) has been allowed and planning permission is granted subject to conditions in the terms set out in the decision.

Officer Comment:-

This appeal was considered in conjunction with those detailed elsewhere in this report.

It was accepted that planning permission would be required to provide living accommodation on site regardless of the condition and so the condition could be removed.

5.0 APPEAL – ENFORCEMENT NOTICE

(i) To report that an appeal against a Enforcement Notice served in respect of the breach of planning control as alleged in the notice is without planning permission, the unauthorised alterations to the Barn and material change of use of the Barn to form a dwellinghouse for residential use at White Acres Farm Spout Lane Sheffield S6 6EF (Enforcement Notice No RC/078455) has been dismissed and the notice is upheld with corrections and variations.

Officer Comment:-

The appeal was made on four grounds

Ground (c) (That there has not been a breach of Planning control)

Ground (d) (That it was too late to take enforcement action, being over 4 years from completion)

Ground (f) (The requirements of the enforcement notice were excessive), and

Ground (g) (That the time to carry out the work required by the notice was insufficient)

Ground (c)

The Inspector agreed that the works to the barn constituted the partial demolition of the barn and the creation of a new residential dwelling through specified works. These works were material and planning permission was required for them; they did not constitute works of maintenance or repair. As such the appeal on failedGround (d)

After hearing the evidence, the Inspector concluded that the appellant had not proven that the works had been substantially complete by 6 January 2013 and so the appeal on this ground failed.

Ground (f)

The appellant did not pursue this ground and so this failed.

Ground (g)

All parties agreed that, in the circumstances, the 6 month timescale for compliance was insufficient so the notice was varied to allow 18 months for compliance.

Subject to the variation in the notice under Ground (g), the appeal against the Enforcement Notice was dismissed.

6.0 RECOMMENDATIONS

That the report be noted

Rob Murfin
Chief Planning Officer

1 May 2018