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Case Number	17/01781/FUL (Formerly PP-06023062)
Application Type	Full Planning Application
Proposal	Change of use of land from informal open space to football pitches / overspill car park including the erection of a 3m high chain link fence around the periphery of the pitches. Provision of 5 further car parking spaces to be accessed from Botham Street and the erection of a low post and rail fence around informal open space between Cyclops Street, Grimesthorpe Road and Margate Street (AMENDED DESCRIPTION)
Location	Land Between Grimesthorpe Road Margate Street And Cyclops Street Sheffield S4 8EN
Date Received	27/04/2017
Team	West and North
Applicant/Agent	Catalyst Regeneration (UK) Ltd
Recommendation	Grant Conditionally

## **Time limit for Commencement of Development**

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

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

## **Approved/Refused Plan(s)**

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

Drawing 1806-07 Rev B, received 13th December 2017

Reason: In order to define the permission.

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

3. No development shall commence until full details of measures to protect the existing trees to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

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

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

4. A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority. This shall include details of the proposed surfacing of the football pitches and parking spaces as well as details of replacement/ supplementary planting to compensate for the loss of any trees.

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

5. Before the commencement of development plans shall be submitted for approval by the Local Planning Authority showing full details of the proposed ball stop fencing including details of materials. Unless otherwise agreed in writing by the Local Planning Authority, the fencing shall be a minimum of 4.5m in height from pitch level, along the boundary with properties on Petre Drive and on the east and west end elevations. Thereafter development shall proceed in accordance with the approved plans and the football pitches shall not be brought into use until such fence has been installed and thereafter maintained.

Reason: In the interest of the amenity of occupiers of neighbouring property.

6. Before the commencement of development plans and cross sections shall be submitted for approval by the Local Planning Authority, showing the levels of the proposed football pitches relative to the highways and neighbouring land.

Development shall thereafter proceed in accordance with these approved details.

Reason: In the interest of the appearance of the area.

7. Prior to the commencement of development full details of any floodlighting shall be submitted to the Local Planning Authority for approval. These details shall include a lighting report, demonstrating how light spill will be minimised and shall be prepared in accordance with guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light" (or its replacement). The proposed floodlighting shall thereafter be provided in accordance with the approved details.

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

8. Any flood lights that are to be installed shall only be used between the hours of 0800 and 2200 hours on any day. This shall be controlled by way of an automated lighting control, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to installation and thereafter maintained.

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

9. Prior to the pitches hereby approved being brought into use, a Community Use Agreement shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of pricing policy, hours of use, management responsibilities and include a mechanism for review. The approved scheme shall be implemented upon commencement of the use of the development.

Reason: To secure well managed safe community access to the sports facility.

### **Other Compliance Conditions**

10. The soft landscaped areas shall be managed and maintained for a period of 5 years from the date of implementation and any plant failures within that period shall be replaced in accordance with the approved details.

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

11. The 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.

12. Unless otherwise indicated on the approved plans no tree, shrub or hedge shall be removed or pruned without the prior written approval of the Local Planning Authority.

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

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

Reason: In the interests of pedestrian safety.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. 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

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

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

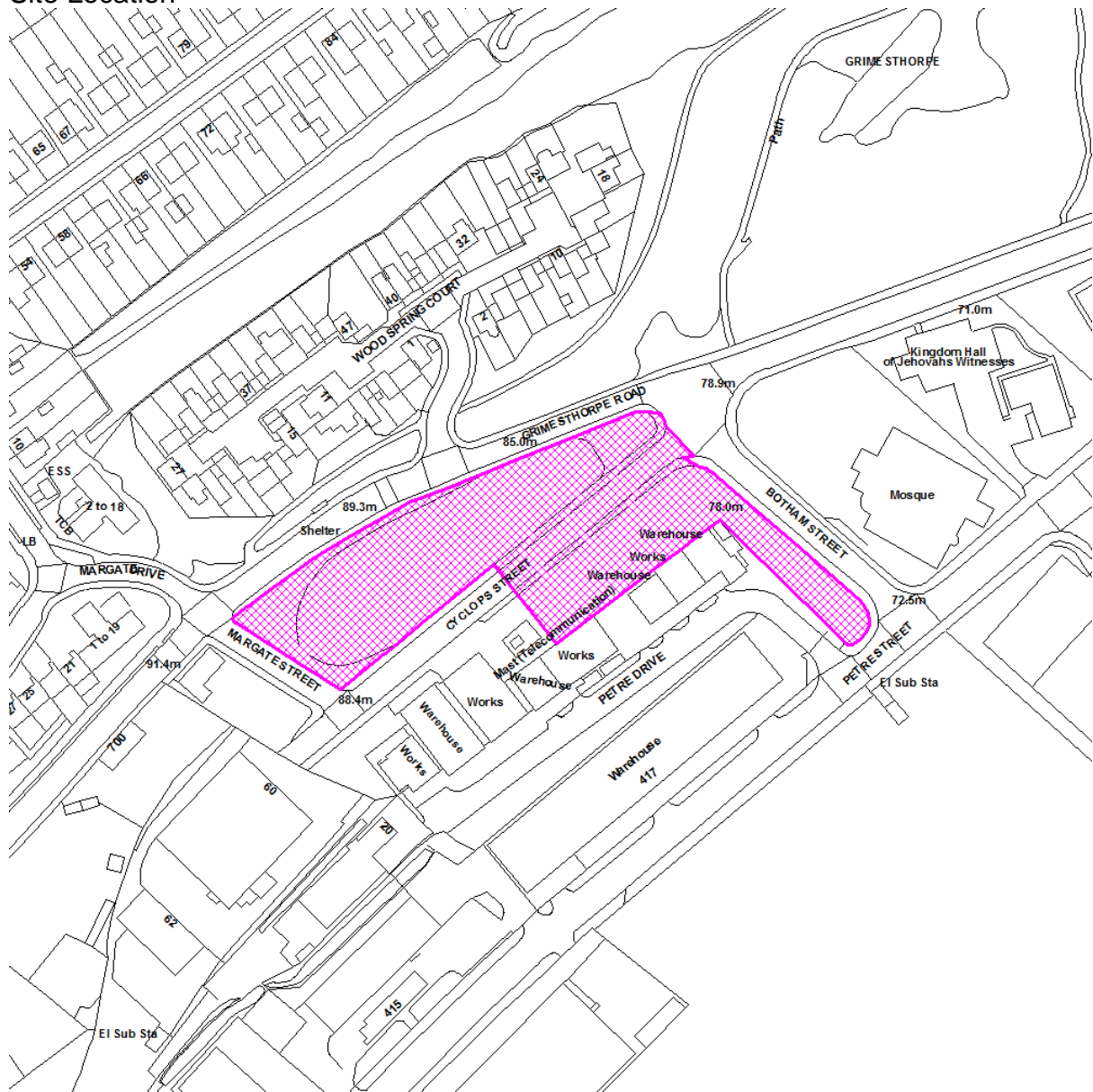
Mr J Burdett  
Highways Development Management  
Highways Maintenance Division

Howden House, 1 Union Street  
Sheffield  
S1 2SH

Tel: (0114) 273 6349

Email: [james.burdett@sheffield.gov.uk](mailto:james.burdett@sheffield.gov.uk)

# Site Location



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## LOCATION AND PROPOSAL

The application relates to an area of land between Grimesthorpe Road, Cyclops Street, Margate Street and Botham Street and consists of the following parcels of land:

- A triangular parcel of land between Grimesthorpe Road, Cyclops Street and Margate Street which is currently covered by trees with grass verges around the periphery;
- An open area of land to the south of Cyclops Street which is currently grassed. This site is elevated above commercial properties further to the south on Petre Drive;
- Land which fronts onto Botham Street and is currently covered by trees / shrubs.

The proposal has been amended since its submission.

Initially consent was sought to close Cyclops Street at the junction with Botham Street, to provide an enlarged parking area and recreation area for use by the neighbouring Mosque which is currently under construction on the opposite side of Botham Street. The scheme also proposed the formation of a new access road through the parcel of land which fronts onto Grimesthorpe Road to create a bus turning circle.

Following an objection from the South Yorkshire Passenger Transport Executive regarding the closure of Cyclops Street and the formation of a road the plans have been amended. Consent is no longer sought for the closure of Cyclops Street and the formation of a new access road.

Planning permission is now sought for the formation of 5 parking spaces, accessed directly from Botham Street, as well as the creation of two five-a-side football pitches on the piece of land adjacent to Cyclops Street. These would be enclosed with a 3m and 4.5 m high fence and would be surfaced so that they could also be used as overspill parking for the Emaan Trust Mosque, providing 42 additional parking spaces. The parcel of land between Cyclops Street and Grimesthorpe Road would remain as it is, however a low post and rail fence is proposed to prevent this area being used for parking.

The site is identified on the Unitary Development Plan Proposals Map as being within a Fringe Industry and Business Area.

## RELEVANT PLANNING HISTORY

There is no planning history relating to this site. The Emaan Trust Mosque that is currently under construction on the neighbouring parcel of land, which would utilise the car park and football pitches, was granted planning permission under application 06/03268/FUL in February 2008, and amended by application 11/00642/NMA in June 2014.

## REPRESENTATIONS

When the application was initially received 18 representations were received. These all objected to the proposed development and raised the following concerns:

The football pitches could result in damage to premises and cars parked to the rear on Petre Drive which are at a lower level, due to balls coming over the fence.

The development could lead to an increased number of youths within the area which may result in vandalism, litter and anti-social behaviour.

The development may result in trees being cut down [along Grimesthorpe Road] having an adverse impact upon the appearance of the area and wildlife.

The football pitches would lead to more traffic, particularly in the evening which would have an adverse impact upon neighbours.

The five parking spaces on Botham Street would be dangerous with cars reversing out of these spaces onto the road.

The trees between Botham Street and Petre Drive form a natural barrier between the two streets and should be retained.

The proposal would reduce the number of on-street parking spaces available which would make things difficult for workers at the neighbouring businesses.

The new road layout could make manoeuvring difficult for the large lorries that access neighbouring businesses.

If the pitches are to be floodlit the development could result in light pollution.

The open space is used by local residents and workers for exercise and relaxation and contributes positively to the area.

The trees reduce pollution and noise and act as a buffer between the commercial and residential properties.

Buses operating in the area use the roads for turning purposes and if buses were to cease operating in the area as a result of the development this would have an adverse impact upon occupiers of the nearby residential properties, many of which are elderly.

Providing additional parking would make people more likely to travel to the Mosque by car rather than using public transport or walking or cycling.

A few of the objections did set out that more designated off road parking to accompany the mosque opening can only be advantageous to ease traffic conditions in the area.

The fencing off of the green areas will prevent public access.

The existing roads could be retained and remodelled.



The ball stop fencing would not be of sufficient height to prevent balls from escaping and an increase in height of the fencing would have an adverse impact upon the character and appearance of the area.

The scheme would not benefit the wider community.

The development would restrict access to existing businesses and may prevent emergency services from accessing.

Following the receipt of amended plans a further round of public consultation has been undertaken. This has resulted in 5 objections, all from parties that had raised objections to the initial scheme. These raise the following issues:

The five parking spaces along Botham Street are likely to be extended in the future and this would have an adverse impact upon the character and appearance of the area.

The football pitches would cause a nuisance to neighbouring property and any increase in height of the fencing would have an adverse impact upon the character and appearance of the area.

Previously businesses have not been able to purchase the land [between Botham Street and Petre Drive]; having been told it forms a natural barrier.

Additional on-street parking would be detrimental to local businesses and buses. Double yellow lines are required to prevent indiscriminate parking around entrances to local businesses.

## PLANNING ASSESSMENT

### Policy

The site is identified on the Unitary Development Plan Proposals Map as being within a Fringe Industry and Business Area.

UDP Policy IB6 sets out that business, general industry and warehouses are the preferred uses with car parks and leisure and recreation facilities an acceptable use.

Policy IB9 sets out that in Industry and Business Areas development will be permitted provided it would not lead to a concentration of uses which would prejudice the dominance of business and industry within the area; it would not cause visitors or residents to suffer from unacceptable living conditions; it would be of a scale and nature appropriate to the site and would provide safe access to the highway network and appropriate off-street parking.

Permission is sought for the creation of two five-a-side football pitches on a piece of land that is currently an open grassed area next to Cyclops Street. The space would be fenced off and re-surfaced so that it could be used as overspill parking if there happens to be an event at the Mosque. The parking would be controlled by

marshals. The football pitches would be managed by the Mosque and would be available for wider community use.

The use of the site for these purposes accords with UDP Policy, being an acceptable use within the Fringe Industry and Business Area as set out in UDP Policy IB6.

The development would not prejudice the dominance of business within the area with commercial properties remaining most prevalent.

The site is currently grassed but is not identified on the UDP Proposals Map as being an Open Space area. Core Strategy Policy CS47 seeks to safeguard open space from development and sets out that development of open space will not be permitted where it would result in the loss of open space that is of high quality or of heritage or ecological value.

The site is of limited ecological value and is not of high quality. There are other areas of informal open space within the area and the local residents would still have access to the informal open space between Cyclops Street and Grimesthorpe Road.

The proposed football pitches would be available for use by the wider community and so the proposed development would not result in a net loss of open space; rather it would go from an informal space to the provision of formal sports pitches.

#### Affect upon Neighbouring Property

Concerns have been raised by the owners of neighbouring businesses (which are at a lower level on Petre Drive) regarding the footballing use of the site. Representations, express concerns that the 3m high fencing shown could easily be breached resulting in damage.

As the roof levels of these properties are at a similar level to the site consideration has also been given to people potentially being tempted to access the roofs to retrieve stray balls (the roofs of the neighbouring businesses do however slope away from the site and so, in reality a ball would be more likely to roll off the roof onto Petre Drive).

To prevent damage to neighbouring property the applicant is agreeable to raising the height of the fencing to be 4.5m along this rear elevation as well as on the end elevations, behind the goals.

No details have been provided of floodlighting to the pitches or the proposed hours of use. It is recommended that a condition be attached to any consent requiring such details to ensure that local residents are not disturbed by light spill and noise late into the evenings.

#### Affect Upon Character and Appearance

To the west of the site is a phone mast and several trees (birch and rowan) which would provide a degree of screening when viewed from this direction. On the other end, towards the corner with Botham Street are further trees which the applicant has

indicated would be retained and supplementary planting would be undertaken. The pitches would largely be obscured from view from properties on Wood Spring Court by the existing trees on the opposite side of the road which are to be retained.

There are level changes across the site and the applicant has indicated that the pitches would be dug into the site, with a step between the two pitches, which would also assist in minimising the impact that the fencing would have. It is considered that, on balance the proposed development would not be harmful to the character and appearance of the area.

## Highways

The proposed car park (which could accommodate up to 42 cars) raises no highway safety concerns.

On Botham Street opposite the Mosque, 5 parking bays are proposed. These would be accessed directly from the highway. The parking spaces would be surfaced with grasscrete to retain a 'green' appearance. The development may result in the loss of a couple of trees within the tree group to the rear of the parking bays; however these are not of significant merit and replacement planting can be required by way of a planning condition.

These proposed parking bays do not pose any highway safety concerns.

The submitted plans also indicate that a low post and rail fence would be erected around the parcel of land between Cyclops Street and Grimesthorpe Road. This would be 0.3m in height so that people could still access the site by stepping over the fence, however cars would be prevented from parking on the land. The erection of such a fence would not require planning consent and is a welcome measure to prevent indiscriminate parking once the Mosque opens.

## SUMMARY AND RECOMMENDATION

Planning permission is sought for the creation of two five a side football pitches on land adjoining Cyclops Street which could also be used for overspill parking for the Emaan Trust Mosque which is nearing completion. In addition consent is also sought for the creation of 5 parking spaces which would be accessed directly from Botham Street.

The development would not prejudice the dominance of Industry and Business within the area and the use of the land for parking and football are acceptable uses within this Fringe Industry and Business Area.

The sports pitches would be owned and managed by the Mosque but would be available for anyone to use.

It is considered that on balance the proposal would not be harmful to the character and appearance of the area and would not have an adverse impact upon neighbouring businesses. The proposal raises no highway safety concerns.

The development would accord with UDP Policy IB6 and IB9 as well as Core Strategy Policy CS47 and so it is recommended that planning permission be granted with conditions.