

City Centre, South and East Planning and Highways Committee

Monday 11 June 2012 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 Councillors Alan Law (Chair), David Baker, Tony Downing, Jayne Dunn, Adam Hurst, Ibrar Hussain, Peter Price, Nikki Sharpe, Janice Sidebottom and Diana Stimely

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
11 JUNE 2012**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence from Members of the Committee**
- 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. Appointment of Deputy Chair**
To appoint a Deputy Chair for the Municipal Year 2012/13.
- 6. Minutes of Previous Meeting**
Minutes of the meeting of the Committee held on 16th and 21st May, 2012.
- 7. Site Visit**
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 8. Applications Under Various Acts/Regulations**
Report of the Director of Development Services
- 9. Enforcement of Planning Control**
 - a) 20a Clarkehouse Road
Report of Director of Development Services

 - b) 1 to 12 Summerfield
Report of Director of Development Services
- 10. Record of Planning Appeal Submissions and Decisions**
Report of the Director of Development Services

The next meeting of the City Centre, South and East Planning & Highways Committee will be held on Monday 2nd July, 2012, at 2 pm in the Town Hall.

ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

You will have a **personal interest** in a matter if it relates to an interest that you have already registered on the Register of Interests; relates to an interest that should be registered but you have not yet done so; or affects your well-being or financial position or that of members of your family or your close associates, to a greater extent than it would affect the majority of people in the ward affected by the decision.

The definition of family is very wide and includes a partner, step-relations, and in-laws. A “close associate” is someone whom a reasonable member of the public might think you would be prepared to favour or disadvantage.

If you have a personal interest you must: declare the existence and nature of the interest at the beginning of the meeting, before it is discussed or as soon as it becomes apparent to you; but you can remain in the meeting, speak and vote on the matter unless the personal interest is also prejudicial.

However, in certain circumstances you may have an **exemption** which means that you might not have to declare your interest.

- You will have an exemption where your interest arises solely from your membership of or position of control/management in a body to which you have been appointed or nominated by the authority; and/or a body exercising functions of a public nature (e.g. another local authority).

In these exceptional cases, provided that you do not have a **prejudicial interest** you only need to declare your interest if you intend to speak on the matter.

- You will have an exemption if your personal interest is simply having received a gift or hospitality over £25 which you registered more than 3 years ago.

When will a personal interest also be prejudicial?

Your personal interest will also be prejudicial if a member of the public who knows the relevant facts would reasonably think the personal interest is so significant that it is likely to prejudice your judgement of the public interest; and

- i. either the matter affects your financial position or the financial position of any person or body through whom you have a personal interest. For example, an application for grant funding to a body on your register of interests or a contract between the authority and that body; or
- ii. the matter relates to the determining of any approval, consent, licence, permission or registration that affects you or any relevant person or body with which you have a personal interest. For example, considering a planning or licensing application made by you or a body on your register of interests.

Exemptions: You will not have a prejudicial interest if the matter relates to:

- i. the Council's housing functions – if you hold a lease or tenancy with the Council, provided that the matter under consideration is not your own lease or tenancy;
- ii. school meals, transport or travel expenses – if you are the parent or guardian of a child of school age, provided that the matter under consideration is not the school the child attends;
- iii. statutory sick pay;
- iv. Members' allowances;
- v. ceremonial honours for Members; or
- vi. setting the Council Tax.

If you have a prejudicial interest, you must:

- (a) Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you.
- (b) Leave the room unless members of the public are allowed to make representations, give evidence or answer questions about the matter. If that is the case, you can also attend to make representations, give evidence or answer questions about the matter.
- (c) Once you have finished making representations, answering questions etc., you must leave the room. You cannot stay in the room whilst the matter is being discussed neither can you remain in the public gallery to observe the vote on the matter. In addition, you must not seek to improperly influence a decision about the matter.

FURTHER INFORMATION

If at all possible, you should try to identify any potential interest you may have before the meeting so that you and the person you ask for advice can fully consider all the circumstances before reaching a conclusion on what action you should take.

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 16th May 2012

PRESENT: Councillors David Baker, Tony Downing, Jayne Dunn, Adam Hurst, Ibrar Hussain, Alan Law, Peter Price, Nikki Sharpe, Janice Sidebottom and Nikki Sharpe

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1. **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

2. **APPOINTMENT OF CHAIR**

RESOLVED: That Councillor Alan Law be appointed Chair of the Committee.

3. **DAY AND TIME OF MEETINGS**

RESOLVED: That meetings of the Committee be held on Monday 21st May 2012 and every three weeks thereafter at 2.00pm.

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CITY CENTRE, SOUTH AND EAST PLANNING AND HIGHWAYS COMMITTEE

Meeting held 21st May 2012

PRESENT: Councillors Alan Law (Chair), David Baker, Tony Downing, Adam Hurst, Ibrar Hussain, Nikki Sharpe, Janice Sidebottom and Diana Stimely

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1. WELCOME AND HOUSEKEEPING ARRANGEMENTS

- 1.1 The Chair welcomed members of the public to the meeting and the basic housekeeping and fire safety arrangements were outlined.

2. EXCLUSION OF PRESS AND PUBLIC

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

3. APOLOGIES FOR ABSENCE

- 3.1 Apologies for absence were received from Councillors Jayne Dunn and Peter Price.

4. DECLARATIONS OF INTEREST

- 4.1 There were no declarations of interest

5. MINUTES OF LAST MEETING

- 5.1 The minutes of the meeting of the Committee held on 30th April, 2012 were approved as a correct record.

7. SITE VISIT

- 7.1 RESOLVED: That the Director of Development Services, in liaison with the Chair, be authorised to make arrangements for a site visit on Thursday, 7th June, 2012 at 10.00 a.m. in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

8. PROPOSED CYCLE TRACK CONVERSION ORDER LINKING ROTHERHAM ROAD, JAMES WALTON DRIVE AND OLD LANE, HALFWAY

- 8.1 The Director of Development Services submitted a report containing proposals for the conversion of a footpath linking Rotherham Road, James Walton Drive and Old Lane, Halfway to a shared foot/cycle path and to implement the widened path if and when the required Order for the conversion was confirmed.

8.2 **RESOLVED:** That (a) the Director of Legal Services be authorised to (a) take all necessary action under the powers contained within Section 3 of the Cycle Tracks Act 1984 to make a Cycle Track Conversion Order for the footpath shown in Appendix B, subject to satisfactory arrangements being made with Statutory Undertakers;

(b) confirm the Order as an Unopposed Order, in the event of no objections being received or any objections received being resolved; and

(c) submit the Order to the Secretary of State for confirmation if there are one or more sustained objections.

9. **APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS**

RESOLVED: That the application now submitted for outline planning permission to erect a detached dwellinghouse and garage within the curtilage of 35 Greenhill Main Road and Meadowhead Avenue (Case No. 11/03524/OUT (formerly PP - 1682343) be deferred, pending a visit of inspection being made to the site.

10. **ENFORCEMENT OF PLANNING CONTROL:44 ASHLAND ROAD**

10.1 The Director of Development Services submitted a report referring to the outcome of investigations into a complaint received by the Council regarding the laying of a concrete hardstanding at 44 Ashland Road which was within the Nether Edge Conservation where owners of properties in the Conservation Area had had certain permitted development rights removed. In response to the complaint, the Director of Development services had written to the owners of 44 Ashland Road informing them that there were no permitted development rights to lay concrete in the zone between the dwellings' front elevation and the back of the footpath, and since the new surfacing in this zone was laid without planning permission it was unauthorised.

10.2 During the investigation, it had also been noted that a consent to remove trees (granted under 09/01610/TCA) had included a condition requiring the planting of four heavy standard size replacement trees and that, whilst the trees had been removed, no replacement trees had been provided and the requirement to do so was, therefore, pointed out within correspondence sent to the property owners.

10.3 In light of the lack of progress to remedy unsatisfactory appearance of the concrete hard standing and its failure to preserve or enhance the character of the Conservation Area, the failure to adhere to a planning condition requiring the replacement of removed trees, the Director's report set out an assessment of the options available to the Council with respect to the enforcement action on the matter.

10.4 **RESOLVED:** That the Director of Development Services or Head of Planning be authorised to take all necessary steps, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the

unauthorised concrete hard standing between the back edge of the footpath and a position level with the front elevation of the dwelling, and replacement with a suitable alternative, and to require the planting of four suitable replacement trees within the curtilage of 44 Ashland Road.

11. RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

- 11.1 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.

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REPORT TO CITY CENTRE SOUTH AND EAST PLANNING DATE 11/06/2012
AND HIGHWAYS COMMITTEE

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

Chris Heeley

Tel No: 0114 2736329

Lucy Bond

Tel No: 0114 2734556

AREA(S) AFFECTED

**CATEGORY OF
REPORT**

OPEN

Application No.	Location	Page No.
12/01335/FUL	The York 243 - 247 Fulwood Road Sheffield S10 3BA	5
12/01285/FUL	Tiger Works 136 West Street City Centre Sheffield S1 4ES	13
12/01060/FUL (Formerly PP-01919507)	Tiger Works 136 West Street City Centre Sheffield S1 4ES	20
12/00777/OUT	Curtilage Of 44 Greenhill Main Road Sheffield S8 7RD	30
11/03524/OUT (Formerly PP-01682343)	Curtilage Of 35 Greenhill Main Road And Meadowhead Avenue Sheffield S8 7RB	48

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To The CITY CENTRE AND EAST Planning And Highways Committee
Date Of Meeting: 11/06/2012

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.

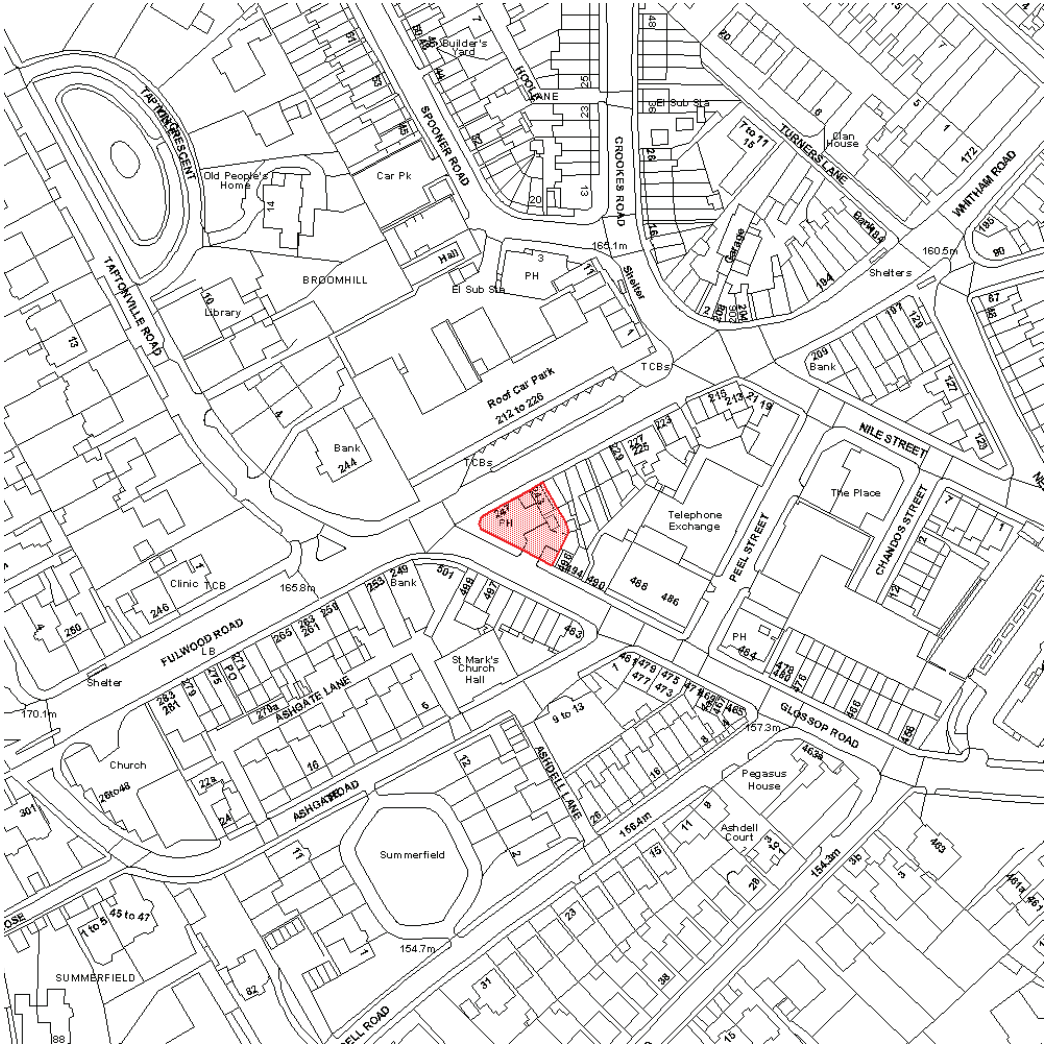
Case Number	12/01335/FUL
Application Type	Full Planning Application
Proposal	Application to extend opening hours of the public house to 0900 hours to 0000 hours on Sunday to Thursday and 0900 hours to 0100 hours on Fridays, Saturdays and Sundays before bank holidays (Application under Section 73 to vary condition 7 as imposed by planning permission 10/00672/FUL - Alterations and single-storey rear extension to public house, alterations to first and second floors for use as 3 self-contained flats, provision of bin store, cycle store, smoking shelter, decked area, fume extraction system and beer garden (As amended 07/04/10)
Location	The York 243 - 247 Fulwood Road Sheffield S10 3BA
Date Received	23/04/2012
Team	SOUTH
Applicant/Agent	DLP Planning Ltd
Recommendation	Refuse

For the following reason(s):

- 1 The Local Planning Authority consider that the proposed extended opening hours would be detrimental to the amenities of occupiers of flats above and opposite the public house owing to the noise and general disturbance

resulting from associated external activity late at night. The proposal is therefore contrary to Policy S10(b) of the Unitary Development Plan.

Site Location



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LOCATION AND PROPOSAL

The application relates to 'The York' public house at the junction of Fulwood Road and Glossop Road in the Broomhill District Shopping Centre (DSC).

The building was originally a public house with the landlord's living accommodation over. The public house was extended and the upper floors were converted for use as 3 rented flats (5, 6 and 7 bedrooms, respectively) approximately 2 years ago.

Due to concerns about residential amenity for occupiers of the flats above the public house, it was considered necessary to restrict the opening hours of both the public house and its beer garden. The permitted opening hours are 0900 – 2330 hours (Sundays – Thursdays) and 0900 – 0030 hours (Fridays and Saturdays). The use of the beer garden, external terrace and smoking shelter for eating or drinking is only permitted until 2130 hours daily.

The application seeks to increase the opening hours to 0900 hours – midnight (Sundays – Thursdays) and 0900 – 0100 hours (Fridays, Saturdays and the Sundays before Bank Holidays).

RELEVANT PLANNING HISTORY

An application to extend the opening hours to 0900 – 0030 hours (Sundays – Thursdays) and 0900 – 0130 hours (Fridays, Saturdays and the Sundays before Bank Holidays) was refused planning permission in September 2011 (ref 11/02280/FUL). The reason for refusal was:

'The Local Planning Authority consider that the proposed extended opening hours would be detrimental to the amenities of occupiers of flats above and opposite the public house owing to the noise and general disturbance resulting from associated external activity late at night. The proposal is therefore contrary to Policy S10(b) of the Unitary Development Plan.'

Planning permission for alterations and a single storey extension to the public house, provision of a bin store, cycle store, smoking shelter, raised deck and beer garden, together with the alterations to form 3 flats was granted in April 2010 (ref 10/00672/FUL). The planning permission has been fully implemented. Prior to this planning permission, there had been no restrictions on the hours of use.

Prior to that, permission for alterations and extensions and extending the public house use into No243 Fulwood Road was granted in 1995 (ref 95/01768/FUL). The permission prevented use of the rear yard area as a beer garden in the interests of traffic safety and general amenity.

SUMMARY OF REPRESENTATIONS

Broomhill Action Neighbourhood Group (BANG) has commented on the proposal. The comments are summarised below:

- BANG has been in dialogue with The York since planning permission for extended opening hours was refused (11/02280/FUL) which has enabled consideration of how residents concerns could be addressed
- The York is an asset to the DSC but popular late night venues have a down side for residents – owner and manager have shown that they understand this issue and agree that ambience is different in Broomhill to that surrounding The Forum (in same ownership) in Division Street. Neither The York nor BANG want to see experiences of city centre replicated at Broomhill
- main concern is continually disrupted sleep due to late night street noise with detrimental impact on sustainability of neighbourhood – many doctors, nurses and teachers in area have to be up early for demanding jobs
- anxious to ensure a lengthy quiet period after pubs and restaurants close – this allows noise nuisance associated with fast food outlets to be tackled as a separate issue, de-coupled from pub/restaurant hours
- The York have explained that extra half hour opening will allow existing clients who have typically eaten meals to linger longer – not intended to attract additional late night drinkers. Assurances given that there will be no late night drinks promotions and pricing policy will deter drinkers ‘pre-loading’ prior to nightclubbing. BANG have requested a ‘winding down’ period to avoid a party atmosphere, including turning music down/off
- BANG acknowledges that local opinion is divided and many residents remain worried that other pubs will be encouraged to open later if The York extends its hours. Also acknowledge that the difference in management of the York and other establishments may not be ‘planning matters’
- Any possibility of reinforcing assurances given by the York through planning conditions would be welcome

A resident in Ashdell Road has written to confirm support for BANG’s comments.

4 residents (Caxton Road, Parkers Road, Newbould Lane and Chesterwood Drive) object to the proposals:

- close proximity of late-night opening pubs and takeaways to domestic accommodation in the neighbourhood already creates significant disturbance to residents – don’t want the restrictions to be relaxed further – Broomhill is not the same as Division St and should not be allowed to become so
- The York is a good pub and restaurant and an asset to Broomhill, but do not want to lengthen the ‘drinking evening’ in what is still a residential neighbourhood
- allowing later opening will make it very difficult to refuse similar requests from other pubs
- also objects to 0900 opening – do we really need to drink alcohol at that hour in Broomhill? and other cafes etc offering breakfast do not need the competition – if we wish to prevent Broomhill becoming an arid zone of letting agencies, pubs, take-aways and charity shops, we need to foster conditions in which other businesses - such as family-friendly cafes - can thrive

- have enjoyed living in Broomhill for 30 years which has had a reasonable balance of youth and maturity – all night entertainment provided for youth in the city centre but equally essential to ensure a successful residential climate for all in our suburbs – application represents a blurring of suburban and city centre functions. Extending hours will push balance from residential to entertainment; extend noise disturbance including to flats above the York itself; extend noise disturbance specifically to Newbould Lane as clients return to their cars; and exacerbate parking problems for residents returning home in the evening e.g. from cinema
- suggested hours are out of keeping with the neighbourhood – there are many establishments within two miles which close late and can satisfy those who wish to party late into the night

PLANNING ASSESSMENT

Land Use Policy

The proposals have no implications for land use policy and will have no impact on the make up of the Broomhill District Shopping Centre (DSC).

Consideration is restricted to determining whether the proposed extended opening hours would result in unacceptable living conditions for local residents or be unacceptably detrimental to the character or appearance of the Broomhill Conservation Area.

Conservation Area

The Broomhill Conservation Area was designated on the basis of the built environment rather than the general ambience. There is no provision in national or local conservation policies for weight to be attached to the impact of proposals that may alter behaviour in an area. Consequently, there is no conflict with conservation policies in the Unitary Development Plan (UDP), the Sheffield Development Framework (SDF) Core Strategy or the adopted Broomhill Conservation Management Proposals.

Residential Amenity

UDP Policy S10(b) (Conditions on Development in Shopping Areas) permits new development or change of use provided that it would, amongst other things, 'not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions, including air pollution, noise, other nuisance or risk to health or safety.'

It is accepted that the York is a long established public house that had no planning restrictions on the hours of use prior to April 2010. The York had previously operated until 2330 (Sun-Thurs) and midnight (Sat/Sun). The only planning restriction prior to 2010 was the preclusion of the use of the rear yard as a beer garden.

In considering the original application for planning permission (ref 10/00672/FUL) it was deemed necessary to restrict the hours of use in order to adequately protect the living conditions of future occupiers of the new independent flats above the public house. Officers had recommended that the hours were restricted to 0900 – 2330 hours (Mon-Sat) and 0900 – 2300 hours (Sun/Public Holidays) with no use of the beer garden, external terrace and smoking shelter after 21:30 hours. The recommended hours were consistent with those normally applied to similar premises. Members agreed to permit later closing (2330 (Sun-Thurs) and 0030 (Fri/Sat)) having regard to representation from the applicant and to reflect the hours operated by the nearby Fox & Duck public house.

In considering the subsequent application to extend the hours of opening to 0030 hours (Sundays – Thursdays) and 0130 hours (Fridays, Saturdays and the Sundays before Bank Holidays), Members agreed that the opening hours would be inconsistent with the current opening hours of other public houses in the area and detrimental to residential amenity. Planning permission was refused accordingly.

In support of the current application, the applicant considers that the later hours would “ensure that the business is able to compete with other similar businesses in the area and provide a service that will ensure the vibrancy of this District Centre is maintained.”

The applicant also draws attention to later opening hours specified in the relevant Premises Licences for the 5 public houses in the surrounding area (Fox & Duck, The Place, Broomhill Tavern, South Sea and Nottingham House). The current Premises Licence for the York (August 2010) permits opening between 0900 and 2330 (Sun-Thurs) and 0900 and 0030 (Fri/Sat).

Licensing hours are imposed under non-planning legislation and are not an indication that planning permission should be granted. In support of the 2010 application, the applicant had shown that only the Fox & Duck actually opened beyond 2330 hours (and only until 0030 Fri/Sat). This situation has not changed. It is accepted that 4 of the 5 public houses listed could open later without the need for planning permission. However, they are not currently opening later than the current restrictions at the York and lack of planning controls over these premises does not set a planning precedent.

It should be noted that The Place has previously had planning permission for later opening (0030) refused on amenity grounds (ref 06/01337/FUL). Permission has also been refused for siting of external tables at The Place (07/03006/FUL). A subsequent appeal was dismissed.

The applicant draws attention to late night opening at Thyme Café (490-492 Glossop Road) (permitted until 0000 hours) and Balti King (216 Fulwood Road) (no planning restrictions). Again, these uses do not set a precedent for The York.

A relatively recent appeal decision (ref 10/02135/FUL) in respect of Oasis Pizza (204 Whitham Road) is relevant, albeit not connected with a public house use. The appeal related to proposals to extend the permitted opening hours from midnight to 0300 hours (0100 on Sundays).

A key point in the appeal Inspector's decision was significant weight being given to the resulting vehicular and pedestrian activity immediately below the flat over the appeal premises during the early hours of the morning (including the coming and going of customers, congregation of people outside the building, high-spirited behaviour, loud conversations and the arrival and departure of vehicles, including taxis and vehicles associated with the food delivery service). Concern was also expressed about noise within the building, (raised voices, cooking and cleaning operations and odour extraction equipment would add to noise levels). It was concluded that these activities would severely disrupt the occupiers of the flat during the early hours of the morning when they are likely to be sleeping, and especially so during warm weather when windows would probably be open.

The Inspector also found that the later opening hours would increase activity at the appeal premises and within the DSC generally during the early hours. As a consequence, it was acknowledged that there would be some increase in activity in the surrounding neighbourhood during this period as people, predominantly on foot, made their way home. However, it was considered that the dispersal of pedestrians throughout this extensive residential area would not convincingly materially increase noise and disturbance that would warrant dismissal of the appeal on these grounds.

The Inspector's views are a material consideration in determining further applications for late night uses in the DSC. In this instance, the comments relating to pedestrian and vehicular activity, including the coming and going of customers, congregation outside, high-spirited behaviour, loud conversations and the arrival and departure of vehicles (predominantly taxis) are as relevant to this proposal as they are to the Oasis application. The proposals can reasonably be expected to erode the amenities of occupiers of the flats above the York and above the premises directly opposite the premises at the Glossop Road junction. This is particularly applicable during warm weather when it is desirable to open windows.

The extended hours can reasonably be expected to increase the likelihood of the additional consumption of alcohol which, in turn, can result in high spirited behaviour over which the management has no control once customers have left the premises. Little weight can be given to local residents concerns about dispersal of customers through the wider residential area after leaving the public house having regard to the appeal decision and there being no anticipated materially different pattern of movements. However, background noise levels naturally reduce as the night wears on, such that any noise outside the premises will be more intrusive and this has potential to disturb residents above the York and above premises on the opposite side of the Glossop Road junction.

It is acknowledged that The York is a valued food and drink establishment that makes a positive contribution to the DSC and is currently managed responsibly. It is also clear that the current owner is sympathetic to the concerns expressed by BANG on behalf of local residents and is keen to maintain harmony. However, the behaviour of customers cannot be guaranteed despite the best intentions of the management. Furthermore, the planning permission relates to the premises rather

than the management. Future management changes may result in a very different approach to marketing.

In view of the above, the current restriction on the permitted hours of use is justified. The proposed extended hours of use would be inconsistent with the current opening hours of other public houses in the area and detrimental to residential amenity. The proposals are therefore contrary Policy S10(b).

It is acknowledged that sound insulation has been installed between the public house and the living accommodation above, as required by a condition attached to the original planning permission (10/00672/FUL). The transfer of noise internally from the public house to the flats above is therefore unlikely to cause any problem however this does not remove concerns about external noise. There is no proposal to extend the hours of use of the rear external areas and consequently no problem is anticipated in this respect.

SUMMARY AND RECOMMENDATION

The proposed extended hours of use would be inconsistent with the current opening hours of other public houses in the area and detrimental to residential amenity of occupiers of the flats above and opposite the public house. The detriment would result from pedestrian and vehicular activity, including the coming and going of customers, congregation outside the premises, high-spirited behaviour, loud conversations and the arrival and departure of vehicles (predominantly taxis). These activities would be particularly disturbing in the early hours in warm weather when it would be reasonable to sleep with open windows and the proposals are therefore contrary to UDP Policy S10(b). This assessment takes account of the reasoning in the appeal decision for late night use of a take-away (Oasis) within the Broomhill District Shopping Centre.

The transfer of noise from the public house to the flats above is unlikely to cause any problem. There is no proposal to extend the hours of use of the beer garden and consequently no problem is anticipated in this respect.

In view of the residential amenity concerns arising from associated external activities it is recommended that planning permission is refused.

Case Number 12/01285/FUL

Application Type Full Planning Application

Proposal Extension of opening hours from 0030 hours on any day to 0130 hours Sunday to Wednesday and 0230 hours on Thursday, and 0430 hours Fridays, Saturdays, Bank Holiday Sundays and Christmas Eve and New Years Eve (Application under Section 73 to vary condition 6 (opening hours) as imposed by application 97/01300/FUL)

Location Tiger Works
136 West Street
City Centre
Sheffield
S1 4ES

Date Received 02/05/2012

Team CITY CENTRE AND EAST

Applicant/Agent JLHG Limited

Recommendation Refuse

For the following reason(s):

- 1 The proposed extension of hours to 04:30 hours the following day on Fridays, Saturdays and Bank Holiday Sundays is considered to be unacceptable based on the potential for increased noise and disturbance to surrounding residents, which would detract from the aim of successfully balancing city centre living and a vibrant night-time economy. The proposal is therefore considered to be contrary to Policy S10: Conditions on Development in Shopping Areas within the Sheffield Unitary Development Plan and the aims of the City Centre Living Strategy and the Interim Planning Guidance on Night Time Uses.

Site Location



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PROPOSAL

The applicant received planning permission to use the ground floor and part of the lower ground floor of 136 West Street as a bar (Use Class A4) in October 1998 under planning reference 97/01300/FUL. As part of the 1997 application consent was also granted to use the first and second floor of the unit for residential purposes. Condition 6 within this original consent stated that:

The ground floor shall only be used for the purposes of Class A3 (now Class A4) on any day between 08:00 hours and 00:30 hours.

The applicant subsequently received consent in 2005 and 2006 respectively to vary Condition 6 in order to allow the bar to open until 01:30 hours on any day for two consecutive temporary periods of twelve months (05/01185/FUL & 06/04185/FUL).

The applicant then received a further consent in 2007 to vary Condition 6 in order to allow the bar to open until 02:30 hours on Thursdays, Fridays, Saturdays and Bank Holiday Sundays for a further temporary period of twelve months (07/02956/FUL). Since this twelve month period elapsed no further applications have been made to extend the hours, although it is understood that at times the unit has been opening beyond 00:30 hours.

The applicant is now seeking planning permission to open until:

- 01:30 hours Sunday to Wednesday.
- 02:30 hours on Thursday.
- 04:30 hours Fridays, Saturdays, Bank Holiday Sundays, Christmas Eve and New Years Eve.

It is also noted that a second application to vary the hours of opening is also being presented to Members (12/01060/FUL). This second application is seeking to extend the opening hours to:

- 01:30 hours Sunday to Wednesday.
- 02:30 hours on Thursdays, Fridays, Saturdays, Bank Holiday Sundays, Christmas Eve and New Years Eve.

LOCATION

Tiger Works is located on the north side of West Street in close proximity to the junction with Rockingham Street. The building comprises three storeys to West Street with a lower ground level that also extends through to the rear of the premises fronting Holland Street. Residential units occupy the first and second floors.

The building forms part of a terrace of properties fronting West Street, with a public house adjacent to the east (West Street Live) and a restaurant/takeaway to the west (Kebabish). There are a number of other late night uses in the area including:

- Lava Lounge adjacent to Kebabish to the west.
- Players Bar set across West Street approximately forty metres to the south east.
- SOYO located on Rockingham Street approximately forty metres to the south west.

The site is located in a mixed use area with a number of commercial units at ground floor and residential accommodation and offices on the upper floors. These residential developments include Flockton Court and Smithfield Apartments on Rockingham Street and the City Plaza Apartments on West Street.

The application site is within the Central Shopping Area as defined by the adopted Sheffield Unitary Development Plan (UDP). A designated Housing Area is set forty metres to the south east on Rockingham Street.

RELEVANT PLANNING HISTORY

See proposal section above.

SUMMARY OF REPRESENTATIONS

One representation has been received from Councillor Robert Murphy which raises concerns about the application. The representation states that this site is in close proximity to the section of Rockingham Street between Division Street and West Street, which is identified in the Interim Planning Guidance on Night Time Uses as being in one of the two areas in which the amenity of existing and future residents should particularly be protected from undue noise and disturbance after a reasonable time of night. The IPG identifies 00.30am as this reasonable time of night*.

This representation goes onto state that opening later into the night will add to the proliferation of late night venues in the vicinity to the detriment of surrounding residents.

* It is noted that the section of Rockingham Street between Division Street and West Street is not in fact in one of the two designated areas identified within the IPG. It is however in a designated Housing Area as defined by the UDP.

PLANNING ASSESSMENT

Impact on Amenity

Sheffield Unitary Development Plan (UDP)

Section b) within Policy S10: Conditions on Development in Shopping Areas within the UDP states that new development or change of use applications should not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

City Centre Living Strategy (CCLS)

The CCLS was approved by Cabinet in 2004 and forms Supplementary Planning Guidance. One of the key goals of this document is to ensure that potential conflict between residential uses and late night venues is managed.

Interim Planning Guidance on Night Time Uses (IPG)

The IPG aims to find a harmony and balance between city centre living and a vibrant night-time economy, in order to ensure a successful city centre in both senses. This document was approved by Cabinet in 2005 and identifies two areas of the city centre in which the amenity of existing and future residents should particularly be protected from undue noise and disturbance after a reasonable time of night. The IPG identifies 00.30am as this reasonable time of night. The application site does not fall within one such area and must therefore be judged on its individual merits.

Guideline 2 within the IPG states that leisure and food and drink uses will only be allowed if:

- a) Conditions for nearby residents and people working in the area will not be harmed by noise breakout, traffic, parking on nearby streets, odours, street noise or general disturbance.
- b) They are unlikely to lead to anti-social behaviour that would disturb residents, workers or users of the area.

In considering this application the impact of the proposed increase in the opening hours on the amenity of surrounding residential occupiers is the primary concern.

Firstly, in relation to noise breakout from the venue the Council's Environmental Protection Team have no concern, which is welcomed.

There are several late night venues in the area, which includes West Street Live and Lava Lounge. Both of these venues sandwich Tiger Works and operate without any planning control over opening hours. West Street Live has a licence to operate until 04:30 hours on any day and Lava Lounge has a licence to operate until 03:00 hours on any day.

Aside from these two venues the other bars in the immediate area do have restrictions placed on their opening hours by way of planning conditions. SOYO, which located on Rockingham Street approximately forty metres to the south west can now operate between the following hours:

- 08:00 and 01:30 hours on Sundays to Wednesdays.

- 08:00 and 02:30 hours on Thursdays, Fridays, Saturdays and Sundays immediately before Public Holiday Mondays.

Players Bar, which is set across West Street approximately forty metres to the south east has recently been granted a temporary twelve month consent to operate between the following hours:

- 07:30 hours to 01:30 hours Sundays to Wednesdays.

- 07:30 hours to 02:30 hours Thursdays, Fridays, Saturdays and Sundays immediately before a Public Holiday.

There are other late night uses in the area such as restaurants and takeaways. Any of these venues that are controlled by planning conditions (several are not) will be limited to opening hours generally no later than 01:30 hours.

Whilst it is acknowledged that the two venues on either side of Tiger Works open very late into the night (West Street Live and Lava Lounge), this is not the norm for the late night venues in the immediate vicinity who have their opening hours controlled by planning conditions. These conditions have been imposed to promote the appropriate balance between city centre living and a vibrant night time economy, which is advocated within the IPG, given that this area has a high proportion of residents. It is therefore not considered appropriate to allow the further proliferation of venues opening beyond what is deemed to be an acceptable hour, as this allows greater potential for general and sporadic noise and disturbance from patrons leaving such venues during hours when background noise levels are at their lowest, to the detriment of surrounding residents.

Based on recent decisions for SOYO and Players at Committee, there now seems to be a consensus that a reasonable balance between late night opening and protecting residential amenity in this area is to allow venues to open until 01:30 Sundays to Wednesdays and 02:30 hours on other days.

Allowing a venue to open beyond this would once again push the limit of what is deemed acceptable from a planning perspective, which would only serve to encourage other venues to once again seek longer opening hours, as has been the case since the SOYO approval.

Therefore whilst there may be some tolerance to open beyond 02:30 hours on Christmas Eve and New Years Eve (given the nature of these events) the proposed extension of hours to 04:00 hours on other days is considered to be unacceptable based on the potential for further noise and disturbance to surrounding residents, which would detract from the aim of successfully balancing city centre living and a vibrant night-time economy.

The proposal is therefore contrary to Policy S10: Conditions on Development in Shopping Areas within the adopted Sheffield Unitary Development Plan and the aims of the City Centre Living Strategy and the Interim Planning Guidance on Night Time Uses.

The applicant has stated that the venue could go out of business if this application is refused and a number of members of staff could be made redundant. While this is an obvious concern the commercial argument is not considered to outweigh the need to maintain acceptable living conditions for nearby residents.

RESPONSE TO REPRESENTATIONS

It is considered that the points raised in the representation have been addressed in the above assessment.

SUMMARY AND RECOMMENDATION

The proposed extension of hours to 04:30 hours the following day on Fridays, Saturdays and Bank Holiday Sundays is considered to be unacceptable based on the potential for further noise and disturbance to surrounding residents, which would detract from the aim of successfully balancing city centre living and a vibrant night-time economy. The proposal is therefore contrary to Policy S10: Conditions on Development in Shopping Areas within the Sheffield Unitary Development Plan and the aims of the City Centre Living Strategy and the Interim Planning Guidance on Night Time Uses.

The application is therefore recommended for refusal.

Case Number	12/01060/FUL (Formerly PP-01919507)
Application Type	Full Planning Application
Proposal	Extension of opening hours from 0030 hours on any day to 0130 hours Sunday to Wednesday and 0230 hours on Thursdays, Fridays, Saturdays, Bank Holiday Sundays and Christmas Eve and New Years Eve (Application under Section 73 to vary condition 6 (opening hours) as imposed by application 97/01300/FUL)
Location	Tiger Works 136 West Street City Centre Sheffield S1 4ES
Date Received	17/04/2012
Team	CITY CENTRE AND EAST
Applicant/Agent	JLHG Limited
Recommendation	Grant Conditionally
Subject to:	
1	The development must be begun not later than the expiration of three years from the 5th October 1998. In order to comply with the requirements of the Town and Country Planning Act.
2	Servicing and deliveries shall only take place Mondays to Saturdays between the hours of 8am and 6pm and shall be confined to the Holland Street entrance and no servicing or deliveries shall take place off West Street at any time. In the interests of the amenities of residents occupying the property and in the interests of highway safety.
3	Notwithstanding the detail submitted by and received on 12th August 1998 from the applicant's agent, the ceiling/floor which separates the ground and first floors of the building shall be constructed such that the strap hangers supporting the new independent ceiling are not fixed directly or rigidly but are designed in such a manner as to isolate the two structures and before

the development is commenced full details of the amended ceiling/floor design shall have been submitted to and approved by the Local Planning Authority.

In order to prevent noise transmission which could injure the amenities of any future residents.

- 4 The ventilation to be provided by acoustically silenced mechanical means to the bedrooms fronting West Street should be designed to deal sufficiently with summer peak demands. In addition the intake for the ventilation system should be located in a position such that it will not be affected by the odours emitted from any kitchen extraction system which might be installed in connection with the A3 use at ground floor.

In the interests of the amenities of the occupiers of the residential accommodation.

- 5 Notwithstanding the information contained within the noise report submitted and received on 28th April 1998, the windows to living accommodation located on the rear elevation of the building overlooking Holland Street shall be fitted with an acoustically silenced mechanical ventilation system, which as before should be designed to deal sufficiently with summer peak demands. As before, the intake for the ventilation system shall be located in a position such that it will not be affected by the odours emitted from any kitchen extraction system, which might be installed in connection with the A3 use at ground floor.

In the interests of the amenities of the occupiers of the residential accommodation.

- 6 The ground floor bar shall only be used for the purposes of Class A4 (Drinking Establishments) during the following hours:

08:00 hours to 01:30 hours the following day Sunday to Wednesday.

08:00 hours to 02:30 hours the following day on Thursdays, Fridays, Saturdays, Bank Holiday Sundays, Christmas Eve and New Years Eve.

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

- 7 Before the Class A3 use is implemented, full details of the exact nature of the A3 to be taken up in the building shall have been submitted to and approved by the Local Planning Authority.

In order to ensure that the sound insulation measures agreed and conditioned as part of the planning permission hereby granted are adequate for the purposes of protecting the amenities of the occupiers of the residential accommodation above.

- 8 Before the development is commenced, full details of any fume extraction system which is to be installed as part of the implementation of any A3 use shall have been submitted to and approved by the Local Planning Authority.

In the interests of the amenities of the occupiers of the residential accommodation above.

- 9 During the period of construction and/or instalment of the acoustic works, arrangements shall be made with the Local Planning Authority such that site inspection visits are organised as appropriate. The applicant is advised to give the Local Planning Authority seven days notice prior to a site visit and once installed the acoustic works as inspected on site shall be retained.

In order to ensure that the acoustic works adhere to the specifications provided and to ensure good supervision of work on site.

- 10 Before the development is commenced, full details of the alterations to the external appearance of the building shall have been submitted to and approved by the Local Planning Authority.

In the interests of the visual amenities of the locality.

- 11 Notwithstanding the details contained within the plans hereby approved as part of the planning permission granted, before the development is commenced, full details of the refuse store to be provided for use by the occupiers of the residential accommodation shall have been submitted to and approved by the Local Planning Authority.

In the interests of the amenities of the occupiers of the residential accommodation.

- 12 Before the development is commenced, details of the provision of adequate cycle parking facilities shall have been submitted to and approved by the Local Planning Authority.

In order to ensure the provision of adequate cycle parking facilities at the site.

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:

Policy S10 - Conditions on Development in Shopping Areas

City Centre Living Strategy.

Interim Planning Guidance on Night Time Uses.

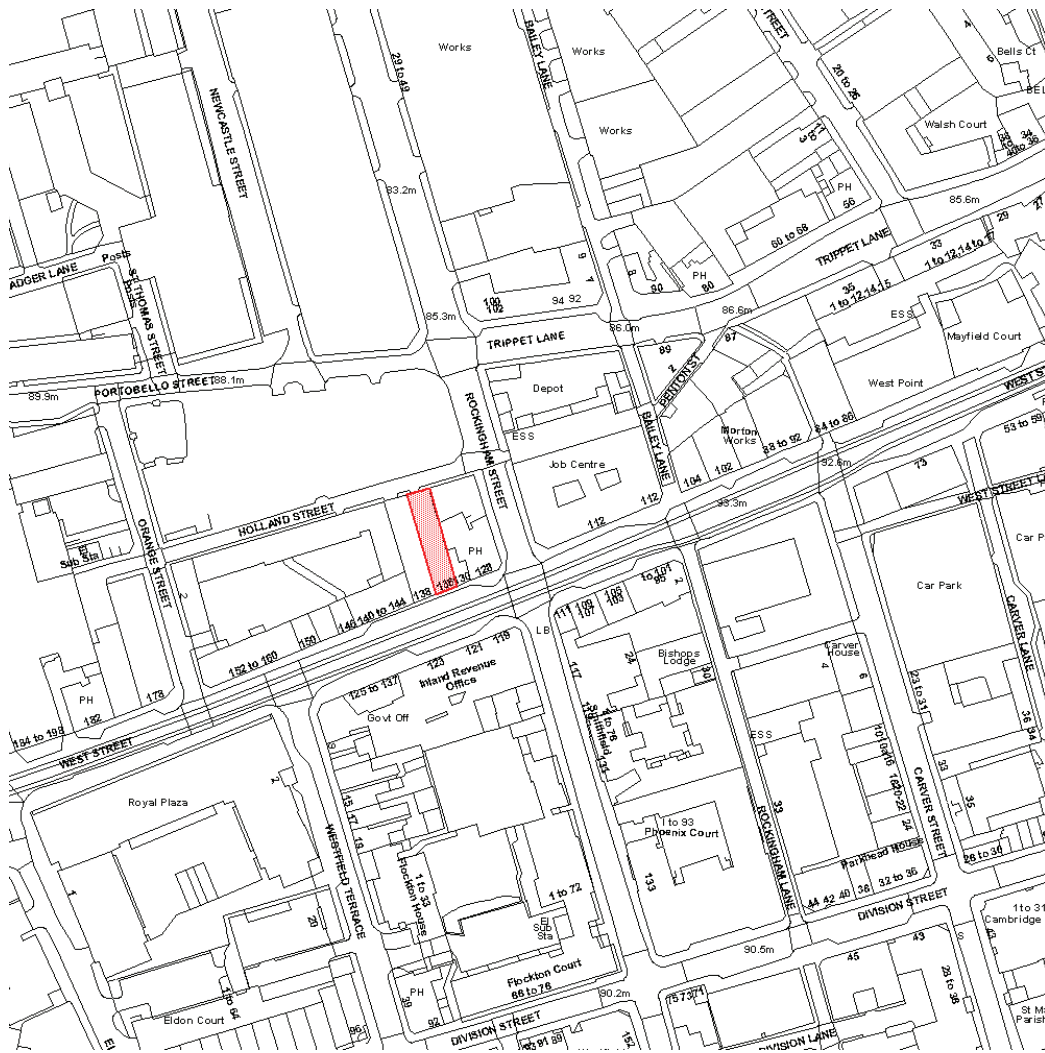
In light of recent decisions for other bars in the immediate vicinity, it is considered that allowing this extension of opening hours would strike the appropriate balance between city centre living and a vibrant night time economy.

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. The developer is advised that in the absence of the provision of off- street parking facilities the residential accommodation should be aimed at non-car owner occupiers since it is highly unlikely that the Local Authority will issue car parking permits to any future residents of the accommodation.
2. The developer is advised that the accommodation will be defined as a house in multiple occupation (HMO) within Part XI of the Housing Act 1985 and will therefore be required to satisfy fitness for Multiple Occupation criterion in Section 352 (1) (A) Housing Act 1985 and fitness for human habitation in accordance with Section 604 of the Housing Act 1985. The occupancy for the optimum number of seventeen students will be subject to the control provisions of the Sheffield (Registration of HMO) Informatory and Regulatory Scheme 1985. The proposed level of occupancy must satisfy Sections 354 and 358 of the Housing Act 1985 having regard to the prescribed areas for room sizes and occupancy and the Sheffield City Council standards of services and amenities in HMO.

Site Location



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PROPOSAL

The applicant received planning permission to use the ground floor and part of the lower ground floor of 136 West Street as a bar (Use Class A4) in October 1998 under planning reference 97/01300/FUL. As part of the 1997 application consent was also granted to use the first and second floor of the unit for residential purposes. Condition 6 within this original consent stated that:

The ground floor shall only be used for the purposes of Class A3 (now Class A4) on any day between 08:00 hours and 00:30 hours.

The applicant subsequently received consent in 2005 and 2006 respectively to vary Condition 6 in order to allow the bar to open until 01:30 hours on any day for two consecutive temporary periods of twelve months (05/01185/FUL & 06/04185/FUL).

The applicant then received a further consent in 2007 to vary Condition 6 in order to allow the bar to open until 02:30 hours on Thursdays, Fridays, Saturdays and Bank Holiday Sundays for a further temporary period of twelve months (07/02956/FUL). Since this twelve month period elapsed no further applications have been made to extend the hours, although it is understood that at times the unit has been opening beyond 00:30 hours.

The applicant is now seeking planning permission to open until:

- 01:30 hours Sunday to Wednesday.
- 02:30 hours on Thursdays, Fridays, Saturdays, Bank Holiday Sundays, Christmas Eve and New Years Eve.

It is also noted that a second application to vary the hours of opening is also being presented to Members (12/01060/FUL). This second application is seeking to extend the opening hours to:

- 01:30 hours Sunday to Wednesday.
- 02:30 hours on Thursday.
- 04:30 hours Fridays, Saturdays, Bank Holiday Sundays, Christmas Eve and New Years Eve.

LOCATION

Tiger Works is located on the north side of West Street in close proximity to the junction with Rockingham Street. The building comprises three storeys to West Street with a lower ground level that also extends through to the rear of the premises fronting Holland Street. Residential units occupy the first and second floors.

The building forms part of a terrace of properties fronting West Street, with a public house adjacent to the east (West Street Live) and a restaurant/takeaway to the west (Kebabish). There are a number of other late night uses in the area including:

- Lava Lounge adjacent to Kebabish to the west.
- Players Bar set across West Street approximately forty metres to the south east.
- SOYO located on Rockingham Street approximately forty metres to the south west.

The site is located in a mixed use area with a number of commercial units at ground floor and residential accommodation and offices on the upper floors. These residential developments include Flockton Court and Smithfield Apartments on Rockingham Street and the City Plaza Apartments on West Street.

The application site is within the Central Shopping Area as defined by the adopted Sheffield Unitary Development Plan (UDP). A designated Housing Area is set forty metres to the south east on Rockingham Street.

RELEVANT PLANNING HISTORY

See proposal section above.

SUMMARY OF REPRESENTATIONS

One representation has been received from Councillor Robert Murphy which raises concerns about the application. The representation states that this site is in close proximity to the section of Rockingham Street between Division Street and West Street, which is identified in the Interim Planning Guidance on Night Time Uses as being in one of the two areas in which the amenity of existing and future residents should particularly be protected from undue noise and disturbance after a reasonable time of night. The IPG identifies 00.30am as this reasonable time of night*.

This representation goes onto state that opening later into the night will add to the proliferation of late night venues in the vicinity to the detriment of surrounding residents.

* It is noted that the section of Rockingham Street between Division Street and West Street is not in fact in one of the two designated areas identified within the IPG. It is however in a designated Housing Area as defined by the UDP.

PLANNING ASSESSMENT

Impact on Amenity

Sheffield Unitary Development Plan (UDP)

Section b) within Policy S10: Conditions on Development in Shopping Areas within the UDP states that new development or change of use applications should not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

City Centre Living Strategy (CCLS)

The CCLS was approved by Cabinet in 2004 and forms Supplementary Planning Guidance. One of the key goals of this document is to ensure that potential conflict between residential uses and late night venues is managed.

Interim Planning Guidance on Night Time Uses (IPG)

The IPG aims to find a harmony and balance between city centre living and a vibrant night-time economy, in order to ensure a successful city centre in both senses. This document was approved by Cabinet in 2005 and identifies two areas of the city centre in which the amenity of existing and future residents should particularly be protected from undue noise and disturbance after a reasonable time of night. The IPG identifies 00.30am as this reasonable time of night. The application site does not fall within one such area and must therefore be judged on its individual merits.

Guideline 2 within the IPG states that leisure and food and drink uses will only be allowed if:

- a) Conditions for nearby residents and people working in the area will not be harmed by noise breakout, traffic, parking on nearby streets, odours, street noise or general disturbance.
- b) They are unlikely to lead to anti-social behaviour that would disturb residents, workers or users of the area.

In considering this application the impact of the proposed increase in the opening hours on the amenity of surrounding residential occupiers is the primary concern.

Firstly, in relation to noise breakout from the venue the Council's Environmental Protection Team have no concern, which is welcomed.

There are several late night venues in the area, which includes West Street Live and Lava Lounge. Both of these venues sandwich Tiger Works and operate without any planning control over opening hours. West Street Live has a licence to operate until 04:30 hours on any day and Lava Lounge has a licence to operate until 03:00 hours on any day.

Aside from these two venues the other bars in the immediate area do have restrictions placed on their opening hours by way of planning conditions. SOYO, which located on Rockingham Street approximately forty metres to the south west can now operate between the following hours:

- 08:00 and 01:30 hours on Sundays to Wednesdays.

- 08:00 and 02:30 hours on Thursdays, Fridays, Saturdays and Sundays immediately before Public Holiday Mondays.

Players Bar, which is set across West Street approximately forty metres to the south east has recently been granted a temporary twelve month consent to operate between the following hours:

- 07:30 hours to 01:30 hours Sundays to Wednesdays.

- 07:30 hours to 02:30 hours Thursdays, Fridays, Saturdays and Sundays immediately before a Public Holiday.

There are other late night uses in the area such as restaurants and takeaways. Any of these venues that are controlled by planning conditions (several are not) will be limited to opening hours generally no later than 01:30 hours.

Whilst it is acknowledged that the two venues on either side of Tiger Works open very late into the night (West Street Live and Lava Lounge), this is not the norm for the late night venues in the immediate vicinity who have their opening hours controlled by planning conditions. These conditions have been imposed to promote the appropriate balance between city centre living and a vibrant night time economy, which is advocated within the IPG, given that this area has a high proportion of residents.

Based on recent decisions for SOYO and Players at Committee, there now seems to be a consensus that a reasonable balance between late night opening and protecting residential amenity in this area is to allow venues to open until 01:30 Sundays to Wednesdays and 02:30 hours on other days (including bank holiday Sundays), which accords with the hours the applicant is seeking in this application. Therefore this proposal is deemed to be in accordance with Policy S10: Conditions on Development in Shopping Areas within the adopted Sheffield Unitary Development Plan and the aims of the City Centre Living Strategy and the Interim Planning Guidance on Night Time Uses.

RESPONSE TO REPRESENTATIONS

It is considered that the points raised in the representation have been addressed in the above assessment.

SUMMARY AND RECOMMENDATION

In light of recent decisions for other bars in the immediate vicinity, it is considered that allowing an extension of opening hours to 01:30 hours the following day Sunday to Wednesday and 02:30 hours the following day on Thursdays, Fridays, Saturdays, Bank Holiday Sundays and Christmas Eve and New Years Eve would strike the appropriate balance between city centre living and a vibrant night time economy. Therefore this proposal is deemed to be in accordance with Policy S10: Conditions on Development in Shopping Areas within the adopted Sheffield Unitary

Development Plan and the aims of the City Centre Living Strategy and the Interim Planning Guidance on Night Time Uses.

Case Number 12/00777/OUT

Application Type Outline Planning Application

Proposal Erection of dwellinghouse and detached double garage (re-submission of 11/03123/OUT) (Amended plans received on 11/05/2012)

Location Curtilage Of 44 Greenhill Main Road
Sheffield
S8 7RD

Date Received 08/03/2012

Team SOUTH

Applicant/Agent Garry Greetham Associates Ltd

Recommendation Grant Conditionally

Subject to:

- 1 The development shall not be commenced unless and until full particulars and plans thereof shall have been submitted to the Local Planning Authority and planning approval in respect thereof including details of landscaping (matters reserved by this permission) shall have been obtained from the Local Planning Authority.

Until full particulars and plans of the development (including details of the matters hereby reserved) are submitted to and approved by the Local Planning Authority they cannot agree to the development proceeding.

- 2 Application for approval in respect of any matter reserved by this permission must be made 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.

- 3 The development shall be begun not later than whichever is the later of the following dates:- the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

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

Drawing 716-01 Rev B received on 08/03/2012

Drawing 716-02 Rev B received on 11/05/2012

Drawing 716-03 Rev A received on 08/03/2012

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 5 The dwellinghouse shall not be occupied unless a sprinkler system, fitted to the requirements of BS9251, and with a minimum pressure of 1.0 bar has been provided. The sprinkler system shall thereafter be retained.

In order to ensure the safety of occupants in the event of a fire.

- 6 Before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient car parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the dwellinghouse shall not be used unless such car parking accommodation has been provided in accordance with the approved plans and thereafter such car parking accommodation shall be retained for the sole use of the occupiers of the development hereby approved.

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

- 7 The first and second floor side windows on the elevation of the dwellinghouse facing towards the curtilage of properties on James Andrew Crescent or towards the curtilage of No. 42 Greenhill Main Road shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of it shall at any time be glazed with clear glass without the prior approval of the Local Planning Authority.

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

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

To ensure that the traditional architectural character of the Conservation Area is retained and there is no visual intrusion which would be detrimental to the amenities of the locality.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (and any order revoking and re-enacting the order) no windows or other openings shall be formed in the side elevations facing towards the curtilage of properties on James Andrew Crescent or towards the curtilage of No. 42 Greenhill Main Road of the dwellinghouse hereby permitted without the prior written approval of the Local Planning Authority.

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

- 10 Before the development is commenced, information shall be submitted to demonstrate that the development will be designed to mitigate against climate change: achieving a high standard of energy efficiency; making the best use of solar energy, passive heating and cooling, natural light and natural ventilation; and making sustainable use of resources. Thereafter, the development shall be built in accordance with those details, unless otherwise notified 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.

- 11 Notwithstanding the information contained within the application relating to proposed materials, such materials are not approved. Details of all proposed external materials, which shall consist of natural stone, natural slate, and timber doors and windows, including samples where requested, shall be submitted to and approved in writing by the Local Planning Authority before 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.

- 12 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:

windows;
window reveals;
doors;
eaves and verges;
rainwater goods.

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

In order to ensure an appropriate quality of development.

- 13 Before any hard surfaced areas are constructed, full details of all those hard surfaced areas within the site shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall provide for the use of porous materials, or for surface water to run off from the hard surface

to a permeable or porous area or surface within the curtilage of the dwellinghouse. Thereafter the hard surfacing shall be implemented in accordance with approved details.

In order to control surface water run off from the site and mitigate against the risk of flooding.

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:

H10 - Development in Housing Areas
H14 - Conditions on Development in Housing Areas
BE16 - Development in Conservation Areas
BE19 - Development affecting Listed Buildings
GE11 - Nature Conservation and Development
GE15 - Trees and Woodland
CS24 - Maximising the Use of Previously Developed Land for New Housing
CS31- Housing in the South West Area
CS51 - Transport Priorities
CS53 - Management of Demand for Travel
CS64 - Climate Change, Resources and Sustainable Design of Developments
CS74 - Design Principles
National Planning Policy Framework

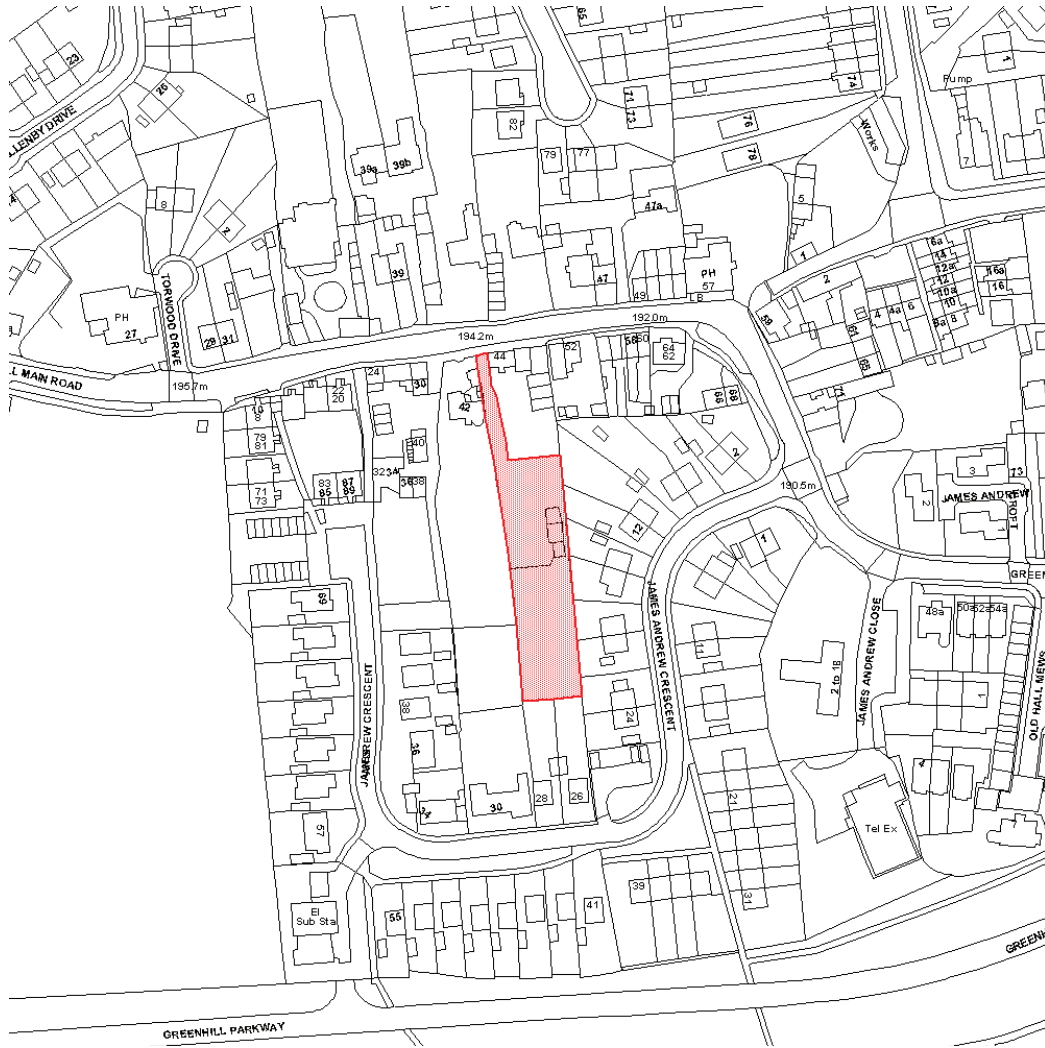
Overall it is considered that the development complies with the relevant policies and proposals in the development plan, and would not give rise to any unacceptable consequences to the environment, community or other public interests of acknowledged importance.

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.

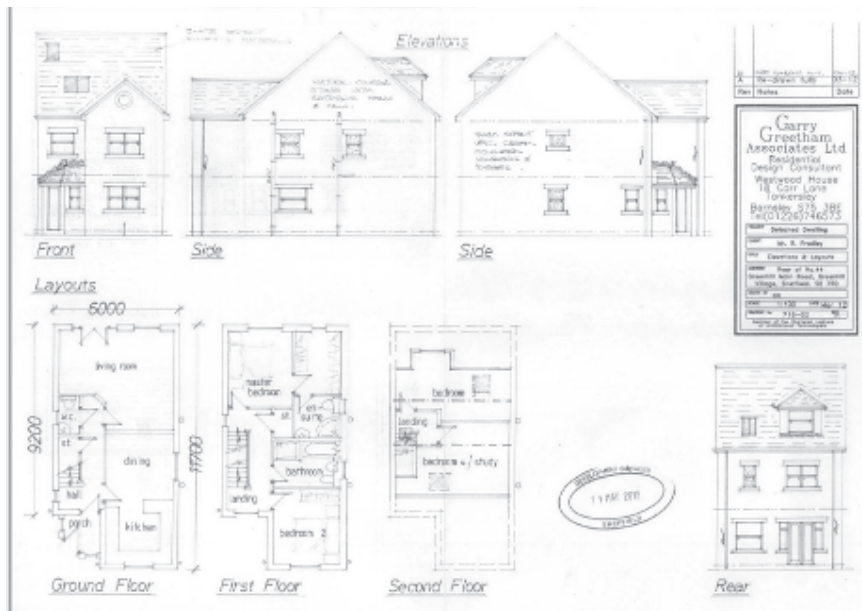
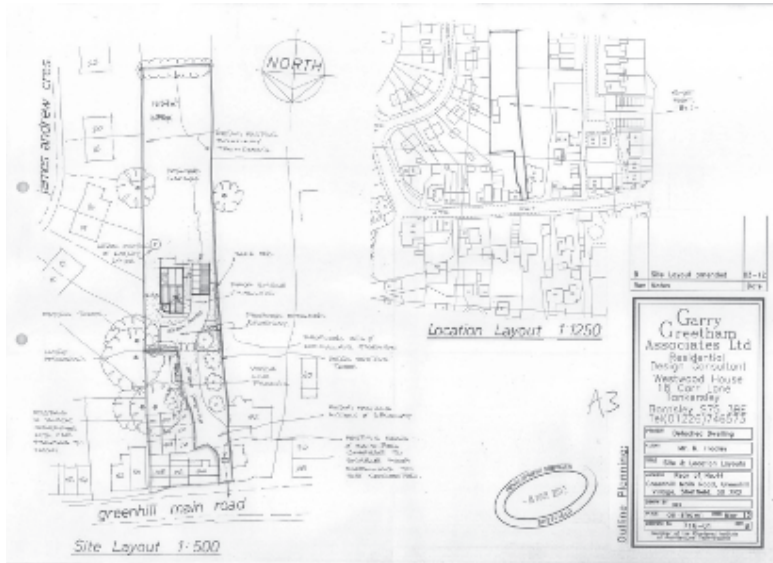
Attention is drawn to the following directives:

1. 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

The proposal refers to an abandoned smallholding/orchard and paddock located in Greenhill Village. The site is situated behind numbers 44-48 Greenhill Main Road, which are in the ownership of the same owner as this site, but outside of the application site. There are abandoned chicken sheds on the site, close to the curtilage with properties on James Andrew Crescent.

Approximately 50% of the application site (the northern portion) is within the Greenhill Conservation Area. The site is bordered by houses on James Andrew Crescent to the East, who back onto the site, and the rear garden of 42 Greenhill Main Road to the West. This property fronts onto Greenhill Main Road and has the same alignment as numbers 44-48. The Conservation Area includes the curtilage of number 42 Greenhill Main Road, but does not include those houses on James Andrew Crescent.

This proposal seeks permission for the construction of a two-storey house, with additional accommodation in the attic, on the site, with a detached garage. The proposal seeks to provide numbers 44-48 with a garden area, which is outside of this application site. The site is shown to be accessed by a shared drive with numbers 44-48, which lies between number 44 and the garage to number 42, and is approximately 2.8m wide at the gate opening. An additional ecological survey was also provided on 09/05/2012, in addition to amended plans/elevations received on 11/05/2012 with regards to windows facing towards James Andrew Crescent.

This application is outline, but does seek specific approval of the access arrangements, appearance, landscaping, layout and scale of the proposed development. This is significantly more information than usually considered for an outline scheme, which is indicative of the additional information required to assess the impact of a scheme within a Conservation Area. An outline scheme, however, cannot normally seek approval for all matters, as a separate reserved matters application is still needed. However, the landscaping information submitted is not extensive enough to warrant approval of this element. As such, it is not considered this part of the submission can be approved, and landscaping issues will be a reserved matter.

RELEVANT PLANNING HISTORY

This proposal has come about following a previous scheme proposed for the site under planning reference 11/03123/OUT, which was withdrawn following officer advice. Changes to the scheme from the original proposal are that the house footprint has been reduced, the design and materials of the house have been altered, the house position has been set back further from Greenhill Main Road, and additional information regarding trees on the site have been provided.

SUMMARY OF REPRESENTATIONS

The application has received 16 representations from neighbouring properties. Comments received are summarised below:

Design:

The property would be out of character with the surrounding area.

The height of the building would be at a height that would dominate views in the Conservation Area.

The construction of a house in a confined space would be visually incongruous.

The removal of some trees for development would damage the appearance of the area.

The scheme would potentially damage 5 mature trees on the Eastern boundary.

The gardens behind 42-48 Greenhill Main Road are the only remaining examples of thin strips of land indicative of farmsteads, and should be preserved as such.

Impact on Neighbours:

The proposed house would overlook neighbouring properties.

Side windows in the property would directly overlook James Andrew Crescent.

Eight windows would overlook 42 Greenhill Main Road.

Light pollution from motor vehicles would affect neighbours, notably 42 Greenhill Main Road.

The development would make it difficult to sympathetically alter 44-48 Greenhill Main Road due to the loss of amenity space to these properties.

Highways:

The addition in car traffic would be dangerous, and add to congestion on Greenhill Main Road.

The access to the property is less than the 4m width stated in the application submission.

The proposal, with parking spaces and a garage, suggests that a high number of vehicles would use the site.

Ecology:

The scheme would damage wildlife habitat. The site is a habitat for badgers, bats, frogs, toads, field mice and butterflies.

There is a badger sett and bat colonies on the site, in addition to a variety of non-protected species.

The above points will be considered in the assessment below.

Non Material Considerations:

Construction Traffic, and nuisance from construction activities (noise, dust etc).

Fear of future applications on the site.

There have been enough developments in the local area.

Loss of view.

No demand for the proposed development, based on an account of similarly styled houses for sale in the local area.

Concerns that future occupiers of the site would raise disputes with residents of James Andrew Crescent over trees that border the site, or over existing security lighting on James Andrew Crescent.

As the above issues are not material planning concerns, or do not relate directly to the application itself, these cannot be considered in the assessment of this application.

In addition to the written comments above, the case officer has been subject to several phone conversations with the occupiers of 42 Greenhill Main Road raising additional issues:

A phone call on 11th April 2012 emphasised preference for a bungalow to prevent overlooking.

A phone call on 16th April 2012 raised issues with regards to the description of the site within the Greenhill Conservation Area appraisal, whereby paragraph 5.6 from the Greenhill Conservation Area Appraisal highlights that thin North-South farm strips that date from over 200 years ago still can be read on the ground, of which the farmstead between numbers 42 and 44-48 are noted as examples. The representation suggests that this should preclude any development on the site.

A phone call on 18th April 2012 raised additional objections that the site was historically important with regards to past manufacturing processes, highlighting that old grindstones have been found on their property, which might also be present on the application site, and may highlight historic archaeological artefacts of past manufacture exist on site.

This is not a comprehensive list of all phone calls with this representation, with many of the issues also received in writing and other issues being non-material in nature. However, the above comments did add additional material planning

matters which warrant additional assessment, which will be addressed in the assessment below.

PLANNING ASSESSMENT

Land Use Policy.

The adopted Unitary Development Plan (UDP) shows that the application site is designated as a housing policy area. UDP policy H10 says that housing is the preferred use so the broad principle is acceptable.

The site is not technically a garden, being a former small holding. However, its position behind numbers 44-48 Greenhill Main Road do strongly provide garden characteristics that need to be considered. Government planning guidance in the form of the National Planning Policy Framework (NPPF) says, in paragraph 48, that Local Planning Authorities (LPA) should make allowance for windfall housing sites in the five year supply but this should not include residential gardens. The NPPF goes on to say in paragraph 53 that Local Planning Authority's should consider setting out policies to resist inappropriate development of residential gardens, for example where they would cause harm to the local area.

There is, therefore, a presumption against inappropriate development in private gardens so to establish whether or not this proposal is 'inappropriate' the application needs to be set against all relevant policy criteria.

The NPPF also re-affirms previous national policy advice by excluding private residential gardens from the definition of previously developed land. Core Strategy policy CS24 gives priority for the development of new housing on previously developed land and states that no more than 12% of dwellings should be constructed on greenfield land in the period up to 2025/26. It also states that such development should only occur on small sites within urban areas, where it can be justified on sustainability grounds. The current house completion database shows that 5.4% of new houses have been built on Greenfield sites so the proposal would be well within the 12% threshold.

The site is small within an existing urban area and sustainably located in that it is within 300 metres of a local shopping centre which includes a convenience foodstore, restaurants, post office and other shops. A number of bus services are available from stops within the centre, which include high frequency services. In this context, the development of this small Greenfield site for new housing complies with the aims of policy CS24.

Layout, Design and External Appearance.

The application is outline, but the applicant has submitted a detailed layout and design which gives a clear indication on how the proposal would develop.

UDP policy H14 and Core Strategy policy CS74 expect good quality design in keeping with the scale and character of the surrounding area.

Core Strategy policy CS31 deals with housing in the south west area and this says that priority will be given to safeguarding and enhancing its areas of character. Although the application site lies in south Sheffield it does not lie within the area covered by this policy. The policy defines 'south west' as between the Manchester Road and Abbeydale Road corridors.

The indicative layout shows the house sited centrally in the Northern part of the application site. This scheme sets the house back just over 45m from Greenhill Main Road, and just over 50m from the rear curtilage boundary. The paddock and abandoned orchard are presently open to the rear of 44-48 Greenhill Main Road, but visually separated from these properties by an existing garaging and parking area accessed by a gate to the side of 44 Greenhill Main Road. A fence presently divides the orchard area from the paddock.

The proposed access to the site seeks the reconstruction of the existing access track utilising Bonded Gravel, with tegula block paving closer to the subject house. A detached double garage is shown between the house and curtilage with 42 Greenhill Main Road.

The site is very large, and there is ample space to provide garden space; 50 metres long on the south side, with a width of 18m. Due to the expanse of land that the development will leave vacant, the scheme cannot be considered as overdevelopment. There would be a change with the introduction of this new house but this change would not alter the distinctive openness to such a degree as to merit resisting the application on this issue.

The layout of the house has been altered from the past submission, to respond to officers comments with regards to the character and appearance of the house in relation to the built form of the local area. It is important to consider the impact on the character of the area. Core Strategy policy CS74 requires development to enhance the heritage of the city. The proposal is in an area where buildings located behind the main frontage are a historic feature of the local area. The streetscene is characterised by buildings fronting Greenhill Main Road, but includes many examples of back-field cottages and houses that are historic in nature and help make up the character and appearance of the local area. This arrangement exists on both sides of the road. Backfield developments on the South side of Greenhill Main Road do tend to have small footprints, and the house proposed in this case will have a small footprint to reflect this arrangement. The range of buildings proposed, comprising of the house and garage, will be similar, but less intensive, than the range of buildings behind 24-30 Greenhill Main Road on the other side to 42 Greenhill Main Road. As such, the built form is not out of character with the built form of the local area.

With respect to the design and external appearance, the drawings show a traditionally formed house is proposed, utilising stone facing materials and a 'slate effect' roof. As the site is within the Greenhill Conservation Area, policy BE17 'Design and Materials in Areas of Special Architectural or Historic Interest' applies.

This states that, amongst other requirements, traditional materials are utilised, and that a high standard of design is used. The natural stone complements this policy, as it is a high quality natural material. The slate effect tiles, however, are not considered suitable, as they are not a natural material, and do not have the same texture or reflection as natural slate. As a result, conditions will be used to ensure that suitable material samples are used, specifying the use of natural slate. Similarly, conditions specifying the use of wooden windows will be utilised.

The reduced footprint, when compared to the withdrawn application, would result in a vertically proportioned house when viewed externally. The appearance would not be overly dis-similar to cottages present within the local area, and the small footprint will ensure that the building does not dominate the site.

Comments have been received that the proposed building will be three stories, whilst neighbouring houses are typically single or two-storey in height. However, the design of the proposed building, with the third floor being attic accommodation, will give the subject house the appearance of a standard two-storey dwelling. This practice is common within the local area, where attic accommodation is present in many forms, evident with rooflights and dormers on a not insignificant proportion of the terraced houses on Greenhill Main Road. As such, the principle of attic accommodation is not reason for refusing the scheme, which will be in scale with other similar development in the local area. The proposed eaves and ridge heights are proposed to be 6 and 9.8m high respectively. To put this in context, the building at 62-64 Greenhill Main Road has an eaves and ridge height of 5.9 and 8.7m respectively (measured from the application drawings as a part of 02/00268/FUL), which is a very similar height, and will ensure that the height of the proposed will be in scale with neighbouring buildings.

The proposed rear dormer is very small in dimensions, and will not form a prominent feature in the local area, and will have a much more visually attractive appearance than neighbouring dormers present in the local area.

A single storey brick double garage would be built beside the house. This would be a plain and standard design which would be acceptable in matching materials to the house. The form of the garage with stone and a standard duo-pitched roof would be traditional in appearance, and in scale with outbuildings common in the area.

The indicative design of the proposal is of good quality, meets the design policy criteria and is considered to be acceptable.

Conservation and Heritage Considerations.

Part of the site, including the section where development is proposed, is within the Greenhill Conservation Area.

UDP policy BE16 deals with development affecting the character and setting of Conservation Areas and states that new development shall preserve or enhance such areas.

Core Strategy policy CS74 seeks to ensure that the distinctive heritage of Sheffield is preserved.

In the case of this development, much thought has been given by the applicant, following the previous application, towards dealing with feedback to ensure that the proposed design and location of the building complements the Conservation Area. An amended footprint and the scale of development in addition to the relationship with the surrounding built form is all considered positive, for reasons mentioned above. The result will be a building that will be traditional in character with facing and roofing materials to blend in with the surrounding area. Conditions to ensure that the materials proposed are of acceptable quality would be imposed on any permission granted.

Representations have commented that the scheme may damage the setting of a thin strip of land behind 44 Greenhill Main Road, which is characteristic of the historic layout of farmsteads in the village, as also referred to in the Greenhill Conservation Area Appraisal. In this case, the development will not harm the general arrangement of the thin strip of land, which will remain visible in its general form stretching for 50m behind the proposed house, and also 20m to the front at its full width. The associated removal of the dividing fence between the orchard area and paddock will also visually re-integrate both parts of the plot, which will enhance the visual apparentness of the thin strip of land.

Consideration towards heritage has also been extended to consultations with the South Yorkshire Archaeology Team to assess whether there are likely to be any archaeological remains on the site of importance, following comments from a representation. The feedback has confirmed that there is nothing of significant interest on site that warrants further archaeological investigation.

Trees and landscaping.

UDP policy GE15 seeks to retain mature trees and where these are lost, replacements should be provided as part of development.

Core Strategy policy CS74 requires new development to take advantage of woodlands and natural features.

A Tree Survey has been submitted in support of the application. The tree survey provides a summary of all the mature trees on the site, and the scheme proposes all these to be retained. Some self-set trees are evident in the site, notably around the section where the house is proposed to be built. These trees are spindly in appearance, with no significant trunk or tall canopy coverage. As a result, their removal in principle cannot be resisted as they are not mature specimens or of significant amenity value by themselves. Nevertheless, the presence of bushes and small trees does help to soften the appearance of the area. As a result, there will be a need for the developer to replace the trees cut down as part of a detailed landscaping arrangement. This scheme does not include a detailed assessment of landscaping, and the information will be reserved by condition.

Of the mature trees to remain on site, the most significant specimens are at the curtilage with James Norton Crescent – some just outside of the Conservation Area, but with canopy areas that extend significantly into the Conservation Area. The set back of the house from the original submission will ensure that the development will not affect the root systems of these trees. The apple trees that will remain are not significant specimens, but their retention will assist with providing soft landscaping close to the curtilage with 42, and will also retain an element of the previous use on site. Due to the small canopy cover, the root systems will not be extensive, and should not be significantly impeded by the proposed driveway.

It is considered that the impact on mature trees in the site will be negligible, and the loss of trees on the house site is considered acceptable considering their present poor quality appearance, subject to their replacement as part of a detailed landscaping scheme.

Other landscaping issues, such as details of replacement trees/bushes around the house, and details of the driveway materials would be required. These would form part of a reserved matters application.

Sustainability.

Core Strategy policy CS64 says that all new buildings must be designed to reduce emissions of greenhouse gases, making best use of solar energy, passive heating and cooling, natural light and natural ventilation. They should also be designed to use resources sustainably. This includes minimising water consumption, maximising water recycling, minimising waste and other means.

The Design and Access Statement supporting the application includes nothing specific on this issue. However, it should be noted that this application has been set out as this is an outline proposal aimed at establishing the principle of the development only. Floor plans indicate that thought has been given to the use of natural lighting where possible. However, more information is required, and this matter will be addressed in detail through the use of conditions.

Impact on the amenities of existing residents.

UDP policy H14 says that new development in housing areas should not cause harm to the amenities of existing residents.

Core Strategy policy CS74 requires new development to contribute to the creation of successful neighbourhoods.

It is important to ensure that the proposal would not result in a significant and/or unreasonable loss of privacy to neighbours nor result in a development having an overbearing nature which would be to the detriment of neighbours' amenities. Representations have been received from properties on three sides to the development site, of which the closest houses are those at 12 and 14 James Andrew Crescent.

Several representation comments have been received objecting to potential overlooking from the proposal. The proposal, as indicated, would not have principal windows facing the houses. The front windows would face towards the rear of 44-48 Greenhill Main Road, whose curtilage will be over 10m distant, and whose rear windows would be over 40m distant. The rear windows would look over a 50m long garden. Due to the separation distances involved, these windows will cause no substantial overlooking. Diagonal overlooking from these windows may be possible, but would not be sufficient to reject the proposal as the house would be set in from the side curtilages by over 4m and 8m to 42 Greenhill Main Road and properties on James Andrew Crescent respectively. Any diagonal overlooking would not be direct, and would only offer views of amenity areas of neighbouring houses, not dissimilar to existing indirect overlooking, such as views from 40 Greenhill Main Road towards number 42 or between the neighbouring houses on James Andrew Crescent as originally built, and would offer no overlooking into the rooms of neighbouring houses, whose windows would be well over the 21m distance considered adequate to prevent significant privacy concerns with windows placed directly overlooking each other.

Side windows proposed would offer no significant overlooking. With regards to James Andrew Crescent, ground floor windows would have views curtailed by the existing boundary treatment, whilst the first-floor window would be high level, preventing direct views to the side. Towards 42 Greenhill Main Road, the ground floor window will have views similarly curtailed by curtilage boundary features. The first-floor windows will be for an en-suite and bathroom, and will be obscure glazed, to prevent significant overlooking.

The proposed house will not cause any significant overshadowing towards neighbouring properties, given its not insignificant separation distance from neighbouring properties.

The sub-division of the curtilage close to 44-48 Greenhill Main Road will leave an amenity space for these properties, which will be 135 square metres in area, in addition to existing smaller private yard areas behind each of the houses. The size is sufficient to ensure that enough amenity area remains for these houses in the future.

Given that the existing accessway is in use, it is not considered that the additional use of vehicles by the new house would substantially increase the glare from headlights from vehicles towards 42 Greenhill Main Road. The proposed driveway will also be screened off by virtue of being set away behind the existing apple trees from this neighbour, which will reduce the impact of the driveway beyond the rear aspect wall of number 42.

Access, Parking and Transport.

UDP policy H14 requires new development to have adequate on site parking and safe access for vehicles and pedestrians.

Core Strategy policies CS51 and CS53 deal with transport priorities and management of travel demand, respectively. Both seek to ensure that access and parking arrangements are safe and adequate.

With respect to parking provision, the indicative proposal shows a double garage with additional parking available on hard surfaces, which is acceptable. Although the parking accommodation will be reasonably generous, which is positive given the on-street parking congestion visible on Greenhill Main Road, the size of the house is not so large as to expect overly-intensive use of the parking facilities on site.

The existing access from between 42 and 44 Greenhill Main Road is proposed to be retained. This is a single track that currently provides access to the parking area for 44-48 Greenhill Main Road, presently in use as evidences by cars on site used by the operators of two of the businesses on the site.

It is noted that the width of the access between the gate posts is 2.8m, with the width increasing to 5m and above once one reaches approximately 10m into the site, as the rear curtilage of 44 Greenhill Main Road curves away from the access road. The visibility at the road side of the access is restricted by the existing side wall of 44 Greenhill Main Road and it would not be possible to widen this because of the existing built form of the area. The access arrangement does not allow for clear visibility towards Greenhill Main Road. However, the accessway is historic, being presently used by 44-48 Greenhill Main Road – with the commercial users utilising the access at present. The material increase in use of the accessway created by one household is not considered to be significant when considered against the existing use. The proposal will include the provision of an improved turning area and will assist in ensuring that users will exit the site in a forward gear. This is an improvement over the existing arrangement, where no formal turning area is provided (albeit an informal grassed turning area does appear in use).

With regards to fire access, the distance of the house away from Greenhill Main Road does mean that it would be difficult access to water in the event of a fire. The use of a sprinkler system will be required by condition to overcome this concern.

Impact on Wildlife.

UDP policy GE11 says that the natural environment will be protected and enhanced and new development should reduce potentially harmful impacts on nature.

Core Strategy policy CS74 seeks to ensure that attractive neighbourhoods are created.

An Ecological Scoping Survey has been submitted in support of the application, exploring specifically for wildlife habitats for protected species highlighted by representations – badgers and bats. The report has highlighted that there are no bat habitats on the site, nor any evidence of a badger sett on the site. Consultation with the Council's Ecology Unit has indicated that they are satisfied with the

findings of the report. A neighbour has however recently supplied additional contradictory evidence, and this is being further checked. An update on this point will be provided for members in a supplementary report.

Measures in the landscaping arrangements can be made to minimise any potential disturbance to wildlife, and enhance local biodiversity including the planting of trees or arrangements of bird boxes, which can be provided and assessed in a detailed submission for this site through condition before any development commences.

RESPONSE TO REPRESENTATIONS

Many of the issues raised by local residents and interested parties have received a response in the report already, but some comments are required.

Some comments have been received with regards to the accuracy of the submitted information. Of these, the issues regarding the self-seeded trees/bushes on the site not part of the Tree Assessment have been dealt with through a site visit process, as also have issues regarding the width of the access, which a site visit indicates is at 2.8m, rather than the 4m originally stated. Officers are satisfied that no further survey work is necessary.

Issues regarding the arrangement of boundary treatments are not connected to the application per-se, as the boundary treatments are already existing, and this application seeks no changes to the arrangements. As a result, to refuse an application based on the fact that the supporting statement does not include a detailed map of differing boundary treatments as existing is unreasonable, especially considering the outline nature of this application. Landscaping details required as part of the reserved matters will, however, ensure that adequate information is received on any potential changes before development commences.

SUMMARY AND RECOMMENDATION

This outline planning application seeks to establish the principle of a single dwelling on land at the rear of 44-48 Greenhill Main Road.

The application is outline, albeit seeking approval for key matters of access, appearance, and layout, with the details indicating proposed materials and protection of trees, landscaping remains a reserved matter. The design and external appearance would be of good quality, being a traditional building that would tie in with the local Conservation Area, with a building arrangement to complement the arrangement of houses as organically constructed over time around the centre of the old Greenhill Village.

There would be no harm to the amenities of existing occupiers and the access, although not ideal, would be acceptable. The impact on trees, planting and wildlife would also be acceptable and there would be no significant impact on the character and setting of the Greenhill Conservation Area.

It is considered that the proposal would be acceptable and complies with all policy criteria set out in this report.

The NPPF says that inappropriate development in residential gardens should be resisted. This proposal does not conflict with policy criteria as the site, although attached to 44-48 Greenhill Main Road, is not a traditional garden in size or shape – originally being an agricultural smallholding and paddock. The development is considered to be appropriate at this location and, accordingly, there is no conflict with NPPF guidance.

This application is, therefore, considered to be acceptable and is recommended for conditional approval.

Case Number 11/03524/OUT (Formerly PP-01682343)
Application Type Outline Planning Application
Proposal Erection of detached dwellinghouse and garage
Location Curtilage Of 35 Greenhill Main Road And Meadowhead Avenue
Sheffield
S8 7RB
Date Received 07/11/2011
Team SOUTH
Applicant/Agent Coda Studios 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:

Drawing 1874-001 dated 27.04.12.
Drawing 1874-002 dated 07.11.11.
Drawing 1874-003 dated 07.11.11.
Drawing 1874-004 dated 07.11.11.
Drawing 1874-005 dated 07.11.11.
Drawing 1874-006 dated 07.11.11.
Drawing 1874-007Rev.A dated 27.04.12.
Drawing 1874-008 dated 27.04.12.
Tree Impact Assessment Plan dated 07.11.11.

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 The development shall not be commenced unless and until full particulars and plans thereof shall have been submitted to the Local Planning Authority and planning approval in respect thereof including details of (a) Access, (b)

Appearance, (c) Landscaping, (d) Layout and (e) Scale (matters reserved by the permission) shall have been obtained from the Local Planning Authority.

Until full particulars and plans of the development (including details of the matters hereby reserved) are submitted to and approved by the Local Planning Authority they cannot agree to the development proceeding.

- 4 The development shall not be commenced unless and until full particulars and plans thereof shall have been submitted to the Local Planning Authority and planning approval in respect thereof including details of all reserved matters (matters reserved by this permission) shall have been obtained from the Local Planning Authority.

Until full particulars and plans of the development (including details of the matters hereby reserved) are submitted to and approved by the Local Planning Authority they cannot agree to the development proceeding.

- 5 Application for approval in respect of any matter reserved by this permission must be made 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.

- 6 The development shall be begun not later than whichever is the later of the following dates:- the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

- 7 Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient car parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the dwelling shall not be used unless such car parking accommodation has been provided in accordance with the approved plans and thereafter such car parking accommodation shall be retained for the sole use of the occupiers of the development hereby approved.

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

- 8 The dwelling shall not be occupied unless a sprinkler system, fitted to the requirements of BS9251, and with a minimum pressure of 1.0 bar has been provided. The sprinkler system shall thereafter be retained.

In order to ensure the safety of occupants in the event of a fire.

- 9 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.

- 10 Before the development is commenced, details of a suitable means of secure boundary treatment for the on-site electricity sub-station shall have been submitted to and approved in writing by the Local Planning Authority . The secure boundary treatment shall then be implemented in accordance with such approved details, before the dwelling is occupied.

In the interests of site security.

- 11 No development shall commence until details of the means of ingress and egress for vehicles engaged in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the arrangements for restricting the vehicles to the approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.

In the interests of highway safety and the 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:

H10 - Development in Housing Areas
H14 - Conditions on Development in Housing Areas
BE16 - Development in Conservation Areas
BE19 - Development affecting Listed Buildings
GE11- Nature Conservation and Development
GE15 - Trees and Woodland
CS31 - Housing in the South West Area
CS51- Transport Priorities
CS53 - Management of Demand for Travel
CS64 - Climate Change, Resources and Sustainable Design of Developments

CS74 - Design Principles
National Planning Policy Framework.

Overall it is considered that the development complies with the relevant policies and proposals, and would not 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. 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.
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. 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

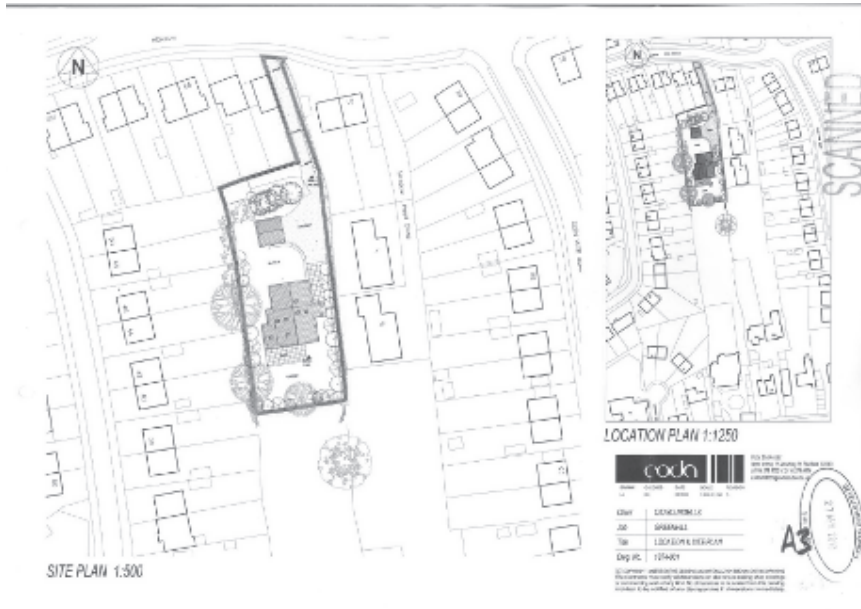
www.planningportal.gov.uk. The charge for this type of application is £85 or £25 if it relates to a condition on a householder application for development.

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 relates to the rear section of the garden of 35, Greenhill Main Road and seeks outline planning permission for a single dwelling, associated double garage garden and access taken from Meadowhead Avenue.

35, Greenhill Main Road, entitled The Manor, is a Grade 2 Listed building that lies within the Greenhill Conservation Area and the house has a long back garden that falls from the higher ground upon which the house sits, running between existing housing either side until the end which borders rear gardens associated with Meadowhead Avenue. An access track runs from the end of the garden to Meadowhead Avenue and this currently serves the electricity sub station at the rear of 99, Meadowhead Avenue.

The garden is approximately 140 metres long from the rear of The Manor to the back gardens of 95 to 99, Meadowhead Avenue. The width varies from 20 to 25 metres wide. The application site, very broadly, covers the former tennis court which has a tarmac surface and the grassed areas around it. There is mature planting in the form of trees and hedgerows along the north, west and south boundaries of the application site. Along the east edge is a more formal, lower hedge. The site is 90 metres from the rear of The Manor.

All neighbouring development is residential. To the north and west is established two storey semi detached housing with gardens varying in depth between 13 and 23 metres. To the east is backland development in the form of two bungalows located at the rear of 91 and 93, Meadowhead Avenue which are served by Meadowhead Close. Both lie about 6 metres away from the edge of the application site.

The application is outline with all matters reserved but a detailed indicative proposal, as amended, has been submitted in support of the application. Access is

taken via the existing single width access track from Meadowhead Avenue. This would lead to a turning area that would also serve the double garage. The house would be sited in the southern part of the site with garden areas to the north and south but there would be space either side to the east and west which would vary between 4.5 and 7 metres.

The house as demonstrated on the indicative plans would be of a modern, contemporary design. The central ridge running north to south would rise to 2 storeys but the roof would drop from this resulting in an eaves height of between 2.1 and 3.4 metres along each side. All principle windows would face north and south and external materials would be a mix of brick, render and timber cladding. Existing landscaping would be supplemented to provide additional screening.

RELEVANT PLANNING HISTORY

82/01171/OUT. Outline application for a single dwelling and garage refused 23.03.1983. The access was considered to be unacceptable particularly for fire service vehicles.

SUMMARY OF REPRESENTATIONS

12 individual letters of objection have been received from residents which set out the following comments.

The access runs between two houses and cannot be widened. This will limit traffic and emergency service access.

Meadowhead Avenue suffers from heavy on street parking and access into the site will be difficult.

There would be a danger to pedestrians because of limited visibility caused by existing houses.

The earlier refusal was because of a sub standard access. This has not changed so this application should be refused as well.

If the property was sublet on a room only basis then there would be more cars.

There would be disruption to neighbours, particularly during building works.

The design of the house would not be in keeping with the surrounding area as there are no other dormer bungalows nor any other timber clad buildings.

This will increase the carbon footprint of Greenhill.

Loss of privacy and light particularly to the east and west because of low level hedges.

There is a danger of roof extensions making it higher.

A smaller bungalow on the site would be more appropriate.

This is an unacceptable proposal that would have a detrimental impact on the Greenhill Conservation Area and Listed building.

The loss of trees is unacceptable and there would be a loss of open space in a built up area.

Detrimental impact on wildlife because of loss of vegetation.

The loss of tree T13 will reveal dead foliage and the location of the garage will harm the roots of the adjoining oak tree.

The Design and Access Statement says that there has been community consultation but this has not happened.

There are electric cables beneath the access road.

There would be a detrimental impact on drainage in the area because there are springs in the vicinity of the Manor House.

The loss of the security gates at the entrance from Meadowhead Avenue would affect security of the sub station.

25 standard letters have also been received from local residents which repeat many points already set out above. However, there are a number of additional comments.

The development would have an overbearing nature.

The Fire Service rejected the previous application because of the inadequate access.

No information has been provided about the sustainable drainage system.

Councillor Clive Skelton objects to the application.

Impact on the visual amenity of the area.

Site access is not acceptable.

Severe impact on wildlife.

Impact on trees.

Meg Munn MP has also expressed her concerns.

This would be built in the grounds of a Listed building and would also impact on the Greenhill Conservation Area.

The access is via a narrow grassed track from Meadowhead Avenue which is unsuitable for construction and large delivery vehicles.

Emergency vehicles would find it difficult to access the site.

PLANNING ASSESSMENT

Land Use Policy

The adopted Unitary Development Plan (UDP) shows that the application site is designated as a housing policy area. UDP policy H10 says that housing is the preferred use so the broad principle is acceptable.

Government planning guidance in the form of the National Planning Policy Framework (NPPF) says, in paragraph 48, that Local Planning Authorities (LPA) should make allowance for windfall housing sites in the five year supply but this should not include residential gardens. The NPPF goes on to say in paragraph 53 that Local Planning Authority's should consider setting out policies to resist inappropriate development of residential gardens, for example where they would cause harm to the local area.

There is, therefore, a presumption against inappropriate development in private gardens so to establish whether or not this proposal is 'inappropriate' the application needs to be set against all relevant policy criteria and material considerations.

The NPPF also re-affirms previous national policy advice by excluding private residential gardens from the definition of previously developed land.

Core Strategy policy CS24 gives priority for the development of new housing on previously developed land and states that no more than 12% of dwellings should be constructed on greenfield land in the period up to 2025/26. It also states that such development should only occur on small sites within urban areas, where it can be justified on sustainability grounds. The current house completion database shows that 5.4% of new houses have been built on Greenfield sites so the proposal would be well within the 12% threshold.

The site is small within an existing urban area and sustainably located in that it is within 270 metres of a local shopping centre which includes a convenience foodstore, restaurants, post office and other shops. A number of bus services are available from stops within the centre and along Bocking Lane which is 220 metres away from the site. Buses run at about every 15 minutes in each direction. In this context, the development of this small Greenfield site for new housing complies with the aims of policy CS24.

Layout, Design and External Appearance.

The application is outline with all matters reserved but the applicant has submitted a detailed layout and design which gives a clear indication on how the proposal would develop.

UDP policy H14 and Core Strategy policy CS74 expect good quality design in keeping with the scale and character of the surrounding area.

Core Strategy policy CS31 deals with housing in the south west area and this says that priority will be given to safeguarding and enhancing its areas of character. Although the application site lies in south Sheffield it does not lie within the area covered by this policy. The policy defines 'south west' as between the Manchester Road and Abbeydale Road corridors.

The indicative layout shows the house sited centrally in the southern part of the application site. Access would be via the existing access track taken from Meadowhead Avenue and the double garage would be sited in the north part of the site, served by the turning area/driveway. There is ample space to provide garden space; 15 metres deep on the south side and 9 metres deep to the north. There is also space at the sides of the house and for screen planting to supplement existing trees and hedges and a planted strip would keep the electricity sub station separate from the house and garden. The application site can accommodate a house of the footprint shown indicatively.

With respect to the design and external appearance, the indicative drawings show a modern dormer bungalow with double height glazing at the north and south sides, the external treatment being brick, render and wooden cladding. The roof space would accommodate much of the bedroom space and this means that the shallow pitched roof has a low eaves height from one to one and a half storeys high.

The indicative design is different to any of the existing housing development around the site. There is a mix of house types in terms of scale, design and materials along Greenhill Main Road but these are all 90 metres or further away at a higher level and they do not relate closely to the proposal. To the north, west and east of the site are semi detached houses that front on to Meadowhead Avenue, Glen View Road and Allenby Drive which are all two storeys high of a similar brick design. Although having a larger footprint than these houses, the indicative proposal would not be out of scale with neighbouring houses, particularly as it would be of a reduced height.

It is important to consider the impact on the character of the area. Core Strategy policy CS74 requires development to enhance distinctive features and the size and openness of the gardens behind houses in this locality do fall into the distinctive category. The proposal would be located within a site that lies between two bungalows, which are backland development, and the gardens of more established housing. Also, the application site is currently a disused tennis court with trees around. It is not the case that the development, as indicated, would be unduly prominent because of the scale and massing, the screening and the remaining extensive areas of open gardens. There would be a change with the introduction of this new house but this change would not alter the distinctive openness to such a degree as to merit resisting the application on this issue.

A single storey brick double garage would be built in the north of the site. This would be a plain and standard design which would be acceptable in matching brick to the house.

There are two bungalows that are next to the application site to the east which are of a different design to the predominant semi detached houses. It is important to note that these and the proposal are and would not be visible from the roads around them, not even through gaps between the semi detached houses because of level changes.

The indicative design of the proposal is of good quality, meets the design policy criteria and is considered to be acceptable. It is not the case that it would be unacceptable simply because it would be different to existing development. However, any permission is agreeing to the principle of the development and subsequent reserved matters submissions could result in revised details of external design.

Sustainability.

As described above, the development is considered to be in a reasonably sustainable location being within an existing urban area and close to local facilities.

Core Strategy policy CS64 says that all new buildings must be designed to reduce emissions of greenhouse gases, making best use of solar energy, passive heating and cooling, natural light and natural ventilation. They should also be designed to use resources sustainably. This includes minimising water consumption, maximising water recycling, minimising waste and other means.

The Design and Access Statement supporting the application says that the design would be sustainable but nothing specific has been set out as this is an outline proposal aimed at establishing the principle of the development only. This matter will be addressed in detail during the Reserved Matters stage.

Impact on the amenities of existing residents.

UDP policy H14 says that new development in housing areas should not cause harm to the amenities of existing residents.

Core Strategy policy CS74 requires new development to contribute to the creation of successful neighbourhoods.

It is important that the proposal would not result in a loss of privacy to neighbours nor result in a development having an overbearing nature which would be to the detriment of neighbours' amenities. It is considered that the properties most likely to be affected by this proposal are the two bungalows to the immediate east of the site and 36 to 50 (even) Allenby Drive.

The applicant has provided sections through the site which demonstrates the relationship of the indicative proposal with these houses.

The cross section which includes the proposal, 42, Allenby Drive, 60, Glen View Road and 2, Meadow Head Close shows that the eaves and ridge lines of the indicative proposal would be very similar to the bungalow at 2, Meadow Head Close. A more detailed section taken through 42, Allenby Drive, the proposal and

2, Meadow head Close shows that the ridge proposals height would be the same as the eaves height of 44, Allenby Drive and confirms that the ridge would be the same as the adjoining bungalow.

The proposal, as indicated, would not have principal windows facing the houses and those that do face would be screened by existing and proposed planting. Consequently, there would be no loss of privacy affecting existing residents. Also, given the restricted height of the proposal, it has been demonstrated that the proposal would not have an overbearing impact.

Impact on the Setting and Character of the Listed Building and Greenhill Conservation Area.

UDP policies BE16 and BE19 deal with development affecting the character and setting of Conservation Areas and Listed Buildings respectively and both say that new development shall preserve or enhance such areas and buildings.

Core Strategy policy CS74 seeks to ensure that the distinctive heritage of Sheffield is preserved.

The edge of the application site is about 60 metres away from the boundary of the Conservation Area, which runs along the edge of the sloping garden immediately associated with The Manor. The Listed building is 90 metres away from the site and 105 metres away from the proposed building.

Given the distances involved, the level changes and the screening that would be provided for the proposal, it is considered that there would be no adverse impact on the Conservation Area and Listed Building.

Access, Parking and Transport.

UDP policy H14 requires new development to have adequate on site parking and safe access for vehicles and pedestrians.

Core Strategy policies CS51 and CS53 deal with transport priorities and management of travel demand, respectively. Both seek to ensure that access and parking arrangements are safe and adequate.

With respect to parking provision, the indicative proposal shows a double garage with additional parking available on hard surfaces, which is acceptable.

The existing access from between 93 and 95, Meadowhead Avenue would be retained. This is a single track that runs between the houses and gardens for 25 metres before opening out within the wider site. The visibility at either side of the access is restricted by hedges and fences either side and it would not be possible to widen this because of the ownership. The access arrangement does not allow for clear visibility in each direction but given existing traffic levels and the fact that this would only serve a single dwelling and the electricity sub station, it is considered to be acceptable.

It is noted that the access arrangements for the two bungalows is very similar. Meadow Head Close is a single track access road serving both bungalows that runs as a single track for 50 metres before widening which is twice the length of the proposal. Also, there are very similar restrictions to visibility in both directions at the junction with Meadow Head Avenue.

Concerns were raised early in the consideration of this application by the Fire Service about the distance the house would be from the road and the attendant problems of having an acceptable access to a water supply in the event of a fire. However, this has been resolved by the inclusion of a sprinkler system being incorporated into the design of the house and the Fire Service have confirmed that this is an acceptable solution.

An earlier outline planning application, 82/01171/OUT, was refused because of issues relating to fire service access and the access not being acceptable. The fire service have confirmed that the application is, from their point of view, acceptable and your officers are satisfied that, according to modern standards, the proposed access is safe. It is noted that a very similar access arrangement twice as long serving two dwellings has been accepted very close to the application site.

Trees and Landscaping.

UDP policy GE15 seeks to retain mature trees and where these are lost, replacements should be provided as part of development.

Core Strategy policy CS74 requires new development to take advantage of woodlands and natural features.

A Tree Survey has been submitted in support of the application which shows that all trees and planting around the edges of the site will be retained apart from a semi mature cypress tree which is in poor condition located next to the hedgerow at the north end of the site. This would be replaced by a similar tree as part of further additional planting around the site of the proposed house.

There is no planting within the central area of the site as this is a hard surfaced tennis court.

The original scheme showed the double garage sited close to the edge of the site which would have had a detrimental impact on the roots of an oak tree. The amended layout shows the garage moved away from the boundary, thus ensuring the roots will not be affected.

It is considered that the impact on trees and hedges and the proposed enhancement to planting is acceptable.

Impact on Wildlife.

UDP policy GE11 says that the natural environment will be protected and enhanced and new development should reduce potentially harmful impacts on nature.

Core Strategy policy CS74 seeks to ensure that attractive neighbourhoods are created.

An Ecological Survey has been submitted in support of the application. This concluded that, as the bulk of the development area is tarmac and the existing trees and hedges will, with one exception, remain, it is unlikely that there would be a harmful impact on the bio-diversity of the area. There is no evidence of any protected species on the site.

RESPONSE TO REPRESENTATIONS

Many of the issues raised by local residents and interested parties have received a response in the report already, but some comments are required.

If the house was sublet on the basis of an occupier in each of the four bedrooms then this would require an application for a change of use to a house in multiple occupation. The increase in cars on the site would then be assessed as part of this application.

It is acknowledged that the developer did not undertake community consultation took place prior to the submission of the application.

With respect to drainage details, this would be dealt with as part of a detailed Reserved matters application.

SUMMARY AND RECOMMENDATION

This outline planning application seeks to establish the principle of a single dwelling on land at the rear of 35, Greenhill Main Road, a Listed building known as the Manor. The site was last used as a tennis court and is enclosed by trees and planting. Access would be taken from a single track access which leads to Meadow Head Avenue.

The application is outline with all matters reserved but a detailed indicative layout and design has been submitted which shows a dormer bungalow sited on the hard surface area with all planting except one tree being retained with additional planting to provide screening. The design and external appearance would be of good quality, being a modern, contemporary scheme with brick, render and wood cladding, the latter material complementing the trees.

There would be no harm to the amenities of existing occupiers and the access, although not ideal, would be acceptable. The impact on trees, planting and wildlife would also be acceptable and there would be no impact on the character and setting of the Greenhill Conservation Area or the Listed building.

It is considered that the indicative proposal would be acceptable and complies with all policy criteria set out in this report.

The NPPF says that inappropriate development in residential gardens should be resisted. This proposal does not conflict with policy criteria and is, therefore, considered to be appropriate at this location and, accordingly, there is no conflict with NPPF guidance.

This application is, therefore, considered to be acceptable and is recommended for conditional approval.

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**REPORT TO CITY CENTRE SOUTH &
EAST AREA PLANNING & HIGHWAYS
COMMITTEE**

DATE 11 JUNE 2012

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

ITEM

SUBJECT 20A CLARKEHOUSE ROAD, SHEFFIELD, S10 2LB

SUMMARY

TO INFORM MEMBERS OF THE SITUATION AT THE ABOVE ADDRESS AND MAKE RECOMMENDATIONS ON THE APPROPRIATE FORM OF ACTION.

RECOMMENDATIONS

THAT THE AREA COMMITTEE AUTHORISES THE CITY SOLICITOR TO TAKE ALL NECESSARY STEPS, INCLUDING ENFORCEMENT ACTION AND IF NECESSARY THE INSTITUTION OF LEGAL PROCEEDINGS, TO SECURE THE REINSTATEMENT OF THE DEMOLISHED PORTIONS OF BOUNDARY WALL ADJOINING A LISTED BUILDING

FINANCIAL IMPLICATIONS

NO

PARAGRAPHS

CLEARED BY

BACKGROUND PAPERS

CONTACT POINT FOR ACCESS

STEWART GREENSLADE

TEL NO:

0114 203 7894

AREA(S) AFFECTED

CATEGORY OF
REPORT

OPEN

DEVELOPMENT SERVICES

REPORT TO CITY CENTRE SOUTH
AND EAST PLANNING AND
HIGHWAYS COMMITTEE
11 JUNE 2012

ENFORCEMENT REPORT

UNAUTHORISED DEMOLITION OF PORTIONS OF BOUNDARY WALL ADJOINED TO A LISTED BUILDING AT 20A CLARKEHOUSE ROAD, SHEFFIELD, S10 2LB

1. PURPOSE OF REPORT

The purpose of this report is to inform Committee Members of a breach of listed building / planning control and to make recommendations on any further action required.

2. BACKGROUND AND LOCATION

2.1 20A Clarkehouse Road is a self-contained flat within an end-of-terrace, brick built property. The terrace as a whole is Grade II listed, and dates back to c.1845. It is located within the Broomhill Conservation Area.

2.2 A complaint was received in July 2011, regarding the demolition of the boundary wall attached to the property and the removal of a large tree within the rear curtilage.
A subsequent visit to the site was carried out, and it was seen that the vehicle opening to the rear curtilage/parking area had been widened via the demolition of two portions of wall at each side of the entrance. This had been done without having firstly gained the requisite listed building consent. Additionally, there were no trees remaining within the rear curtilage.

2.3 Consent had previously been granted in May 2011, for alterations to the flat. The approved drawings stated that no further demolition work to the wall was proposed, and showed the retention of a number of trees within the rear curtilage area.

2.3 An initial letter was sent to the Owner outlining the breaches of listed building control that had occurred at the property. A response letter was received from the Owner outlining details of the site prior to the commencement of works.

After assessment of this response letter, further correspondence was sent to the Owner giving revised details of the required works. This

stated that the portions of the demolished wall were required to be re-instated in an appropriate manner. It was concluded that it would not be reasonable to pursue the removal of tress, since the previously existing trees were not considered to have been in particularly good condition, and did not have a high visual amenity value due to them not being in a prominent location.

The Owner responded by confirming that the required works were to have been carried out by the end of February 2012. Further correspondence was later received from the Owner stating that the works had not been carried out due to funding issues and the expense of the procedure.

In order to ensure that the works were not delayed beyond that point, a deadline of the end of April 2012 was given to the Owner. The Owner provided a reply stating that based upon difficulties in obtaining a qualified tradesman the works would instead be completed by the end of May.

3 ASSESSMENT OF THE BREACHES OF CONTROL

- 3.1 The access opening as it previously existed featured a short stone portion close to ground level on the right hand side of the opening and brickwork that was reasonably well detailed at the termination points. The amended opening simply involves the 'slicing off' of two lengths of the wall.
- 3.2 Unitary Development Plan Policy BE16 'Development in Conservation Areas' states that in Conservation Areas permission will only be given for proposals which contain sufficient information to enable their impact on the area to be judged acceptable and which would preserve or enhance the character or appearance of the Conservation Area.
- 3.3 Unitary Development Plan Policy BE5 'Building Design and Siting' states that good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions.
- 3.4 Unitary Development Plan Policy BE17 'Design and Materials in Areas of Special Architectural or Historic Interest' requires a high standard of design using traditional materials.
- 3.5 Unitary Development Plan Policy BE19 'Development Affecting Listed Buildings' states that internal or external alterations to a Listed Building will be expected to preserve the character and appearance of the building, and where appropriate preserve original details and features of interest. Proposals for development within the curtilage of a listed building will be expected to preserve the character and appearance of the building and its setting.

- 3.6 The Broomhill Conservation Area Appraisal refers to the area's 19th century buildings, such as the terrace of buildings including the site in question, as being critical to the special interest of the conservation area. Boundary walls are also referred to as being a key characteristic of this part of the conservation area.

The Conservation Area Management Proposals document recommends that boundary walls are kept in a good state of repair using historic and traditional materials, and that alterations to boundary walls will normally be resisted.

- 3.7 The removal of the portions of boundary wall has been done rather crudely, and is considered to have a detrimental impact upon the appearance and character of the listed building. The wall acts to enclose the curtilage to the listed building, and is therefore considered to represent a key part of its character. The brick work has been cut through in a manner unsympathetic to the listed building, and pays no regard to the historic significance of the building or its contribution to the character of the area. Overall, the works are considered to fail to comply with the aims of policies BE16, BE17 and BE19.

- 3.7 The widened access is shown in the below photographs, illustrating the harmful impact upon the listed building:





- 3.11 As covered above the Owner has indicated that the works are due to be completed by the end of May 2012. A Listed Building Enforcement Notice would then be issued if this deadline was not achieved. The Listed Building Enforcement Notice would require the reinstatement of the two portions of wall either side of the access. This would be required to be carried out using matching stone and bricks, providing brick column type additions.

4 REPRESENTATIONS

- 4.1 The initial complaint was received from a neighbour regarding the demolition of the boundary wall and the removal of a tree to the rear of the building.

5 ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 Regularisation of the existing widened access through the submission of an application for listed building consent is not being recommended.
- 5.2 Section 38 of the Planning (Listed Buildings and Conservation Areas) Act provides for the service of a listed building enforcement notice where there has been a breach of listed building control. In this case such a notice would require remedial measures to be carried out to deal with the breach. This would involve the re-instatement of the two portions of wall which have been removed using appropriate materials and mortar. The ends of the portions of wall would be required to be finished appropriately, so that only complete bricks were exposed and not cut bricks. There is a right of appeal to the Planning Inspectorate against the Enforcement Notice. It is considered, however, that the Council would be able to successfully defend any such appeal.

6 EQUAL OPPORTUNITIES

- 6.1 There are no equal opportunity implications arising from the recommendations in this report.

7 FINANCIAL IMPLICATIONS

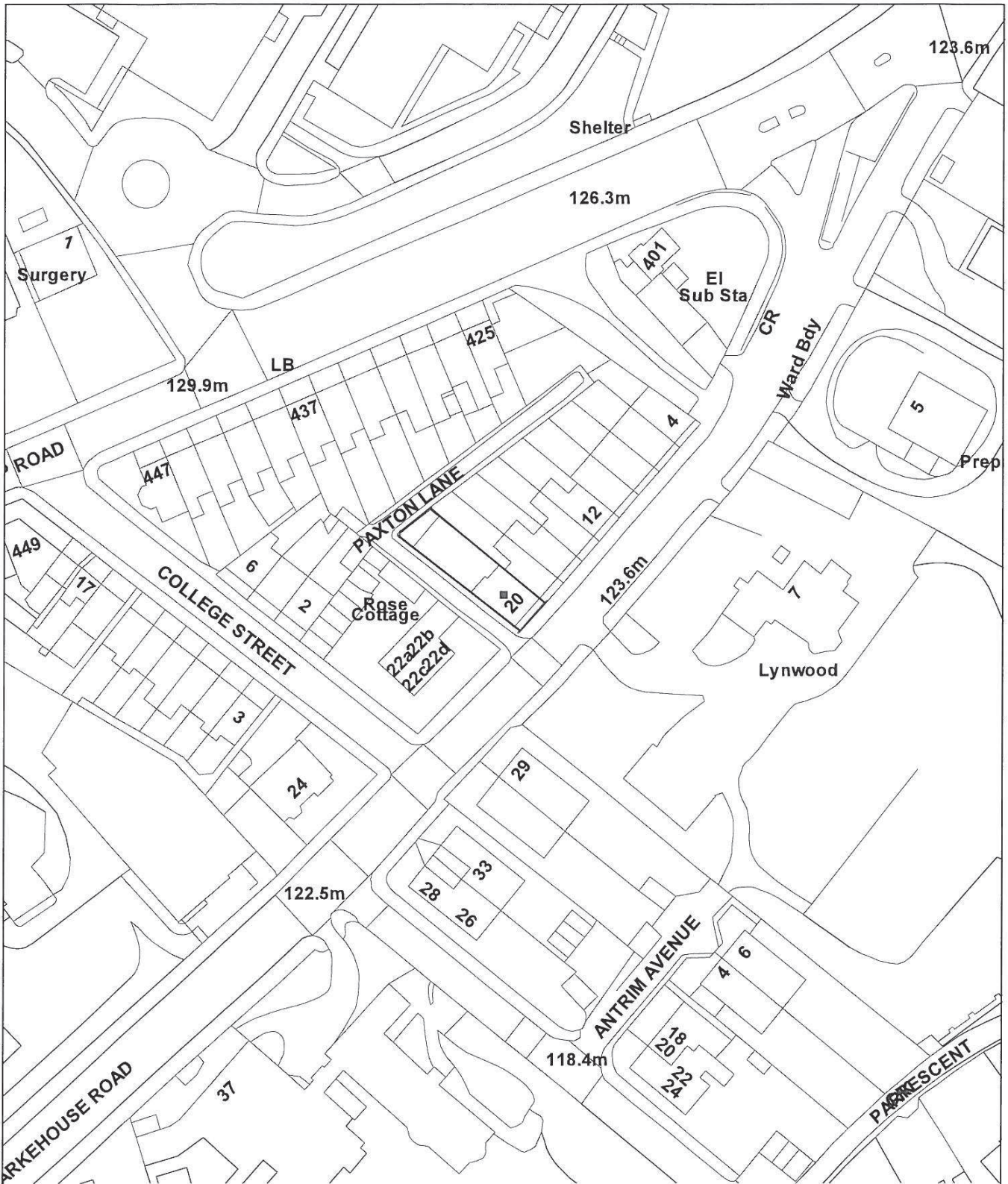
- 7.1 There are no financial implications arising from the recommendations in this report.

8 RECOMMENDATION

- 8.1 That the Director of Development Services or Head of Planning be authorised to take all necessary steps, if needed, enforcement action and the institution of legal proceedings to secure the re-instatement of the demolished portions of wall, using suitable materials and finished in an appropriate manner.

D Caulfield
Head of Planning

11 June 2012

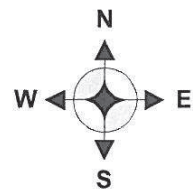


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Date: 23 May 2012

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**REPORT TO CITY CENTRE SOUTH &
EAST AREA PLANNING & HIGHWAYS
COMMITTEE**

DATE 11 JUNE 2012

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

ITEM

SUBJECT 2 TO 12 SUMMERFIELD, ASHDELL ROAD, SHEFFIELD, S10 3DD.

SUMMARY

TO INFORM MEMBERS OF THE SITUATION AT THE ABOVE ADDRESS AND MAKE RECOMMENDATIONS ON THE APPROPRIATE FORM OF ACTION.

RECOMMENDATIONS

THAT THE AREA COMMITTEE AUTHORISES THE CITY SOLICITOR TO TAKE ALL NECESSARY STEPS, INCLUDING ENFORCEMENT ACTION AND IF NECESSARY THE INSTITUTION OF LEGAL PROCEEDINGS, TO SECURE THE REMOVAL OF THE UPVC GUTTERING AND BARGEBOARDING

FINANCIAL IMPLICATIONS

NO

PARAGRAPHS

CLEARED BY

BACKGROUND PAPERS

CONTACT POINT FOR ACCESS

STEWART GREENSLADE

TEL NO:

0114 203 7894

AREA(S) AFFECTED

CATEGORY OF
REPORT

OPEN

DEVELOPMENT SERVICES

REPORT TO CITY CENTRE SOUTH
AND EAST PLANNING AND
HIGHWAYS COMMITTEE
11 JUNE 2012

ENFORCEMENT REPORT

UNAUTHORISED REPLACEMENT OF FRONT ELEVATION
BARGEBOARDING AND GUTTERING AT 2 TO 12 SUMMERFIELD,
ASHDELL ROAD, SHEFFIELD, S10 3DD.

1. PURPOSE OF REPORT

The purpose of this report is to inform Committee Members of a breach of planning control and to make recommendations on any further action required.

2. BACKGROUND AND LOCATION

2.1 2 to 12 Summerfield, Ashdell Road was originally a terrace of dwellinghouses, which have been sub-divided to form self-contained apartments. They are stone built and overlook a communal garden space which divides them from the terrace at 1 to 11 Summerfield, which is essentially a mirror image of the terrace forming the subject of this report.

2.2 2 to 12 Summerfield is located to the north of Ashdell Road, and is located within the Broomhill Conservation Area. They are covered by the Article 4(1) designation declared in September 2011. This has the effect of removing certain permitted development rights from property owners, including the alteration or replacement of external timbers such as guttering and bargeboards. Notwithstanding this the replaced bargeboarding and guttering is not located on an elevation which fronts a highway and is therefore not prevented from occurring by the Article 4 (1) designation.

However, the replacement of the bargeboarding and guttering is considered to materially affect the external appearance of the terrace of apartments. Since the terrace includes a number of self-contained flats it has no permitted development rights, and as such a planning permission is required for the alteration to the external appearance to the building.

- 2.3 A complaint was received in October 2011, regarding the removal of bargeboards, guttering and windows at the property. A subsequent site visit was carried out and it was noticed that the previously existing timber bargeboards, guttering and the support feet to the front elevation of the terrace had been replaced with uPVC bargeboards and guttering. It was also confirmed that no windows had been removed.
- 2.4 Following a meeting at the site with the owner's builder a letter was sent to the owner, stating that planning permission was required for any alteration to the external appearance of the apartments/flats meaning the uPVC guttering and bargeboarding was unauthorised. The owner was advised that a planning application for a more appropriate wooden replacement should be submitted for the Council's consideration.
- 2.5 A 2nd follow up letter was sent reminding the owner that an application for a more suitable replacement should be submitted. Whilst no specific period was given, it was indicated that the period for installation of suitable replacements could extend to a number of months.
- 2.6 The owner did not respond directly to these letters. A planning consultant acting on her behalf contacted enforcement officers to organise a meeting on site to discuss the issues arising from the works which had been carried out. During the course of the meeting (date - 2/3/12) the Planning Consultant confirmed that the original guttering and fascias had been retained and were going to be re-installed. It was also confirmed that the previously existing corbels had been retained and were going to be re-used. It was acknowledged that some of the guttering and fascias may not be sound, and would need to be replaced in like-for-like timber. The Planning Consultant was due to contact the enforcement officer, giving an intended time schedule for the replacement works. At that stage it was indicated that the enforcement and conservation officers would be satisfied if the re-installation was completed within approximately eight weeks of that point. However, since that point there has been no further commitment to undertaking the necessary works.

3 ASSESSMENT OF THE BREACHES OF CONTROL

- 3.1 The previously existing traditional timber bargeboards and gutters have been replaced by uPVC bargeboards and gutters.

- 3.2 Unitary Development Plan Policy BE16 'Development in Conservation Areas' states that in Conservation Areas permission will only be given for proposals which contain sufficient information to enable their impact on the area to be judged acceptable and which would preserve or enhance the character or appearance of the Conservation Area.
- 3.3 Unitary Development Plan Policy BE5 'Building Design and Siting' states that good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions.
- 3.4 Unitary Development Plan Policy BE17 'Design and Materials in Areas of Special Architectural or Historic Interest' requires a high standard of design using traditional materials.
- 3.5 The Broomhill Conservation Area Appraisal which was adopted on 17 December 2007, refers to the loss of architectural features and poor quality replacements as having spoiled the external appearance of buildings and the locality's street scene. It also states that such incremental erosion will destroy the character of the Conservation Area.
- 3.6 The Appraisal recommended that in order to prevent further, small scale incremental erosion of the character of the Conservation Area, an Article 4 Direction could be imposed, removing permitted development rights for such works. An Article 4(1) Direction was imposed in September 2011, following consultation with local residents and property owners.
- 3.7 It is considered that the unauthorised bargeboards and guttering are of an unsatisfactory appearance due to the inappropriate modern materials, and their poor detailing. Therefore, the modifications fail to preserve or enhance the character of Broomhill Conservation Area. Consequently the works are contrary to the aims of the policies BE5, BE16 and BE17 of the Unitary Development Plan.
- 3.8 The below photograph shows the property in question and demonstrates that the unauthorised bargeboard and guttering are not appropriate for the building and their appearance is deemed not to be in keeping with the character of the area.

Photo of Previously Existing Bargeboarding and Guttering



Photo of Replacement Bargeboarding and Guttering



3.9 uPVC is a modern material, and would be non-traditional for a building of this age and style. The uPVC bargeboards and gutters are significantly different in appearance from the original timber versions. They include flashing at the end of the section pieces which timber alternatives would not, they reflect sunlight in a different way than timber alternatives, and exhibit a uniformity not shown by painted timber. Overall, they appear significantly different than timber alternatives.

3.10 The Enforcement Notice would require the removal of the unauthorised uPVC bargeboards and guttering and replacement with timber alternatives of an appropriate design (i.e. as previously existed). A specified time period for the replacement would be given.

4 REPRESENTATIONS

4.1 One verbal representation was received about the replacement of windows at the property. During dialogue with the site owner, and representatives, it was confirmed that no windows had been replaced.

5 ASSESSMENT OF ENFORCEMENT OPTIONS

5.1 Regularisation of the existing bargeboarding and guttering is not being recommended.

5.2 Section 172 of the Act provides for the service of an enforcement notice (EN) where there has been a breach of planning control. In this case such a notice would require remedial measures to be carried out to deal with the breach. This would require the bargeboarding and guttering to the front elevation to be removed and replaced with bargeboarding and guttering of appropriate design and material. There is a right of appeal to the Planning Inspectorate against the Enforcement Notice. It is considered, however, that the Council would be able to successfully defend any such appeal.

6 EQUAL OPPORTUNITIES

6.1 There are no equal opportunity implications arising from the recommendations in this report.

7 FINANCIAL IMPLICATIONS

7.1 There are no financial implications arising from the recommendations in this report.

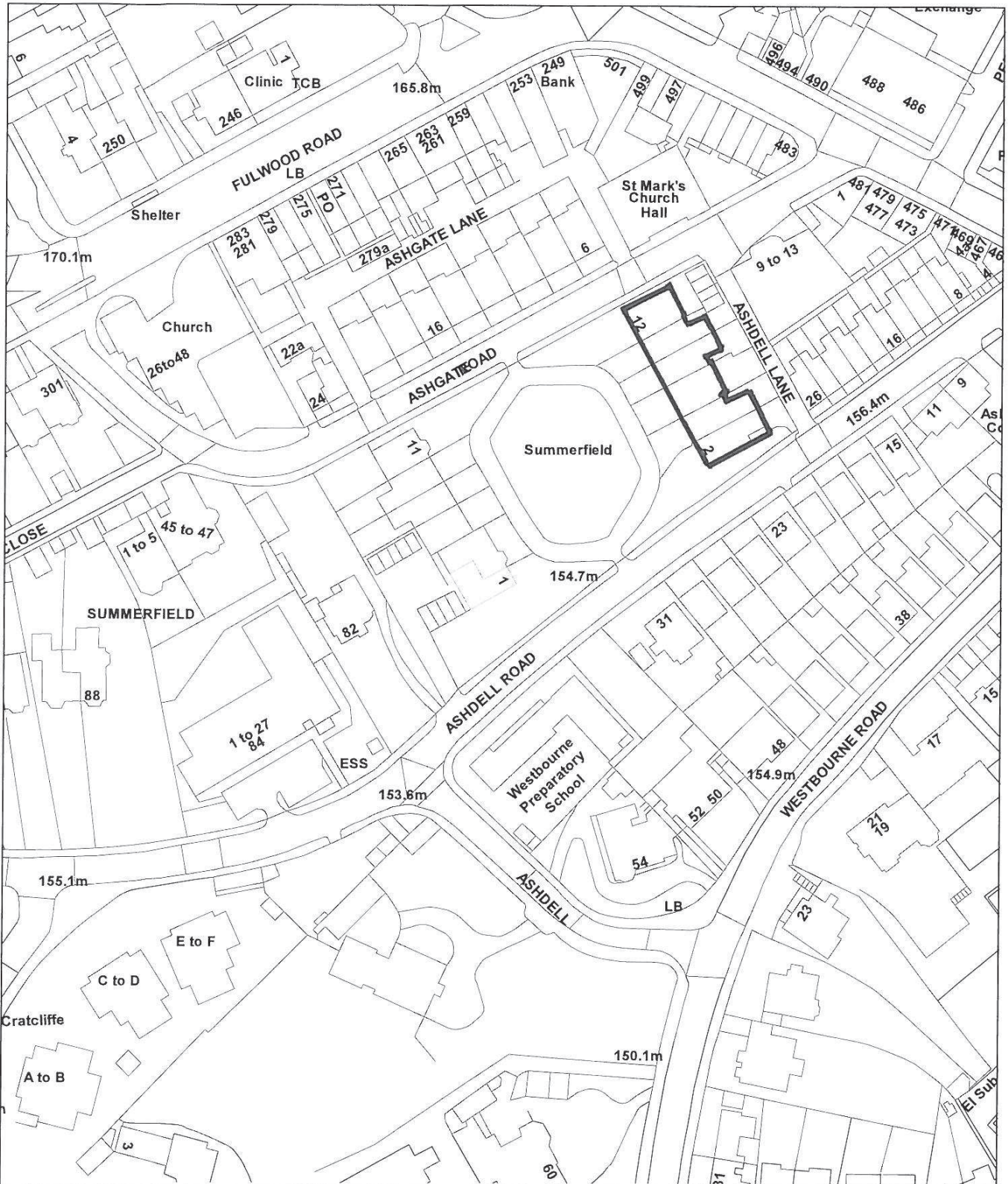
8 RECOMMENDATION

8.1 That the Director of Development Services or Head of Planning be authorised to take all necessary steps, if required, enforcement action and the institution of legal proceedings to secure the removal of the

bargeboarding and guttering to the front of 2 to 12 Summerfield and their replacement with suitable alternatives as specified in any Notice.

D Caulfield
Head of Planning

11 June 2012



Sheffield
City Council

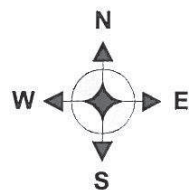


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Date: 23 May 2012

**REPORT TO CITY CENTRE, SOUTH &
EAST PLANNING AND HIGHWAYS
COMMITTEE**

DATE 11 JUNE 2012

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

ITEM

SUBJECT RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

SUMMARY

LIST OF ALL NEWLY SUBMITTED PLANNING APPEALS AND DECISIONS RECEIVED, TOGETHER WITH BRIEF SUMMARY OF INSPECTOR'S REASONS FOR DECISION

RECOMMENDATIONS

TO NOTE

FINANCIAL IMPLICATIONS

NO

PARAGRAPHS

CLEARED BY

N/A

BACKGROUND PAPERS

CONTACT POINT FOR ACCESS

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0114 2734404

AREA(S) AFFECTED

CATEGORY OF
REPORT

OPEN

DEVELOPMENT SERVICES

REPORT TO CITY CENTRE,
SOUTH & EAST PLANNING &
HIGHWAYS COMMITTEE
11 JUNE 2012

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

a) An appeal has been submitted to the Secretary of State against the decision of the City Council to refuse planning permission, under delegated powers, for:	
i)	the erection of two dwellinghouses at the site of Norton Oakes Park Cottages, Oakes Park, Norton Avenue (Case No: 11/03313/FUL);
ii)	a two-storey rear extension to a dwellinghouse at 14 Moorgate Avenue S10 1EQ (Case no: 12/00089/FUL);
iii)	a two-storey side extension, single-storey front extension, including porch and detached garage to a dwellinghouse at 72 to 74 Birkendale Rd S6 3NL (Case no: 12/00215/FUL);
iv)	a two-storey side/rear extension to a dwellinghouse and erection of canopy to the front entrance and garage – resubmission of planning application 11/02066/FUL (Case no: 12/00726/FUL); and
v)	the change of use of a shop from a letting agency to hot food take-away at 464 Ecclesall Road (Case No 12/00214/CHU) and;
b) An appeal has been submitted to the Secretary of State against the decision of the City Council to refuse advertising consent, under delegated powers, for signs at HSBC, 50 Upper Hanover Street (Case no: 11/03929/ADV).	
c) An appeal has been submitted to the Secretary of State against the decision of the City Council to serve an Enforcement Notice served in respect of the removal of a stone wall and the erection of a steel roller shutter to the rear of 4 Parkers Road	

3.0 APPEALS DECISIONS - ALLOWED

An appeal submitted to the Secretary of State against the decision of the City Council to refuse planning permission for the use of part of a GP practice as a 100 hour pharmacy, including consultation rooms at Darnall Health Centre, 2 York Road, Darnall has been allowed (case no: 11/03255/CHU).

Officer Comment:-

The Inspector concluded that whilst the pharmacy might take some trade away from the two existing pharmacies in Darnall Centre, it would be unlikely to divert a significant amount of trade from the District Centre as a whole and the planning system is not intended to protect individual business interests. The Inspector felt that there was no convincing evidence that there would be reduced footfall in the centre as a result of people no longer carrying out linked trips to the existing pharmacies and adjoining shops and he concluded that the 100 hour pharmacy would not detract unacceptably from the vitality and viability of the Darnall District Centre.

On the issue of residential amenity the Inspector considered that the use would not significantly harm the amenity of nearby houses through noise and other disturbance. He felt that the site was substantially separated from the houses, that there was already background noise on Greenland Road and that after hours use would be very limited.

The Inspector granted permission for the 100 hour pharmacy and at the same time made an award of costs against the Council because he felt that the Council had failed to provide evidence to support the first reason for refusal (impact on the vitality and viability of the District Centre) and had therefore acted unreasonably. He did not consider the second reason for refusal to be unreasonable (amenity of adjoining residents) although he didn't agree with our assessment.

4.0 RECOMMENDATIONS

That the report be noted

David Caulfield
Head of Planning

11 June 2012

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