

City Centre, South and East Planning and Highways Committee

Monday 8 April 2013 at 2.00 pm

To be held at the Town Hall, Pinstone Street, Sheffield, S1 2HH

The Press and Public are Welcome to Attend

Membership

Councillors Alan Law (Chair), David Baker, Richard Crowther, Tony Downing, Jayne Dunn, Ibrar Hussain (Deputy Chair), Peter Price, Diana Stimely and Vacancy

Substitute Members

In accordance with the Constitution, Substitute Members may be provided for the above Committee Members as and when required.

PUBLIC ACCESS TO THE MEETING

The areas covered by the City Centre, South and East Planning and Highways Committee, include Arbourthorne, Beauchief, Birley, Dore, Ecclesall, Gleadless, Graves Park, Greenhill, Nether Edge and Totley.

The Committee is responsible for planning applications, Tree Preservation Orders, enforcement action and some highway, footpath, road safety and traffic management issues. It is also responsible for determination of City Centre planning, development of transport matters and strategic development projects affecting the City as a whole.

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk. You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday, or you can ring on telephone no. 2734552. You may not be allowed to see some reports because they contain confidential information. These items are usually marked * on the agenda.

Planning and Highways Committee meetings are normally open to the public but sometimes the Committee may have to discuss an item in private. If this happens, you will be asked to leave. Any private items are normally left until last.

Further information on this or any of the agenda items can be obtained by speaking to Martyn Riley on 0114 273 4008 or email martyn.riley@sheffield.gov.uk.

FACILITIES

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

**CITY CENTRE, SOUTH AND EAST PLANNING AND HIGHWAYS COMMITTEE
AGENDA
8 APRIL 2013**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public.
- 4. Declarations of Interest**
Members to declare any interests they have in the business to be considered at the meeting.
- 5. Minutes of Previous Meeting**
Minutes of the meeting of the Committee held on 18 March 2013.
- 6. Site Visit**
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee.
- 7. Applications Under Various Acts/Regulations**
Report of the Director of Development Services.
- 8. Record of Planning Appeal Submissions and Decisions**
Report of the Director of Development Services.
- 9. Date of Next Meeting**
The next meeting of the Committee will be held on 29 April 2013.

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

New standards arrangements were introduced by the Localism Act 2011. The new regime made changes to the way that members' interests are registered and declared.

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

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

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

You **must**:

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

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

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

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

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.
- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) -
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Under the Council's Code of Conduct, members must act in accordance with the Seven Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership), including the principle of honesty, which says that 'holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest'.

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

You have a personal interest where –

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

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously, and has been published on the Council's website as a downloadable document at [-http://councillors.sheffield.gov.uk/councillors/register-of-councillors-interests](http://councillors.sheffield.gov.uk/councillors/register-of-councillors-interests)

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

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

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

Further advice can be obtained from Lynne Bird, Director of Legal Services on 0114 2734018 or email lynne.bird@sheffield.gov.uk

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SHEFFIELD CITY COUNCIL

City Centre, South and East Planning and Highways Committee

Meeting held 18 March 2013

PRESENT: Councillors Alan Law (Chair), Richard Crowther, Tony Downing, Jayne Dunn and Peter Price

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillor David Baker and his nominated substitute Councillor Andrew Sangar. Apologies were also received from Councillor Ibrar Hussain and Diana Stimely, but no substitutes were provided.

2. COUNCILLOR JANICE SIDEBOTTOM

2.1 The Chair (Councillor Alan Law), referred to the recent death of Councillor Janice Sidebottom. Tribute was paid in respect of her being an extremely good and valued planning Member, who took her role on the Committee very seriously. He stated that Janice's views on planning matters were respected by all Members of the Committee and that she would be sadly missed.

3. EXCLUSION OF PUBLIC AND PRESS

3.1 No items were identified where resolutions may be moved to exclude the public and press.

4. DECLARATIONS OF INTEREST

4.1 There were no declarations of interest.

5. MINUTES OF PREVIOUS MEETING

5.1 The minutes of the meeting of the Committee held on 25 February 2013, were approved as a correct record.

6. SITE VISIT

6.1 **RESOLVED:** That the Director of Development Services, in liaison with the Chair, be authorised to make arrangements for a site visit on Thursday 4th April 2013, in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

7. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

7.1 **RESOLVED:** That (a) the applications now submitted for permission to

develop land under the Town and Country Planning Act 1990 and the Regulations made thereunder and for consent under the Town and Country Planning (Control of Advertisements) Regulations 1989, be decided, granted or refused as stated in the report to this Committee for this date in respect of Dore and Totley Tennis Club (Case No. 13/00285/FUL) and other applications considered be amended as in the minutes of this meeting, and the requisite notices issued; the granting of any permission or consent shall not constitute approval, permission or consent by this Committee or the Council for any other purpose;

(b) having noted an amended description to include the Use Class for the proposed development and the additional representations, as detailed in a supplementary report circulated at the meeting, an application for planning permission for alterations to two self-contained flats to form 3 self-contained flats (Use Class C3) at 102A and 102B Harcourt Road (Case No. 13/00249/FUL) be granted, conditionally, subject to additional conditions in respect of (i) a requirement for the applicant to submit full details for the bin store, including material samples to the Local Planning Authority for approval and (ii) all redundant accesses being permanently Stopped-Up and reinstated to kerb and footway, all as detailed in the aforementioned supplementary report;

(c) having noted the officer's amended reason for refusal and the additional representations, as detailed in a supplementary report circulated at the hearing, an application for planning permission for alterations to a car showroom including installation of roller shutters for use as additional bays to the repair garage/MOT testing centre, rendering of the building and erection of a 1.8 metre boundary wall (retrospective application) at the Meersbrook Garage, 1 to 7 Meersbrook Road (Case No. 13/00177/FUL), be refused in accordance with the reason, as detailed in the report now submitted, subject to the substitution of the words "the restricted dimensions of the site, and the impact the 1.8m boundary wall has upon visibility" for the words "and the restricted dimensions of the site" within the reason for refusal;

(d) notwithstanding the officer's recommendation, an application for planning permission for the provision of one internally illuminated double sided projecting sign and vinyl logo adverts applied internally to a first-floor window at 1 Crookes Road (Case No. 13/00170/ADV) be granted, as the Committee considered that the signage was not intrusive in the Broomhill Conservation Area and was in keeping with other signage on adjacent buildings and, as such, was not considered contrary to Policy BE13 of the Unitary Development Plan; and

(e) an application for planning permission for erection of 84 dwellings and associated infrastructure, including improvements to the existing site access, provision of internal access roads and creation of new open space area/links at site of Castle Centre North Site, Granville

Road (Case No. 12/03953/FUL) be granted, subject to (i) (A) (1) Condition 9 being amended with the addition of the words "This shall include final details of the design (including furniture and play features) and the future management and maintenance of the open space area located between Units 36 and 39" after the words "development is commenced" and (2) Condition 13 being amended with the addition of the words "and/or cycleway (the path)" after the words "pedestrian footpath", (B) additional conditions in respect of (1) the design of the side elevations at units 4, 35, 38, 39, 58 and 61, (2) a construction management plan, (3) the trees, vegetation and the rock outcrop in the south west corner of the site in front of units 39 to 43 and (4) garden levels and retaining wall structures/boundary treatments to the elevations facing Granville Street and Granville Road, and (C) an additional directive advising the applicant in respect of window openings to units 4, 35, 38, 39, 58 and 61, all as detailed in a supplementary report circulated at the meeting and (ii) the completion of a Legal Agreement.

8. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 8.1 The Committee received and noted a report of the Director of Development Services detailing (a) planning appeals recently submitted to the Secretary of State and (b) the outcome of recent planning appeals along with a summary of the reasons given by the Secretary of State in his decision.

9. DATE OF NEXT MEETING

- 9.1 It was noted that the next meeting of the Committee will be held on Monday, 8 April, 2013 at 2.00 pm at the Town Hall.

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SHEFFIELD CITY COUNCIL
City Centre South and East Planning and Highways
Committee

Report of: Director of Development Services

Date: 08/04/2013

Subject: Applications under various acts/regulations

Author of Report: Lucy Bond and Chris Heeley 2734218

Summary:

Reasons for Recommendations

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

Recommendations:

Background Papers:

Category of Report: OPEN

Application No.	Location	Page No.
13/00412/FUL (Formerly PP-02449930)	17 Fielder Mews Sheffield S5 6GY	13
13/00284/FUL (Formerly PP-02424048)	Friends Meeting House 12 Hartshead Sheffield S1 2EL	20

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To the City Centre and East Planning and Highways Committee
Date Of Meeting: 08/04/2013

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	13/00412/FUL (Formerly PP-02449930)
Application Type	Full Planning Application
Proposal	Retention of single-storey rear extension to dwellinghouse
Location	17 Fielder Mews Sheffield S5 6GY
Date Received	07/02/2013
Team	City Centre and East
Applicant/Agent	Plans For Extensions Ltd - Mr N Fieldhouse
Recommendation	Refuse with Enforcement Action

Subject to:

- 1 The Local Planning Authority consider that the extension as built is overbearing in relation to adjoining residential property resulting in an unacceptable affect on the living conditions of neighbouring occupiers. As such the extension is contrary to Policy H14 of the Unitary Development Plan and Guideline 5 of the Supplementary Planning Guidance on Designing House Extensions
- 2 The Local Planning Authority consider that the extension as built represents an overdevelopment of the application site leaving very little usable garden space, to the detriment of the character of the area and amenities of occupiers of the application property. As such the extension is contrary to Policy H14 of the Unitary Development Plan and Guideline 4 of the Supplementary Planning Guidance on Designing House Extensions.

Attention is drawn to the following directives:

1. The Director of Development Services or Head of Planning has been authorised to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the single storey extension within 3 months of the date of this decision. The Local Planning Authority will be writing separately on this matter.
2. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, based on seeking solutions to problems arising in relation to dealing with a planning application, this application - for the retention of a single storey rear extension was submitted without the applicant having entered into meaningful pre-application discussions about the planning policy (or policies) that apply to the proposal and - has shown insufficient regard for those policy requirement(s), so it has not been possible to reach an agreed solution in this case.

Site Location



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LOCATION AND PROPOSAL

The application relates to a modern brick built end terraced property sited on a small plot of land on Fielder Mews, a residential road located within a Housing Policy Area as defined by the UDP. The immediate area is characterised by similar modern terraced /semi detached properties and apartment blocks which were all built around 5-6 years ago.

The application seeks approval for the retention of a single storey extension which has recently been completed to the rear of 17 Fielder Mews.

RELEVANT PLANNING HISTORY

05/01216/FUL: Erection of 10 dwellings and 24 flats. GC 31.05.05.

In 2012 the Council received an enforcement enquiry concerning ongoing building works at the application property. The site was inspected and the extension was found to be in excess of Permitted Development criteria. This application has been submitted in response to the enforcement enquiry to regularise the extension as built.

SUMMARY OF REPRESENTATIONS

There have been no representations regarding this application

PLANNING ASSESSMENT

Policy Issues

The application property is sited within a Housing Policy Area as defined by the UDP.

Within Housing Policy Areas, Policy H14 'Conditions on Development in Housing Areas' allows new development provided that extensions are well designed and in scale and character with neighbouring buildings and that the site would not be overdeveloped, deprive residents of light or cause serious loss of garden space which would harm the character of a neighbourhood.

Weight is also given to guidelines stated within the adopted Supplementary Planning Guidance on Designing House Extensions. This explains in more detail how UDP policy will be put into practice.

Guideline 4 of the SPG states that overdevelopment of a house plot with extensions that leave little garden space will not be permitted. The SPG states that in most circumstances a garden of 50 square metres is the minimum size for a two or more bedroom house and that any extensions which reduce garden areas below this size are unlikely to be considered acceptable.

Guideline 5 of the SPG states that the unreasonable overshadowing and over dominance of neighbouring dwellings should be avoided. In view of this guidance indicates that a single storey extension built adjacent to another dwelling may not extend more than 3m beyond that other dwelling.

Assessment

The single storey rear extension, as built, projects out 6m from the original rear elevation of the property and extends across its entire rear elevation up to both side boundaries of the property. The extension which is brick built to match the appearance of the original property has been designed with solid side walls and a flat roofline.

As built the rear extension at 17 Fielder Mews projects out 3m further than that permitted by the approved SPG (and current Permitted Development Regulation Limits) and occupies approximately 60% of the original small rear garden of the property leaving just 20 square metres of usable garden space. It is noted that this space has been further reduced by the erection of a garden shed.

The adjoining property at 15 Fielder Mews has its rear elevation in line with the original rear elevation of the application property. This property has not been extended and the extension, which has an overall height of 2.5m, projects out 6m along its boundary line creating an overbearing structure which impacts on outlook from its rear facing windows which are in close proximity to the built extension. This is considered detrimental to the residential amenities of occupiers of this neighbouring property. It is noted that due to the relative orientation of the application property to the north side of 15 Fielder Mews that the proposal does not cause any loss of direct sunlight to the rear of this neighbouring property.

To the other side the rear elevation of 19 Fielder Mews is sited with its rear elevation 2m back from that of the application property resulting in the extension projecting 8m beyond the rear wall of this neighbouring property. The impact on this property is however reduced as the two dwelling are separated by a 1.5m wide path which gives rear access to other neighbouring property.

The applicant has indicated that the extension was built this size following the Government's announcement in 2012 that Permitted Development rules were to be relaxed. The Government proposals have been subject to a lengthy consultation process and the final details of any relaxation to Permitted Development regulations have not yet been announced. In view of this the Council must enforce the current regulations and our approved planning policy and SPG.

In light of this officers maintain that the extension as built represents an overdevelopment of the application site leaving hardly any usable garden space, in direct conflict with guideline 4 of approved SPG and causes unreasonable overdominance of neighbouring property contrary to Guideline 5 of the SPG

ENFORCEMENT

As this application seeks permission to retain an extension that has already been constructed, if Members agree to the decision recommended in this report, enforcement action will be required to remedy the situation.

SUMMARY AND RECOMMENDATION

The application seeks retrospective permission to retain a single storey extension to the rear of 17 Fielder Mews a modern end terraced property.

The size and scale of the extension as built is considered detrimental to both the residential amenities of neighbouring occupiers due to its overbearing impact and general character of the area due to its excessive size. The extension also impacts on the residential amenities of occupiers of the application property due to the reduction of rear garden space to below accepted levels.

Consequently the application is considered to be contrary to Policy H14 of the UDP and guidelines 4 and 5 of the approved SPG – Designing House Extensions.

It is recommended the extension as built be refused planning permission and that enforcement action be taken to secure its removal within 3 months of the date of this decision.

It is therefore requested that the Director of Development Services or Head of Planning be authorised to take any appropriate action, including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised extension within 3 months of the date of this decision.

Case Number	13/00284/FUL (Formerly PP-02424048)
Application Type	Full Planning Application
Proposal	Conversion of building to 6 x 3 bed flats (use class C4) and 4 x 2 bed flats and alterations to elevations to include new windows
Location	Friends Meeting House 12 Hartshead Sheffield S1 2EL
Date Received	29/01/2013
Team	City Centre and East
Applicant/Agent	DLP Planning Ltd
Recommendation	Grant conditionally subject to the completion of a Legal Agreement

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 plan reference
Red line/blue line application site plan received 1/3/13
Site Plan ref: EJW382-PP/SP Rev B
Proposed elevations: EJW382-PP/PE rev A
Proposed GF Plan: EJW382-PP/G1 rev C
First Floor Plan: EJW382-PP/F1 rev A
Second Floor Plan; Ejjw382-PP/S2

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, 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 The Development shall not be used unless the cycle parking accommodation as shown on the approved plans has been provided in accordance with those plans and, thereafter, such cycle parking accommodation shall be retained.

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

- 5 The residential accommodation hereby permitted shall not be occupied unless a scheme of sound attenuation works has been installed and thereafter retained. Such scheme of works shall:
- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey,
 - b) Include a scheme of sound insulation measures to the Dove and Rainbow public house which are based on an approved noise survey of the application site, including a schedule of works,
 - c) Be capable of achieving the following noise levels:
Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours),
Living Rooms: Noise Rating Curve NR35 (0700 to 2300 hours),
(Noise Rating Curves should be measured as a 15 minute linear Leq at the octave band centre frequencies 31.5 kHz to 8 kHz),
 - d) Include a system of alternative acoustically treated ventilation to all habitable rooms.

Before the scheme of sound attenuation works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority.

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

- 6 Before the residential accommodation is occupied, a Validation Test of the sound attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Test shall:
- a) Be carried out in accordance with an approved method statement.
 - b) Demonstrate that the specified noise levels have been achieved.

In the event that the specified noise levels have not been achieved, then notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

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

- 7 No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how the following will be provided:
- a) a minimum of 10% of the predicted energy needs of the of the completed development being obtained from decentralised and renewable or low carbon energy; and

Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources shall have been installed before any part of the development is occupied and a post-installation report shall have been submitted to an approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS65.

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:

S2 - Development of Frontages in the City Centre's Retail Core
S3 - Development in the Central Shopping Core
S10 - Conditions on Development in Shopping Areas
 BE16 - Development in Conservation Areas
H16 - Open Space in New Housing Developments
CS17 - City Centre Quarters
CS27 - Housing in the City Centre
CS41 - Creating Mixed Communities
CS63 - Responses to Climate Change
CS64 - Climate Change, Resources and Sustainable Design of Developments
CS65 - Renewable Energy and Carbon Reduction
CS74 - Design Principles

Overall it is considered that the development complies with the relevant policies and proposals in the development plan, and would not give rise to any unacceptable consequences to the environment, community or other public interests of acknowledged importance.

The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

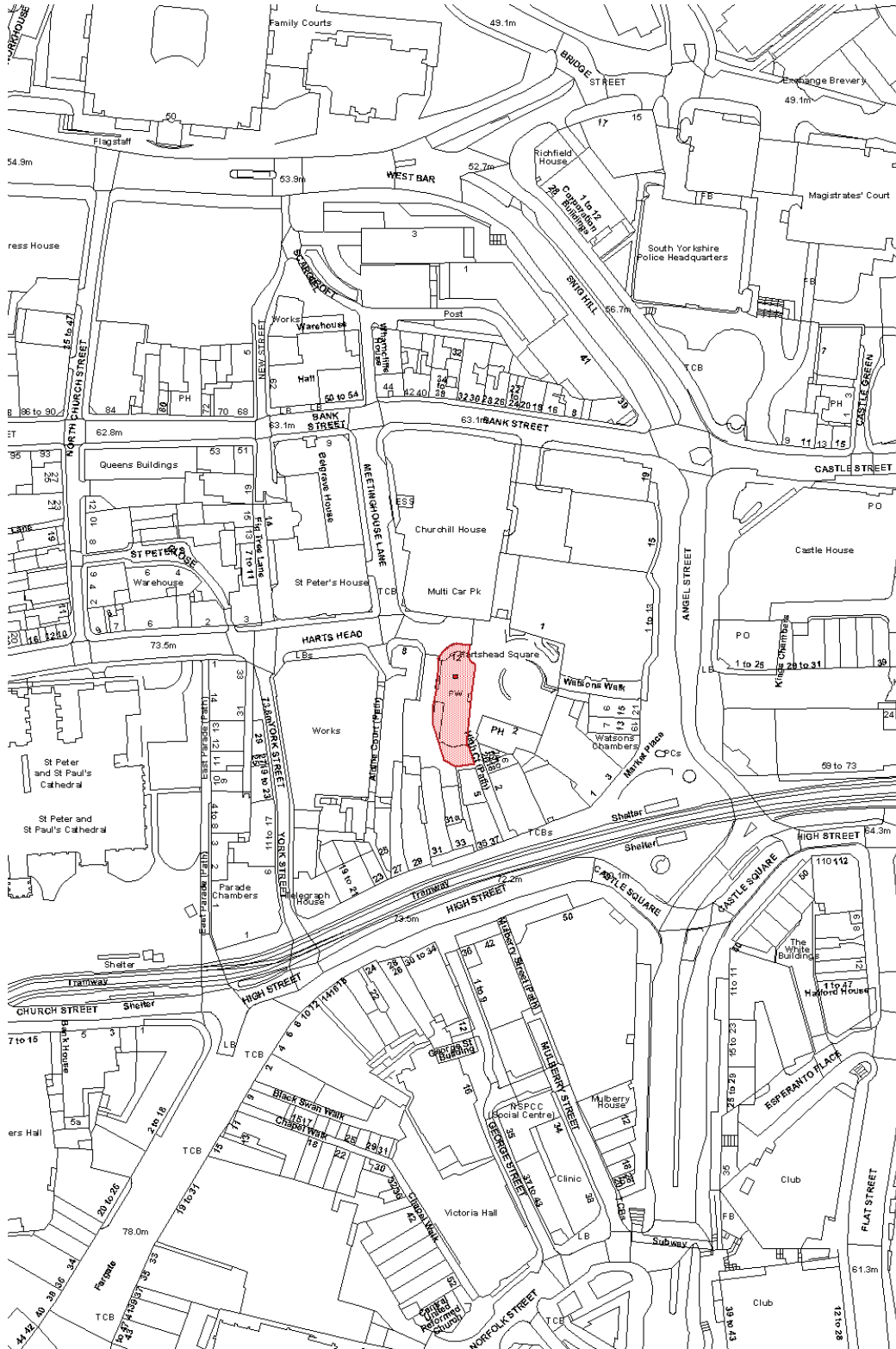
This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report at www.sheffield.gov.uk/planningonline or by calling the planning officer, contact details are at the top of this notice.

Attention is drawn to the following directives:

1. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at www.sheffield.gov.uk/planning or apply online at www.planningportal.gov.uk. The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.

For Listed Building Consent and Conservation Area Consent applications an application for confirmation of compliance with planning conditions is still required but there is no fee.

Site Location



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LOCATION AND PROPOSAL

This application seeks permission to change the use of the Friends Meeting House which is a now vacant former place of worship which fronts Hartshead Square in the city centre. The application site is a two/three storey largely red brick building with vertically proportioned windows. The building's primary frontage is onto Hartshead Square where the main entrance to the building is also taken from. The building also has a curved frontage to Harts Head and the rear elevation faces a car parking area/service yard which serves properties fronting High Street.

The locality is mixed in character. To the north is multi storey car park adjoining which is an office block. To the east within Hartshead Square are two public Houses (The Bankers Draft and The Dove and Rainbow) which occupy the lower floors of the 5/6 storey commercial buildings which enclose the Square. Hartshead Square itself is a hard surfaced pedestrianised public square which can be accessed from Harts Head, High Court and Watson's Walk.

The application site is in the allocated Central Shopping Area and falls within the City Centre Conservation Area.

It is proposed to convert the building to residential accommodation by installing a new floor within the structure to provide 6 x 3 bedroom flats (use class C4) and 4 x 2 bedroom flats over three floors. The only external alterations proposed are the replacement of the existing windows with modern frames and enhanced glazing specifications.

RELEVANT PLANNING HISTORY

03/00700/FUL - Alterations to form new entrance doors and summer doors and provision of access ramp for disabled – Refused.

07/02983/CHU - Use of building for food and drink purposes within Use class A3 (restaurant and café) or Use Class A4 (drinking establishment). – Granted Conditionally.

10/02324/FULR - Use of building for food and drink purposes within Use Class A3 (restaurant and cafe) or Use Class A4 (drinking establishment) (Application to extend time limit for implementation imposed by application 07/02983/CHU) – Granted Conditionally.

10/02874/CHU - Use of building for Use Class D1 (Community Facilities and Institutions) – Granted Conditionally

12/01466/CHU - Use of part of building as music venue (Use Class D2) – Granted

SUMMARY OF REPRESENTATIONS

94 letters of objection, largely from customers of the Dove and Rainbow and the Landlady of the same public house and 1 letter of support have been received to this application, the issues are summarised as follows:

In objection

- Residents will suffer from noise and disturbance from live music played at the Dove and Rainbow.
- Noise complaints from new residents would lead to noise restrictions being imposed on the public house which would force it to close.
- Loss of a live music venue.
- There is adequate student housing provision elsewhere in the city centre.
- Inappropriate location for residential development in a leisure and commercial area.
- The development is located in close proximity to two busy public houses.
- Hartshead Square should remain as a tranquil space away from the hustle and bustle of the city centre.
- Loss of pub business will affect the viability of the area.
- The Dove and Rainbow has a local, regional and national reputation a live music venue.
- The area is not suitable for residential accommodation and the building would be better used for retail, office or entertainment uses.
- Poor living environment for residents.
- Building could be used for storage/rehearsal space or sleeping quarters for bands playing at the Dove and Rainbow.
- Student accommodation would bring more traffic to the area.
- The Dove and Rainbow has a licence until 2am and 3 am on the weekend.
- The Dove and Rainbow would not be viable without live music.
- Glazing specifications and entrance doors of the Dove and Rainbow would need to be improved acoustically.
- Regardless of noise insulation measures the noise outside the property cannot be mitigated.
- There is frequent late night early morning noise from the emptying of bins and service deliveries to various buildings in the square, including the public houses.
- The venue helps to bring revenue into the city.

In support

- The development will provide jobs.
- The proposal will renovate a disused building and help create a better trading environment for the whole area.

PLANNING ASSESSMENT

Policy Issues

The application site is in the Central Shopping Area as defined in the adopted Sheffield Unitary Development Plan (UDP). Policy S3 'Development in the Central Shopping Area' identifies preferred acceptable and unacceptable uses in the policy Area. Retail (A1), Offices used by the public (A2), Food and drink uses (A3 and A5) and Residential uses (C3) are all identified by policy S3 as preferred uses of land in the shopping area.

Policy S2 of the UDP defines the city centre retail core frontages where only A1, A2 and A3 uses are considered acceptable at ground floor level. The site lies outside of the defined core frontages and as such housing development is considered acceptable at ground floor level in accordance with policy S3.

The site lies within the Cathedral Quarter,

Policy CS27 of the Core Strategy relates to housing in the city centre and part i) of the policy specifically identifies the Cathedral Quarter as an area of the city where and expansion of city centre living will be encouraged to include a mix of tenures and sizes of unit that will form part of a mix of uses within the Cathedral Quarter. Policy CS17 'City Centre Quarters' part b) identifies The Cathedral Quarter as the main professional, legal and financial district, however it will be strengthened by the introduction of a richer mix of uses including residential, leisure and retail.

The building is currently vacant and has been for a number of years, the site is in a sustainable location for residential development and the proposed conversion is considered to bring a vacant building which has stood empty for an extended period back into active use. In light of the above the conversion of the building to residential accommodation is considered acceptable in principle subject to the provision of other UDP policies.

Shared Housing Dominance

Policy CS41 'Creating Mixed Communities' seeks to encourage a mix of housing that will meet a range of needs, Part (d) of the policy seeks to limit the amount of purpose built student accommodation and shared housing where a community is already imbalanced by a concentration of such uses or where the development would create an imbalance. The objectives of Part (d) of the policy will be achieved by limiting the amount of shared housing where more than 20% of residences within 200 metres of the site are shared housing. The current concentration of shared housing within 200 metres of application site stands at 30% which is currently in breach of the CS41. The current concentration of shared housing in the area is largely due to the very limited number of residential properties currently in the area. The proposed scheme would result in only a 1% increase in the shared housing concentration (31%). The scheme however includes four two bed units and as such there is considered to be an appropriate mix of accommodation in this scheme. The site is located in close proximity to the Sheffield Hallam University campus, is within the city centre with excellent access to public transport links, as

such the site is a sustainable choice for both students and private housing. The scheme will also refurbish and reuse a vacant building which is prominently located within Hartshead Square. It is therefore concluded that there is sufficient justification in this instance to support the principle of development despite it being contrary to Policy CS41.

Design Issues

Policy S10 seeks to ensure that new buildings are well designed and of a scale and nature appropriate to the site. Policy CS74 of the Core Strategy requires high quality development that enhances the distinctive features of the city, the townscape and character of the quarters with their associated scale, layout built form, building styles and materials. Policy BE16 Development in Conservation Area's also seeks to ensure that new development would preserve and enhance the character and appearance of the Conservation Area. The proposed external alterations to the building are considered minimal, and involve the replacement of the existing window frames with new modern aluminium frames and provision of a bin and cycle storage area within the enclosed rear yard area of the building. The proposed alterations are not considered to detrimentally affect the character and appearance of the building or the appearance of the City Centre Conservation Area and as such comply with Policies S10, BE16 and CS74.

Noise and Amenity Issues.

Policy S10 'Conditions on Development in Shopping Areas' p[art (b) seeks to ensure that new development or changes of use would not cause residents to suffer from unacceptable living conditions including noise pollution.

The application site is located in close proximity to an established public House 'The Dove and Rainbow' which has a live and recorded music license until 2am Monday to Thursday and 3am Friday and Saturdays. There are other commercial and licensed premises in the locality, however the primary source of noise which could affect the amenity of future residents is considered to be the noise generated by live music in the evening and night time from the established operations of the Dove and Rainbow public house.

The applicant has undertaken a noise assessment which demonstrates that the main noise sources through the day were plant noise from adjoining buildings and road noise from the supertram and vehicles accessing the adjoining multi store car park at Harts Head. The noise assessment was undertaken during the day and an evening when live music was being played in the Dove and Rainbow. The assessment identified that music from the adjacent public house (Dove and Rainbow) was clearly audible inside the application site during the evening time with the windows of the existing building closed.

The noise assessment identifies that the Council's noise standards (40db daytime and 30db nighttime) could be met with enhanced insulation of the structure and improved glazing specifications. However the noise report also identified that despite these improvements residents could still be affected by the low frequency (bass tones) noise generated from live and recorded music played at the Dove and

Rainbow. As such following discussions with the Council's Environmental Protection Services (EPS) the applicants have proposed an enhanced glazing specification which includes retention of the existing glazing and installation of secondary acoustic double glazing units which are expected to reduce noise levels to meet the requirement of the best practice guide, subject to validation testing, these measures are considered to provide acceptable living conditions for residents.

Following the submission of the Original noise report the applicant has proposed to deal with noise at source. The applicants are the freehold owners of the Dove and Rainbow pub which is leased to a pub operator and then sub leased to the current landlady. As such the applicant has the ability as owner of the building to carry out works to attenuate the noise at source. The applicants have entered into negotiations with the current occupants of the Dove and Rainbow and are proposing to install two internal acoustic lobbies over the entrance doors to the premises to minimise noise breakout from customers entering and exiting the premises. Secondary glazing to the existing single glazed window openings is also proposed. Other works to improve the insulation properties of walls and floors may also form part of a scheme of noise attenuation, in addition to modifications to the in house sound system. Dealing with the noise at source may result in a reduction to the required glazing specifications for the friends meeting house. However a further noise survey will need to be undertaken to confirm the extent of noise attenuation that will be required, details of which will be secured by planning condition. Subject to the above, the combination of noise attenuation at source and enhanced glazed specifications is considered to satisfactorily mitigate noise and disturbance associated with live music played in the premises and will allow the pub to continue to operate as a live music venue without restriction, it will also secure acceptable living conditions for future occupants of the proposed scheme.

Attendant street noise from customers entering and exiting the public house and potentially customers smoking outside the Dove and Rainbow have also been addressed by the applicant through amendments to the internal layout of the flats. The most sensitive ground floor bedrooms spaces located in the closest proximity to the pub entrance have been moved to the rear of the building overlooking the car park area, and replaced with shared living/kitchen space which will now face Hartshead Square. These amendments are considered to improve living conditions for future residents.

In light of the above and subject to conditions requiring the noise mitigation measures to be installed at source, the installation of enhanced glazing specifications in the application site, and the amendments to the layout of the flats the proposal is considered to provide acceptable living conditions for future residents and not unacceptably constrain the operations of the existing public house. The proposal therefore complies with policy S10.

Acceptable outlook, natural lighting and living conditions are provided for all residents, a small area of outside amenity space is also provided to the rear of the premises.

Sustainability

Policies CS63, 64 and 65 of the CS set out the Council's approach to sustainable development. Policy CS65 requires 10% of the development's energy needs to be generated by a decentralised and renewable or low carbon technology, the applicant has indicated that solar panels or air source heat pumps will be installed to meet the requirements of policy CS65. As this scheme is for the change of use/conversion of the building the applicant is not required to comply with policy CS64 which usually requires residential developments of 5 dwellings or more to be constructed to accord with Code for Sustainable Homes level 3. The proposal is therefore considered acceptable and accords with policy CS65.

Open space

Policy H16 of the Unitary Development Plan requires that the developer make a financial contribution towards the provision or enhancement of public open space within a kilometre of the application site.

The City Centre Living Strategy (CCLS) also advises that developers will be expected to make a financial contribution to the City Council towards the provision or enhancement of open space in the city centre or provide appropriate publicly accessible open space as part of their development which would complement the city centre open space strategy.

Under the terms of Policy H16 of the UDP and the CCLS an open space contribution of £19,425.80 is required which the applicant has agreed to pay in three instalments.

Public Art

Policy BE12 encourages public art where it would be readily seen by the public and integral to the design of major developments. There is an established piece of public art in Hartshead Square and very little opportunity to provide any additional art on site. As such the applicants has agreed to provide a financial contribution of £1500 towards the Women of Steel, which will be secured by a legal agreement.

Highways Issues

The site is considered to be in sustainable location in the city centre close to existing shopping and public transport facilities including the supertram. Secure covered cycle parking is to be provided within the yard area of the building and as such the proposal is considered acceptable from a highways perspective.

RESPONSE TO REPRESENTATIONS

Concerns have been raised with regard to early morning waste collection and deliveries to premises within Hartshead Square and the impact this would have on the amenity of future residents. The enhanced glazing specifications will minimise noise disturbance from these operations. The site is located in the city centre where the same level of amenity cannot be expected as suburban areas and the

operations of commercial activities sit alongside established and new residential uses. Should waste collection and servicing become an amenity issue, EPS can take action to ensure that collections and deliveries take place at reasonable times to minimise disturbance.

Alternative uses have been suggested for the building. It is a commercial decision for the applicant to determine which proposals they put forward for the consideration of the Local Planning Authority.

All other issues are covered in the main body of the report.

SUMMARY AND RECOMMENDATION

This application seeks permission to convert the Friends Meeting House a vacant former place of worship fronting Hartshead Square into, to 6 x 3 bedroom flats (use class C4) and 4 x 2 bedroom flats.

The application site is located in the Central Shopping Area, outside of the defined retail core frontages where residential uses are considered a preferred use of land, as such the principle of the use of the premises as flats is considered to comply policies S2 and S3 of the UDP and CS17 and CS27 of the CS. The building has remained vacant for a number of years despite various different proposals being put forward for consideration including community and entertainment uses.

It is acknowledged that the application is contrary to Policy CS41(d) of the Core Strategy, which relates to creating mixed communities, which is to be achieved by limiting the forms of housing types where more than 20% of residences within 200 metres of the application site. Current concentration of shared housing within 200 metres of the site is 30% largely due to the very limited amount of housing currently in the area. The proposed scheme would result in only a 1% increase in the shared housing concentration (31%). The scheme however includes four two bed units and as such there is considered to be an appropriate mix of accommodation in this scheme. The site is located in close proximity to the Sheffield Hallam University campus, is within the city centre with excellent access to public transport links, as such the site is a sustainable choice for both students and private housing. The scheme will also refurbish and reuse a vacant building which is prominently located within Hartshead Square. It is therefore concluded that there is sufficient justification in this instance to support the principle of development despite it being contrary to Policy CS41.

Minimal external alterations to the building are required to accommodate the development. A new floor will be inserted internally, new windows will be installed and the building will generally be refurbished. The proposal is therefore not considered to give rise to any design issues or affect the appearance of the conservation area.

The site is located in close proximity to an established late night live music venue. However noise mitigation measures which include enhanced glazing specifications and insulation to the building, and mitigation at the noise source (Dove and Rainbow) which include new sound lobbies and enhanced glazing are considered

to attenuate any noise and disturbance issues. Amendments to the layout of the scheme to move some ground floor flats to rear of the building away from the public house are also proposed and will further enhance the living conditions of future residents.

With regard to sustainability the applicant has confirmed a commitment to provide 10% of the development's energy requirements from a decentralised renewable or low carbon energy source.

A financial contribution of £19,425.80 towards open space in the City Centre and a contribution of £1,500 towards public art in the City Centre have been secured by way of a section 106 agreement.

In light of the above the proposed development is considered to comply with Core Strategy Policies CS17,27,41,63,64,65 and 74 and UDP Policies S2, S3, S10, BE16 and H16 and it is recommended that planning permission is granted conditionally and subject to the signing of a legal agreement.

Heads of Terms

The Owners shall pay to the Council the sum of £19,425.80 towards open space payable in the following instalments:

On or before the commencement of any development [within the meaning of clause 2.2] the sum of £6,425.26.

Within 6 months of the commencement of development [within the meaning of clause 2.2] or prior to first occupation of the development, whichever is the earlier the sum of £6,475.26

Within 12 months of the commencement of development [within the meaning of clause 2.2] or prior to first occupation of the development, whichever is the earlier the sum of £6,475.26

Within 12 months of the commencement of development or prior to first occupation of the development whichever is the earlier the Owners shall pay the Council the sum of £1,500 towards the provision of public art in the City Centre.



SHEFFIELD CITY COUNCIL **City Centre, South and East** **Planning & Highways** **Committee**

Report of: Director of Development Services

Date: 8 April 2013

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Claire Woods 0114 2734219

Summary:

List of all newly submitted planning appeals and decisions received, together with a brief summary of the Inspector's reason for the decision

Reasons for Recommendations

Recommendations:

To Note

Background Papers:

Category of Report: OPEN

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DEVELOPMENT SERVICES

REPORT TO CITY CENTRE,
SOUTH & EAST PLANNING &
HIGHWAYS COMMITTEE
8 April 2013

1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

This report provides a schedule of all newly submitted planning appeals and decisions received, together with a brief summary of the Secretary of State's reasons for the decisions.

2.0 NEW APPEALS RECEIVED

An appeal has been submitted to the Secretary of State against the decision of the City Council to refused planning permission at its meeting held on 4th February 2013, for the replacement of wooden windows with uPVC (retrospective application) at 24 Ashgate Road (Case No 12/04013/FUL).

3.0 RECOMMENDATIONS

That the report be noted

David Caulfield
Head of Planning

8 April 2013

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