

Planning and Highways Committee

Tuesday 10 March 2020 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 Jayne Dunn (Chair), Jack Clarkson, Tony Damms, Roger Davison, Peter Garbutt, Dianne Hurst, Alan Law, Bob McCann, Zahira Naz, Peter Price, Peter Rippon, Chris Rosling-Josephs and Andrew Sangar

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 Abby Brownsword on 0114 273 5033 or email abby.brownsword@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
10 MARCH 2020**

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 - 10)
Minutes of the meeting of the Committee held on 18th February 2020.
- 6. Site Visit**
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 7. Town And Country Planning Act 1990 Section 257, Proposed Diversion Of Footpath At Walkley Primary School.** (Pages 11 - 18)
Report of the Director of Operational Services
- 8. Applications Under Various Acts/Regulations** (Pages 19 - 20)
Report of the Director of City Growth
- 8.1 Application No. 19/04504/FUL - Land adjacent to Mount View Methodist Church, Mount View Avenue, Sheffield, S8 8SG.** (Pages 21 - 38)
- 8.2 Application No. 19/02907/FUL - Ecclesfield Red Rose JFC Playing Fields, Nether Lane, Sheffield, S35 9ZX.** (Pages 39 - 52)
- 8.3 Application No. 18/04774/FUL - Within the curtilage of 461 Redmires Road, Sheffield, S10 4LF.** (Pages 53 - 66)
- 9. Record of Planning Appeal Submissions and Decisions** (Pages 67 - 76)
Report of the Director of City Growth
- 10. Date of Next Meeting**
The next meeting of the Committee will be held on Tuesday 31st March 2020 at 2pm in the Town Hall.

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either -
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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

You have a personal interest where –

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

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

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

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

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

Further advice can be obtained from Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email gillian.duckworth@sheffield.gov.uk.

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Planning and Highways Committee

Meeting held 18 February 2020

PRESENT: Councillors Peter Rippon (Chair), Jack Clarkson, Tony Damms, Roger Davison, Peter Garbutt, Dianne Hurst, Alan Law, Bob McCann, Peter Price, Chris Rosling-Josephs, Mike Chaplin (Substitute Member) and Joe Otten (Substitute Member)

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1. APOLOGIES FOR ABSENCE

- 1.1 Apologies for absence were received from Councillors Jayne Dunn, Zahira Naz and Andrew Sangar.
- 1.2 Councillor Mike Chaplin acted as substitute for Councillor Dunn and Councillor Joe Otten acted as substitute for Councillor Sangar.

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 Tony Damms declared a personal interest in Agenda Item No. 7b, Application No. 19/02150/FUL – Land to the rear of 15 and 17 Birch House Avenue, Sheffield, S35 0FH, as a family member lived on Birch House Avenue. Councillor Damms declared that he would not take part in the discussion or voting thereon.
- 3.2 Councillor Peter Garbutt declared a personal interest in Agenda Item No. 7c, Application No. 19/02022/FUL – Kenwood Hall Hotel, Kenwood Road, Sheffield, S7 1NQ, as a local ward Member. Councillor Garbutt declared that he had not given an opinion or declared his position on the application prior to the meeting, therefore would take part in the discussion and voting thereon.
- 3.3 Councillor Dianne Hurst declared a personal interest in Agenda Item No. 7e, Application No. 19/00674/FUL – Land between 264 and 270 and to rear of 270 Handsworth Road, Sheffield, S13 9BX, as a local ward Member. Councillor Hurst declared that she had not given an opinion or declared her position on the application prior to the meeting, therefore would take part in the discussion and voting thereon.
- 3.4 Councillor Bob McCann declared a personal interest in Agenda Item No. 7e, Application No. 19/00674/FUL – Land between 264 and 270 and to rear of 270 Handsworth Road, Sheffield, S13 9BX, as a previous customer of the business.

Councillor McCann declared that he had not given an opinion or declared his position on the application prior to the meeting, therefore would take part in the discussion and voting thereon.

- 3.5 Councillor Peter Rippon (Chair) declared a personal interest in Agenda Item No. 7e, Application No. 19/00674/FUL – Land between 264 and 270 and to rear of 270 Handsworth Road, Sheffield, S13 9BX, as a local ward Member. Councillor Rippon declared that he had not given an opinion or declared his position on the application prior to the meeting, therefore would take part in the discussion and voting thereon.

4. MINUTES OF THE PREVIOUS MEETING

- 4.1 The minutes of the meeting of the Committee held on 28th January 2020 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 any 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

6a. APPLICATION NO. 19/04119/FUL - LAND TO THE REAR OF 12 WORRALL DRIVE, SHEFFIELD, S35 0AT

- 6a.1 The Officer presented the report which gave details of the application and highlighted the history of the site and key issues set out in the report.
- 6a.2 Mr. Michael Hague and Ms Holly Abbott-Craig attended the meeting and spoke against the application.
- 6a.3 Mr. Alan Burnell (Architect) and Mr. John Beadman (Applicant) attended the meeting and spoke in support of the application.
- 6a.4 The Committee considered the report and the proposed conditions, having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and also having regard to representations made and documents circulated during the meeting.
- 6a.5 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report now submitted, for the erection of a dwellinghouse (resubmission of 19/00167/FUL) at land to the rear of 12 Worrall Drive, Sheffield, S35 0AT (Application No. 19/04119/FUL).

6b. APPLICATION NO. 19/02150/FUL - LAND TO THE REAR OF 15 AND 17 BIRCH HOUSE AVENUE, SHEFFIELD, S35 0FH

6b.1 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues set out in the report.

6b.2 No public representations were made regarding the applications.

6b.3 The Committee considered the report and proposed conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report.

6b.4 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report now submitted, for the erection of a two storey dwellinghouse with integral garage on land to the rear of 15 and 17 Birch House Avenue, Sheffield, S35 0FH (Application No. 19/02150/FUL).

6c. APPLICATION NO. 19/02022/FUL - KENWOOD HALL HOTEL, KENWOOD ROAD, SHEFFIELD, S7 1NQ

6c.1 A report clarification, an additional representation along with the Officer response, an amended condition and an additional condition were included within the Supplementary Report circulated and summarised at the meeting.

6c.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues set out in the report.

6c.3 Mr. Robert King attended the meeting and spoke against the application.

6c.4 The Committee considered the report and proposed conditions, having regard to the development plan, the National Planning Policy Framework and other relevant considerations, including the amended condition and additional condition, as summarised in the report and supplementary report and also having regard to representations made during the meeting.

6c.5 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, and including the amended and additional conditions, for the reasons set out in the report and supplementary report now submitted, for the demolition of Banqueting Suite and outbuildings, and erection of a new block of 9 residential apartments (Block A) with associated parking, landscaping works and ancillary works (Amended Plans and Description) (Omission of Blocks B and C from proposed development) at Kenwood Hall Hotel, Kenwood Road, Sheffield, S7 1NQ (Application No. 19/02022/FUL).

6d. APPLICATION NO. 19/01832/FUL - LOXLEY WORKS, LOW MATLOCK LANE, SHEFFIELD, S6 6RP

- 6d.1 Additional representations and an amended condition were included within the Supplementary Report circulated and summarised at the meeting.
- 6d.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues set out in the report.
- 6d.3 Mr. Chris Rooney attended the meeting and spoke against the application.
- 6d.4 The Committee considered the report and proposed conditions as set out in the report, including the amended condition, having regard to the development plan, the National Planning Policy Framework and other relevant considerations, as summarised in the report and supplementary report, and also having regard to representations made during the meeting.
- 6d.5 **RESOLVED:** That (1) an amendment to the proposed condition be added, that the Local Planning Authority be notified 14 days prior to installation of the new foul water drainage system so that the installation could be witnessed by Council Officers.

(2) an application for planning permission be GRANTED, conditionally, for the reasons set out in the report and supplementary report now submitted, to allow alterations to conditions relating to surface water, foul waste, landscaping, green roof and owl/bat boxes (Application under Section 73 to vary/remove Condition no(s) 15 (Landscape Scheme), 25 (Surface water drainage), 27 (Green Roof), 28 (Owl and bat boxes) relating to application no. 14/02812/FUL (Application under Section 73 to vary condition 2 (drawings) imposed by planning permission 12/00585/FUL to include provision of 11 allotments and alterations to roofs, reduction in height of garden wall and rebuilding brick gable wall) at Loxley Works, Low Matlock Lane, Sheffield, S6 6RP (Application No. 19/01832/FUL); and

(3) a report be submitted to the Planning and Highways Committee in six months time to ensure that the work had been carried out to the satisfaction of the Council.

6e. APPLICATION NO. 19/00674/FUL - LAND BETWEEN 264 AND 270 AND TO REAR OF 270 HANDSWORTH ROAD, SHEFFIELD, S13 9BX

- 6e.1 Additional representations and the Officer response were included within the Supplementary Report circulated and summarised at the meeting.
- 6e.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues set out in the report.
- 6e.3 Mr. Fred Gould (on behalf of the applicant) attended the meeting and spoke in support of the application.
- 6e.4 The Committee considered the report and proposed conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and the supplementary report, and

also having regard to representations made at the meeting.

6e.5 **RESOLVED:** That (1) an additional condition be included requiring any hardstanding should be of a porous material; the final wording of the condition to be approved by the Chief Planning Officer; and

(2) an application for planning permission be GRANTED, conditionally, for the reasons set out in the report now submitted, for the use of land as car sales forecourt and vehicle storage area (sui generis), including provision of portable building and container at land between 264 and 270 and to rear of 270 Handsworth Road, Sheffield, S13 9BX (Application No. 19/00674/FUL).

6f. APPLICATION NO. 18/04525/LBC - LOCH FYNE, 375 - 385 GLOSSOP ROAD, SHEFFIELD, S10 2HQ

6f.1 This application was considered in conjunction with the report at Agenda Item No. 7g – Application No. 18/04524/FUL – Loch Fyne, 375 – 385 Glossop Road, Sheffield, S10 2HQ.

6f.2 Two additional conditions and a revised condition were included within the Supplementary Report summarised and circulated at the meeting.

6f.3 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues set out in the report.

6f.4 Mr. Adam Murray (on behalf of the applicant) attended the meeting and spoke in support of the application.

6f.5 The Committee considered the report and proposed conditions, including the additional conditions and revised condition, having regard to the development plan, the National Planning Policy Framework and other relevant considerations, as summarised in the report and supplementary report and also having regard to representations at the meeting.

6f.6 **RESOLVED:** That an application for Listed Building Consent be GRANTED, conditionally, and including the additional conditions and revised condition, for the reasons set out in the report now submitted, for alterations and extension to building to create 27 residential units (key worker accommodation) with associated access, car parking and landscaping including demolition of internal walls/external stairwells and link at Loch Fyne, 375 – 385 Glossop Road, Sheffield, S10 2HQ (Application No. 18/04525/LBC).

6g. APPLICATION NO. 18/04524/FUL - LOCH FYNE, 375 - 385 GLOSSOP ROAD, SHEFFIELD, S10 2HQ

6g.1 This application was considered in conjunction with the report at Agenda Item No. 7f – Application No. 18/04525/LBC – Loch Fyne, 375 – 385 Glossop Road, Sheffield, S10 2HQ.

- 6g.2 An amended condition and a revised condition were included within the Supplementary Report circulated and summarised at the meeting.
- 6g.3 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues set out in the report.
- 6g.4 Mr. Adam Murray (on behalf of the applicant) attended the meeting and spoke in support of the application.
- 6g.5 The Committee considered the report and proposed conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations, as summarised in the report and also having regard to representations made at the meeting.
- 6g.6 **RESOLVED:** That an application for planning permission for internal/external alterations and extension to building to create 27 residential units (key worker accommodation) with associated access, car parking and landscaping including demolition of internal walls/external stairwells and link at Lock Fyne, 375 – 385 Glossop Road, Sheffield, S10 2HQ (Application No. 18/04524/FUL), be REFUSED for the following reason:

The Local Planning Authority considers that owing to the lack of an appropriate affordable housing provision, which is considered to be both practicable and financially viable in this instance, the proposal fails to accord with Policy CS40 of the Sheffield Development Framework Core Strategy, Policies GAH1 and GAH2 of the Community Infrastructure Levy and Planning Obligations Supplementary Planning Document and paragraph 64 of the National Planning Policy Framework. The adverse impacts of this shortfall are considered to significantly and demonstrably outweigh the benefits of the scheme when assessed against the National Planning Policy Framework as a whole.

8. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 8.1 The Committee received and noted a report of the Chief Planning Officer detailing new planning appeals received and a planning appeal dismissed by the Secretary of State.

9. DATE OF NEXT MEETING

- 9.1 It was noted that the next meeting of the Committee would be held at 2.00pm on Tuesday 10th March 2020 at the Town Hall, Sheffield.



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Operational Services

Date: 10th March 2020

Subject:

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257, PROPOSED DIVERSION OF FOOTPATH AT WALKLEY PRIMARY SCHOOL.

Author of Report: Mark Reeder 0114 2736125

Summary:

To seek authority to process the Public Path Diversion Order required to divert the public footpath adjacent to Walkley Primary School shown hatched black on the plan attached as Appendix A.

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 diversion of the public footpath adjacent to Walkley Primary School, as shown hatched black 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

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DIRECTOR OF OPERATIONAL SERVICES

REPORT TO PLANNING
AND HIGHWAYS COMMITTEE
10th MARCH 2020

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257, PROPOSED DIVERSION OF FOOTPATH AT WALKLEY PRIMARY SCHOOL.

1.0 PURPOSE

- 1.1 To seek authority to process the Public Path Diversion Order required to divert the public footpath adjacent to Walkley Primary School shown hatched black on the plan attached as Appendix A.

2.0 BACKGROUND

- 2.1 On the 27th November 2019 planning permission (ref: 19/02841/FUL) was granted for the redevelopment of Walkley Primary School including construction of a new 2-storey primary school building, demolition of existing school building to accommodate new hard and soft play facilities and alterations to existing access arrangements and public right of way
- 2.2 In order to enable the approved development to be carried out, it is necessary to re-route the public footpath which runs through the site. To be done legally, a Public Path Diversion Order must first be made and confirmed.

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 If the Council is satisfied that the Footpath needs diverting to enable the approved Development to be carried out, it would be appropriate to process the diversion using the powers contained within Section 257 of the Town and Country Planning Act 1990.

5.0 HIGHWAY IMPLICATIONS

- 5.1 The subject footpath is adopted and maintained by Streets Ahead. It commences at the southernmost point of Majuba Street (off Burnaby Green) and heads in a generally south/south easterly direction to an adopted path which serves Whitehouse Lane and Grammar Street at Walkley, Sheffield 6.
- 5.2 The re-aligned route to be provided, shown stippled on the plan attached as Appendix A, will be of a similar length, width (1.8m to 2.2m) and gradient.
- 5.3 Therefore the diversion 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 accruing to the Council (Highway Maintenance Division) in association with this proposal will be met by the Applicant (including commuted sums for future maintenance if applicable).
- 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 diversion of the footpath is necessary to enable the approved 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 diversion of the public footpath adjacent to Walkley Primary School, as shown hatched black 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

- a. take all necessary action to divert 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.

Philip Beecroft

Head of Highway Maintenance

27th February 2020

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Highway Records
Operational Services
Howden House
Union Street
Sheffield
S1 2SH

DIVERSION OF FOOTPATH OFF MAJUBA STREET ADJACENT TO WALKLEY PRIMARY SCHOOL SHEFFIELD 6




APPENDIX A



CLOSURE PROPOSAL

MAJUBA STREET

Easting 433710
Northing 388900

- Key:
-  Highway to be closed
 -  Highway to be created
 -  Highway unaffected

10 5 0 10 Meters

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LOCATION OF PROPOSAL

Bamforth Street

Hillfoot

Walkley

Langsett-Primro
View

Birkendale

Howard Hill

Philade

Uppertho



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SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Director of City Growth Department

Date: 10/03/2020

Subject: Applications under various acts/regulations

Author of Report: Chris Heeley and Dinah Hope 2039183

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	19/04504/FUL (Formerly PP-08376417)
Application Type	Full Planning Application
Proposal	Erection of a dwellinghouse with detached garage (Resubmission of withdrawn planning application 19/01402/FUL)
Location	Land Adjacent To Mount View Methodist Church Mount View Avenue Sheffield S8 8SG
Date Received	18/12/2019
Team	South
Applicant/Agent	Space Studio
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:

A19-194/01 Location Plan
A19-194/02 Site Plan
A19-194/03 Proposed Plans
A19-194/04 Proposed Elevations
A19-194/05 Proposed Elevations 2
A19-194/06 Proposed Elevations 3
A19-194/07 Proposed garage plans and elevations.

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. Before that part of the development is commenced, full details of the proposed external materials shall have been submitted to and approved in writing by the Local Planning Authority.

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

4. Details of a suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority and the dwelling shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

5. Large scale details, including materials and finishes, at a minimum scale of 1:20 of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:

Windows and window reveals
Heads and cills
Eaves

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

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

6. A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

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

7. 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.

8. 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.

9. The dwelling shall not be brought into use unless the hard surfaced areas of the site are constructed of permeable/porous materials or drain to porous beds within the curtilage of the house. Thereafter any 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.

10. 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 protecting the free and safe flow of traffic on the public highway, it is essential that this condition is complied with before any works on site commence.

11. The dwelling shall not be used unless the car parking accommodation for one car 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 it is essential for these works to have been carried out before the use commences.

12. The dwelling shall not be used unless 2.0 metres x 2.0 metres vehicle/pedestrian intervisibility splays have been provided on both sides of the means of access such that there is no obstruction to visibility greater than 600 mm above the level of the adjacent footway and such splays shall thereafter be retained.

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

Other Compliance Conditions

13. No gate or barrier to the vehicular access shall open over the public highway

Reason: In the interests of highway safety.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking and re-enacting the order) no windows or other openings shall be formed in the south elevation of the dwelling hereby permitted without the prior written approval of the Local Planning Authority.

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

15. 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 shall be constructed without prior planning permission being obtained from the Local Planning Authority.

Reason: In the interests of visual amenity and bearing in mind the restricted size of the curtilage.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner in accordance with the requirements of the National Planning Policy Framework. The Local Planning Authority considered that it wasn't necessary to have detailed discussions in this case.
2. As the proposed development will involve the closing/diversion of a public highway(s) you are advised to contact the Highway Records team as soon as possible with a view to the necessary authority being obtained for the closure/diversion of the highway(s) under Section 247 of the Town and Country Planning Act 1990. This process can take several months to complete.

Principal Engineer, Highway Records
Highways Maintenance Division
Howden House, 1 Union Street
Sheffield
S1 2SH

Tel: (0114) 273 6301 or 273 6125
Email: highwayrecords@sheffield.gov.uk

3. 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

4. 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 on the Council website here:

<https://www.sheffield.gov.uk/content/sheffield/home/roads-pavements/address-management.html>

The guidance document on the website includes details of how to apply, and what information we require. 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

The application site is located within a Housing Area under the provisions of the Adopted Unitary Development Plan. It is located between adjacent the car park and playground of the Mount View pre-school to the south. To the north and west are located two storey semi-detached residential properties. To the east on the opposite side of Derbyshire Lane are two storey terraced properties some being residential and others with commercial uses at ground floor. Also located to the east is the Derbyshire Lane Service station (garage and MOT station).

The site could be best described as a mixture of gravel hard surfacing and urban scrub and is currently used as informal car parking.

The application seeks approval to build a 3 bedroomed dwelling, set over 3 floors with the upper floor accommodation being set within the roof space. There would be side elevation gable ends with the principal elevation addressing Derbyshire Lane and the rear facing No.2 Mount View Avenue.

The main facing material would be a red brick. The roof would be a dark artificial slate tile. One off-street parking space would be provided to the rear of the property accessed from Mount View Avenue.

RELEVANT PLANNING HISTORY

An application for the erection of a single dwelling was withdrawn in 2019 (19/01402/FUL)

REPRESENTATIONS

There have been 78 letters of objection to the application and one petition with 59 signatures. The petition does not offer a reason for the objections, but simply states they object.

There has been one letter of support.

Objections

- Unacceptable living conditions for future occupants (needs acoustic fence to playground boundary)
- Future occupants will overlook playground depriving children of privacy
- House will cut light to the playground
- Will adversely impact on local flora and fauna
- Will adversely impact on highway safety
- Land currently used as unofficial parking will be lost
- Will obstruct the view pulling out of junction
- Will overshadow and overlook the garden of No. 2 Mount View Avenue and be overbearing and be in breach of the Human Rights Act
- The design is not in keeping with the area as it is a three storey house
- Instead of looking at trees and bushes the children will be facing a concrete wall
- The house is an abomination

- How can a dwelling be fitted on a piece of land so narrow?
- Future occupants will have no privacy
- Could constrain the access to the pre-school car park.
- What boundary treatments will be put in place?
- Has a bat survey of adjacent buildings been undertaken?
- Where is the additional infrastructure for all these extra houses?
- The loss of the hedge will be a loss of a teaching resource as the children watch birds feeding in the hedge
- Doesn't leave enough space for a pavement
- Proposed garage will obstruct entrance to the car park
- Conditions should be added to any permission covering
 - i. Road cleaning
 - ii. Construction vehicles don't block drives
 - iii. Frequent enforcement is taken to prevent illegal parking
 - iv. Site is secure so that children cannot play on it.
- No planning notices posted.

Non Planning Considerations Raised

- Construction workers foul language and loud music will be overheard by children
- There are enough houses of this type in the locality
- Construction workers will overlook playground
- Will the construction workers be DBS checked?
- Where will the builder's toilets be located?
- Future occupants could smoke in their garden directly adjacent the playground
- No building work should proceed when the adjacent playground in use
- Building work will cause pollution potentially affecting children with asthma
- Building work could cause materials to fall onto children
- What will the hours of construction be?
- Will disrupt the running of the church

Support

The school have asked all parents to object as the owner of the site would not sell to them. The site is used by cars for parking all the time and if anything it is more dangerous now than if it had a single house on it.

PLANNING ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Council's development plan comprises the Core Strategy which was adopted in 2009 and the saved policies of the Unitary Development Plan which was adopted in 1998.

The National Planning Policy Framework published in 2018 and revised in February 2019 (the NPPF) is also a material consideration.

Assessment of a development proposal needs to be considered in light of paragraph 11 of the NPPF, which provides that when making decisions, a presumption in favour of sustainable development should be applied, and that where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date (e.g. because they are inconsistent with the NPPF), this means that planning permission should be granted unless the application of policies in the NPPF which relate to protection of certain areas or assets of particular importance provide a clear reason for refusal or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The Local Planning Authority is in the process of updating its five year housing land supply position but given the changed assessment regime identified in the NPPF (2019) and associated Practice Guidance, further detailed work is required. The Local Planning Authority are therefore undertaking additional work to reflect the requirements of national policy and guidance, before publishing conclusions in a monitoring report (expected later this year). At the current time, the Council cannot demonstrate a five year supply. The Council's most recent assessment of supply, contained in the SHLAA Interim Position Paper (2017), showed a 4.5 year supply of sites, and this includes the appropriate buffer.

As Sheffield does not currently benefit from a five year housing land supply, all of the most important policies for determining this application are automatically considered to be out of date, as made clear in footnote 7 of paragraph 11. As such the two Paragraph 11 tests detailed above and sometimes referred to as 'the tilted balance' (a presumption in favour of sustainable development) will apply.

In this context the following assessment will:

- Assess the proposal's compliance against existing local policies as this is the starting point for the decision making process. For Sheffield this is the Unitary Development Plan (UDP) and the Sheffield Development Framework Core Strategy (CS).
- Consider the degree of consistency these policies have with the Framework and attribute appropriate weight accordingly, while accounting for the most important policies automatically being considered as out of date.
- Apply 'the tilted balance' tests, (including considering if the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits).

Key Issues

The main issues to be considered in this application are:

- The acceptability of the development in land use policy terms (Principle of development),
- The design, scale and mass of the proposal, and its impact on the existing street scene,
- The effect on future and existing occupiers living conditions,
- Whether suitable highways access and off-street parking is provided.

Principle of Development

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area. Within such areas UDP Policy H10 sets out that housing is the preferred use of land.

Policy CS24 of the Core Strategy seeks to maximise the use of previously developed land for new housing, giving priority to such sites and requiring no more than 12% housing completions on greenfield sites in the period 2004/5 to 2025/26. The site does not meet the NPPF definition of previously developed land, but neither can it reasonably be considered greenfield given that it is a narrow strip of gravel hard surfacing and urban scrub and is currently used as informal car parking.

In any event, the site is sustainably located, within the urban area, and greenfield completions are currently 5% within the stated period, so were it to be considered greenfield there would be no policy objection in principle to its development. The erection of a single dwelling on this site would assist in meeting the Council's targets for the delivery of new housing and does not conflict with the aims of Core Strategy Policy CS24.

Policy CS26 of the Core Strategy relates to the efficient use of housing land. In parts of the urban area that are not near Supertram stops or close to high frequency bus routes such as here, it details that the density should be in the order of 30-50 dwellings per hectare. The policy does stipulate however that the density of new developments should be in keeping with the character of the area. The proposal seeks to erect a single dwelling on the site, which has an area of approximately 370 square metres and the development would therefore have a density of approximately 27 dwellings per hectare. As such it is considered that the proposed development would not represent an over development of the site and the marginal shortfall on the lower end of the density range can be accepted due to the usable area of the site being constrained.

At the current time, the Council cannot demonstrate a five year supply of housing. The Council's most recent assessment of supply, contained in the SHLAA Interim Position Paper (2017), showed a 4.5 year supply of sites. This development would make a small contribution to the supply of housing within the city.

As set out above, the revised NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and the lack of a 5 year housing supply tilts the balance in favour of the development. Furthermore, the density ranges specified in the Core Strategy are out of date and so greater weight should be attributed to guidance contained within the revised NPPF.

Paragraph 117 of the revised NPPF sets out that planning policies and decisions should promote the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 118 d) advises that planning decisions should support the development of under-utilised land where it would meet a need for housing and land could be used more effectively.

Paragraph 123 places increased emphasis on avoiding low density housing development and ensuring that developments make optimal use of the potential of each site.

The scheme is considered to accord with the aims of the above NPPF paragraphs as it involves albeit a small housing development, on under-utilised land. Consideration on living conditions is set out later in this report.

It is considered that the proposed development would be of an appropriate density and is in a sustainable location. In principle the application is therefore considered to be acceptable.

Impact On The Character Of The Area

UDP Policy H14 'Conditions on Development in Housing states that new development and extensions will only be permitted where they are well designed and in scale and character with neighbouring buildings, where the site would not be overdeveloped or cause serious loss of existing garden space which would harm the character of the neighbourhood.

Policy BE1 (Townscape Design) within the UDP states that a high quality townscape will be promoted with a positive approach to conservation and a high standard of new design.

Policy BE5 (Building Design and Siting) of the UDP states that original architecture will be encouraged, but that new buildings should complement the scale, form and architectural style of surrounding buildings.

Policy CS74 (Design Principles) within the CS states that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods.

Chapter 12 of the NPPF (2019) requires good design, where paragraph 124 states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Paragraph 130 requires that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments:-

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built

environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users;

These requirements closely reflect the aims of policies BE1, BE5 and CS74 so those policies can be afforded full weight.

The nearest dwellings to the site are those on Mount View Avenue and on Derbyshire Lane. The semi-detached properties on the former are two storeys in height, feature facing materials of red brick and render and have Welsh slate roofs. The terraces on Derbyshire Lane are faced in red brick and roofed in slate.

The pre-school building to the south is faced in buff brick with a concrete tile roof and the church just beyond is faced in stone.

The proposed dwellinghouse would be two storeys in height with accommodation in the roof space which is consistent with the prevailing scale of other houses in the locality.

Whilst the property would have a unique appearance in the street scene this is not a reason to resist the proposal and there is no local or national policy which requires a design to slavishly adhere to existing built forms. Furthermore, whilst it cannot be said that the proposal exhibits significant architectural merit neither would its traditional form introduce an anomalous or jarring element into the existing street scene.

Whilst the design of the proposed dwelling varies from the semi-detached form of Mount View Avenue and terraced form of Derbyshire Lane this is not considered to represent a robust reason for refusal since the overall scale and massing and traditional form (gable sided, ridged roof) are considered compatible with the existing street scene.

The footprint of the dwelling broadly follows the notional building line of dwellings on both Derbyshire Lane and Mount View Avenue, save for a small single storey projection to the lounge. This is not a significant concern that would result in the position of the dwelling disrupting the pattern of development within the area.

The main facing material is proposed as red brick with slate coloured concrete tiles for the roof. Both of these materials relate well to the dominant facing and roofing materials in the area.

It is therefore considered that the development would not be harmful to the character and appearance of the area, is acceptable in design terms would comply with the relevant local and national policies referenced above.

Amenity Considerations

Existing Residents

UDP policy H14c) requires development to not deprive residents of light, privacy or security.

Policy H14 is supplemented by an adopted SPG on Designing House Extensions. Although written for house extensions the guidance given is still considered relevant for new dwellings. This document provides more detailed guidance on matters such as design, overbearing and overshadowing impacts as well as privacy.

The proposal would achieve typical and acceptable separation across the public highway to properties on the opposite side of Derbyshire Lane.

The main rear elevation of the proposal would achieve a separation distance of approximately 19 metres to the side elevation and rear garden of No. 2 Mount View Avenue. SPG requires a separation of 12 metres to a two storey gable end and as such the proposal significantly exceeds this requirement. There are no main aspect windows in the side elevation of No. 2 and so minimum separation between facing windows is easily achieved. SPG also requires a minimum separation of 10 metres between a rear elevation and the rear boundary and this is also achieved (12 metres to the boundary treatment at the foot of the proposed rear garden).

The windows in the north elevation face across the public highway towards the side elevation of No. 251 Derbyshire Lane but these serve only the stairwell and a w.c. It is therefore clear that the proposed dwelling will not have any implications for overbearing, overshadowing or overlooking of neighbouring properties and will comply with the aims of policy H14 of the UDP and the associated SPG.

Paragraph 123 c) of the NPPF sets out that authorities should take a flexible approach in applying policies relating to daylight or sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards), and paragraph 127 f) requires a high standard of amenity for existing users.

These requirements closely align with the aims of the above local policies which can therefore be given full weight and given the conclusions above in respect of those policies the proposal therefore also complies with the aims of NPPF paragraphs 123 and 127.

Future Occupants

UDP policy H14c) requires development to not deprive residents of light, privacy or security.

The dwelling will provide good quality outlook and natural light to main habitable rooms

The rear garden amenity space would amount to approximately 86 square metres, with a front amenity space of approximately 310 square metres though a sizeable portion of this is located on a strip along Derbyshire Lane and wrapping around the

adjacent site. Designing House Extensions - Supplementary Planning Guidance states that a dwellinghouse should be provided with a minimum garden size of 50 square metres. The South Yorkshire Residential Design Guide states private gardens for 3+ bedroomed houses should be at least 60 square metres. The rear garden alone easily exceeds this requirement.

It is clear that future occupants using the front garden of the property or located in rooms on the front elevation with windows open will be able to hear children playing in the playground. However, since this will be during daylight hours and there are numerous houses around the city that lie in close proximity to school playgrounds and playing fields it is not considered that this represents a cause for concern.

Appropriate boundary treatments can be secured by condition to ensure a level of privacy in house and garden commensurate with other nearby dwellings.

Paragraph 127 of the NPPF requires a high standard of amenity for future users. This requirement closely aligns with the aims of policy H14 which can therefore be given full weight given the conclusions above and the proposal therefore also complies with the aims of paragraph 127.

In summary, it is considered that the development would not cause significant harm to the amenity of neighbouring property and potential occupiers of the scheme would be afforded adequate living conditions. In this respect the proposal would comply with paragraphs 123 and 127 of the NPPF as well as UDP policy H14.

Impact On The Adjacent Pre-School Site

It is noted that significant numbers of representations refer to the dwellings potential impact on the neighbouring pre-school playground.

Since the property lies to the north of the playground it cannot cast shadow across the playground and there will be no loss of direct sunlight to this area.

It is not considered that any marginal overbearing impact of the side elevation of the property can be given significant weight on a play area.

There are no windows in the side elevation of the dwelling facing the playground, which removes any likelihood of overlooking and loss of privacy. In addition there are numerous houses around the city that lie in close proximity to school playgrounds and playing fields, or where such areas are highly visible from public areas.

It is not therefore considered reasonable to conclude that the proposed dwelling would have an unacceptable impact upon the privacy of pre-school users.

Highways Considerations

The plans indicate one off-street car parking space within a detached garage accessed from Mount View Avenue. The scheme provides for an independent pedestrian entrance accessed from Derbyshire Lane.

Policy H14(d) states that development should provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians. The Council's revised parking guidelines set out maximum standards in accordance with Core Strategy Policy CS53, and for a 2-3 bedroom dwelling outside of the city centre 2 spaces are required as a maximum.

The proposed provision of one space is therefore a shortfall on UDP parking guidelines. However, the guideline represents a maximum provision, and government guidance also considers that such standards should only be applied as maximum standards.

The site is in a very accessible location and is located in relatively close proximity to high frequency bus route (there is a bus stop immediately opposite the site for those travelling into city centre) and is within easy walking distance of numerous local facilities.

The site access from Mount View Avenue and would effectively replace the entire frontage of the site being used for ad hoc parking with vehicles currently 'bumping' up a raised kerb. It is not considered that the single access would introduce a danger to the public highway (indeed the likelihood is that the removal of the casual parking along the site length will improve pedestrian safety) but it would be prudent to add a condition requiring boundary treatments to be a maximum of 600 mm high close to the entrance to ensure good inter-visibility between vehicles and pedestrians.

It is not considered that the arrangement of the new access and the adjacent access into the pre-school car park represents a highways conflict and neither is it considered the proposal will introduce a highways conflict at the junction of Mount View Avenue and Derbyshire Lane as there are waiting restrictions at the junction to prevent inappropriate parking.

The proposal is therefore not considered to be in conflict with UDP policy H14 d) and Core Strategy policy CS53.

The NPPF seeks to focus development in sustainable locations and make the fullest possible use of public transport, walking and cycling. Paragraph 109 of the NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

Policy H14 d) broadly aligns with the aims of Chapter 9 of the NPPF (Promoting Sustainable Transport) although it should be noted that in respect of parking provision, the NPPF at paragraphs 105 and 106 requires consideration to be given to accessibility of the development, the development type, availability of public transport, local car ownership levels and states that maximum standards for residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or optimising density in locations well served by public transport.

Given the conclusions arrived at above in respect of local development plan policies and the alignment with the aims of the NPPF, those local policies are considered to have full weight.

Overall, the proposal would accord with the relevant part of H14, and with regards to paragraph 109 of the revised NPPF (2019) which sets out that development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, it is considered that a refusal on highways grounds cannot be justified.

Landscape and Ecology Considerations

The site boundary to the north currently includes a group of conifers, self-set small trees and bushes. None of these are considered to have significant public amenity value though representations state that the loss of the hedge will be a loss of a teaching resource as the children watch birds feeding in the hedge.

Some of this boundary landscape will be retained but the side elevation of the house will displace that section corresponding to the footprint of the house. The removal of the foliage on the site side of the boundary is not considered a reason to resist the scheme since this could be achieved by the land owner without a requirement for planning permission, and is not of high public amenity value.

The plans indicate the site boundary to the public highway will consist of a 900mm wall with planting behind and the principle of this approach is acceptable other than in the proximity of the vehicular entrance where a lower height will be required for inter-visibility purposes. This will ensure the boundary treatment provides opportunities for replacement habitats and will reflect the character of the surrounding area.

A landscape scheme can be sought by condition. It is likely that the great majority of the amenity space will be laid to grass or surfaced in paving.

Whilst representations report that birds may nest in the some of the trees on the south boundary and that other forms of urban wildlife have been spotted on occasion in the vicinity of the site there is no reason to believe that protected species habitats are present and the loss of this piece of dilapidated urban scrub is not considered a robust reason to refuse the scheme in ecology terms.

Community Infrastructure Levy (CIL)

The Council has adopted a Community Infrastructure Levy (CIL) to provide infrastructure to support new development. Mostly CIL replaces some previous payments negotiated individually as planning obligations, such as contributions towards the enhancement and provision of open space (UDP Policy H16) and towards education provision (Core Strategy Policy CS43). In this instance the proposal is liable for CIL charges, at a rate of £50 per square metre (plus an additional charge associated with the national All-in Tender Price Index for the calendar year in which planning permission is granted, in accordance with Schedule 1 of The Community Infrastructure Levy Regulations 2010). The exact amount of this

sum will be calculated upon receipt of detailed information regarding gross internal floor space.

RESPONSE TO REPRESENTATIONS

Matters relating to design, residential amenity and highway safety have been dealt with in the main body of this report.

The informal use of the land for occasional parking is not authorised and there is no dropped kerb to facilitate access. In this context any potential displacement of parking should not be given significant weight.

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

Matters relating to safety on site, site security and the working practices of construction personnel are the province of Health and Safety Legislation.

The plans clearly indicate the retention of the public footway.

There is no reason to believe that the erection of a single dwelling will give rise to significant health threats through dust or other particulates.

The plans clearly indicate the proposed detached garage will not impinge on the ownership of the adjacent access.

It is not for the planning system to police the behaviour of construction workers and/or future occupants.

SUMMARY AND RECOMMENDATION

This is a proposal for a single dwelling on a site which is currently under-utilised urban scrub land used for casual parking. It is in a Housing Area as defined in the UDP, and in a sustainable location within the existing urban area, and as such the proposal is therefore acceptable in principle.

The overall architectural approach for the dwelling is considered acceptable and in terms of scale and massing the house is considered to achieve a satisfactory balance between visual amenity and the desire to provide an appropriate housing density. The architectural approach is not considered inappropriate and is sympathetic to the existing grain and character of the locality.

It provides acceptable living accommodation and does adversely affect the living conditions or operations of neighbouring residents and business/community users. The highways layout is acceptable and the proposed car parking is considered adequate given the sustainable location.

It therefore complies with the aims of UDP policies H10, H14, BE1 and BE5, Core Strategy Policies CS24, CS26, CS53 and CS74, and paragraphs 109, 117, 119, 123 and 127 of the NPPF.

The listed local policies align with the aims of the NPPF and in accordance with paragraph 11 of the NPPF whilst they are considered out of date owing to the lack of a 5 year housing supply, can be afforded significant weight.

For the reasons described above, it is considered that it has been demonstrated that there are no significant adverse impacts as a consequence of this application being granted, and there will be a benefit to housing supply of granting permission a dwelling on the site.

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

Case Number	19/02907/FUL
Application Type	Full Planning Application
Proposal	Retention of extension to car park
Location	Ecclesfield Red Rose J F C Playing Fields Nether Lane Sheffield S35 9ZX
Date Received	02/08/2019
Team	West and North
Applicant/Agent	Mr P Doughty
Recommendation	Refuse

Refuse for the following reason(s):

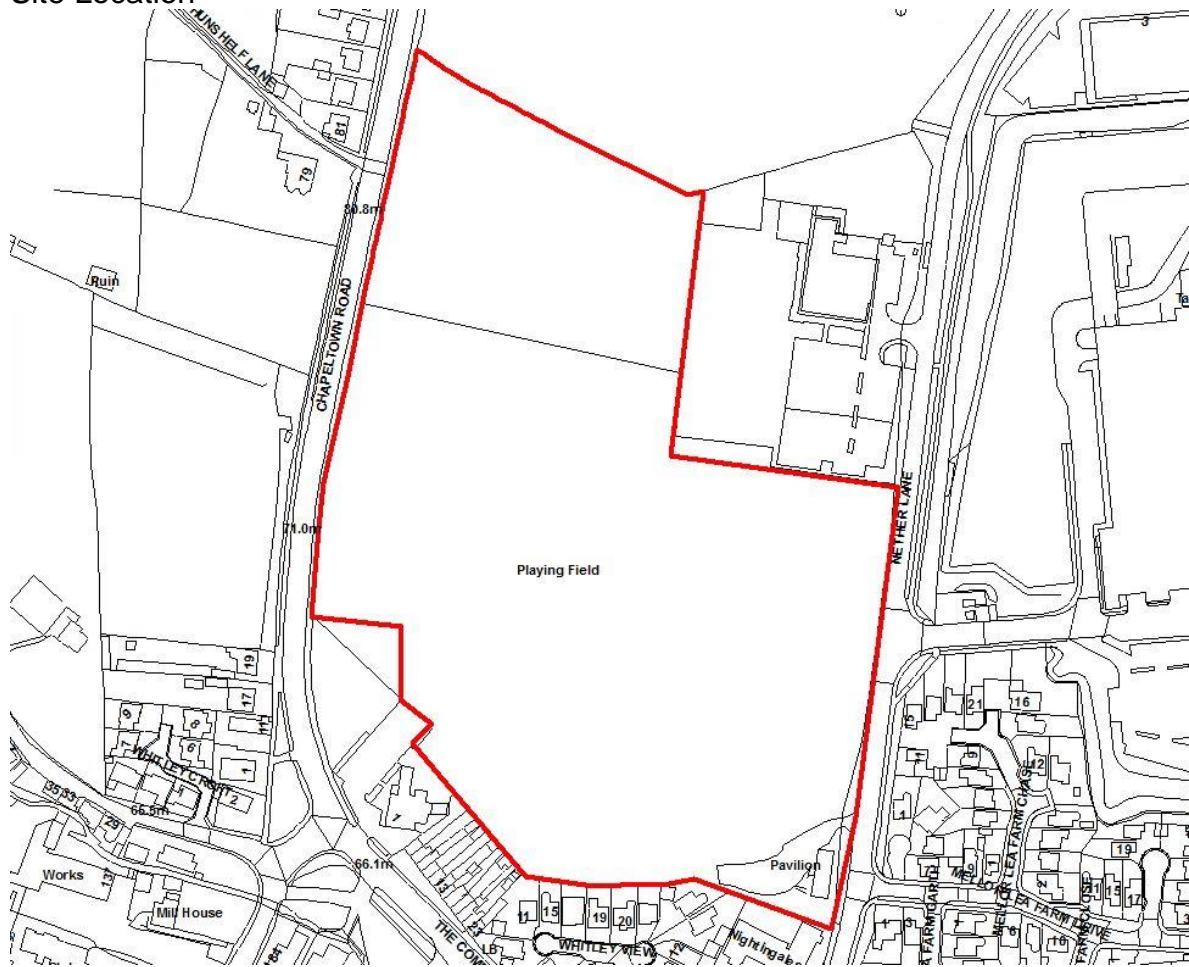
- 1 The Local Planning Authority considers that the proposed use of land as an extension to the existing car park would be detrimental to the living conditions of neighbouring residents on Whitley View as a result of direct overlooking of the adjoining residential properties and gardens leading to a loss of privacy; noise and disturbance from vehicles; light pollution from vehicle headlights and air pollution arising from vehicles engines. As such the development is deemed contrary to Policy BE9 of the Unitary Development Plan and paragraphs 180-181 of the National Planning Policy Framework.
- 2 The Local Planning Authority considers that in the absence of sufficient information to properly assess the material impacts of the development on the environment, the proposed development could have a detrimental impact on surface water run-off or result in ground pollution, noise pollution or land instability. As such the development is deemed contrary to Policies GE19, GE22 and GE25 of the Unitary Development Plan and paragraphs 170 (d) and (e) of the National Planning Policy Framework.
- 3 The Local Planning Authority considers that in the absence of sufficient information relating to traffic movements and parking demand generated by the proposal, it is not possible to assess the number of additional parking spaces required and whether the extension is sufficient to address the on street parking and safety issues used as justification for the proposed extension to the existing car parking area. As such the development is deemed contrary to Policy BE9 of the Unitary Development Plan and paragraphs 108-109 of the National Planning Policy Framework.

Attention is Drawn to the Following Directives:

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

RRFC-SF-03 Rev A Proposed Car Park Layout and Neighbouring Properties

Site Location



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INTRODUCTION

This application relates to the retention of an extension to the existing car park at the playing fields on Nether Lane in Ecclesfield.

The car park extension is not complete; works appear to have ceased pending the outcome of the planning application.

The playfields are used by Ecclesfield Red Rose Junior Football Club.

The application is presented to Members of the Committee on the basis that both significant support has been received along with objections from residents directly affected by the development and an objection from Angela Smith MP.

LOCATION AND CONTEXT

The site is located between Ecclesfield and Chapeltown on Nether Lane. Vehicular access is gained via Nether Lane and when not in use the site is secured by a double metal entrance gate. It is also accessible on foot via Chapeltown Road to the west.

A single storey club/house/changing facility is located to the south of the access with the car park extending along the southern boundary abutting residential properties on Whitley View.

The site is surrounded by a mix of uses including a care home to the south of the changing room, a restaurant/public house to the north of the site, a recycling centre to the north east and a restaurant to the south west.

The east, west and northern site boundaries are generally bound by hedgerows and trees, while a stone wall runs along the southern boundary. A section of palisade fencing bounds the site to the south of the entrance gates.

The land level slopes from north to south, with the playing fields being laid out on the south and east sections of the site. The northern section of the site is left as scrub land with desire lines across from the pedestrian access on Chapeltown Road to the north, connecting with Nether Lane.

PROPOSAL

Works were undertaken without the benefit of planning permission to change land levels and import material in order to extend the existing hard surfaced area to provide additional car parking.

Consent is sought for the retention of the existing works and completion of the extension to the existing car park to provide off street parking in connection with the existing football playing fields.

The Design and Access Statement describes the works undertaken to form the hard surface as:

- Ground excavation a depth of 250mm to provide a uniform sub-base;
- 75mm gauge clean recycled brick hardcore laid at a depth of around 150mm; and
- 100mm road planings to finish.

RELEVANT PLANNING HISTORY

There is no recent relevant planning history.

SUMMARY OF REPRESENTATIONS

An objection was received from Angela Smith, MP for Penistone and Stocksbridge, raising the following:

- The land is not previously developed and is designated as Green Belt
- The site is an important buffer between Chapeltown and Ecclesfield and prevents urban sprawl as described in the NPPF. Any erosion of this barrier is opposed.
- The provision of car parking facilities does not constitute very special circumstances required by the NPPF to justify development in the Green Belt.
- Provision of car parking facilities has been previously discouraged by the city council in favour of encouraging the use of public transport.
- The land levels have been raised and have had a negative impact on local residents.

In addition 5 letters of objection have been received regarding the following:

- There are significant inaccuracies with the information provided in the application.
- The Design and Access Statement states that 250mm was removed to provide a uniform sub-base. During the works in January 2019 there was removal or lowering of land to accommodate the hardcore.
- The land levels were raised against residents' boundary walls and the car park is now around 1.5 to 2 feet higher than before.
- The increased land level has a detrimental impact on amenity.
- The increase in land levels has created security and privacy issues, cars parked against the boundary wall create direct overlooking to properties and gardens.
- The car park has eradicated natural wildlife by removing trees and bushes.
- Suspect that garden walls have been used as retaining walls.
- Cars and vans park parallel to the wall and use the area as a urinal.
- Impact on air pollution from nitrogen dioxide caused by vehicles.
- Concerns regarding materials tipped on the site and whether it was checked for contamination.

There has been one letter of support received regarding the following:

- Questions what will be achieved by returning the site to its previous form as rat infested bramble bushes.
- The club is non-profit making and run by volunteers who care for the wellbeing of children from local communities.
- If the car park is removed people will need to park on Nether Lane which is a busy road with no parking spaces putting children's lives in danger.

A petition in support of the works containing 944 signatures has been submitted. The basis of the petition is as follows:

- The proposal is to prevent young children from having to cross the busy road of Nether lane.
- 80% of vehicles that visit the site can now safely park within the grounds of the site.
- The club has invested in excess of £11,000 plus on the car park. To re-instate the car park will result in expense that the club cannot afford forcing it to close. 17 teams and more than 200 children will be unable to play football at this location.
- Those signing the petition agreed that the safer parking spaces were much needed.

PLANNING ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The Government's planning policies and guidance contained in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPGs) are a material consideration in planning decisions. The NPPF states that the purpose of the planning system is to achieve sustainable development which means that the planning system has three overarching objectives: economic, social and environmental. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (NPPF paragraphs 7 to 10).

For decision taking this means (c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: (i) the application of policies in this Framework that protect assets or assets of particular importance provides a clear reason for refusing the development; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole (NPPF paragraph 11).

NPPF paragraph 213 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The relevant development plan for the site is the Sheffield Local Plan which includes the Sheffield Core Strategy and the saved policies and proposals map of the Sheffield Unitary Development Plan (UDP).

Principle of Development

The site is located within the Green Belt as defined by the Sheffield Unitary Development Plan (1998).

The relevant policies of the Sheffield UDP with regard to development in the Green Belt are GE1, GE3 and GE4.

Policy GE1 sets out the key purposes of the Green Belt and states that development will not be permitted, where it would:

- a) Lead to unrestricted growth of the built up area; or
- b) Contribute towards merging of existing settlements; or
- c) Lead to encroachment of urban development into the countryside; or
- d) Compromise urban regeneration

Policy GE3 sets out that 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
- Other uses that fit within policy GE1

The Core Strategy (2009) sets out the spatial strategy for The Sheffield Development Framework.

Policy CS71 states that the countryside and the 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.

These policies are all considered to carry weight as they reflect guidance contained in the NPPF on Green Belts.

Chapter 13 of the NPPF re-affirms that the Government attaches great importance to Green Belts and sets out the five purposes that the Green Belt serves:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 143 of the NPPF states that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'

Paragraph 145 of the NPPF expects local planning authorities to regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include:

- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

The proposal is for the change of use of land to extend the existing car park. The provision of a car park to provide safe, off street parking to the existing sports field can be considered an appropriate facility, however, it is considered that there is insufficient detail within the planning application with regard to the capacity of the existing car park and the application lacks detail with regards to the need for additional car parking. Furthermore, while the proposal shows approximately 34 parking spaces, it is clear from the layout that some of the proposed spaces are potentially inaccessible.

Further details have not come forward from the applicant to enable a full assessment to be made of whether the scale and therefore the provision of the proposed facility is appropriate.

Openness

The Green Belt exceptions are accepted on the basis that the 'provision of appropriate facilities' preserves the openness of the Green Belt. The land relating to the change of use borders the existing wall to the rear of the residential development on Whitley View and is at a lower level than the majority of the wider site. As such it would be seen in context with the existing built development. It is therefore considered that the proposal would preserve the openness of the Green Belt.

It is on this basis that, whilst the extent of the need for the facility has not been fully justified, the principle of the use of the land for car parking in connection with the playing fields is an appropriate facility in the Green Belt that would not impact on openness nor conflict with the purposes of including land within the Green Belt. As such it is considered to be acceptable in principle.

Promoting Healthy and Safe Communities

The NPPF places importance on opportunities for sport and physical activity which contribute towards the health and wellbeing of communities.

The Town and Country Planning (Development Management Procedure) Order 2015 requires local planning authorities to consult with Sport England on development which is likely to prejudice the use or lead to loss of land being used as a playing field and also includes the replacement of the grass surface with an artificial, man-made or composite surface. This is to afford protection to playing pitches.

Paragraph 97 of the NPPF and the Sport England Playing Fields Policy and Guidance document seek to protect against the loss or prejudice of:

- All or part of a playing field, or

- Land which has been used as a playing field and remains undeveloped, or
- Land allocated for use as a playing field.

unless, in the judgement of Sport England, specific exceptions are met.

Sport England have consulted with the Football Foundation (FF) who advised that:

- The area of land where the car park extension has been constructed doesn't appear to have ever been used as playing field, and is a safe enough distance away from the land used for the marking of playing pitches.
- The extension allows the club to better manage the flow and parking of cars when the site is in use.
- The Football Foundation, on behalf of The FA, do not wish to raise any objection.

Sport England have assessed the proposal and is satisfied that the proposed development meets with exception 2 of the playing fields policy, in that 'the proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

It is therefore considered that the change of use of the land to extend the car park does not impact upon the use of the playing fields and is supported by both the Football Foundation and Sport England.

The proposal is therefore in accordance with paragraph 97 of the NPPF.

Highways and Transportation

Policy BE9 (Design for Vehicles) of the UDP, policy CS74 of the Core Strategy and paragraph's 108 and 109 of the NPPF consider development proposals and their highway impact.

The site is accessible on foot from Chapeltown Road via a public right of way and it is understood that visitors to the playing field park along this road, which is unrestricted. Chapeltown Road has a footpath on both sides and accesses to local bus services are located along Chapeltown Road.

Vehicular access to the site is taken from Nether Lane, on which there are also no parking restrictions. The public footpath runs along the eastern side of Nether Lane, adjacent the boundary with the residential development.

The site access is set back from Nether Lane and secured by a locked metal gate. The original car park appears to have been situated around the club house, to the south of the access. The hard surfaced area beyond that appears to have been undertaken at a later date and the proposed hard surfacing that is the subject of this application has been undertaken more recently. The proposed car park is unfinished and it appears that hard-core has been brought onto the site to form the new land level and provide a base for the proposed car park.

The application form states that there were 20 existing parking spaces, although the original car park is not laid out formerly. 30 parking spaces are proposed, although the amended site plan indicates 34 (approximate) parking spaces. Some of the car parking spaces only just meet the standard parking spaces sizes and also appear to be difficult to manoeuvre in and out of, particularly the linear parking.

The Council's Highways Development Control Team have been consulted on the proposal and have advised that the proposed car park extension is far enough away from Nether Lane that any issues with manoeuvrability will have resolved before they reach Nether Lane. Similarly, with regards to surfacing, the distance between the extension and Nether Lane is such that there are no concerns with any surfacing material being deposited onto the carriageway on Nether Lane.

There are no allocated disabled parking spaces, however, these could be provided around the existing club house.

Policy BE9 requires that new developments and refurbishments should provide safe, efficient and environmentally acceptable site layout for all vehicles including cycles and pedestrians. The criteria of policy BE9 requires:

- Good quality design of internal roadways and signs;
- Adequate manoeuvring, turning and parking space for service vehicles;
- Effective access at all times for emergency vehicles;
- Adequate parking space suitably located for people with disabilities.

Officers have not been provided with information regarding the traffic movements generated or the number of parking spaces required by the applicant, however the applicant and supporters of the application state that there are insufficient parking spaces to account for the number of users of the site and that both Chapelton Road and Nether Lane are used for parking which results in children having to cross the busy roads to access the field on match days. This is the justification for the proposed extension to the parking area on site.

Without details establishing the traffic movements and parking requirements for matches and events it is not possible to assess the number of additional parking spaces required and whether the extension is sufficient to address the on street parking and safety issues.

Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe. It is therefore considered that, whilst the Council's Highway's team advise that the proposed parking area itself will not have an adverse impact on highway safety, there is insufficient information to assess the impact of the proposal on the wider highway network based on the representations made.

Drainage and Pollution

Policies GE19 (Water Resources), GE22 (Pollution) and GE25 (Contaminated Land) of the UDP seek to protect groundwater resources and minimise the effect of

pollution and risk of pollution. These policies align with paragraph 178 of the NPPF which relates to ground conditions and pollution.

The site is located in Flood Zone 1 (low probability of flooding). The Council's Drainage Team have been consulted on the application and raised concerns regarding the lack of drainage details. The land falls towards, and is immediately adjacent to, residential properties on Whitley View and the ground is identified as poor for infiltration (as referred to on British Geological Society Maps). The Drainage Officer asked for evidence of the present drainage arrangement for the site, including the pitches, existing car park and the site of the proposed car park extension, as well as details of where surface water currently discharges to. As the proposed car park would likely lead to an increased rate of run off, this would need to be managed in order to prevent a nuisance to downslopes communities.

An indicative location for a proposed soakaway is shown on the site plan. However, due to poor infiltration and as there are no details regarding the existing drainage arrangements or likely increase in surface water run-off, there is considered to be insufficient information to consider the impact of surface water run-off and how surface water would be managed to avoid adverse impacts on the adjoining land.

Prior to the application being submitted, materials were brought onto the site to prepare the base for the new car park. Details of the types of materials, along with the previous and current land levels, have all been requested in order to assess the impact of the development on ground pollution and residential amenity.

The Design and Access Statement states that clean recycled brick hardcore and road planings were brought onto site, however no technical details have been submitted to qualify the source of the materials and the agent has advised that the applicant cannot afford to appoint consultants to provide the information necessary to assess the impact of the proposal on drainage and land contamination.

Photographic evidence from neighbours shows that the area of land was excavated to depths below the original ground level and that items previously below ground were removed and placed in the landscaped areas adjacent the car park area.

There are concerns with regards to what has been excavated, the nature and volume of the material that has been brought onto the site, where the material has come from, how ground will be protected from potential pollution and what drainage measures are required to adequately drain the site. Without the technical details it is not possible to assess the full impact of the proposal or to condition any mitigation measures necessary and reasonable to protect the environment from pollution and adequately manage surface water discharge.

It is therefore considered that there is insufficient information to assess the impact of the development on the natural environment and as such is contrary to paragraph 170 e) and f) of the NPPF.

Biodiversity and Trees

Residents have raised concerns that habitat, vegetation and trees have been removed from the site prior to the works being undertaken. Photographic evidence of works taking place has been provided but no details of the value of the habitat or quality of the trees that were removed has been submitted with the application. There are no protected trees on site and as such the weight afforded to their protection would have been based purely on visual amenity and habitat value.

However, without a tree survey and habitat assessment it is not possible to assess the impact of the works on trees and ecology. As such it is considered that it is not possible to consider any requirements for minimising impact on and providing net gains for biodiversity required by paragraph 170 d) of the NPPF.

Should Members consider granting approval of the application it is recommended that a condition is imposed requiring details of an ecology led landscaping scheme be submitted and agreed in writing by the Local Planning Authority (LPA) and subsequently delivered on site to the approval of the LPA. This would mitigate any potential loss of habitat that has occurred and provide the net gain in biodiversity as required by the NPPF in paragraph 170 d).

Residential Amenity

As discussed above, there are objections from residents that border the site with regards to the impact on residential amenity, particularly:

- loss of privacy;
- overlooking;
- noise and disturbance from comings and goings, car headlights and running engines;
- pollution from exhaust fumes; and
- drainage.

It is difficult to assess the increase in land levels as no details of the land topography prior to the works being carried out have been submitted, however residents have provided photographic evidence of the land levels prior to the works, during and after. The photographs show an apparent increase in land level meaning that, when vehicles park adjacent to the boundary wall that separates the site and the residential properties, drivers can see over the wall and directly into the private garden areas and main living rooms of properties on Whitley View.

In addition, resident's enjoyment of their garden area and rear habitable rooms would be affected by fumes, headlights and noise from running engines in the winter whilst parents/guardians wait for children training and taking part in matches on the site.

Policy BE9 expects development to provide adequate safeguards for people living nearby from exhaust fumes, traffic noise or risk of accident.

While chapter 8 of the NPPF promotes healthy and safe communities and supports social and recreational facilities that would enable and support healthy lifestyles, and guards against the loss of valued facilities, at paragraph 180 it also expects

decisions to ensure that new development takes into account the likely effects of pollution on health and living conditions and, in doing so, mitigate and reduce to a minimum potential adverse impacts resulting from noise and light pollution.

Similarly, paragraph 181 expects the cumulative impact of development in Air Quality Management Areas to be taken into account.

The wider support for the proposal and the importance of the club for the community is noted. However, it is considered that the siting of the car park extension and the increase in land levels would increase the potential for noise, disturbance and pollution such that the proposal would have an unacceptable impact on the amenities of neighbouring residents on Whitley View, particularly on the enjoyment of their rear gardens.

PLANNING BALANCE

The proposed car park extension seeks to support an existing recreational use on the site. Policy GE3 permits essential facilities for outdoor sport and outdoor recreation and paragraph 145 of the NPPF does not regard the provision of appropriate facilities for outdoor sport and recreation as inappropriate development. Regard has also been given to the representations in support of the proposal.

However, in the absence of necessary and reasonable information which would allow officers to fully assess the impact and implications of the proposal on the highway network, the environment and on residential amenity, it is considered that the application of policies in the NPPF that seek to protect the environment, health and wellbeing outweigh policy GE3 as well as the support provided by club members.

Whilst the proposed use may be acceptable in principle, when considering the development plan allocation, the siting is unacceptable in terms of its significant impact on residential amenity.

Summary and Recommendation

Taking into account all of the above material planning considerations, it is considered that there is insufficient information to properly assess the impact of the proposal on the highway network, drainage, land contamination and air quality.

The proposal is considered to have an unreasonable impact on the residential amenity of the neighbouring residents along Whitley View by virtue of noise and disturbance from car engines and headlights, air pollution due to engine fumes, overlooking and loss of privacy due to the increase land levels which allows drivers of vehicles to look directly into the private gardens and main downstairs living rooms of the properties on Whitley View.

It is also considered that the provision of additional car parking to serve the needs of the club could, subject to detailed design, be more appropriately sited elsewhere on the site.

The information requested to properly assess the application is reasonable and proportionate in terms of the scale of the development and all material planning considerations. The applicant has refused to provide the information on the basis of cost, which is not a material planning consideration. There are no conditions that could pass the legal tests that could address the matters of insufficient information as the details necessary are required prior to determination in order to be adequately considered.

It is on this basis that it is recommended to Members that planning permission is refused for the following reasons.

Along with the recommendation for refusal, it will be necessary to authorise the Head of Planning to take all steps, including enforcement action and the institution of legal proceedings, to secure the removal of the unauthorised structure.

It will also be necessary to delegate the Head of Planning to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Reasons for refusal:

- 1) The Local Planning Authority consider that the proposed use of land as an extension to the existing car park would be detrimental to the living conditions of neighbouring residents on Whitley View as a result of direct overlooking of the adjoining residential properties and gardens leading to a loss of privacy; noise and disturbance from vehicles; light pollution from vehicle headlights and air pollution arising from vehicles engines.
- 2) The Local Planning Authority consider that in the absence of sufficient information to properly assess the material impacts of the development on the environment, the proposed development could have a detrimental impact on surface water run-off or result in ground pollution, noise pollution or land instability. As such the development is deemed contrary to Policies GE19, GE22 and GE25 of the Unitary Development Plan and paragraphs 170 (d) and (e) of the National Planning Policy Framework.
- 3) The Local Planning Authority consider that in the absence of sufficient information relating to traffic movements and parking demand generated by the proposal, it is not possible to assess the number of additional parking spaces required and whether the extension is sufficient to address the on street parking and safety issues used as justification for the proposed extension to the existing car parking area. As such the development is deemed contrary to Policy BE9 of the Unitary Development Plan and paragraphs 108-109 of the National Planning Policy Framework.

Case Number	18/04774/FUL (Formerly PP-07510652)
Application Type	Full Planning Application
Proposal	Demolition of existing garage and erection of a dwellinghouse (Amended Plans - published 06/02/20)
Location	Within The Curtilage Of 461 Redmires Road Sheffield S10 4LF
Date Received	24/12/2018
Team	West and North
Applicant/Agent	JR Planning
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 2106 1 Rev D Proposed Plans and Elevations published 6th February 2020

Drawing 2106 2 Rev C Proposed Site Layout published 6th February 2020

Drawing 2106 3 Existing Site Layout (including redline boundary) published 6th February 2020

Reason: In order to define the permission.

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

3. 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 protecting the free and safe flow of traffic on the public highway, it is essential that this condition is complied with before any works on site commence.

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

4. Details of all proposed external materials and finishes, including samples when requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

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

5. Details of a suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority and the development shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

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

Reason: In the interests of highway safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

7. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, details of the proposed surfacing, layout and marking out of the car parking accommodation shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not be used unless the car parking accommodation has been provided in accordance with the approved plans and thereafter such car parking accommodation shall be retained for the sole use of the occupiers of the development hereby approved.

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

Other Compliance Conditions

8. 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 development 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 and to ensure that the architectural character of the site is retained and there is no visual intrusion which would be detrimental to the amenities of the locality.

9. The windows on the side elevation of the new property facing east towards No.461 Redmires Road shall be fully obscured to a minimum privacy standard of Level 4 Obscurity, the full details of which shall have first been submitted to an approved in writing by the Local Planning Authority. The approved obscurity measures shall thereafter be retained and at no time shall any part of the glazing revert to clear glass.

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

10. The development shall not be brought into use unless the driveway areas of the site are constructed of permeable/porous material. 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.

11. The existing stone boundary wall and railings shall be retained.

Reason: In the interest of the visual amenity of the site.

Attention is Drawn to the Following Directives:

1. 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 on the Council website here:

<https://www.sheffield.gov.uk/content/sheffield/home/roads-pavements/address-management.html>

The guidance document on the website includes details of how to apply, and what information we require. 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.

2. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public

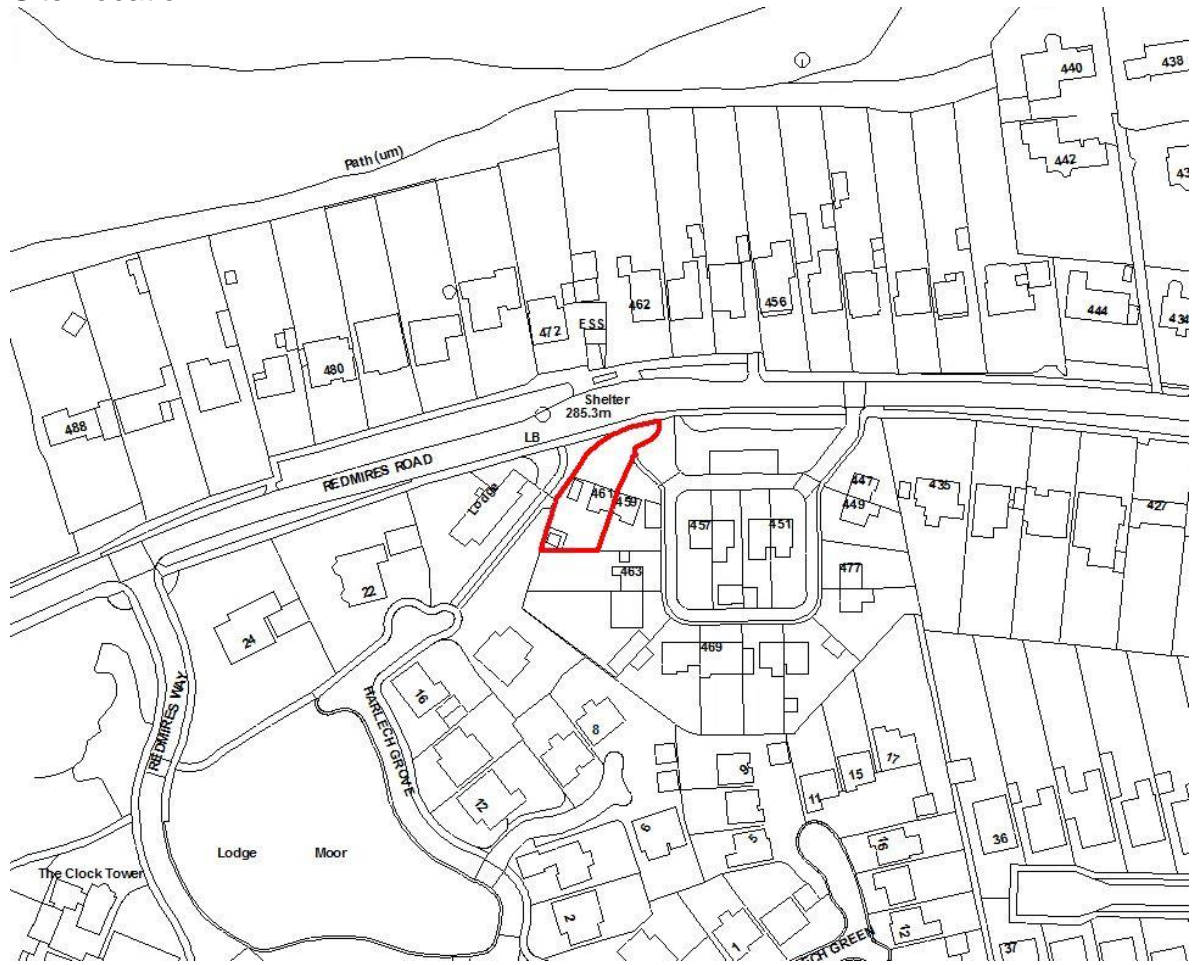
Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.

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. 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.
5. 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.

Please note: You must not start work until you have submitted and had acknowledged a CIL Form 6: Commencement Notice. Failure to do this will result in surcharges and penalties.

6. The developer is advised that the trees to the south of the site are of significant amenity value and so the root protection area of these trees shall not be disturbed, compacted or used for any type of storage or fire.

Site Location



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LOCATION AND PROPOSAL

The application relates to a parcel of land to the side (west) of 461 Redmires Road. The site is currently used as part of the garden of No.461 and is occupied by a small single-storey garage. A public footpath runs along the western boundary of the site with a traditional two storey stone lodge building on the opposite side.

Planning permission is sought for the erection of a detached dwellinghouse on the site. This would be in the form of a 3 bedroomed dwellinghouse with living accommodation in the roof. At present the property is accessed from Redmires Road via a private drive and this would not be altered. A new driveway would be created for the proposed property and the garden in front of the existing property would be hard surfaced to provide parking for No.461.

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

RELEVANT PLANNING HISTORY

There is no relevant planning history.

SUMMARY OF REPRESENTATIONS

A representation has been received from the Lodge Moor Island Residents Association (this is the management committee for the estate which comprises of 16 dwellings that were once occupied by staff at Lodge Moor hospital before it was redeveloped).

This sets out that the proposed building materials and design of the new property are out of keeping with the estate which was built in the 1920's /30's.

Common land within the estate is jointly owned between the existing properties and residents pay for its upkeep.

The new access would be hazardous, on a bend, next to a footpath and bus stops.

Scaffolding, if overhanging the footpath, could obstruct access of emergency vehicles into the more recently constructed [Henry Boot] estate and nursery.

In addition 9 representations have been received from local residents which all object to the development and raise the following concerns:

- This site is within a private estate of 16 houses with no on street parking. There is a shared parking court and the development would put additional pressure on the use of this.

- The site is accessed from Redmires Road adjacent to a public footpath, and bus stops on both sides of the road. This raises highway safety concerns, in particular for pedestrians.
- Vehicles would have to reverse onto the highway where there is a blind spot. The road is busy, particularly with people dropping off and picking up at the nursery.
- There are double yellow lines along Redmires Road and so there would be no visitor parking.
- The existing garage did not receive planning permission.
- The proposed house is not in keeping with the neighbouring properties which consist of dwellings of 2 designs. The properties were built to house staff working at Lodge Moor Hospital and have some historic merit.
- The proposed dwelling is too close to 461 Redmires Road and the adjacent footpath. The development would ruin the symmetry of the estate and the materials are not in keeping with neighbouring properties.
- The proposed density would be too high and again would be out of keeping with the area. The proposal would be an overdevelopment.
- The development would remove part of the existing boundary wall / railings which would again be detrimental to character of the former Lodge Moor Hospital.
- If allowed, the development could set a precedent for further properties to cram additional dwellings onto gardens.
- The development may compromise access into the estate during an emergency.
- Issues of devaluation of property, noise, disturbance and safety issues during building works were also raised.

Amended plans were received in January 2020 and February 2020. Neighbours were re-consulted on the amended plans and as a result 5 additional representations have been received.

These re-iterate the issues raised previously, that there is insufficient parking, the access would be dangerous coming off the existing access into the site, the design is out of keeping with neighbouring properties and the building is out of scale for the size of the small plot.

In addition the following new issues were raised:

- The development would increase rain water run-off which if allowed to spill onto the highway could be hazardous in winter.
- Three windows would face directly onto No.461 and so could result in privacy issues.
- The loss of the existing boundary wall and replacement with a timber fence would be detrimental to the character and appearance of the area.
- The property would be too close to the neighbour and so would prevent disabled access.
- The rear garden would be too small for a family home.
- The access and common ground are owned collectively by the residents and it is unlikely that they will give consent for it to be used by occupiers of the new property. The deeds would also need to be amended and at who's expense?

PLANNING ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The Council's development plan comprises the Core Strategy which was adopted in 2009 and the saved policies of the Unitary Development Plan which was adopted in 1998. The National Planning Policy Framework published in 2018 and revised in February 2019 (the NPPF) is also a material consideration.

Assessment of a development proposal needs to be considered in light of paragraph 11 of the NPPF, which provides that when making decisions, a presumption in favour of sustainable development should be applied, and that where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date (e.g. because they are inconsistent with the NPPF), this means that planning permission should be granted unless:

- the application of policies in the NPPF which relate to protection of certain areas or assets of particular importance which are identified in the NPPF as such (for example SSSIs, Green Belt, certain heritage assets and areas at risk of flooding) provide a clear reason for refusal; or

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

This is referred to as the “tilted balance”.

In addition to the potential for a policy to be out of date by virtue of inconsistency with the NPPF, para 11 of the NPPF makes specific provision in relation to applications involving the provision of housing and provides that where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer the policies which are most important for determining the application will automatically be considered to be out of date.

At the current time, the Council cannot demonstrate a five year supply. The Council's most recent assessment of supply, contained in the SHLAA Interim Position Paper (2017), showed a 4.5 year supply of sites, and this includes the appropriate buffer. Consequently the policies that are most important for determining this application are automatically considered to be out of date.

Set against this context, the development proposal is assessed against all relevant policies in the development plan and the NPPF below.

Principle of Development

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area. Within such areas UDP Policy H10 sets out that housing is the preferred use.

UDP Policy H14 ‘Conditions on Development in Housing Areas’ is also applicable. Policy H14 states that new development and extensions will only be permitted where they are well designed and in scale and character with neighbouring buildings, where the site would not be overdeveloped or deprive residents of light, privacy or security or cause serious loss of existing garden space which would harm the character of the neighbourhood, and it would provide safe access to the highway network and appropriate off street parking.

Policy H14 is supplemented by an adopted SPG on Designing House Extensions. Although written for house extensions the guidance given is still considered relevant for new dwellings. This document provides more detailed guidance on matters such as design, overbearing and overshadowing impacts as well as privacy.

Core Strategy Policy CS24 is also relevant. This policy states that priority will be given to the development of previously developed sites and no more than 12% of dwelling completions will be on greenfield sites in the period between 2004/05 and 2025/26.

The Strategic Housing Land Assessment Interim Position Paper 2017 indicates that approximately 5% of gross dwelling completions since 2004/5 have been on greenfield sites. Although the site is classed as being greenfield it is within a

relatively sustainable location, close to public transport links and local services and is surrounded by residential properties. The erection of a single dwelling on this site would assist in meeting the Council's targets for the delivery of new housing and does not conflict with the aims of Core Strategy Policy CS24.

Sheffield is in the process of updating its 5-year housing land supply position, however given the changed assessment regime identified in the revised NPPF (2018, as updated in 2019) and associated Practice Guidance, further detailed work is required. We will therefore be undertaking additional work, including engagement with stakeholders, to reflect the requirements of national policy and guidance before publishing our conclusions in a monitoring report later this year. At the current time, the Council cannot therefore demonstrate a five year supply. The Council's most recent assessment of supply, contained in the SHLAA Interim Position Paper (2017), showed a 4.5 year supply of sites.

This development would make a small contribution to the supply of housing within the city.

Policy CS26 of the Core Strategy relates to the efficient use of housing land. In parts of the urban area that are not near Supertram stops or close to high frequency bus routes such as here, it details that the density should be in the order of 30-50 dwellings per hectare. The policy does stipulate however that the density of new developments should be in keeping with the character of the area.

The proposal seeks to erect a single dwelling on a piece of land with an area of approximately 225sqm. The development would have a density of approximately 44 dwellings per hectare. In addition the retained plot of the host property (461 Redmires Road) would be in the region of 250sqm. The new property would have a useable rear garden area of 65sqm and No.461 would retain a useable rear garden area of 80sqm. As such it is considered that the proposed development would not represent an overdevelopment of the site.

As set out above, the revised National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development and the lack of a 5 year housing land supply tilts the balance in favour of the development. Furthermore the density ranges specified in the Core Strategy are out of date and so greater weight should be attributed to guidance contained within the revised NPPF.

Paragraph 117 of the revised NPPF sets out that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

It is considered that the proposed development would be of an appropriate density and is in a sustainable location. In principle the application is considered to be acceptable.

Street scene

The proposed dwellinghouse would be set back from Redmires Road, set within a private estate, but would be visible from Redmires Road and the public footpath that runs along the western boundary of the site.

On the opposite side of the footpath is Redmires Lodge, which is a traditional building of stone construction. On the opposite side of Redmires Road the predominant building style is of bungalows; however there are also two storey properties. These too are set well back from the highway and finished in a variety of brick and render.

Amended plans have been received which reduce the overall height of the proposed building and set it back. It would be positioned so that the ridge would be below the ridge height of No.461 and it would only be slightly higher than the ridge of the lodge building on the opposite side of the footpath. The property would also be set back from Redmires Road, so the frontage would be 2m behind the front of No.461.

The proposed dwellinghouse would have a natural stone finish, to tie in with the lodge building on the other side of the footpath with a gable facing the highway which is a feature of both the lodge building and No.461.

The proposed dwellinghouse would be set close to No.461, with a gap of 1.2m between the properties. This would be closer than the setting of other properties within the area; however it is considered that on balance (and given the tilted balance in favour of residential development), this would not cause significant harm to the character of the area to warrant a refusal of the application.

The applicant has indicated that the stone wall and railings that form the current boundary to the western side would be retained with a screen fence erected to the inside of the wall to make the rear garden more private. The large majority of such a fence would be obscured from view by an existing hedge adjacent to the footpath. In addition, it is recommended that should planning permission be granted, conditions be attached to any consent requiring full details of the boundary treatment to be submitted for approval to ensure that the stone wall is retained and the appearance of the fence is not harmful to the character of the area. The front garden area should remain open as at present to ensure that the development does not cause demonstrable harm to the visual amenity of the area and this again can be secured by condition. The removal of permitted development rights will prevent the erection of a fence without consent.

The site is not within a Conservation Area and the lodge building is not Listed. It is considered that on balance the development would not be harmful to the character and appearance of the area and so would comply with UDP Policy H14 as well as the revised NPPF. Paragraph 127 c) sets out that development should be sympathetic to local character and history while not preventing or discouraging appropriate innovation or change.

Paragraph 130 of the revised NPPF (2019) also sets out that where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

Given the wide variations in the street scene, the set-back nature of the site and the gable feature of the roof, the proposed dwellinghouse is considered to be acceptable in terms of design.

Amenity

The new dwelling would be sited to the side of No.461. There is an upper floor window on the side of No.461; however this serves a non-habitable room (bathroom). The property would not breach the '45 degree rule' in terms of windows in the front and rear of No.461 and as such it is considered that the development would not result in unacceptable levels of overshadowing or loss of light.

There are windows in the side of the lodge building which face towards the site. At the closest point there would be a distance of around 11m between the windows in the lodge and the side of the new property. The properties are also angled away from each other and the lodge is not in residential use (it is in use as a children's nursery). It is considered that the development would not give rise to unacceptable overshadowing to the lodge.

Paragraph 123 c) of the revised NPPF sets out that authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

Habitable room windows in the new property would face towards Redmires Road to the front or the rear garden to the south. On the side elevation a hall way, staircase and bathroom window are proposed. To ensure that overlooking to No.461 does not occur it is recommended that a condition be imposed on any consent requiring these windows to be obscure glazed.

As set out above, the proposed dwellinghouse would have a small but useable rear garden with an area of 65 sqm. In addition the host property (No.461 Redmires Road) would retain ample private amenity space, the main rear garden area being around 80sqm. This would be similar to some of the rear gardens of other properties within the estate.

It is recommended that if planning permission is granted, permitted development rights are removed so that the property could not be further extended or altered or curtilage buildings erected without the need for planning permission.

When weighed in the balance it is considered that the development would not cause significant harm to the amenity of occupiers of neighbouring property and potential occupiers of the development would be afforded adequate living conditions. In this respect the development would comply with paragraph 123 and 127 of the revised NPPF as well as UDP Policy H14.

Highways

The proposed development would be accessed from Redmires Road via a private driveway which serves the small estate of 16 properties. The plans indicate that No.461 would be afforded two parking spaces to the front of the property and that the proposed property would have a similar access to the existing arrangements to reach the garage that is there at present. The drive would enable two further parking spaces to be created.

Subject to the imposition of condition requiring details of the surfacing of the driveways and measures that will be put in place to prevent water from spilling onto the highway, it is considered that the intensification of use of the access point by a single dwelling house would not pose significant highway safety concerns.

The level of parking proposed is adequate and the site is in a sustainable location next to a high frequency bus route.

The development would accord with UDP Policy H14 and, with heed to paragraph 109 of the revised NPPF (2019), which sets out that development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, it is considered that a refusal on highways grounds cannot be justified.

Community Infrastructure Levy (CIL)

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

In this instance the proposal falls within Zone 5. Within this zone there is a CIL charge of £80 per square metre. The applicant has completed a CIL form which sets out that the development proposes 115sqm of residential floor space.

Response to Representations

The effect development would have upon residential amenity and highway safety has been dealt with in the report above.

Obstruction of the public footpath during construction works would not be a reason to withhold planning permission.

Issues of the contribution required towards the management / maintenance of communal areas and the access, as well as who would pay for the drafting of any revised legal agreements, are a private legal matter.

SUMMARY AND RECOMMENDATION

Planning permission is sought for the erection of a single dwellinghouse on land to the side of 461 Redmires Road. The proposed dwellinghouse would be set back

from Redmires Road, accessed via a private drive which serves a small estate of 16 dwellings (former houses for staff at Lodge Moor Hospital).

Adjacent to the site is a public footpath and on the other side of the footpath is a traditional stone lodge building.

In the absence of the Council's 5 year supply of housing land the tilted balance is in play in accordance with paragraph 11 of the NPPF as the most important policies for determining this application (housing supply, design and amenity) are considered to be out of date. Therefore the positive and negative aspects of the scheme must be carefully weighed.

The development site is within a housing area and is surrounded by residential properties. Although the site is tight, there would be space within the site to provide a dwellinghouse, associated parking and amenity space. It is considered that the development would not give rise to unacceptable levels of overshadowing or overlooking and the site would not be overdeveloped. Adequate parking can be provided for the development and the proposal raises no significant highway safety concerns.

In applying the tilted balance in favour of sustainable development in paragraph 11 (d) of the NPPF it is considered that, the development would accord with UDP Policy H10 and H14, Core Strategy Policy CS24 and 26 as well as guidance contained within the revised NPPF and the Council's Supplementary Planning Guidance on Designing House Extensions. It is recommended that planning permission be granted with conditions.



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 10 March 2020

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Marie Robinson 0114 2734218

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 10 MARCH 2020

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

<p>(i) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for replacement of 2 no. windows to front of dwellinghouse (resubmission of planning application 18/03005/FUL) at 80 Brincliffe Edge Road Sheffield S11 9BW (Case No 19/03229/FUL)</p>
<p>(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 two-storey/single-storey side extension with roof terrace, car port, bin store and bike store (resubmission of planning application 19/01721/FUL) at Aldersyde 317 Psalter Lane Sheffield S11 8WA (Case No 19/03054/FUL)</p>
<p>(iii) 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 two-storey side extension, alterations and extensions to roof to form additional living accommodation including rear dormer extension with juliette balcony, and removal of ground floor rear window to be replaced by patio door at 11 Woodhouse Crescent Sheffield S20 1AT (Case No 19/03135/FUL)</p>
<p>(iv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for change of use from grazing land to caravan and campsite, erection of plant and equipment, conversion of redundant agricultural buildings to create a reception area/managers flat, washing facilities, indoor play area and shire horse stud area (Amended Plans/Description/Supporting Submissions) at Little Intake Farm Woodhead Road Grenoside Sheffield S35 8RS (Case No 17/03187/FUL)</p>
<p>v) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for single-storey rear extension - the extension is 8 metres from the rear of the original dwellinghouse, ridge height no more than 4 metres and height to the eaves of 2.9 metres at Bengreave Farm Hollin House Lane Sheffield S6 6RG</p>

(Case No 19/02899/HPN)

vi) 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 internally illuminated, 48-sheet digital advertising display at land at Savile Street and Spital Hill Sheffield S4 7UD (Case No 19/03493/HOARD)

(vii)) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for removal of 12.0m monopole and erection of 20.0m monopole supporting 12 no. antenna apertures, 7 no. equipment cabinets and associated works at Telecommunications Mast at junction with Silkstone Crescent Silkstone Road Sheffield S12 4RQ (Case No 19/02279/FULTEL)

3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for application to allow the provision of an additional window (Application under Section 73 to vary condition 2 (Approved Plans) imposed by planning permission 18/02114/FUL - alterations and conversion of barn to a three-bedroom dwelling including demolition of stable block, extension to barn and construction of a subterranean garage ancillary to the existing Farm House) at Hole In The Wall Farm David Lane Sheffield S10 4PH (19/01295/FUL) has been dismissed.

Officer Comment:-

This appeal relates to refusals to grant permission under Sections 73 and 19 respectively to allow amendments to a planning and listed building consent which would allow the installation of a window in the gable end of a listed barn in the Green Belt which is proposed to be converted into a separate dwelling. The inspector agreed that the window (the size of a door) would result in 'less than substantial' harm to the heritage asset, and that there would be insufficient public benefit to offset the harm.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for Erection of 20m monopole and associated cabinets (Application for determination if approval required for siting and appearance) at land opposite 62 Eastern Drive Sheffield S2 3WP Sheffield S1 3RF (Case No 19/02633/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the main issues to consider were the effect of the proposal on the character and appearance of the area. He commented that the appeal site is relatively open and in an elevated and prominent position with commanding views of the surrounding area. He noted that the existing telecoms installations were slender and of lower height than the proposal, whereas the proposed installation would be significantly taller than other

street furniture in the vicinity. He concluded that the mast would be an incongruous and dominant addition which would adversely affect the character and appearance of the area.

The Inspector also noted that the applicant had not properly considered alternative sitings for the mast, as required by the NPPF. He therefore dismissed the appeal.

(iii) To report that an appeal against the delegated decision of the Council to refuse planning permission for erection of 20m monopole and associated cabinets (Application for determination if approval required for siting and appearance) at land opposite No.92 Eastern Drive Sheffield S2 3WR (Case No 19/02633/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the main issues to consider were the effect of the proposal on the character and appearance of the area. He commented that the appeal site is relatively open and in an elevated and prominent position with commanding views of the surrounding area. He noted that the existing telecoms installations were slender and of lower height than the proposal, whereas the proposed installation would be significantly taller than other street furniture in the vicinity. He concluded that the mast would be an incongruous and dominant addition which would adversely affect the character and appearance of the area.

The Inspector also noted that the applicant had not properly considered alternative sitings for the mast, as required by the NPPF. He therefore dismissed the appeal.

(iv) To report that an appeal against the delegated decision of the Council to refuse planning permission for erection of a dwellinghouse with associated parking at curtilage of 23 Pickard Crescent Sheffield S13 8EY (18/03980/FUL) has been dismissed.

Officer Comment:-

The Inspector noted that the main issues to consider were whether the development would be inappropriate in the Green Belt; the effect of the proposal on the character and appearance of the area; and whether the proposal provides for the replanting of the TPO Ash Tree which previously existed on the site.

The Green Belt designation is outdated because of the presence of the housing site (which replaced a college which formerly existed on the site). This development would therefore be within an existing group of buildings and would not adversely affect the openness of the area.

On character, the Inspector considered that the proposal would not have unacceptable effects, given that the design of the property was similar to those adjacent and it would be built within a reasonable sized plot.

On the replacement planting the Inspector found that this would be much less prominent than the mature Ash Tree that has been lost at the site, as the applicant proposed this to be in the rear garden rather than to the front of the plot. Placing the tree close to the estate road would have a much greater positive impact on the character and appearance of the area. He therefore concluded that the replacement planting would not be satisfactory and he dismissed the appeal.

(v) To report that an appeal against the delegated decision of the Council to refuse planning permission for the replacement of an existing 11.7m monopole with a 20.0 m high phase 8 monopole, together with the installation of ground-based equipment cabinets and ancillary development thereto at Telecommunications Mast 52 Metres north east of Manor Castle Inn Manor Lane Sheffield S2 1UH (Case No 19/02902/FULTEL) has been dismissed.

Officer Comment:-

The Inspector noted that the main issues to consider were the effect of the proposal on the character and appearance of the area. He commented that the land rises towards the appeal site and that the mast would become a prominent feature, highly visible from the adjacent open areas. He noted that the existing telecoms installations were slender and of lower height than the proposal, whereas the proposed installation would be significantly taller than other street furniture in the vicinity. He concluded that the mast would be an incongruous and dominant addition which would adversely affect the character and appearance of the area.

The Inspector also noted that the applicant had not properly considered alternative sitings for the mast, as required by the NPPF. He therefore dismissed the appeal.

(vi) To report that an appeal against the delegated decision of the Council to refuse planning permission for erection of front dormer to dwelling house to create additional habitable space at 121 Argyle Road Sheffield S8 9HJ (19/00906/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the impact of the dormer on the character and appearance of the host dwelling and of the surrounding area.

She agreed with officers that the dormer would disrupt the roof scape of the street and represent an incongruous addition, of inappropriate materials and design. As such she concluded it would be harmful to the area and to the host dwelling in conflict with the aims of policies BE5 and H14 of the UDP, and Core Strategy policy CS74. In doing so she dismissed the appellants suggestion that existing dormers in the street were justification for further harm.

(vii) To report that an appeal against the delegated decision of the Council to refuse planning permission for upgrade to 48 sheet advertising display unit to support internally illuminated digital static display at Clear Channel UK Advertising Right No 6596 01 At 598 Staniforth Road Sheffield S9 4LN (19/03168/HOARD) has been dismissed.

Officer Comment:-

The Inspector noted that the main issue was the affect of the hoarding on the amenity of the area.
He considered that the digital display would make the sign far more strident at night and would adversely affect amenity given the proximity of houses to the site. He considered that it would be an incongruous addition in this mixed area and dismissed the appeal.

4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for application under Section 73 to vary/remove condition 3 (Opening Windows) imposed by planning permission 07/01188/FUL - Erection of rear conservatory to dwellinghouse (as amended by letter dated 25/05/07) at 10 School Lane Stannington Sheffield S6 6DD (Case No 19/01281/FUL) has been allowed.

Officer Comment:-

The IPA refused a S.73 application which sought to remove a condition which stated that a conservatory window close to the boundary should only be opened for cleaning and maintenance purposes.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning consent for demolition of modular building and erection of block containing 14 apartments (1, 2 and 3 bed) with ancillary parking; relocation of stepped access at Victoria Gardens 117 Manchester Road Crosspool Sheffield S10 5DN (Case No. 18/04105/FUL) has been allowed.

Officer Comment:-

The Inspector identified the main issue as being whether the proposal would preserve or enhance character or appearance of the Broomhill Conservation Area (BCA).

He noted a key characteristic of the BCA was large Victorian villas set in substantial landscaped grounds with prominent trees and that the appeal site displayed these characteristics and ensured it contributed to the 'verdant, sylvan setting' of the site and that end of Manchester Road.

The presence of 117 in the street scene was noted as being limited by site level differences and dense, if largely seasonal planting and boundary

treatment.

He considered the siting of the proposal would not cause substantial harm to the character and appearance of the BCA, nor compromise the understanding of no.117 as a large villa in spacious grounds. In glimpsed views from Manchester Road he considered the two buildings would be sufficiently detached to retain a credible hierarchy.

In respect of impact within the site, he did not agree with the Council that the footprint of the building was sprawling nor that it was harmful to the character of the BCA. He found no significant harmful relationship between the two buildings.

He concluded there was no harm to the character or appearance of the BCA and felt the appellant had provided compelling justification for the design approach adopted. He therefore found no conflict with policies H14, BE5, BE16 or BE17 of the UDP, CS31 and CS74 of the Core Strategy or the NPPF.

He therefore allowed the appeal and granted planning permission subject to conditions.

5.0 CIL APPEALS DECISIONS

Nothing to report

6.0 ENFORCEMENT APPEALS NEW

Nothing to report

7.0 ENFORCEMENT APPEALS DISMISSED

(i) To report that an appeal against the Enforcement Notice issued by the Council for unauthorised alteration and change of use of the former garage outbuilding at the Land to form a self-contained living accommodation at Land at 234 Barnsley Road Sheffield S4 7AG (Planning Inspectorate Ref APP/J4423/C/19/3233877) has been dismissed.

Officer Comment:-

The appellant appealed against the notice on ground (a) that planning permission should be granted.

The main issues that were considered by the Inspector were the effect of the development on (i) the living conditions of neighbouring residents at 245 Barnsley Road with particular regards to privacy and (ii) the living conditions

for its existing and future occupiers, with particular regard to privacy and outlook.

The unauthorised development has one window which looks directly out onto the back yard and towards the kitchen windows within the ground floor flats at no 234. The accommodation is laid out with a fully fitted kitchen, living/bedroom along with a small bathroom with toilet sink and shower.

The Inspector concluded that the close proximity of the windows and the comings and goings of the occupiers/visitors/deliveries would result in the direct overlooking between these properties and therefore have unsatisfactory levels of privacy. The Inspector also agreed that the lack of natural light, poor outlook and absence of privacy provided unsatisfactory living conditions for the existing and future occupiers of the development.

Therefore, the ground (a) appeal failed.

8.0 ENFORCEMENT APPEALS ALLOWED

Nothing to report

9.0 RECOMMENDATIONS

That the report be noted.

Colin Walker
Interim Head of Planning

10 March 2020

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