

---

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):

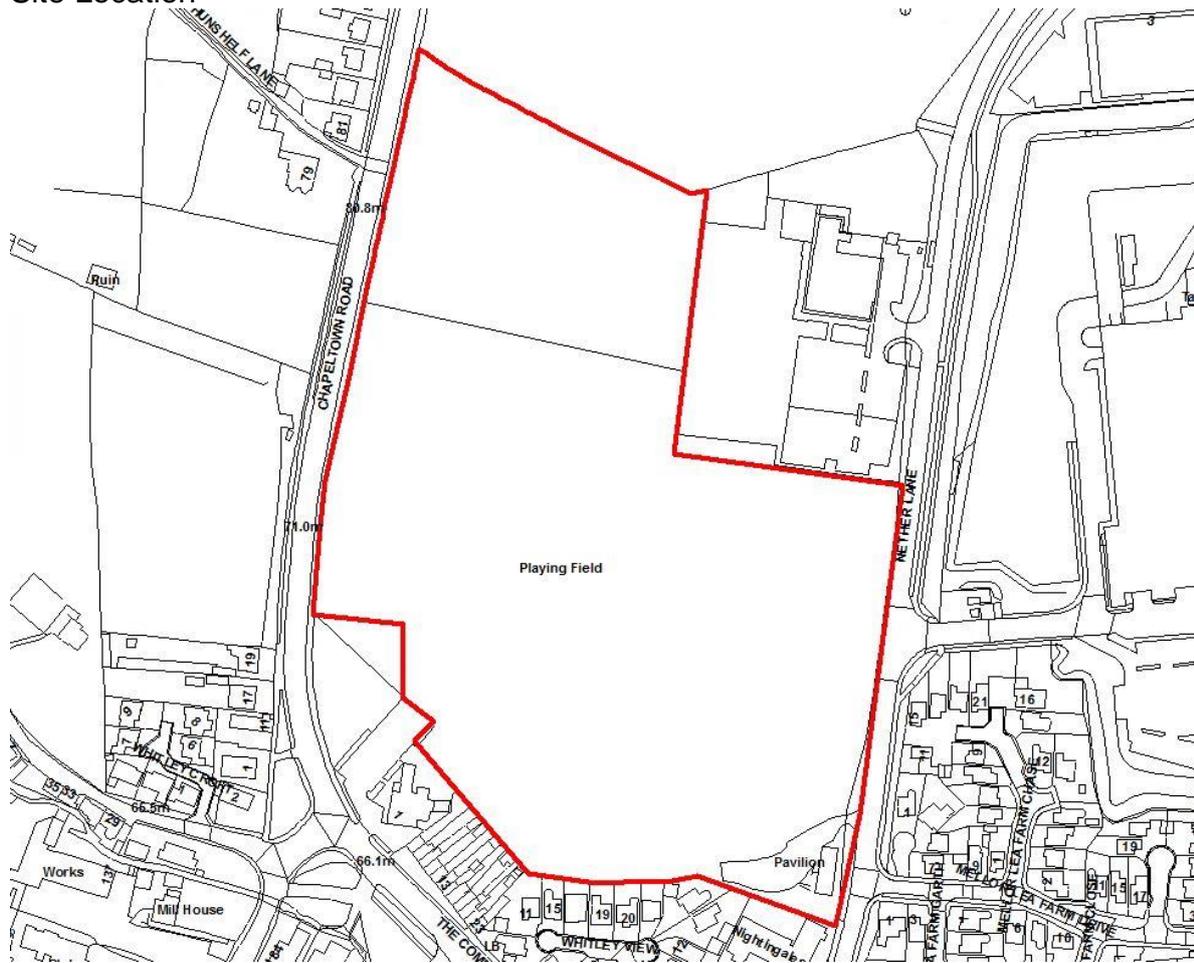
- 1 The Local Planning Authority considers that the proposed use of land as an extension to the existing car park would be detrimental to the living conditions of neighbouring residents on Whitley View as a result of direct overlooking of the adjoining residential properties and gardens leading to a 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



© Crown copyright and database rights 2016 Ordnance Survey 10018816

## 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.