



REPORT TO WEST AND NORTH PLANNING AND
HIGHWAYS COMMITTEE

DATE 11/09/2012

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES ITEM

SUBJECT APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

SUMMARY

RECOMMENDATIONS

SEE RECOMMENDATIONS HEREIN

THE BACKGROUND PAPERS ARE IN THE FILES IN RESPECT OF THE PLANNING
APPLICATIONS NUMBERED.

FINANCIAL IMPLICATIONS N/A

PARAGRAPHS

CLEARED BY

BACKGROUND PAPERS

CONTACT POINT FOR
ACCESS

John Williamson

TEL
NO:

0114 2734944

AREA(S) AFFECTED

CATEGORY OF
REPORT

OPEN

Application No.	Location	Page No.
12/02120/FUL	Land Opposite Springfield Whitwell Lane Sheffield	5
12/01546/FUL	12A Holme Lane Sheffield S6 4JQ	29
12/01239/FUL (Formerly PP-01943575)	385 Wood Lane Stannington Sheffield S6 5LR	39
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SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To The NORTH & WEST Planning And Highways Committee
Date Of Meeting: 11/09/2012

LIST OF PLANNING APPLICATIONS FOR DECISION OR INFORMATION

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

Case Number	12/02120/FUL
Application Type	Full Planning Application
Proposal	Erection of a dwellinghouse with integral double garage (re-submission of 11/03906/FUL)
Location	Land Opposite Springfield Whitwell Lane Sheffield
Date Received	02/07/2012
Team	NORTH & WEST
Applicant/Agent	Scandia Hus Ltd
Recommendation	Grant Conditionally

Subject to:

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

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

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

X01, X02, 01S, E1, E2, E3, SV1, SV2 received 2nd July 2012 and 02S received by e-mail dated 28th August 2012,

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 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.

In order to ensure an appropriate quality of development.

- 4 Large scale details, including materials and finishes, at a minimum 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:

Window reveals
Doors
Eaves and verges

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

In order to ensure an appropriate quality of development.

- 5 A comprehensive and detailed hard and soft landscape scheme for the site, to include details of additional tree planting to the northern boundary and the planting of two new trees to compensate for the loss of two existing trees, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority.

In the interests of the visual amenities of the locality.

- 6 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.

In the interests of the visual amenities of the locality.

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

place and the protection shall not be removed until the completion of the development unless otherwise approved.

In the interests of the visual amenities of the locality.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, Part 1 (Classes A to H inclusive), Part 2 (Class A), or any Order revoking or re-enacting that Order, no extensions, porches, garages, ancillary curtilage buildings, swimming pools, enclosures, fences, walls or alterations which materially affect the external appearance of the dwellinghouse shall be constructed without prior planning permission being obtained from the Local Planning Authority.

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

- 9 The existing stone boundary wall to the front and rear of the site shall be retained in the form as shown on the approved plan and repaired where appropriate, details of which shall be submitted to and approved in writing prior to the commencement on development. Details shall also be provided of a suitable means of site boundary treatment to the remainder of the site and the dwellinghouse shall not be occupied 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.

In the interests of the visual amenities of the locality.

- 10 Surface water and foul drainage shall drain to separate systems.

To ensure satisfactory drainage arrangements.

- 11 No development shall commence until details of the implementation, adoption, maintenance and management of the sustainable drainage system have been submitted to and approved in writing by the Local Planning Authority. The system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation, and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

In the interests of sustainable development.

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

In the interests of pedestrian safety.

- 13 The development 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.

In the interests of the safety of road users.

- 14 The gradient of shared pedestrian/vehicular access shall not exceed 1:12 unless otherwise approved by the Local Planning Authority.

In the interests of the safety of road users.

- 15 Before the development becomes occupied, the car parking accommodation and vehicle turning area shall have been provided as indicated on the approved drawing, surfaced and drained to the satisfaction of the Local Planning Authority, and thereafter retained/ maintained for the sole purpose intended.

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

- 16 Before the development is commenced, full details shall have been submitted to and approved in writing by the Local Planning Authority of an extension to the southern footway on Whitwell Lane as far as the proposed vehicular crossing (thereby providing pedestrian connectivity). The works shall have been carried out in accordance with the above-mentioned approved details prior to occupation.

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

- 17 Before the development is commenced, full details shall have been submitted to and approved in writing by the Local Planning Authority of the interface between the proposed internal footpath and the public highway, where the proposed internal footpath crosses the ditch. The works shall have been carried out in accordance with the above-mentioned approved details prior to occupation.

In the interests of pedestrian safety.

- 18 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.

In the interests of the safety of road users.

- 19 Prior to the commencement of development a full topographical survey shall be submitted indicating the existing levels on site and also the proposed levels to include site sections of existing and proposed levels. The development shall then be implemented in strict accordance with the approved details and thereafter retained.

In the interests of the visual amenities of the locality.

Attention is drawn to the following justifications:

1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below:

LR5 - Development in Open Space
GE4 - Development and the Green Belt Environment
BE5 - Building Design and Siting
BE6 - Landscape Design
CS23 - Locations for New Housing
CS24 - Maximising the Use of Previously Developed Land for New Housing
CS26 - Efficient Use of Housing Land and Accessibility
CS47 - Safeguarding Open Space
CS67 - Flood Risk Management
CS74 - Design Principles

Although sited on an area of designated open space, the development of this informal open space will not result in a quantitative shortage of open space in the locality. Whilst below the recommended density levels, it is considered to achieve good design and reflect the character of an area. It is also not considered to give rise to any unacceptable consequences to the environment, community or other public interests of acknowledged importance.

This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report at www.sheffield.gov.uk/planningonline or by calling the planning officer, contact details are at the top of this notice.

Attention is drawn to the following directives:

1. 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, and dealt with by:

Development Services
Howden House
1 Union Street

Sheffield S1 2SH

For access crossing approval you should contact the Highway Development Control Section of Sheffield City Council on Sheffield (0114) 2736136, quoting your planning permission reference number.

2. 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 a signed consent under the Highways Act 1980. An administration/inspection fee will be payable and a Bond required as part of the consent.

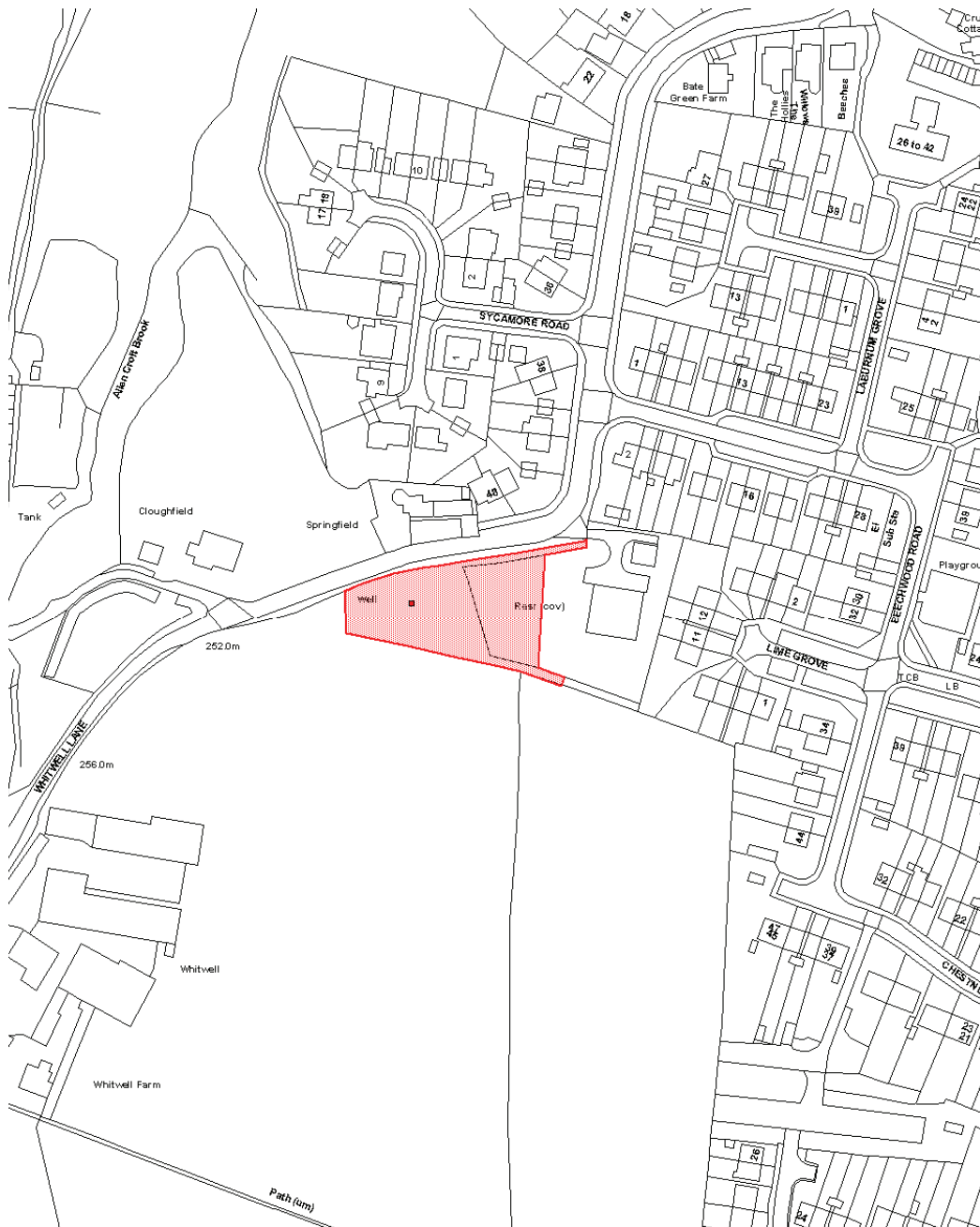
You should apply for a consent to: -

Highways Adoption Group
Development Services
Sheffield City Council
Howden House, 1 Union Street
Sheffield
S1 2SH

For the attention of Mr S Turner
Tel: (0114) 27 34383

3. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.
4. The Council is responsible for allocating house numbers and road names to both new developments and conversions of existing buildings. Developers must therefore contact the Council's Street Naming and Numbering Officer on (0114) 2736127 to obtain official addresses for their properties as soon as construction works commence.

Site Location



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LOCATION AND PROPOSAL

This application relates to a piece of land that was previously owned by Yorkshire water and formed part of the Springfield Reservoir. The applicant has advised that after modernisation of the Reservoir more than 20 years ago, the land was deemed surplus to requirements and was subsequently sold to the applicant in February 2010.

The application site extends to 0.2 hectares and presents a circa 50 metre frontage to Whitwell Lane and extends to a depth of between 10 metres at the western edge and 30 metres at the eastern edge. The boundary of the site within Whitwell Lane comprises a stone wall with three groups of trees to this frontage, some of which have grown through the wall to result in its partial collapse. The site sits approximately half a metre above the level of Whitwell Lane and is presently predominantly grassed. Within the site there are two further groups of trees – a group of Silver Birch and Ash saplings towards the eastern boundary and a further group of Leyland Cypress trees along the southern boundary, which extend to a height of approximately 9 metres. There is a further single sycamore tree towards the eastern boundary.

The area surrounding the application site is primarily residential in character. Directly opposite the site to the north, on the opposite side of Whitwell Lane, is a pair of modern semi-detached houses at 46 and 48 Whitwell Lane and a traditional detached stone dwelling at Springfield. There are further properties along Whitwell Lane, which has the character of a country lane beyond the application site; these properties are varied in character and include converted farm buildings and more modern bungalows. To the east of the site is the remaining Springfield Reservoir whilst to the south and west is open farmland, which is designated as Green Belt.

This application seeks the construction of a single four-bedroom dwellinghouse that extends over three floors. Due to the topography of the site, the lower floor comprises a basement that is largely subterranean with the exception of a double garage door to provide access into the basement garage from the eastern flank elevation of the house. To the front elevation facing Whitwell Lane and to the rear elevation facing the Green Belt, the dwellinghouse presents two floors of accommodation.

The proposed dwellinghouse is situated centrally within the site. The main house extends to a width of 12 metres and a depth of 8.2 metres and is set back a distance of between 14 to 17 metres from the site boundary with Whitwell Lane. To the rear boundary, there is a gap of between 8.4 and 10.6 metres. The area surrounding the house is landscaped to form the garden to the property – this includes the construction of a grassed roof over the garage, which effectively projects from the eastern flank of the house by a distance of 7 metres and which is cut into the topography of the site.

The dwelling has a traditional appearance and the application states that it will be constructed in stone with a slate roof, an oak door and timber windows. A projecting front porch is proposed that is also constructed in stone. It extends to an eaves height of 5.3 metres and a ridge height of 8.6 metres with a chimney to the western flank.

Vehicular access to the site is proposed via a new access on Whitwell Lane, which extends into a driveway and vehicle turning area to the east of the main house. Two trees are indicated for removal to enable the construction of a new access but the application states that all remaining trees within the site as well as the existing stone boundary wall to Whitwell Lane will be retained. The stone boundary wall to the rear of the site and the existing trees will also be retained.

RELEVANT PLANNING HISTORY

The only relevant planning history is the previously withdrawn planning application:

11/03906/FUL: Erection of a dwellinghouse and detached garage.

Withdrawn

This application was withdrawn by the applicant following Officer advice that the proposal was unlikely to be supported due to the design and appearance of the dwellinghouse.

SUMMARY OF REPRESENTATIONS

The application was advertised by means of direct neighbour notification. A total of 12 letters of objection have been received raising the following concerns:

Principle of Development

- The application is on land designated as open space.
- The proposal is an inefficient use of space and offers little benefit to the area.
- Resident objects to the application to build a single house with an extensive and excessive non-porous footprint;
- The land is green open space that acts as a buffer zone between town and Green Belt such that the development would be an extension of the town;
- Stocksbridge is already over-committed in its housing allocation;
- One property represents an inefficient use of 'precious open space';
- There are developments elsewhere in Stocksbridge and Deepcar that make efficient use of Brownfield land and would remove the need for new housing on this site;
- The plot will not significantly contribute to Sheffield's housing targets;
- Efficient use of rural plots means that Sheffield City Council should only grant permission for set number of houses and not just one;
- The proposal is in breach of Policy CS47 as the applicant has not proved that the land is surplus to requirements and therefore presumption against building on this land must prevail;
- There were a large number of local objections to the draft proposal to change the designation of this land to housing in the SDF Draft Proposals Map, which illustrates the high value the local community places on this open space for its landscape and ecological quality, as well as the setting for the local built environment;
- Policy CS47 notes that national policy presumes against building on such land and no case has been made for overriding this presumption. If any such application were permitted, it would drive a coach and horses through policies design to protect green open space.

Green Belt

- The location on the edge of the Green Belt makes this ribbon development with an increase to the built up area of Stocksbridge and eroding the gap towards Bolsterstone;
- This parcel of land contributes significantly to the open character of the area and the quality of the directly adjacent Green Belt such that it serves the same purpose as Green Belt land;

Design

- The scale of the buildings is out of keeping with other properties in the area as other houses have two habitable floors and two to three bedrooms such that the development is un-neighbourly.
- The elevation facing existing properties on Whitwell Lane from a position above Whitwell Lane is out of keeping; most properties are below the level of the lane. The objector considers that this is compounded by the deep windows, which do not reflect other properties in the locale and makes the house over-beading and out of keeping;
- The amount of hard-surfacing is excessive with a long drive and double garage;
- The design features a number of retaining walls, which is out of keeping with local design and will provide a barrier to movement of wildlife;
- The proposal is un-neighbourly and out of keeping with nearby properties;

Impact

- The topographical survey appears to mislead by showing the floor level of the proposed development but the roof level of other houses;
- The long driveway will run directly towards the front of properties on the northern side of the lane and is designed at an angle that will maximise the illumination inside the front of those properties;
- The ground floor level is level with the objectors roof so it will be overbearing;

Highways and Accessibility

- The suggestion that the site is within easy walking distance of schools and medical facilities is flawed as it takes no account of gradient and there is no mention of public transport;
- The steps on the path to the dwelling make the provision of an access ramp irrelevant; the gradient of the drive makes it unsuitable for people with disabilities and the separate pedestrian access takes people away from local amenities and gating this is out of keeping with other pedestrian accesses in the area;
- The land is sited uphill and away from local services and amenities such that it would encourage car use;
- The proposed driveway will exit onto a narrow road on a bend;

Drainage and Flooding

- The Sustainability Statement makes no mention of the effect this development will have on drainage; the site already discharges water in the direction of Whitwell Lane;
- The field is always very wet and this development will exacerbate flooding problems;
- Cutting down healthy mature trees will add to the water 'that cascades from the land' – not that the trees are on their land.
- The land helps to reduce flooding in the locality and construction would increase surface water run-off and reduce the water absorbency of the site;
- The flood risk documentation makes a number of incorrect statements – there are springs within the site with water constantly running off the land and properties opposite the road and further down the hill have a history of flooding due to water run off, exacerbated by blocked culverts and an poorly mapped sewerage network;
- Plans indicate that a footprint 2-3 times the ground area of the proposed building will be built on or covered in tarmac;
- Water will run straight down the drive washing any grit from the tight bend in the road;
- The development will dramatically add to the cause of flood risk;
- The plans indicate that the roof of the proposed house will be at 270 metres AOD whilst the ground floor windows of houses opposite are at 245 metres AOD – over a relatively short horizontal distance of 25 metres, this creates major overlooking issues;
- Building on this field will reduce its rainwater absorption capacity and therefore exacerbate existing water runoff problems on Whitwell Lane.
- Members of the public and the local town council have previously been advised that if such open space were to be developed, there would be a requirement to do so efficiently by maximising the number of dwellings on the plot in line with the relevant density guidance. The objector notes his objection to any form of development but wishes to highlight a further possible breach of policy if the current application were approved.

Other

- The objector notes a number of Planning Policy Guidance Notes and Statements (Note: all now superseded by the National Planning Policy Framework) and a number of Core Strategy policies and sections.
- The garage and basement is poorly described by the applicant as wholly subterranean as this would imply that there is no access.
- Why are the applicant's using an agent based in West Sussex? Note: this is not a planning consideration.
- Surveys were performed in the unusually dry months of summer 2011 and will provide untypical results;
- The development raises the risk of back garden developments in the future and could set a precedent for future loss of green land locally;

One letter of support has also been received from the residents of Cloughfield on Whitwell Lane, stating the following points:

- This land is not called Springfield because it is a field with springs on but because the whole area was known as Springfield prior to the construction of the Whitwell estate;
- From first hand experience, the land contains no springs, it is never waterlogged and water never cascades from it. Any water that flows down Whitwell lane starts from much further up and affects properties sited above this piece of land;
- The previous building on the site was much larger and had no effect on the amount of water on Whitwell Lane;
- The positioning of the driveway provides safe access and exit onto the highway.

The Council for the Protection of Rural England (CPRE) have requested that the following comments be taken into consideration:

CPRE advise that they objected to the previous application, which was withdrawn and whilst they acknowledge that the resubmitted scheme has been improved through design alterations on the front elevation, they remain concerned that the development of this open space buffer will have a detrimental impact on the setting of the Green Belt and the urban fringe of Stocksbridge. CPRE note that the southern elevation is unaltered in this submission and the extensive glazing would increase the building's conspicuous appearance and its adverse impact upon the neighbouring Green Belt countryside. It is their view that the proposal therefore remains contrary to Policy LR5 of the UDP and would harm the character of the area.

Finally, CPRE note that if the Council is minded to approve this application, a condition should accompany the permission ensuring the property is screened by trees on the southern elevation.

PLANNING ASSESSMENT

This application seeks the construction of a single four-bedroom dwellinghouse that extends over three floors, which includes the construction of a basement and subterranean garage with green roof above.

The key issues to consider in the determination of this application include the following:

- (i) Principle of development - Policy and Land Use;
- (ii) Design;
- (iii) Impact on the amenity of adjoining occupiers;
- (iv) Highways and;
- (v) Flood Risk.

The Council is also required to consider representations received as a result of the public consultation exercise.

Policy and Land Use

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and replaces all previous Planning Policy Guidance Notes and Planning Policy Statements. Paragraph 12, of the NPPF confirms that the National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision-making such that 'proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'. Furthermore, Paragraph 14 of the NPPF clarifies that at the heart of the document is a presumption in favour of sustainable development, which, for decision-making, means approving development proposals that accord with the development plan without delay.

Within the Unitary Development Plan Proposals Map, the application site is designated as open space.

Members are also advised that Paragraph 216 of the National Planning Policy Framework advises that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- (i) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- (ii) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- (iii) The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In this instance, it is noted that within the SDF Proposals Map, which has been the subject of previous public consultation in 2007 and 2010, the application site is designated as falling within a housing area. However, it is considered that this can be afforded limited weight at this time, as there are a number of unresolved objections relating to this designation such that the application must be assessed as development on open space.

Paragraph 74 of the NPPF confirms that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- i. An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- ii. The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- iii. The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

The assessment as to whether the open space is surplus to requirements, which is the relevant consideration in this case, is considered below.

Policy LR5 of the UDP relates to development in open space areas and advises that such development will not be permitted where (as relevant to this site):

- (a) It would cause damage to nature conservation sites, Scheduled Ancient Monuments or other archaeological sites; or
- (b) It would cause damage to mature or ancient woodland or result in a significant loss of mature trees; or
- (c) It would significantly detract from the green and open character of the Green Network; or
- (d) It would make an open space ineffective as an environmental buffer; or
- (h) It would result in the loss of open space which is of such quality that it is of City-wide importance; or
- (i) it would result in over-development or harm the character of an area; or
- (j) It would harm the rural character of a wedge of open countryside; or
- (k) The proposed use would be incompatible with surrounding land uses.

Taking each in turn:

- (a) The application site is not a designated nature conservation site, Scheduled Ancient Monuments or other archaeological sites such that the proposal is not contrary to LR5 (a);
- (b) The applicant has confirmed that the proposed development will result in the loss of two trees. This is not considered to represent a significant loss of mature trees and such trees can be replaced as part of the landscaping proposal. Moreover, the development will not cause damage to mature or ancient woodland such that the proposal is not contrary to LR5(b);
- (c) The Green Network contains corridors along which wildlife can move and live. This site is not specifically identified as part of the Green Network and moreover, it is considered that the provision of a single dwelling that is surrounded by an extensive garden will not restrict wildlife movement as with other residential gardens such that the proposal is not contrary to LR5(c);
- (d) An Environmental Buffer is defined in the UDP as landscaping and/or siting of appropriate facilities between sensitive and other uses to reduce the harm or potential nuisance to each other; car parks or offices for example might form such a buffer. In this case, the application site adjoins a residential area and land designated as Green Belt but it is not considered that the site is required to reduce the harm or potential nuisance to each of these land uses as there is no risk of harm or nuisance between them. It is therefore not contrary to LR5(d)
- (h) The application site is not considered to represent an open space that is of City-wide importance given that it extends to only 0.2 hectares and is not

accessible to the public or of City-wide relevance. It is therefore not contrary to LR5(h).

- (i) The development of one house does not constitute over-development – this is considered further in the density section in the report below. The issue of harm is also addressed in the report below.
- (j) The application site lies between an area of Green Belt and a housing area and the proposed dwellinghouse has been designed to relate appropriately to Whitwell Lane, onto which a number of other properties have a frontage. Whilst there is open countryside to the rear of the application site, which is designated as Green Belt, there is a clear current definition between the two with a row of trees and a rear boundary, which defines the application site as a separate feature to the open countryside. To this extent, it is not a wedge of open countryside and the property is not isolated but presents a clear street frontage such that it not considered to harm the rural character of a wedge of open countryside and is not contrary to Policy LR5(j).
- (k) The application site lies adjacent to an existing housing area and will fit within the pattern of development in the locality such that a single dwelling is not incompatible with surrounding land uses and the proposal is not contrary to LR5(k).

On the basis of the above, it is concluded that the proposed development is not contrary to Policy LR5 of the UDP.

However, the application must also be assessed against Policy CS47 of the SDF Core Strategy, which relates to the Safeguarding of Open Space and advises as follows:

Development of open space will not be permitted where:

- a. It would result in a quantitative shortage of either informal or formal open space in the local area; or
- b. It would result in the loss of open space that is of high quality or of heritage, landscape or ecological value; or
- c. People in the local area would be denied easy or safe access to a local park or to smaller informal open space that is valued or well used by people living or working in the local area; or
- d. It would cause or increase a break in the city's Green Network.
In addition, Policy CS47 states that development that would still result in the loss of open space will only be permitted where:
- e. As soon as practicable, equivalent or better replacement open space would be provided in the local area; or
- f. The site is identified as surplus for its current open space function and:
 - a. A proposed replacement would, as soon as practicable, remedy a deficiency in another type of open space in the same local area; or
 - b. It could not fulfil other unsatisfied open space needs; or
- g. The development would be ancillary to the open space and have a minimal impact on the use or character of the open space.

In this case, the application site would be considered as forming natural and semi-natural greenspace, which comprises part of the Informal Open Space provision across the City. Natural and semi-natural areas are defined within the Council's Assessment of Open Space, Sport and Recreational Facilities guidance as providing access to wildlife, environmental education and awareness, biodiversity and nature conservation. The typology includes green corridors, woodlands, scrubland, wetland and nature conservation areas.

The recommended standard for open space across the City, including both formal and informal open space, is 7.02 hectares per 1000 population of which 1.28 should be formal (children's play and outdoor sport) with the remaining 5.74 being informal (parks and gardens, natural and semi-natural green space, amenity greenspace (open space in housing areas, village greens, informal recreational space and hard-surfaced areas designed for pedestrians, allotments and cemeteries). As relevant to this application, for Natural and Semi-natural areas, the recommended standard is 3.04 hectares per 1000 population. This figure represents the average provision required across the City and is the recognised methodology for determining open space provision on the grounds that the population in all areas of the city should have access to the same amount of different types of open space. There is no national requirement to provide locally specific standards and it would be quite difficult to achieve this fairly. So, the local population should have access to 3.04 hectares of natural and semi-natural open space per 1000 population. In this case, in relation to the application site, there is 3.55 hectares of this type of open space per 1000 population within a 400 metre catchment and there will be 3.43 ha/1000 should the site be developed. As such, there will still be an excess of Natural and Semi-natural areas in relation to the Council's requirements such that it must be concluded that local provision of Natural and Semi-Natural Green Space exceeds the Council's recommended guidelines and the development of this site would not result in a quantitative shortage of open space such that the development is not in conflict with Policy CS47(a) of the SDF Core Strategy.

With regard to Policy CS47(b), as noted above, the application site is not specifically identified within the UDP to be of a high quality or of particular heritage, landscape or ecological value such that its development would not be contrary to CS47(b). Similarly, the site is not used as accessible public open space such that it would not deny local people access to open space as therefore in accordance with Policy CS47(c). The City's Strategic Green Network primarily relates to Sheffield's main river corridors, which form part of a more extensive network of locally accessible open space that provides the means for wildlife and people to move through the built-up areas and to connect with the surrounding countryside. In this case, the site does not lie within a main river corridor and is not a locally accessible open space such that the proposed development cannot be considered contrary to Policy CS47(d).

The second section to Policy CS47 advises that development that would still result in the loss of open space will only be permitted where, as soon as practicable, equivalent or better replacement open space would be provided in the local area; or the site is identified as surplus for its current open space function and a proposed replacement would, as soon as practicable, remedy a deficiency in

another type of open space in the same local area; or it could not fulfil other unsatisfied open space needs; or the development would be ancillary to the open space and have a minimal impact on the use or character of the open space. In this case, as noted above, the site can be determined as surplus to requirements so there is no need to provide practicable, equivalent or better replacement open space in the local area and it could not readily fulfil other unsatisfied open space needs.

It is therefore concluded that the development of this informal open space will not result in a quantitative shortage of open space in the locality. It will not detract from the Green Network and will not deny local people access to open space. It is therefore considered to comply with the principles of Policy CS47 of the SDF Core Strategy and with guidance within the NPPF on the grounds that an assessment has been undertaken which has clearly shown the open space to be surplus to requirements.

Policy CS23 of the SDF Core Strategy relates to locations for new housing and advises that new housing development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure. It continues that in the period 2008/09 to 2020/21, the main focus will be on suitable, sustainably located, sites within, or adjoining the main urban area of Sheffield (at least 90% of additional dwellings); and in the urban area of Stocksbridge/Deepcar. This application effectively lies within the urban area of Stocksbridge and is therefore compliant in principle with Policy CS23.

Policy CS24 of the SDF Core Strategy relates to 'Maximising the Use of Previously Developed Land for New Housing' and advises 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. In the period 2004-2012, 94.88% of dwelling completions were on Brownfield Land such that the construction of 1 dwelling on a Greenfield site will not be contrary to Policy CS24.

Finally, Policy CS26 of the SDF Core Strategy relates to the 'Efficient Use of Housing Land and Accessibility' and states that housing development will be required to make efficient use of land but the density of new developments should be in keeping with the character of the area and support the development of sustainable, balanced communities. It states that subject to the character of the area being protected, densities will vary according to the accessibility of locations such that in the majority of the urban area, a density of between 30 to 50 dwellings per hectare is appropriate whilst 30 to 40 dwellings per hectare is appropriate in rural areas. In effect, a minimum of 30 dwellings per hectare is required.

In this case, the applicant has advised that the site area is 0.2 hectares, which results in a density of 5 dwellings per hectare, which is clearly significantly below the guidance set out in Policy CS26 and to achieve a minimum of 30 dwellings per hectare, the site would need to accommodate six dwellings.

However, Policy CS26 notes that densities outside these ranges will be allowed where they achieve good design, reflect the character of an area or protect a sensitive area. The issue of design is assessed below but it is considered that the character of the area further along Whitwell Lane includes properties that are set

within generous plots and that this site should adopt a more rural form of development rather than seeking to accommodate six dwellings, which would be more reflective of the urban character of the adjoining estate. In this regard, the proposed development is not considered contrary to Policy CS26 on the grounds that it does permit densities outside the recommended ranges where they achieve good design, reflect the character of an area or protect a sensitive area.

Overall, it is concluded that the development of this informal open space will not result in a quantitative shortage of open space in the locality and is therefore considered to comply with the principles of Policy CS47 of the SDF Core Strategy and with guidance within the NPPF. It also fulfils the requirements of Policies CS23 and CS24 of the Core Strategy in terms of the location for new housing and whilst below the recommended densities set out in Policy CS26 of the SDF Core Strategy, it is not considered contrary to that policy as set out above. The principle of development is therefore considered acceptable.

Design

The new National Planning Policy Framework (NPPF) confirms at Paragraph 56 that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

Within the Unitary Development Plan, Policy BE5 relates to building design and siting and advises that good design and the use of good quality materials will be expected in all new developments. In addition, Policy CS74 of the SDF Core Strategy also relates to design principles and advises 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.

This application has been re-designed since the previously withdrawn submission to develop a house style that is more appropriate to the rural character of the site and reflects some of the features of the locality in terms of the use of natural stone with recessed lintels, stone heads and cills and a slate roof. It is also considered that the proportions of the house in terms of its frontage and depth are not inconsistent with the surrounding area. With regard to the fenestration treatment, the main elevation fronting the street comprises a modest fenestration design that is traditional in appearance and reflects a cottage style that is appropriate to the style of the house. To the rear, which faces south, it is accepted that the fenestration treatment is more modern but this will not be viewed in the context of the streetscene and will only be viewed from a distance from farmland to the rear such that there are insufficient grounds to warrant an amendment to the size of these windows. It is proposed, however, to recommend a condition requiring that the trees on the southern boundary are retained and consideration is given to further planting to the rear of the house to soften the appearance of the house from land to the rear, which is within the Green Belt.

With regard to the scale of development, it is acknowledged that the building extends to three-stores but the applicant is seeking to use the topography of the

site to partially submerge the basement with access only to two garage doors at the lower ground level with the rest of the basement fully submerged. Furthermore, the roof of the garage will be covered over and greened such that when viewed from the road, the building will appear as two-storeys with an eaves height from the new ground level of 5.2 metres and a ridge height of 8.7 metres. This scale of development at two storeys when viewed from the street is consistent with the predominant scale of development in the locality and whilst there will be a need for retaining walls adjacent to the garage to accommodate the change in levels, it is still considered that the scale of the house itself is appropriate.

It is noted that there will be some re-grading of the site to accommodate the basement with the ground level at the front of the house approximately 1.6 metres higher than the existing level and 0.7 metres higher at the rear of the house. The primary impact in this regard is the relationship between the proposed dwelling and properties opposite, which is considered below although a condition requiring further details of the existing and proposed levels is required to ensure that they are accurate prior to the commencement of development.

Overall, it is considered that the scale and design of the proposed house when viewed from the streetscene is appropriate to the locality and the scheme also utilises high quality materials. Whilst the fenestration treatment to the rear is more modern and extensive, this is not visible in the context of the streetscene and it is insufficient to warrant a refusal of this application. It is therefore considered that the design and scale of the proposed dwellinghouse is consistent with Policy BE5 of the UDP, Policy CS74 of the SDF Core Strategy and guidance within the NPPF.

Green Belt

It must be noted that the application site does not lie within the Green Belt. However, it is also acknowledged that Policy GE4 of the UDP advises that the scale and character of any development which would be conspicuous from it, should be in keeping with the area and, wherever possible, conserve and enhance the landscape and natural environment. In this case, whilst CPRE have raised some concerns about the scale of fenestration to the rear elevation making the house more conspicuous, it has been determined above that the scale and character of the development is in keeping with the area such that it is not considered to be overly conspicuous. In addition, however, a condition is recommended to require a landscape scheme and to encourage further planting to the rear boundary, which would address the concerns raised by CPRE.

Amenity

With regard to site layout and the relationship to adjoining residential properties, the Council has no specific guidelines in relation to the construction of new dwellings. However, the privacy and distance standards set out in Supplementary Planning Guidance Note 'Designing House Extensions' are considered relevant. SPG Guideline 6 advises that to protect and maintain minimum levels of privacy a minimum distance of 21 metres between facing main windows should be achieved, which may need to be greater on sloping land or where a dwelling is higher than surrounding properties.

In this case, the nearest residential property opposite at Springfield lies at a distance of 31.2 metres from the front elevation of the proposed house, which significantly exceeds the recommended distance of 21 metres to ensure privacy, even taking into account the change in levels. Indeed, the ground level of the proposed dwelling is 252.9AOD whilst the roof level of the property at Springfield is 253.87AOD and neighbouring properties have expressed concern with regard to the impact of the development on daylighting levels. In this regard, reference is made to a guidance document prepared by the Building Research Establishment (BRE) - "Site layout Planning for Daylight & Sunlight. A Guide to Good Practice".

The BRE guidelines broadly set out three methods for assessing the impacts of developments on the daylighting levels of neighbouring properties where internal arrangements are not known. The first test in the methodology is to strike a line at an angle of 25 degrees from the centre of existing windows. If the profile of the proposed building subtends an angle greater than 25 degrees then the second method needs to be applied and then the third. In this case, based upon the cross sections provided by the applicant, even assuming that Springfield has the same eaves height as the proposed house (being a old building, Springfield is likely to have a lower eaves height) and taking the 25 degree line from the ground level rather than the centre of the existing window, the proposed development does not subtend this line such that it is concluded that the proposed development will not result in loss of daylight to the adjoining property. The application site also lies to the north of the properties opposite such that it will not unduly impact on daylight and sunlight.

It is therefore concluded that due to the distance between the proposed development and the nearest residential properties, the development will not be detrimental to the amenity of adjoining occupiers by virtue of loss of privacy or loss of daylight/sunlight.

Landscaping

Policy BE6 of the UDP advises that good landscape design will be required in all new developments. In this case, the application site has a number of existing trees including Sycamore, Ash and a Leyland Cypress hedge to the rear. The applicant has submitted an Arboricultural Report in response, which confirms that there are no Tree Preservation Orders on the site and it is not in a Conservation Area. It concludes that there are no trees that will unduly interfere with the development proposal and a phased programme of coppice management would be prudent to ensure that the character of the road is preserved.

It is the case that two trees are proposed for removal to facilitate the provision of the new access into the site. However, all the remaining trees on site are to be retained, notwithstanding that the Arboricultural Report identifies that some are poor specimens and require management. Given that the trees are not subject to TPO and given that a landscape scheme could seek to replace the two trees to be removed, there is no objection to their removal in this case.

The applicant has also submitted an indicative scheme to indicate how the garden may be developed. However, a condition is proposed to require a landscape scheme to include the replacement of the two trees to be removed and to consider planting to the northern boundary adjacent to the Green Belt. Subject to the imposition of this condition, the proposal is considered compliant with Policy BE6.

Flood Risk and Drainage.

Policy CS67 of the SDF Core Strategy relates to flood risk management and seeks to reduce the extent and impact of flooding through a range of measures including the use of Sustainable Urban Drainage (SUDS) and limiting surface water run-off.

In this case, the application site is not within a Flood Zone as identified by the Environment Agency and the consideration in relation to flood risk is one of land drainage and limiting surface water run-off. As noted above, a number of objectors have raised concerns about water discharging from the site in the direction of Whitwell Lane and the impact of more development on the site, reducing the overall water absorbency of the land.

In response, the applicant has advised that the last time that there was flooding in the area was in July 2007 and on this occasion the water ran down the length of Whitwell Lane with none coming from this site. In response to the suggestion that there are springs within the site boundary, the applicant states that the current OS maps show no evidence of any springs within the site boundary with the only water source being what is believed to be a land drain half way along the northern boundary, which is fed by a water source much higher up the valley on the southern side of Stone Moor Lane. Nevertheless, in an effort to minimise any rainwater run-off from any future development, the applicant is proposing a rainwater harvesting system along with a green roof above the garage. He also notes that the driveway will be constructed using a Sustainable Urban Drainage System in line with current building regulations to remove as far as practicable any possibility of the development contributing to increased run off from the site. The applicant also notes that up until 12 years ago there were two water storage tanks on the land one being completely within the boundary of the current site. These tanks gravity fed potable water to properties below and had a larger footprint than the proposed house and driveway combined.

Whilst there are differing views between the applicant and the objectors in relation to whether or not the site is subject to flooding, with regard to planning policy as relevant to this application, consideration must be given to Policy CS67, which seeks to reduce the extent and impact of flooding by a range of measures, including requiring the use of Sustainable Drainage Systems or sustainable drainage techniques on all sites where feasible and practicable and promoting sustainable drainage management, particularly in rural areas as proposed as part of this application. A requirement to reduce surface water run off by a specified amount is only required by Policy CS67 on sites over 1 hectare, which this site falls below. However, the applicant has advised that they are proposing to use a Sustainable Urban Drainage scheme, details of which will be required by condition. On this basis, the proposed development must be considered to comply with Policy CS67 and whilst further details of drainage will be required by planning condition

and confirmed with Yorkshire Water, it must also be recognised that the final details of drainage will be a Building Regulation matter and there are no grounds to refuse the application on this basis.

Highways

The Council's Highways Development Management Officer has raised no objection to the principle of the access onto the highway and it is not considered to be unduly dangerous. The level of car parking is also sufficient for one property such that there are no objections to the development in this regard.

RESPONSE TO REPRESENTATIONS

The majority of general concerns relating to the principle of developing open space, the efficient use of housing land, the development of a Greenfield site, the density of development, design and impact on adjoining properties are fully addressed in the report above. With regard to more specific comments, the following is advised:

- (i) The proposal is in breach of Policy CS47 as the applicant has not proved that the land is surplus to requirements and therefore presumption against building on this land must prevail – the Council have undertaken the assessment that the land is surplus to requirements as noted above. There is no requirement for the applicant to prove this.
- (ii) There were a large number of local objections to the draft proposal to change the designation of this land to housing in the SDF Draft Proposals Map, which illustrates the high value the local community places on this open space for its landscape and ecological quality, as well as the setting for the local built environment. This concern is understood but the Council can only assess the proposal based upon current and up-to-date planning policies as set out in the report above.
- (iii) If any such application were permitted, it would drive a coach and horses through policies design to protect green open space. To recommend approval for this application does not drive a 'coach and horses' through policies designed to protect open space as each site would be assessed on its merits and subject to an open space assessment.
- (iv) This parcel of land contributes significantly to the open character of the area and the quality of the directly adjacent Green Belt such that it serves the same purpose as Green Belt land; it is not allocated as Green Belt and cannot therefore be assessed as such.
- (v) The amount of hard surfacing is excessive with a long drive and double garage. The applicant has marginally reduced the extent of hard surfacing as part of the application and in any event, the drive can be conditioned to comprise either a permeable surface or to be part of the Sustainable Urban Drainage System to ensure that it does not lead to increased surface water run-off.

- (vi) The design features a number of retaining walls, which is out of keeping with local design and will provide a barrier to movement of wildlife; The property is surrounded by a large residential garden, which tend to be well-used by wildlife. There is no evidence to suggest that a retaining wall will be a barrier to wildlife.
- (vii) The long driveway will run directly towards the front of properties on the northern side of the lane and is designed at an angle that will maximise the illumination inside the front of those properties; whilst the driveway will exit onto Whitwell Lane opposite No.48, the level of traffic will be that of a residential house and the issue of headlights cannot be justified as a grounds for refusal. The relationship of properties across a street as proposed is typical of many residential areas within Sheffield.
- (viii) The suggestion that the site is within easy walking distance of schools and medical facilities is flawed as it takes no account of gradient and there is no mention of public transport. Clearly, the site lies in close proximity to existing residential properties and a housing area such that whilst there is a gradient, it is part of the character of Stocksbridge.
- (ix) The steps on the path to the dwelling make the provision of an access ramp irrelevant; the gradient of the drive makes it unsuitable for people with disabilities and the separate pedestrian access takes people away from local amenities and gating this is out of keeping with other pedestrian accesses in the area. There is no requirement within planning policy for a single dwelling to achieve the standards of mobility housing and the issue of access is a matter for Building Regulations.
- (x) The development raises the risk of back garden developments in the future and could set a precedent for future loss of green land locally; the development of this site will not set a precedent for back garden development as this is development of open space and each application is always assessed on its own merits.

SUMMARY AND RECOMMENDATION

This application seeks the construction of a single four-bedroom dwellinghouse that extends over three floors, which includes the construction of a basement and subterranean garage with green roof above.

The application site is designated as open space within the Adopted Unitary Development Plan and is considered to form natural and semi-natural greenspace, which comprises part of the Informal Open Space provision across the City. For Natural and Semi-natural areas, the recommended standard is 3.04 hectares per 1000 population so the local population should have access to 3.04 hectares of natural and semi-natural open space per 1000 population. In this case, in relation to the application site, there is 3.55 hectares of this type of open space per 1000 population within a 400 metre catchment and there will be 3.43 ha/1000 should the site be developed. Accordingly, there will still be an excess of Natural and Semi-

natural areas in relation to the Council's requirements such that it must be concluded that local provision of Natural and Semi-Natural Green Space exceeds the Council's recommended guidelines and the development of this site would not result in a quantitative shortage of open space. It will also not detract from the Green Network and will not deny local people access to open space and is therefore considered to comply with the principles of Policy CS47 of the SDF Core Strategy and with guidance within the NPPF on the grounds that an assessment has been undertaken which has clearly shown the open space to be surplus to requirements.

It also fulfils the requirements of Policies CS23 and CS24 of the Core Strategy in terms of the location for new housing and whilst below the recommended densities set out in Policy CS26 of the SDF Core Strategy, it is not considered contrary to that policy on the grounds that it does permit densities outside the recommended ranges where they achieve good design, reflect the character of an area or protect a sensitive area.

It is concluded that the scale and design of the proposed house when viewed from the streetscene is appropriate to the locality and the scheme also utilises high quality materials. Whilst the fenestration treatment to the rear is more modern and extensive, this is not visible in the context of the streetscene and it is insufficient to warrant a refusal of this application. It is therefore considered to be consistent with Policy BE5 of the UDP, Policy CS74 of the SDF Core Strategy and guidance within the NPPF. A condition requiring a landscape scheme will ensure compliance with Policy BE6.

With regard to drainage, the applicant has confirmed the use of a Sustainable Urban Drainage System, which will be secured by condition. The application is therefore considered to accord with the requirements of Policy CS67.

Finally, the Council's Highways Development Management Officer has raised no objection to the principle of the access onto the highway such that the application is not considered to give rise to any issues of highway safety.

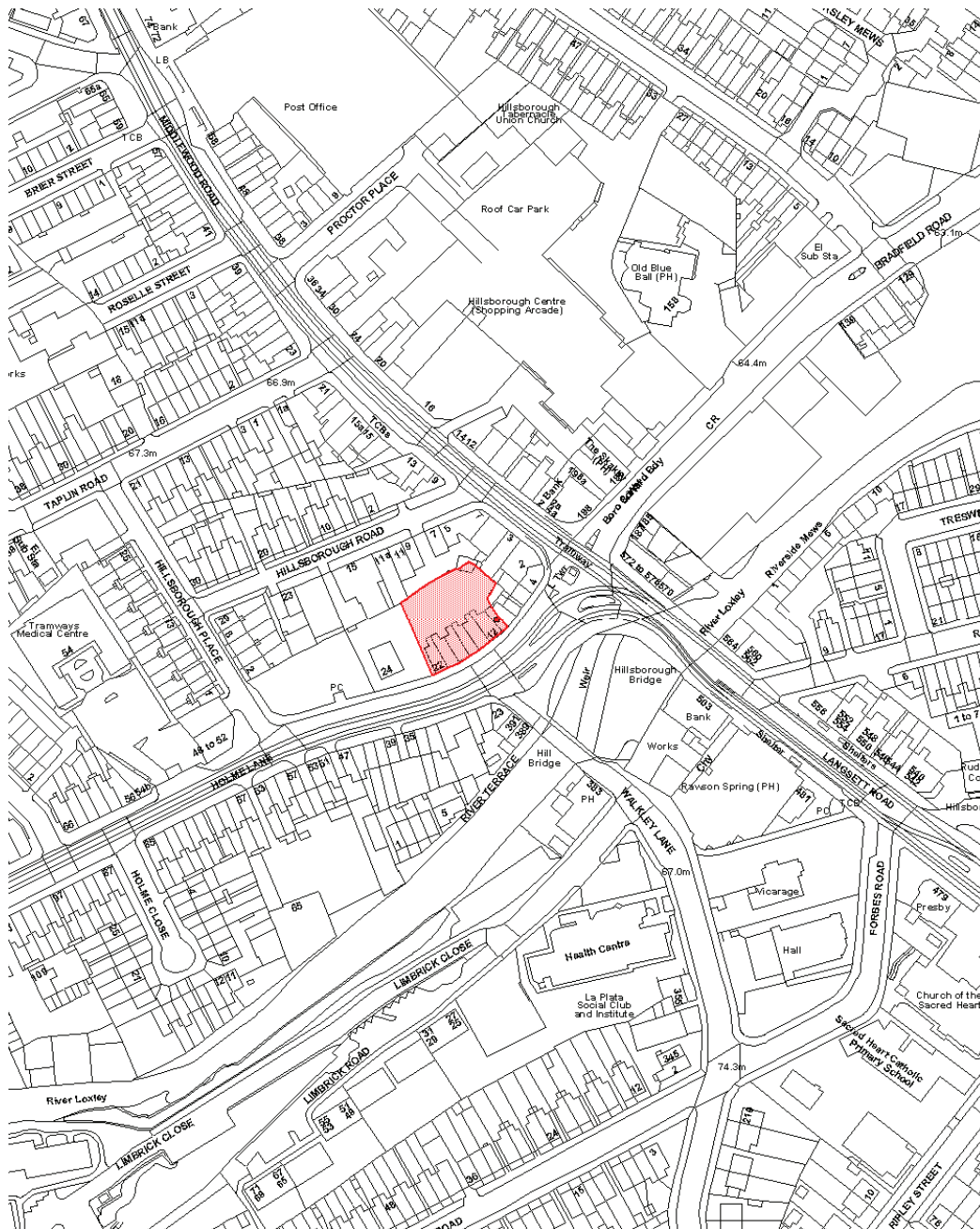
On the basis of the above, the proposed development is in accordance with up-to-date planning policy and in accordance with Paragraph 14 of the NPPF is therefore recommended for approval subject to conditions.

Case Number	12/01546/FUL
Application Type	Full Planning Application
Proposal	Erection of 6 flats in a three storey block with rooms in roofspace and associated works to form vehicular access (re submission of 11/03989/FUL)
Location	12A Holme Lane Sheffield S6 4JQ
Date Received	15/05/2012
Team	NORTH & WEST
Applicant/Agent	Chris Gothard Associates
Recommendation	Refuse

For the following reason(s):

- 1 The Local Planning Authority consider that the propose development would constitute an overdevelopment of a site of restricted dimensions which would result in an unsatisfactory environment and living condition for future occupiers of the proposed flats and occupiers of the adjoining residential properties. This would be contrary to Policy H5 and S10 of the Adopted Unitary Development Plan and Policy CS26 of the Sheffield Development Framework Core Strategy.

Site Location



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INTRODUCTION

The current application is a resubmission of a previously refused application 11/03989/FUL for the erection of 7 x 1 bedroom flats in a three-storey block with rooms in roofspace and associated works to form vehicular access. This application was refused under Delegated Authority on 13.04.2012 for the reason below:

'The Local Planning Authority considers that the proposed development would constitute an overdevelopment of a site of restricted dimensions which would result in an unsatisfactory environment and living condition for future occupiers of the proposed flats and occupiers of the adjoining residential properties. This would be contrary to Policies H5 and S10 of the Unitary Development Plan and Policy CS26 of the Core Strategy.'

The current application has not altered significantly from the refused application indicated above and the reason for refusal has not been acknowledged in the current application. The differences from the previous submission include the removal of the seventh bedroom in the roof-space; as such, the plans submitted illustrate 6 flats over 3 storeys, which has led to a reduction in height of the roof by approximately 1.7m. The other change in the current application is the erection of a 1.8m high obscure glass screen, which is shown to be erected along the existing walkway of the adjoining building (namely 12-22 Holme Lane). No other alterations to the dimensions, floor layouts or to the external layouts have been shown.

The erection of 6 flats has been previously considered in the pre-application advice stage, prior to the submission of the current and the previously refused application. It was explained at that time that due to the site restrictions, it would be difficult to achieve good living standard for the future occupiers of the development. Notwithstanding this advice, the applicant has submitted the current application.

LOCATION AND PROPOSAL

The site is located within the Hillsborough District Shopping Area to the rear of 12-22 and 12A-22A Holme Lane. It is a small site that was intended to form the car parking and amenity space for the occupiers of 12-22 and 12A-22A Holme Lane as part of a 2006 permission (06/02608/FUL) for the construction of a block of shop units at ground floor with living accommodation at first floor, which has been implemented.

The application site is currently undeveloped land and also backs onto the rear of other building/properties situated on Langsett Road and Hillsborough Road. These are mainly commercial properties with first floor accommodation used for a variety of uses, which may include residential, storage or commercial purposes. No.24 Holme Lane is the only residential property that abuts the site in question and is located to the western side of the site. There is a 3m high brick wall with an additional 1.8m fence on top of the wall, which separates the site from No.24 Holme Lane.

The site is fairly level. Access into it was originally gained from the north side of the site adjoining No.12 Holme Lane. However, the applicant has subsequently removed a unit to the south side of the site, namely at No.22 Holme Lane, to provide a wider access to the rear and to the site in question.

The current application proposes the construction of 6 one-bedroom residential units in a 3-storey block. The plans submitted show a kitchen and living room with bedroom, bathroom and a storage area per unit. There is one main window serving the lounge/kitchen/dining area, which will face the external communal grounds.

The bedroom windows/patio doors and bathroom windows to the ground, first, and second floors will face the rear. A central external stairway is also shown to the front of the building facing south. A total of 4 off-street parking bays are also shown together with a new vehicular and pedestrian access from the south side abutting the boundary shared with No.24 Holme Lane (this entails removal of one of the shop units, namely No.22 Holme Lane, which has already been completed as mentioned above).

It is proposed that the flats be constructed in coursed stone with artstone heads and cills and natural slate for the roof, with UPVC windows and doors, timber fencing enclosing the site where required and tarmac for the car parking areas.

RELEVANT PLANNING HISTORY

12/01244/FUL: Removal/alterations of shop to form a means of vehicular access to 4 new car parking spaces to the rear, alterations to front dormer windows, erection of 1 additional front dormer window and erection of 6 rear dormer windows. This application relates to both the front row of shops at 12-22 and to 12A - 22A Holme Lane and the rear of the site in terms of the car parking.

Approved: 24th August 2012

11/03989/FUL - Erection of 7 x 1 bedroom flats in a three-storey block with rooms in roofspace and associated works to form vehicular access. The application was refused on 13.04.2012.

06/02608/FUL- Conversion, alterations and extensions of 5 A1/A3 units to form 1 A3 unit with new shop front, alterations to form 6 flats and 1 office above and 6 front dormer windows, alterations to existing external extraction flue, erection of rear pedestrian access and patio area and associated parking (In accordance with amended description and amended plans received 10.08.2006) was granted conditionally on 10.10.2006.

SUMMARY OF REPRESENTATIONS

A total of 29 letters of representation have been received of which one is an objection and the remaining 28 are letters of support.

The objector raises the following issues:

- Overcrowding in terms of people and flats in such a confined space;
- Insufficient parking;
- Upheaval caused by the development.

The letters of support consist of:

- 1 letter from the applicant Mr James Holmes;
- 16 letters from properties that immediately abut the site - 8 of these are from tenants of the applicant and 1 letter is from the landlord who owns some of

the properties within the vicinity of the site. A further letter has been received from the previous owner of the site.

- 8 from properties in close proximity to the site
- 3 from properties not located within Hillsborough
- 1 petition containing 5 signatures

All the above letters support the development and have highlighted that the area is run down and the proposed development will improve a derelict site.

PLANNING ASSESSMENT

Policy Issues

The National Planning Policy Framework (NPPF) was published on 27th March 2012. Paragraph 11 of the NPPF confirms that 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. At Paragraph, the NPPF 12 confirms that 'proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'.

Policy S7 (Development in District and Local Shopping Areas) identifies housing as an acceptable use. However this is subject to the provisions of Policy S10 (Conditions on Development in Shopping Areas), which identifies six different criteria that development must comply with. These include not prejudicing the preferred use of land within the policy area, not causing residents of any housing to suffer from unacceptable living conditions, providing where appropriate an environmental buffer, being well designed in a scale and nature appropriate to the site and complying with the policies of the built and green environment.

Policy H5 (Flats, Bed-sitters and Shared Housing) allows the creation of flats, bedsitters and multiple sharing of houses if, amongst other things, a concentration of such uses would not cause serious nuisance to existing residents, living conditions would be satisfactory for occupants of the accommodation and their immediate neighbours and there would be appropriate off street car parking for the needs of the people living there.

Policy BE5 (Building Design and Siting) and CS74 of the Core Strategy (design and siting principles) advises that good design and the use of good quality materials will be expected in all new buildings. It also states that new developments should complement the scale, form and architectural style of surrounding buildings and should be of a human scale wherever possible.

Policy CS26 of the Core Strategy advises a density range this location, being within a District Centre, should be of a range of 50 – 80 dwellings per hectare which is generally acceptable.

Impact on future occupiers of the proposed flats

A key issue in the assessment of this application is the potential overlooking from neighbours of the adjoining flats namely No.12-22 and No.12A-22A Holme Lane. The main concern lies with the proposed configuration and the impact on the living conditions of the future occupiers of the proposed units, in particular the potential loss of privacy from those using the adjacent rear first floor external walkway at No.12-22 and No.12A-22A Holme Lane, having full view into the proposed units and, in particular, into the main living spaces-lounge/dining/kitchen. The agent has acknowledged this and suggested that obscure glazing to the windows in the rear elevation of No.12-22 and No.12A-22A Holme Lane will be provided and has also shown part of the walkway screened alongside the relocation of the external stairs. This is considered unacceptable to the occupiers of No.12-22 and No.12A-22A Holme Lane as it could make the walkway a potentially vulnerable path to take and create an undesirable outlook from the rear windows of flats at No.12-22 & 12A - 22A Holme Lane.

It is also considered that the close proximity between the proposed flats and Nos.12-22 and Nos.12A-22A Holme Lane and the relationship between the two in terms of their position on site, as well as the scale of 12-22 Holme Lane, raises concern about the level of light entering into the main living area of the proposed flats and the overbearing impact upon the proposed units closest to No.12-22 and No.12A-22A Holme Lane, which will cause an unacceptable standard of living. Furthermore, there are concerns with regard to the amount of openings to the main living areas as they have one window to serve the living/dining/kitchen albeit that a secondary small window is proposed in the kitchen, which will face the internal walls of the proposed staircase. Nevertheless, this layout is considered to create a dark outlook for the future occupiers of the proposed units, and fails to provide satisfactory living conditions for future occupiers.

The original concern regarding the outlook from the proposed rear bedroom windows/patio doors onto a large brick wall which measures approximately 3.5m in height has not been addressed in the current application. The distance between the rear wall and the openings of the proposed flats and the proposed/existing brick wall ranges from approximately 0.8m to 3m, which is considered unacceptable, as it will create an unattractive living environment and undesirable living conditions for the future occupiers of the proposed flats and especially the ground flats of the proposed building. (Note: part of the existing boundary to the north-west corner of the site abutting the rear of No.5-7 Middlewood Road and No.5-7 Hillsborough Road will be replacing the existing wall and will be sited further back towards the rear properties No.5-7 Middlewood Road. The new boundary wall will re-connect with the existing brick wall and the height of the existing and proposed wall is approximately 3.5m).

Notwithstanding that a high brick wall separates the proposed building with the properties located to the rear, it is still appropriate to consider the relationship

between existing and proposed buildings. The distances between the properties to the rear of the proposed flats, namely No.'s 1-5 Middlewood Road, are indicated as follows: from the proposed building to No.1 Middlewood Road there is a distance of approximately 7.65m, from the proposed building and to No.3 Middlewood Road there is a distance of approximately 2.35m to the ground floor and 6.6m to the first floor and between the proposed building and No.5 Middlewood Road there is a distance of approximately 3.2m to the ground floor and 6.6m to the first floor. Similarly, the properties located on the west side of the proposed building at 5-7 Hillsborough Road are located approximately 7.7m from the side wall of the proposed building. Such close proximity between buildings is considered to impact on the privacy of both the future and existing occupiers and is also considered unacceptable.

It is worth noting that although the agent has shown a small private gardens/patio area to the ground floor flats, this does not address the original concern with the potential outlook from the bedroom windows for flats at first and second floor which will look out onto the existing large brick wall and onto the rear properties located on Middlewood Road.

Photos have been submitted previously showing the rear of the properties facing the site in question, which illustrate some use of the first floor of buildings located on Middlewood Road, Hillsborough Road and Holme Lane. The site situation has not changed in the last few months. From these photos and a recent site visit there are still reservations regarding the close proximity to these existing buildings and in particular to No.'s 5 and 7 Hillsborough Road, No.'s 1-7 Middlewood Road and No.'s 2-10 Holme Lane. Most of the first floor rooms of these named properties do not seem to be currently residential, but seem to be either vacant or used for storage in connection to the ground floor use. However, with the proposed flats, the potential conversion of these to residential use would be jeopardised by the proposed flats as the distance between these are inadequate to provide sufficient outlook for the occupiers of the proposed flats.

As a result of the size of the building and the size and shape of the plot means that it is not achievable to secure an attractive living environment. As such the revised scheme is still considered to be contrary to the objectives outlined in Policy H5 and S10 of the Sheffield UDP.

Overdevelopment of the site.

Although the agent has reduced the number of units from 7 to 6, it is still considered that it does not overcome the initial concern of overdevelopment of the site.

Policy CS26 of the Core Strategy recommends a density range in a location within a District Centre of between 50 – 80 dwellings per hectare. The red line boundary shown on the submitted plans includes the residential units at 12-22 & 12A-22 A Holme Lane with a site area stated on the application form as being 0.056 hectares. For the six flats within 12-22 & 12A-22 A Holme Lane this would result in a density of 107 dwellings per hectare but adding 6 flats to the site as a result of this proposal would result in 214 dwellings per hectare.

It is acknowledged that small sites such as this will often throw up high densities and the policy states that densities outside the range will be allowed where they achieve good design, reflect the character of an area or protect a sensitive area. However, in this case, the overall development and the impact on the living conditions of the existing occupiers of neighbouring properties and the unsatisfactory conditions for future occupiers of the flats would outweigh the above. It is therefore still considered contrary to Policy CS26 of the Core Strategy.

Design

The proposed flats will be constructed in coursed stone with artstone heads and cills and natural slate for the roof, with the UPVC windows and doors. The area generally entails buildings that are constructed in brick or render with the odd building consisting of a front elevation in stone. The use of stone as the principle material for all the main elevations is not necessarily considered inappropriate in this location and should rather consider the neighbouring buildings and the materials used for them.

With regard to scale, the plans show a reduced scheme in terms of its height, reducing the overall height by 1.7m to be no higher than the front block. However, as a general principle the 'backland' development should be subservient to the main block, especially on such a tight site as this. As such, the principle of the development in terms of its scale is still considered unacceptable and the site should be restored to its approved use to entail green space used as private amenity for the residents of No.12-22 Holme Lane and No.12-22 A Holme Lane which is the approved use of the land (06/02608/FUL).

Accordingly, the proposal is considered unacceptable as the development will not be subservient to the main block and as such, is considered contrary to Policy S10 of the Sheffield UDP and Policy CS74 of the SDF Core Strategy as it should be well designed and of a scale appropriate to the site.

Amenity space

Provision of amenity space has been shown in front of the proposed block of flats; this is presumed to be a shared communal area for the occupants of the proposed flats and the occupants of the existing flats at No.12-22 Holme Lane and No.12-22 A Holme. This will compromise amount of approximately 86sq metres and is sufficient and useable amenity space for both residential blocks. The site was originally approved for a communal amenity space for the residents of 12-22 Holme Lane and 12-22 A Holme Lane, which is the preferred use of the land.

Highways issues

The building has an established vehicular access off Holme Lane at the northern end of the site. However, a new access to the southern side adjoining neighbouring property No.24 Holme Lane creating by removing a shop unit at No.22 Holme Lane has been shown, which is considered acceptable. A total of 4 off-street parking

has been shown and this level of parking is sufficient to serve both buildings given the highly sustainable location with good access to shops and services.

Open Space

Policy H16 requires developers to make contribution to provision or improvement of recreation space in the catchment area. Were the application to have been approved, the developer would have entered into an agreement for a financial contribution for a total of £3,460.8.

Response to representations received

Many of those in support of the application suggested that the application should be supported because the area is run down and the proposed development will improve a derelict site. However, it is the case that the site in question should not be derelict and has been granted permission to be developed as an amenity space and some car parking for the residents at 12-22 Holme Lane, which has been completed. Had this permission been appropriately implemented, the site would not be in such a poor state but would be properly landscaped with a car parking area for the residents of 12-22 Holme Lane.

SUMMARY AND RECOMMENDATION

This application proposes the construction of 6 one-bedroom residential units in a 3-storey block with 4 off-street parking and a communal amenity space.

The site lies within an area designated for Shopping within the Unitary Development Plan and, as such, the principle of residential development is acceptable in accordance with current local planning policy subject to meeting all other relevant policy criteria.

The site in question forms part of a previous planning approval (06/02608/FUL) for the conversion, alteration and extension of 12-22 Holme Lane to create commercial units on the ground floor with 6 flats above and the site actually forms the provision of amenity space and parking for this development. By developing this land with further residential units, it will compromise the original amenity space area that was granted permission.

As set out in the report above, as a result of the size of the building and the restricted size and shape of the plot, it is considered that the proposed development cannot deliver satisfactory living conditions for future occupiers of the flats and is also likely to be detrimental to the amenity of the existing occupiers of neighbouring buildings by virtue of loss of privacy. It is therefore considered contrary to the objectives outlined in Policy H5 and S10 of the Sheffield UDP.

In addition, the combined density of the proposed flats in addition to the flats already on site above the shops that front Holme Lane, which are within the red line boundary of the application, would equate to 214 dwellings per hectare, which significantly exceeds the guidance set out within Policy CS26 of the SDF Core

Strategy of 50-80 dwellings per hectare. Accordingly, the proposal is considered overdevelopment of the site and is contrary to Policy CS26 of the Core Strategy.

Finally, the proposed development is considered unacceptable as the development will not be subservient to the main block and as such, is considered contrary to Policy S10 of the Sheffield UDP and Policy CS74 of the SDF Core Strategy as it should be well designed and of a scale appropriate to the site.

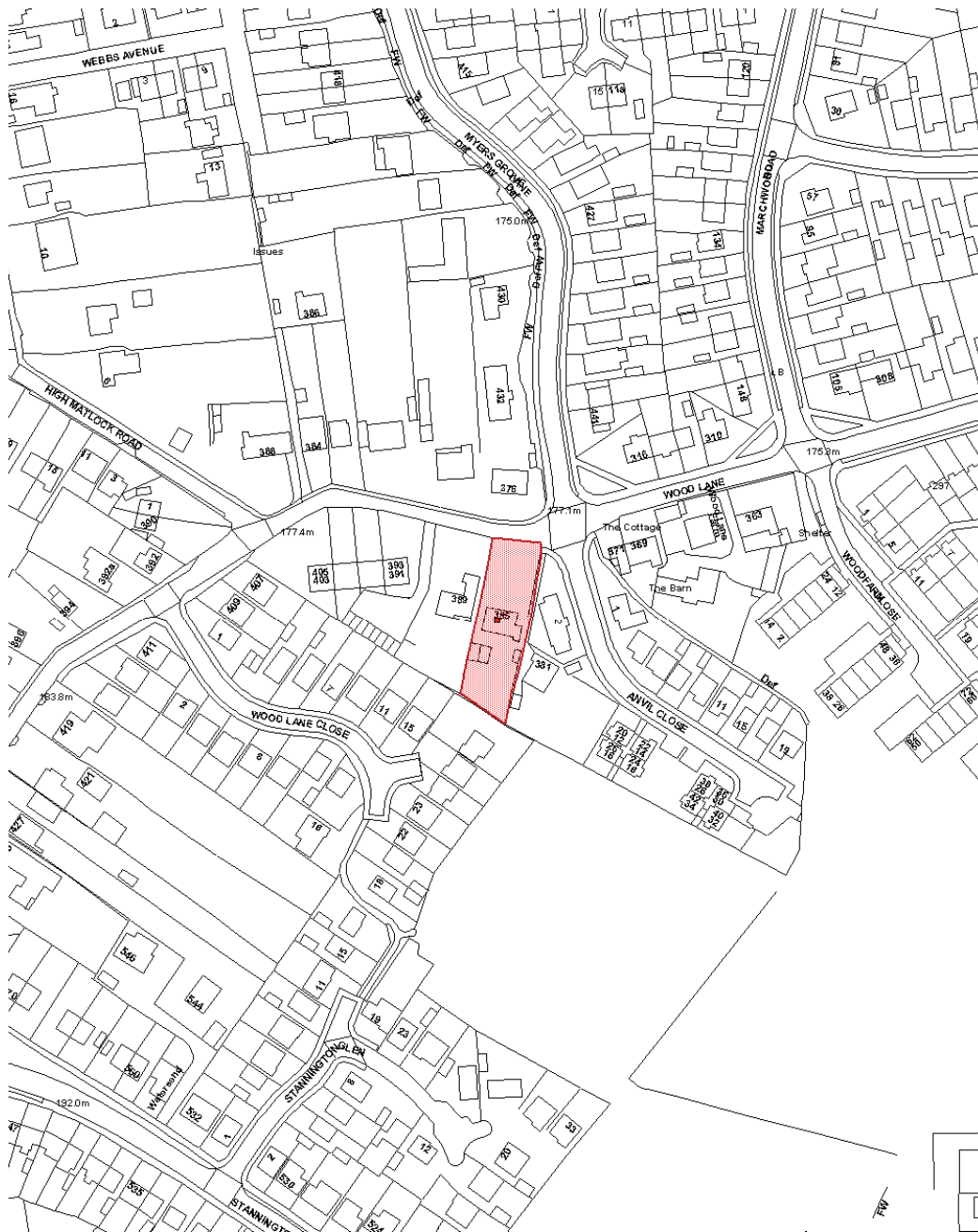
The application is therefore considered contrary to up-to-date planning policy as set out in the report above and in accordance with guidance within the NPPF, is therefore recommended for refusal.

Case Number	12/01239/FUL (Formerly PP-01943575)
Application Type	Full Planning Application
Proposal	Erection of a detached double garage
Location	385 Wood Lane Stannington Sheffield S6 5LR
Date Received	01/05/2012
Team	NORTH & WEST
Applicant/Agent	Andromeda Architecture Ltd
Recommendation	Refuse

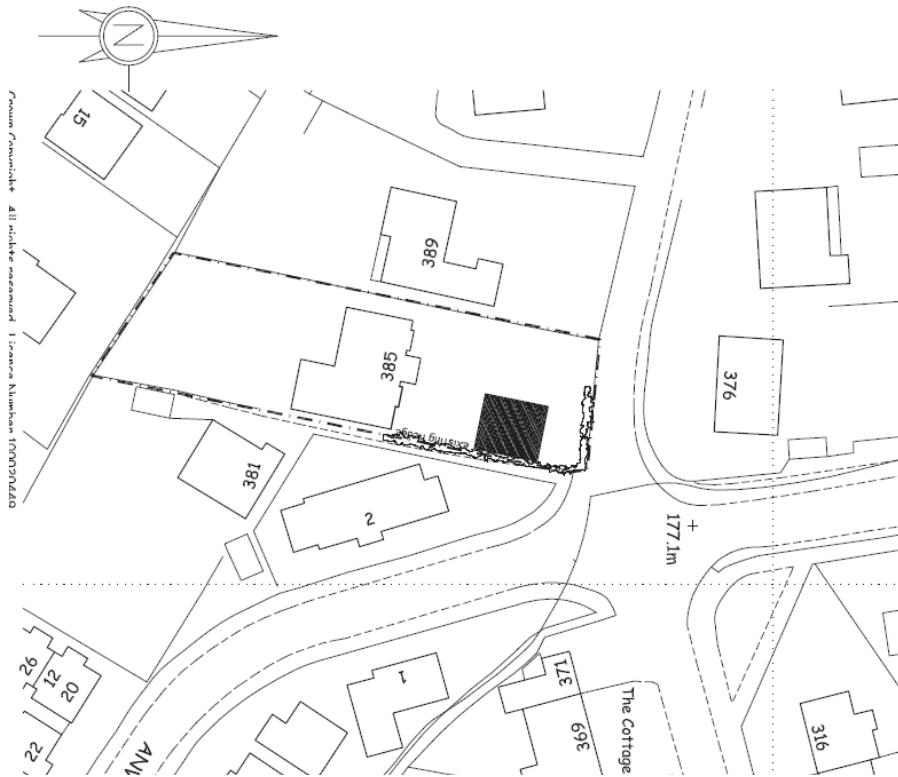
For the following reason(s):

- 1 The Local Planning Authority consider that the design of the proposed garage, by reason of its overall size and siting would be out of keeping with the design of the existing house and would be injurious to the character of the property itself and the street scene. It would therefore be contrary to Policy H14 of the Unitary Development Plan.
- 2 The Local Planning Authority consider that the proposed development would be overbearing in relation to adjoining residential property and would therefore result in an unacceptable affect on the living conditions of occupiers of adjoining property. As such the development would be contrary to Policy H14 of the Unitary Development Plan.

Site Location



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LOCATION AND PROPOSAL

The application relates to a detached dormer bungalow which has been extensively altered and extended in the past. The property is set back approximately 23 metres from Wood Lane and is surrounded by other residential properties.

Planning permission is sought for the erection of a detached double garage located to the front of the property, set back around 5m from the highway. The garage extends to 8 metres in width and 7 metres in depth. It has a pitched roof with an eaves height of approximately 2.4 metres and a ridge height of 4.3 metres. The garage incorporates a double garage door to the west (side) elevation with all other elevations being blank and constructed in brick. It presents a blank side gable to the road frontage.

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

RELEVANT PLANNING HISTORY

The site has been the subject of numerous applications for extensions and alterations.

Of most relevance, planning permission was sought for the 'erection of a garage with ancillary living accommodation above' under application reference 10/01689/FUL. This application was refused in July 2010 as it was considered that

the development would have an adverse impact upon the character and appearance of the area and would be overbearing upon the occupants of the neighbouring property (No.2 Anvil Close). It was also considered that the proposal may give rise to unacceptable levels of overlooking to neighbouring dwellings.

A revised scheme for the 'construction of a detached garage with ancillary accommodation over' was later submitted in October 2010 under application reference 10/03380/FUL. This garage measured 8.5 metres in width x 7 metres in depth x 5.4 metres in height.

This application was refused by the West and North Planning Committee in January 2011 for the following reason:

The Council considers that the development as proposed will result in significant overlooking to the neighbouring property at 2 Anvil Close, causing a loss of privacy to the occupiers of this property. The height of the proposed development would also be overbearing to the occupants of the neighbouring property to the detriment of the living conditions of the neighbouring residents. This is contrary to Policy H14 of the Council's Unitary Development Plan.

The applicant submitted an appeal against this decision, which was dismissed on 31st May 2011. In dismissing the appeal, the Planning Inspector was of the view that the development also had a harmful impact upon the character and appearance of the area. The Inspector did feel that the proposed development by way of its height may be overbearing if the hedge between the two properties were ever to be removed and concluded that even if he were to accept that the hedge would remain, there were no matters to outweigh his concern that the proposal would unacceptably harm the character and appearance of the area and that given the Inspector's reservations about the hedge, the additional harm that could result to the local environment and to the living conditions of the residents of 2 Anvil Close added to his concerns. It was on these grounds that the Inspector dismissed the appeal.

SUMMARY OF REPRESENTATIONS

Bradfield Parish Council has no objections to the proposal provided all planning rules are followed.

The Loxley Valley Protection Society object to the proposed development raising the following points:

- Although the proposed garage is now shown as single storey, it is still a large structure that will dominate the only part of the neighbouring garden at No 2 Anvil Close that is not already over-shadowed by the previous extensions to 385. As such it will seriously affect the amenity of the residents of No 2.
- We are concerned that the size of the garage is out of proportion with the bungalow, and it may be considered out of keeping with the street scene.
- There is space to locate a garage to the right hand side of the plot (when viewed from Wood Lane) which would not interfere or over-shadow any

- neighbouring properties, and this would seem to be a more sensible location.
- We suggest a site visit by Board members in view of the contentious planning history of the site.

A letter has also been received from the occupiers of the neighbouring property. This also objects to the development on the grounds that it would be overbearing and prominent in the street scene.

PLANNING ASSESSMENT

Policy

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area and so needs to be assessed against UDP Policy H14. This sets out:

‘In Housing Areas, new development or change of use will be permitted provided that:

- new buildings and extensions are well designed and would be in scale and character with neighbouring buildings; and
- the site would not be over-developed or deprive residents of light, privacy or security, or cause serious loss of existing garden space which would harm the character of the neighbourhood’

The Supplementary Planning Guidance: Designing House Extensions can also be applied to this proposal. Guideline 5 is concerned with overshadowing and overdominance; and Guideline 6 relates to overlooking and issues of privacy.

Streetscene

The proposed building would be set forward of No.385 and at the closest point would be 5 metres from Wood Lane. This is in a similar position to the previous scheme that was refused and the appeal dismissed. The garage proposed by this application would be 8m x 7m and the roof would have a shallower pitch making the building around 4.3m high. The previously refused proposal measured 8.5m x 7m x 5.4m.

In determining the appeal for the previous application, the Inspector stated that ‘the proposal would result in a very substantial free-standing building in the front garden of the property. Being close to the junction of Wood Lane and Anvil Close, this is a relatively prominent location. Although roadside vegetation and a high boundary hedge exist, this new development would be a dominant feature in the street scene due to its overall size and proximity to the road.’

He went on to state ‘It would have a relatively squat design given its width, its height and the low pitch of the roof’.

Although lower in height, the dimensions of the building now proposed are not considered to be significantly different from the building that was refused planning permission and dismissed on appeal. It is considered that the proposed building would still be prominent within the street scene and given the sizeable, squat nature of the development, would still be harmful to the character and appearance of the area.

In these respects it is considered that the development would be contrary to UDP Policy H14.

Amenity

The proposed building would be close to the boundary with No. 2 Anvil Close at a distance of approximately 1 metre from the boundary. This is a modest bungalow on a corner plot and, at present, a high coniferous hedge forms the boundary between the two properties.

In dealing with the previous appeal, the Inspector was of the view that although identified for retention, should the hedge be removed, the development would have an overbearing impact upon the garden of No.2 Anvil Close and so would be harmful to the amenity of occupiers of this property. The Inspector also considered that whilst he had no reason to believe that the hedge would be removed, he also had no certainty, particularly as the ownership of the property could change in the future. He also noted that conditions relating to the retention of hedges are notoriously difficult to enforce, particularly if they include a requirement for maintenance at such a substantial height.

With this in mind, given that the garage proposed by this application is sited in approximately the same position as the appeal proposal and although slightly lower in height, it is still considered that the proposed development may be overbearing upon occupiers of the neighbouring property were the hedge to be removed.

No windows are proposed within the garage and so the development raises no overlooking issues.

Highways

The proposed garage would be large enough to accommodate two cars and there would be ample room to accommodate several others on the driveway. Accordingly, the proposal raises no highway safety concerns.

SUMMARY AND RECOMMENDATION

Planning permission is sought for the erection of a single storey detached double garage to the front of 385 Wood Lane.

This is a resubmitted scheme with previous applications for a garage with living accommodation above having been refused and an appeal dismissed. This application omits the living accommodation above the garage.

However, the garage proposed by this application would be sited in much the same location as the previously refused schemes and would be of a similar size. It is maintained that the development, by way of its siting, massing and external appearance would have a harmful impact upon the character and appearance of the area and would be contrary to UDP Policy H14.

Concerns also remain that the building, being within 1 metre of the boundary and being over 4 metres in height, would be likely to be overbearing upon the garden of No.2 Anvil Close, thereby having a harmful impact upon the amenity of occupiers of this dwellinghouse. This too would be contrary to UDP Policy H14.

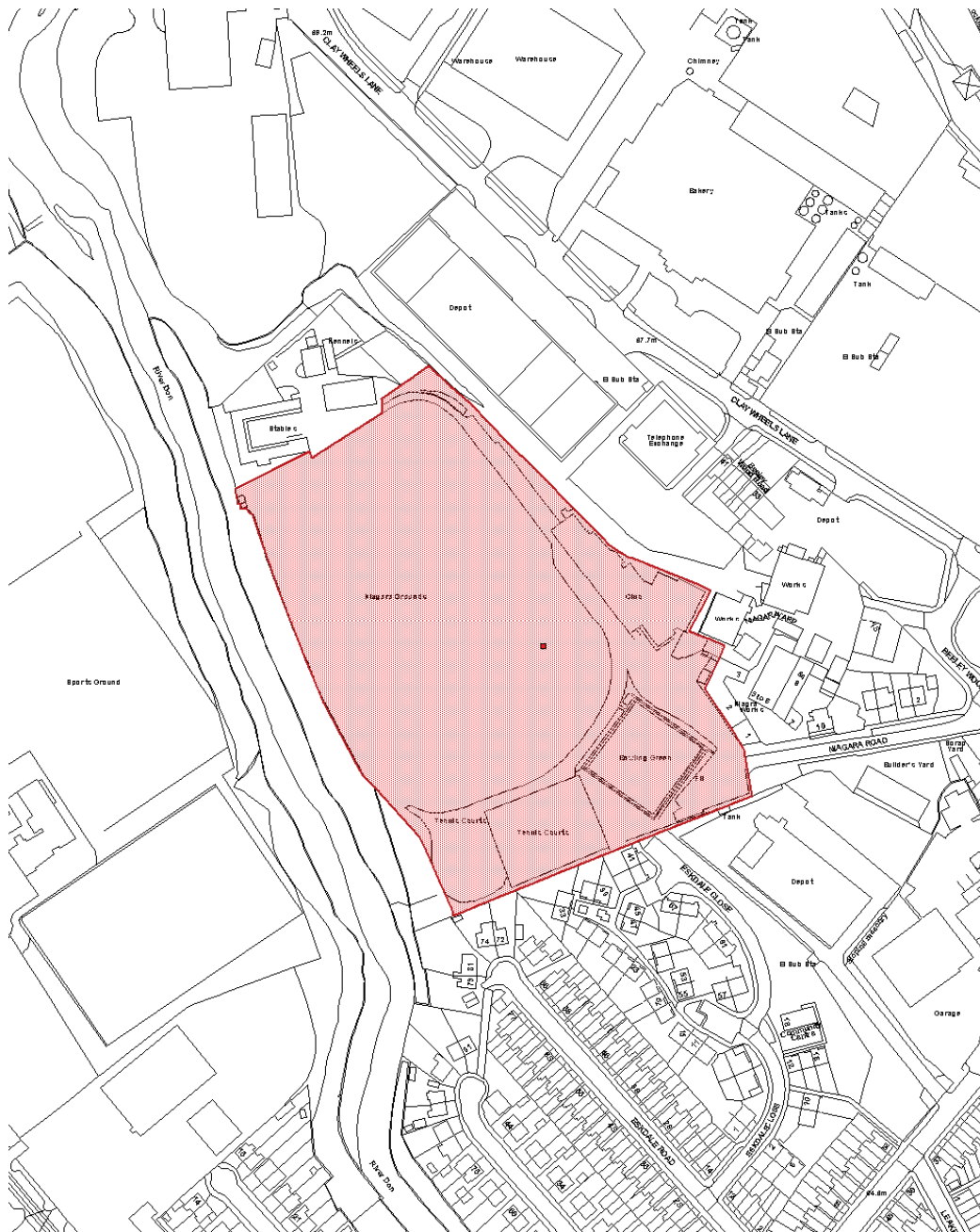
It is therefore recommended that planning permission be refused.

Case Number	12/00448/FUL
Application Type	Full Planning Application
Proposal	Installation of 3G sports pitch with associated removable fencing and floodlights and the erection of a temporary marquee for use during Spring and Summer on the site of the 3G pitch (amended plans received 13.07.2012)
Location	Niagara Grounds Niagara Road Sheffield S6 1LU
Date Received	09/02/2012
Team	NORTH & WEST
Applicant/Agent	SEA Planning Limited
Recommendation	Refuse

For the following reason(s):

- 1 The proposed siting of a temporary marquee will result in the development of open space and the loss of a playing pitch in an area where there is a quantitative shortage of open space and a lack cricket pitch provision. The proposal is therefore contrary to the National Planning Policy Framework and Policy CS47 of the Core Strategy.

Site Location



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LOCATION AND PROPOSAL

The application relates to the sports fields at the South Yorkshire Police Sports and Social Club at the Niagara Grounds on Niagara Road. The Niagara Grounds site is also occupied by a club house, which is used as a conference and leisure facility. In terms of sporting facilities currently offered by the site these include football, rugby, tennis courts and a bowling green.

The site is set at the head of a cul-de-sac and only offers through access to the South Yorkshire Police Dog training facility. In terms of neighbouring properties, there are a mix of uses ranging from residential properties to the south and east and commercial/industrial units to the north and east. To the west is the River Don and beyond this are further formal sports pitches which serve Sheffield Wednesday Football Club Training Ground.

The site is located within an area designated as an Open Space Area in the adopted Unitary Development Plan.

The application put forward for consideration to members is for the erection of a marquee for use between April and September to accommodate an increasing demand for wedding receptions and similar functions. The proposed marquee is to be sited partly over the site where a sports pitch was previously located. The sports pitches shown on the submitted plans are to be moved to accommodate the proposal.

For the purposes of clarity, it should be noted by members that the original submission included the installation of a 3G sports pitch with associated removable fencing and floodlights, which would be available for sporting use outside the April to September period. This element of the application was removed following discussions with Sport England who had concerns at the loss of a natural playing field and its replacement with an artificial surface and that the size of the 3G pitch was dictated by the size of the marquee rather than sporting provision.

RELEVANT PLANNING HISTORY

03/04261/FUL	Alterations and extension to club house including construction of access ramp and provision of additional car parking spaces	WD	06/05/2008
98/00663/FUL	Construction of a veranda and extension to male WC	GC	14/05/1998
88/03306/FUL	Alterations and extension to police dog section building.	GRA	22/11/1988

SUMMARY OF REPRESENTATIONS

There have been no letters of neighbour representation regarding this application.

Sport England are a statutory consultee and have formally objected to the proposal both in its current and previous form on the grounds of loss of sporting provision and the development being contrary to the NPPF. This is considered in more detail in the report below.

PLANNING ASSESSMENT

Policy Considerations

As the site of the marquee will be located within an Open Space Area, there are several layers of policy which are relevant to the consideration of this proposal.

The National Planning Policy Framework states in paragraph 74 that “Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless; a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”

The adopted Sheffield Core Strategy supports and supplements this national policy through Policy CS47 'Safeguarding of Open Space'. This policy states that development of open space will not be permitted where a) it would result in the quantitative shortage of open space in the area or b) it would result in the loss of open space that is of high quality or of heritage, landscape or ecological value or c) people in the local area would be denied easy and safe access to a park or smaller informal open space that is valued or well used by people living or working in the local area; or d) it would cause or increase a break in the city's Green Network.."

The recommended provision of open space (both formal and informal) across the city is 7.02ha per 1000 people. Where there are less than 4ha per 1000 people, this constitutes a quantitative shortage. An open space assessment has been undertaken for the site, which shows that there is a quantitative shortage of both formal and informal open space within the area, with provision being at 2.69ha per 1000 people. In terms of outdoor sport, as part of formal open space provision then the current amount of provision is 0.55ha per 1000 people compared to the recommended standard of 1.12 hectares per 1000. There is clearly a quantitative shortage of general open space within the area, and more particular to this application, formal open space in the form of outdoor sport. This proposal is therefore deemed to affect this further, which is unacceptable and contrary to the criteria a) of policy CS47 of the Core Strategy.

Principle of Applying the Policy

There is a decision to be made as to whether the scheme as proposed constitutes the development of open space given that the marquee will only be in place from April to September and details of ground reinstatement have been provided stating how the land will be restored to grass pitch in the remaining months.

It is acknowledged that the Core Strategy refers to 'development' and that the NPPF refers to 'built on', and that by reason of the temporary nature of the development, it may be considered that these policies do not necessarily apply to the application. However, the proposal can be considered against the provisions of the General Permitted Development Order Part 4, Class B which states that temporary buildings and uses will only be permitted development where, "the use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total...and the provision on the land of any moveable structure for the purposes of the permitted use."

The inference of this is that the subject of the application is not a temporary use and by reason of this and the need to apply for planning permission, the proposal should be considered under the heading, 'development' given the length of time that it will be in situ. Consideration is also given to the 'spirit' behind the policies both at a national and local level, and the belief that the terms used do not necessarily mean that development proposals such as this should not be considered against the policies, when it is clearly the intention that they should.

Loss of Sports Pitches as a Material Consideration

Moving ahead from the policy considerations somewhat, but here for the purposes of clarity; the cricket pitch referred to in this report and in representations from Sport England no longer exists but it has been in use within the last 5 years. In its simplest form, planning has no control over which type of sports pitches exist and which do not. Planning does, however, have control where a development proposal would result in the overall loss of a playing pitch as a direct result of that proposal.

Acceptability in relation to Policy Considerations

The proposed siting of the marquee means that one of the football/rugby pitches will be re-sited over the site of the former cricket wicket in order to allow the marquee to be sited in the preferred location and to allow two appropriately sized football/rugby pitches to be retained on site. Whilst the marquee will be temporary, and the grass beneath could be restored, it is unlikely that the cricket wicket could be so easily restored, due to the wicket already being replaced with rye grass. It is also noted that when the marquee will be removed, it will be outside the cricket season in any case, and to not result in the loss of either a pitch or wicket would require a management decision that the marquee was to be no longer sited in this location. Given the viability argument put forward by the applicant; essentially that the sports pitches run at a loss and the hiring out of the marquee would allow this to be compensated for; it is not considered that there is much likelihood of this occurring.

Sport England, as a statutory consultee, have lodged a formal objection to the proposal on the grounds that the proposal will result in the loss of a sporting facility, namely a cricket pitch, and therefore the development is contrary to the aims of Paragraph 74 of the NPPF.

In support of their objection, Sport England have consulted with the English Cricket Board (ECB) who have stated that prior to the closure of the wicket there were two teams playing at Niagara and that there is an undersupply of pitches and a heavy demand from community clubs which results in the ECB objecting to the removal of a cricket pitch for commercial purposes. The ECB have also commented that they were not consulted by the management of Niagara Sports Ground on the decision to remove the cricket pitch and would have sought to broker a negotiation to ameliorate the economic reasons put forward by the applicant for ceasing to provide the pitch at the site. Sport England also comment that the Yorkshire Cricket Board (YCB) have offered to broker discussions with local clubs to use the facility given the increasing undersupply of pitches in Sheffield.

The objections put forward by Sport England are also, in part, supported by the updated Sheffield Playing Pitch Strategy 2011, which states that through consultation with the ECB and YCB there is a confirmed high demand for cricket in localised areas of Sheffield, particularly in areas such as Pitsmoor and Burngreave where there are a number of unaffiliated teams and leagues where unmet demand has been identified. The playing pitch strategy also reports that junior cricket is very popular and that the YCB reports that clubs are struggling to accommodate all

junior matches during the week. The proximity of the Niagara sports ground to Pitsmoor and Burngreave areas means that whilst the pitches are not immediately adjacent to these areas, they are not necessarily an excessive distance away that would mean that the cricket pitch could not serve these areas.

In conclusion, and turning to the direct requirements of Paragraph 74 of the NPPF the following is noted; that the open space is not surplus to requirements either through a quantitative analysis of open space in the area or through the information presented in the Sheffield Playing Pitch Strategy or indeed through the evidence submitted by Sport England and the ECB/ YCB in relation to cricket demand in the area; that there is no replacement or better provision proposed; nor is the marquee directly sports related and whilst linked through viability, it is not considered to be sufficient justification for the loss of the pitch when the full range of options for increasing viability have not been fully explored. The proposal is therefore considered to be contrary to the National Planning Policy Framework.

In terms of local policy, namely CS47 the development would result in a further quantitative shortage of formal open space in the area and the proposal is therefore contrary to criteria a) of Policy CS47 'Safeguarding Open Space'.

Amenity Implications

Notwithstanding the concerns regarding the open space and pitches, it is not considered that the proposal will have an adverse impact upon the amenity of the neighbouring properties. The main concern in relation to disturbance is the impact upon the residential properties near the site. The Council's Environmental Protection Service has not raised an objection to the proposal subject to the imposition of appropriate conditions regarding noise and the imposition of sound limiters to any amplified sound system and the restriction of amplified or live music to the hours of 09:00 to 23:00 hours.

A premises licence has already been granted for the use and a number of restrictions are in place through this, which address a number of concerns raised from neighbours through the licence application; although the premises licence does allow for longer hours of sound than would be considered appropriate through planning were the proposal to have been supported.

There are no impacts either visually or in terms of privacy or overbearing etc arising as a result of the proposed development.

There are no highways implications arising as a result of the proposed development, as there is adequate parking provision on site.

SUMMARY AND RECOMMENDATION

The proposed marquee is considered to be unacceptable in terms of the loss of open space and a sporting facility and is therefore contrary to the aims of the NPPF and Core strategy Policy CS47a. It is noted that there is a temporary nature to the development and that the open space will not necessarily be lost overall. It is also noted that the cricket pitch is already lost and that there is a viability case

put forward by the applicant, but in applying planning policy, the proposal is considered to be contrary to policy and, on balance, a recommendation is made for refusal.

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