

Planning and Highways Committee

Tuesday 5 November 2013 at 2.00 pm

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

The Press and Public are Welcome to Attend

Membership

Councillors Alan Law (Chair), Trevor Bagshaw, David Baker, Janet Bragg, Tony Downing (Deputy Chair), Jayne Dunn, Ibrar Hussain, Bob Johnson, Bob McCann, Peter Price, Peter Rippon, Garry Weatherall and Joyce Wright

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 Planning and Highways Committee is responsible for planning applications, Tree Preservation Orders, enforcement action and some highway, footpath, road safety and traffic management issues.

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.

Recording is allowed at Planning and Highways Committee meetings under the direction of the Chair of the meeting. Please see the website or contact Democratic Services for details of the Council's protocol on audio/visual recording and photography at council meetings.

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.

**PLANNING AND HIGHWAYS COMMITTEE AGENDA
5 NOVEMBER 2013**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 1 - 4)
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 5 - 12)
Minutes of the meeting of the Committee held on 15 October, 2013
- 6. Site Visit**
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 7. Tree Preservation Order 808/391: Site of 440 Glossop Road and 1 Beech Hill Road**
To seek confirmation to a Tree Preservation Order made on the 27 August 2013 in respect of trees at the site of 440 Glossop Road and 1 Beech Hill Road.
- 8. Proposed Highway Improvement Under Section 278 of the Highways Act - Meadowhall Way, Vulcan Road and Sheffield Road** (Pages 13 - 18)
Report of the Director of Regeneration and Development Services
- 9. Applications Under Various Acts/Regulations** (Pages 19 - 76)
Report of the Director of Regeneration and Development Services
- 10. Enforcement of Planning Control: Sheffield Ski Village, Vale Road** (Pages 77 - 92)
Report of the Director of Regeneration and Development Services
- 11. Enforcement of Planning Control: 263 Cemetery Road** (Pages 93 - 102)
Report of the Director of Regeneration and Development Services

12. Record of Planning Appeal Submissions and Decisions

(Pages 103 -
108)

Report of the Director of Regeneration and Development
Services

13. Date of Next Meeting

The next meeting of the Committee will be held on 26 November,
2013

ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

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

You **must**:

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

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

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

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

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

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

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in

land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or

- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

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

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

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

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

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

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SHEFFIELD CITY COUNCIL

Planning and Highways Committee

Meeting held 15 October 2013

PRESENT: Councillors Alan Law (Chair), Trevor Bagshaw, David Baker, Janet Bragg, Tony Downing (Deputy Chair), Jayne Dunn, Ibrar Hussain, Bob Johnson, Bob McCann, Peter Price, Peter Rippon, Garry Weatherall and Joyce Wright

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 Councillor David Baker declared a personal interest in an application for planning permission to allow throughput capacity to be increased from 60,000 to 135,000 tonnes per annum, revised external storage layout, introduction of new equipment to process building and extension of acoustic barrier (Application under Section 73 to vary conditions 2 (Approved drawings), 3 (Environmental Statement) and 4 (Noise) of planning permission 08/04136/FUL as amended on 23/05/2013 by 13/01144/FUL – Aggregate Recycling Facility) at Ballast Phoenix Ltd, Beeley Wood Recycling Village, 2 Beeley Wood Lane (Case No. 13/02199/FUL) as he had assisted residents with objections to previous applications at the site. However, he had not declared his position on this application or assisted any objectors.

3.2 Councillor Ibrar Hussain declared a personal interest in an application for planning permission for the use of retail unit (Class A1) as mixed class A1/A3 coffee shop and construction of 1:12 gradient access ramp at Couch, 412-416 Ecclesall Road (Case No. 13/02562/FUL) as he knew the applicant.

3.3 Councillors Alan Law, Peter Price and Tony Downing declared personal interests in an application for planning permission for the erection of 39 apartments in 1 x 4 storey block with associated undercroft and surface car parking accommodation at Sheffield United Football Club Car Park, Cherry Street and Shoreham Street, Highfield (Case No. 13/00837/FUL) as supporters of Sheffield United or Sheffield Wednesday Football Clubs.

3.4 Councillor Bob Johnson declared a personal interest in an application for planning permission to allow throughput capacity to be increased from 60,000 to 135,000 tonnes per annum, revised external storage layout, introduction of

new equipment to process building and extension of acoustic barrier (Application under Section 73 to vary conditions 2 (Approved drawings), 3 (Environmental Statement) and 4 (Noise) of planning permission 08/04136/FUL as amended on 23/05/2013 by 13/01144/FUL – Aggregate Recycling Facility) at Ballast Phoenix Ltd, Beeley Wood Recycling Village, 2 Beeley Wood Lane (Case No. 13/02199/FUL) as he had been approached by local residents but had not declared his position.

- 3.5 Councillor Jayne Dunn declared a personal interest in an application for planning permission for change of opening hours to allow opening between 0800 hours and 0100 hours on the following day on Thursdays and between 0800 hours and 0130 hours the following day on Fridays, Saturdays and the day before Public Holidays for a temporary period of 12 months (Application under Section 73 to vary condition No. 20 (opening hours) as imposed by planning permission 00/01269/FUL – Erection of flats, basement carparking, retail units (A1), offices (A2), restaurants/bars (A3), leisure (D2), medical centre (D1)) and crèche (D1) at Units 1-2, 3, 8-9 and 14, The Plaza, West One, Fitzwilliam Street (Case No. 13/02529/FUL) as she had spoken to an interested party but had not declared her position.

4. MINUTES OF PREVIOUS MEETING

- 4.1 The minutes of the meeting of the Committee held on 24 September 2013 were approved as a correct record.

5. SITE VISIT

- 5.1 **RESOLVED:** That the Director of Regeneration and Development Services, in liaison with the Chair, be authorised to make arrangements for a site visit on Thursday 31 October 2013, in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

6. PROPOSED DIVERSION OF A PUBLIC FOOTPATH BETWEEN QUEEN MARY ROAD AND PIT LANE, MANOR

- 6.1 The Director of Regeneration and Development Services submitted a report seeking authority to process the Footpath Diversion Order required to divert unnamed public footpaths linking Pit Lane with Queen Mary Road, Manor in connection with the proposed new Prince Edward primary school development.
- 6.2 The report stated that agents acting for the Education Funding Agency in partnership with Sheffield City Council, had made a planning application for a new primary school at Queen Mary Road, Manor as a replacement for the current Prince Edward School. The application was now being considered by Development Management, and was expected to be presented to this Committee for decision at a later date.
- 6.3 However, the development, as proposed in the planning application, would require diversion of existing footpaths which cross the site in order to go ahead,

as shown in Appendix A of the report.

- 6.4 Traditionally applications for footpath closure or diversion orders in connection with new developments have been made after planning consent had been obtained. However, the Growth and Infrastructure Act 2013 modified the Town and Country Planning Act 1990 so that such Orders can be made prior to planning consent being granted, in the hope of speeding up new developments which required changes to the highway network. Due to the tight timescales for this particular development, the applicants had asked the Council to use this new power to start the process, and to make as much progress with it as possible in parallel with the planning application process.
- 6.5 The report further stated that it was important to note that, whilst it was now possible for such a highway Order to be made by the Council prior to planning consent being granted, that Order remained subject to the granting of planning consent, and could in no way be either confirmed or implemented until the associated development had got planning consent.
- 6.6 **RESOLVED:** That (a) no objections are raised to the proposed diversion of the public footpaths between Queen Mary Road and Pit Lane, Manor as shown on the plan included as Appendix A to the report, subject to planning consent being obtained for the development, and satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected; and (b) authority be given to the Director of Legal and Governance to (i) take all necessary action to divert the footpaths under the powers contained within Section 257 of the Town and Country Planning Act 1990; and (ii) confirm the Order as an Unopposed Order, once any objections received had been resolved, and the development had planning consent.

7. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

- 7.1 **RESOLVED:** That (a) the applications now submitted for permission to develop land under the Town and Country Planning Act 1990 and the Regulations made thereunder and for consent under the Town and Country Planning (Control of Advertisements) Regulations 1989, be decided, granted or refused as stated in the report to this Committee for this date in respect of Case Nos. 13/01827/FUL, 13/02964/FUL and 13/01874/FUL and other applications considered be amended as in the minutes of this meeting, and the requisite notices issued; the granting of any permission or consent shall not constitute approval, permission or consent by this Committee or the Council for any other purpose;

(b) subject to the inclusion of additional conditions, and following consideration of an amended recommendation, as contained within a supplementary report circulated at the meeting, and consideration of representations from the applicant's agent in favour of the application, an application for planning permission for the erection of 39 apartments in 1 x 4 storey block with associated undercroft and surface car parking accommodation at Sheffield United Football Club Car Park, Cherry Street and Shoreham Street, Highfield

(Case No. 13/00837/FUL) be granted, conditionally, subject to legal agreement;

(c) following consideration of representations against the application from a resident speaking on behalf of local residents of Ash Lane and New Street, and representations in support of the application from the applicant, an application for planning permission for the erection of 3 dwellinghouses and associated off street parking and landscaping (resubmission) at land opposite 9 to 15 New Street, Stocksbridge (Case No. 13/01277/FUL) be granted, conditionally;

(d) following consideration of representations from the applicant speaking against the recommendation to refuse, (i) an application for planning permission for the use of ground floor as a hot food take-away (use class A5) including extraction flue and bin store to side at 42 Dundas Road (Case No. 13/02291/FUL) be refused as the Committee considered that (A) the proposed development would be detrimental to the amenities of the surrounding housing area and to the living conditions of nearby residents owing to the noise, smells, litter and general disturbance which would be generated by the use of the building for the purpose of a hot food takeaway and (B) that the proposed flue extraction discharge duct, by reason of its design (including height, size and projection) and prominent low level position, was an obtrusive and unattractive feature which detrimentally affected the character and appearance of the building and the visual amenities of the surrounding residential area, and the proposal was therefore contrary to Policy H14 of the Unitary Development Plan and (ii) the Director of Regeneration and Development Services or Interim Head of Planning be authorised to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the flue extraction discharge duct from the front of the property;

(e) following consideration of 3 additional letters of objection, as outlined in a supplementary report circulated at the meeting, an application for planning permission to allow throughput capacity to be increased from 60,000 to 135,000 tonnes per annum, revised external storage layout, introduction of new equipment to process building and extension of acoustic barrier (application under Section 73 to vary conditions 2 (approved drawings), 3 (environmental statement) and 4 (noise) of planning permission 08/04136/FUL as amended on 23/05/2013 by 13/01144/FUL – Aggregate Recycling Facility) at Ballast Phoenix Ltd, Beeley Wood Recycling Village, 2 Beeley Wood Lane (Case No. 13/02199/FUL) be granted, conditionally;

(f) following consideration of representations from the applicant speaking in favour of the development, and, subject to the City Council providing 9 car parking permits for new residents living on the proposed premises to be supplied on a first come first served basis, an application for planning permission for the re-development of former furniture store to form 12 residential units comprising 9 no. 2-bed dwellinghouses and 3 no. 3-bed dwellinghouses in 2 x 2/3 storey blocks including partial demolition of existing buildings, external alterations to both blocks and the creation of a courtyard area (as amended plans received 16/09/13) at the site of Barkers Furniture

Centre, E Barker & Son (Hillsboro) Ltd Garage and 44 Trickett Road, Dodd Street (Case No. 13/02403/FUL) be granted, conditionally, subject to legal agreement;

(g) following consideration of 2 additional letters of representation, as outlined in a supplementary report circulated at the meeting, and representations from the applicant speaking against the recommendation to refuse and a local resident speaking in support of the recommendation, and, notwithstanding the officer's recommendation, an application for planning permission for the change of opening hours to allow opening between 0800 hours and 0100 hours the following day on Thursdays and between 0800 hours and 0130 hours the following day on Fridays, Saturdays and the day before Public Holidays for a temporary period of 12 months (application under Section 73 to vary condition No. 20 (opening hours) as imposed by planning permission 00/01269/FUL – erection of flats, basement carparking, retail units (A1), offices (A2), restaurants/bars (A3), leisure (D2), medical centre (D1) and crèche (D1)) at Units 1-2, 3, 8-9 and 14, The Plaza, West One, Fitzwilliam Street (Case No. 13/02529/FUL), be granted for a trial period of 12 months, as the Committee considered that a departure from established adopted planning policy was acceptable in this case, with bars nearby operating similar hours, as such, it was viewed that the proposed extra 30 minutes opening on a Thursday and an additional 1 hour opening on a Friday, Saturday and the day before a bank holiday would not materially add to the noise and disturbance to adjacent residents;

(h) following consideration of additional representations and amended conditions, as contained within a supplementary report circulated at the meeting, an application for planning permission for the use of retail unit (Class A1) as mixed Class A1/A3 coffee shop and construction of 1:12 gradient access ramp at Couch, 412-416 Ecclesall Road (Case No. 13/02562/FUL) be granted, conditionally; and

(i) following consideration of representations from the applicant's agent and a local resident speaking in favour of the development, an application for planning permission for the demolition of a Public House and erection of a convenience store (Class A1) with associated landscaping, car parking accommodation and servicing at the Bradway Hotel, Bradway Road (Case No. 13/02630/FUL) be granted, conditionally.

8. AN OUTSTANDING DEBT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990: LAND AT CORNISH SQUARE, PENISTONE ROAD, CORNISH STREET AND GREEN LANE (CASE NO. 04/00270/FUL)

- 8.1 Further to Members' consideration of reports submitted to the former Planning and Highways Committees in November and December 2010 and January 2011, concerning the recovery of outstanding debts arising from Section 106 Legal Agreements under the Town and Country Planning Act 1990, the Director of Regeneration and Development Services submitted a report explaining that,

in respect of a Section 106 Agreement with regard to a development at the site of Cornish Square, Penistone Road, Cornish Street and Green Lane (Case No.04/00270/FUL) the Council's attempts to recover the sum of £39,109.00 had been exhausted.

8.2 Details concerning the Agreement were outlined and reasons given as to why no further action was proposed in respect of recovering the debt, along with advice given by Legal Services in respect of this matter.

8.3 It was stated that a complete review of Section 106 Agreement procedures had been undertaken and a revised process had been adopted in an attempt to prevent similar cases arising in the future.

8.4 RESOLVED: That (a) the writing-off of an outstanding Section 106 Agreement debt in relation to Planning Application Case No. 04/00270/FUL, be endorsed; and

(b) the Director of Finance be advised of the aforementioned decision accordingly.

9. ENFORCEMENT OF PLANNING CONTROL: LAND ADJACENT TO BAILEY BRIDGE, EFFINGHAM STREET

9.1 The Director of Regeneration and Development Services submitted a report on his investigation into a breach of planning control in respect of the unauthorised erection of a 20.9 metre high telecommunications mast, supporting three antennae and two transmission dishes and an associated ground based equipment compound enclosed by a 1.8 metre high palisade fencing and containing radio equipment cabinet and earth rod at land adjacent to Bailey Bridge, Effingham Street. The report stated that the mast was originally erected under emergency powers, to provide continued network coverage to the Burngreave area following the decommissioning of equipment at the site at Tempered Springs Company Ltd. It was stated that planning application Case No 12/01093/FUL and a lawful development certificate Case No 12/03522/LU1 to retain the mast and equipment at the site had been refused permission, and that subsequent appeals to the Planning Inspectorate concerning the planning application and lawful use certificate had also been dismissed.

9.2 An assessment of the mast and equipment considered that owing to its design, size, prominent siting and proximity to the River Don and the refurbished Bailey Bridge, which forms the entrance to the Five Weirs Walk, the development detracted from the setting and appearance of the River Don and detrimentally affected the appearance of the street scene. As such the development was considered contrary to Policies IB9, BE14 and GE17 of the Unitary Development Plan.

9.3 RESOLVED: That (a) authority be given to the Director of Regeneration and Development Services or the Interim Head of Planning to take all necessary steps including enforcement action, the service of a temporary Stop Notice, a

Stop Notice and, if necessary, the institution of legal proceedings, including injunctive action, to secure the removal of the unauthorised mast, associated equipment, fencing and compound and the reinstatement of the ground to its original condition at land adjacent to Bailey Bridge, Effingham Street; and

(b) delegated authority be given to the Interim Head of Planning, in consultation with the Chair (Councillor Alan Law), to vary the action authorised to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

10. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 10.1 The Committee received and noted a report of the Director of Regeneration and Development Services, together with additional information contained in a supplementary report circulated at the meeting, 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.

11. DATE OF NEXT MEETING

- 11.1 It was noted that the next meeting of the Committee will be held on Tuesday 5 November 2013 at 2.00 pm at the Town Hall.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 5th November 2013

Subject: PROPOSED HIGHWAY IMPROVEMENT UNDER SECTION 278 OF THE HIGHWAYS ACT – MEADOWHALL WAY, VULCAN ROAD & SHEFFIELD ROAD

Author of Report: I Wheeldon 0114 273 6368

Summary: To seek authority for the Council to sign the Highways Act 278 agreement to allow the detailed design and construction of this scheme to proceed.

Reasons for Recommendations: To comply with Standing Orders Planning and Highways Committee authority is required to enter into a section 278 agreement.

Recommendations: Authority be given to the Director of Legal Services to sign a Highway Act 278 Agreement for highway Improvement works associated with Planning Application 12/01017/ful (Next Development) on Meadowhall Way, Vulcan Road and Sheffield Road

Background Papers: None

Category of Report: *Open/~~Closed~~ *(delete as appropriate)

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PROPOSED HIGHWAY IMPROVEMENT UNDER SECTION 278 OF THE HIGHWAYS
ACT – MEADOWHALL WAY, VULCAN ROAD & SHEFFIELD ROAD

1. PURPOSE

- 1.1 To seek authority for the Council to sign the Highways Act section 278 agreement to allow the detailed design and construction of this scheme to proceed.

2. BACKGROUND

- 2.1 For many larger developments it is common for the development to include some form of improvement to the adjacent public highway to either allow access to the development site or improve the capacity of the adjacent highway to allow the additional trips generated by the development to be facilitated without detriment to existing highway users. These improvements are normally undertaken via an agreement with the Council under section 278 of the Highways Act.
- 2.2 Section 278 agreements are formalised by the Director of Legal Services and to comply with Council's standing orders as regards delegation the requirement for this type of agreement needs to be approved by the Council's Planning & Highways Committee to authorise Legal Services to sign the agreement.
- 2.3 Normally as part of the planning approval process the reports presented to this committee clearly indicate the extent of highway improvements that are required for any specific site and include a standard Grampian condition to cover these requirements. Where committee approve this type of report it has been accepted that this does give automatic approval for any necessary 278 agreement to be entered into by the Council.
- 2.4 In this particular instance the development which was presented to this committee under planning application number 12/01017/ful (which is the "Next" development adjacent to Meadowhall) was refused and therefore no formal consent to enter a 278 agreement exists. As members are aware this application was subsequently granted on appeal and it now necessary to obtain Committee approval to enter a 278 agreement as the developer is now hoping to commence very shortly.

3. LEGAL IMPLICATIONS

- 3.1 The Director of Legal Services has been consulted, and has advised that this committee's authority is required to complete this agreement.

4. HIGHWAY IMPLICATIONS

- 4.1 This report does not give rise to any additional highway implications as it is simply intended to obtain approval to enter into a section 278 agreement to comply with standing orders.

5. CONSULTATIONS

- 5.1 No additional consultation is required as regards this decision.
- 5.2 However, As part of the detailed design process once the section 278 agreement has been signed further consultation on the final design of these improvements will take place and the results of this consultation will be presented to Cabinet Highways as part of the final design sign off process.

6. EQUAL OPPORTUNITY IMPLICATIONS

- 6.1 No particular equal opportunity implications arise from the proposals in this report.

7. ENVIRONMENTAL IMPLICATIONS

- 7.1 No particular environmental implications arise from the proposals in this report.

8. FINANCIAL IMPLICATIONS

- 8.1 This report does not give rise to any financial implications. The developer is required as part of the 278 agreement to cover the Council's costs as regards any work we undertake on the improvement scheme including the Council's legal costs in preparing the 278 agreement.

9. CONCLUSION

- 9.1 Based on the above information, authority to enter into a section 278 agreement should now be given.

10. RECOMMENDATIONS

- 10.1 Authority be given to the Director of Legal Services to sign a Highways Act section 278 agreement for highway improvement works associated with planning application number 12/01017/ful (Next Development) on Meadowhall Way, Vulcan Road and Sheffield Road.

Steve Robinson
Head of Highway Maintenance
Regeneration & Development Services

5th November 2013

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SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Director of Regeneration and Development Services

Date: 05/11/2013

Subject: Applications under various acts/regulations

Author of Report: Chris Heeley, John Williamson and Lucy Bond

Summary:

Reasons for Recommendations

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

Recommendations:

Background Papers:

Category of Report: OPEN

Application No.	Location	Page No.
13/02716/FUL (Formerly PP-02808567)	95 Harcourt Road Sheffield S10 1DH	23
13/02613/FUL (Formerly PP-02804193)	Sly 36 Division Street Sheffield S1 4GF	37
13/02249/RG3 (Formerly PP-02636806)	Site Of King Ecgberts Upper School Furniss Avenue Sheffield S17 3QN	46

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To the Planning and Highways Committee
Date Of Meeting: 05/11/2013

LIST OF PLANNING APPLICATIONS FOR DECISION OR INFORMATION

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

Case Number	13/02716/FUL (Formerly PP-02808567)
Application Type	Full Planning Application
Proposal	Conversion of existing dwellinghouse to provide 4 self-contained apartments (Use Class C3 - 2 No. x 1 Bedroom and 2 No. x 2 bedrooms) including erection of single-storey rear extension/decking area and front dormer window/rear elevation rooflights - Amended Drawings received on 18/10/13
Location	95 Harcourt Road Sheffield S10 1DH
Date Received	14/08/2013
Team	South
Applicant/Agent	Just Architecture Ltd
Recommendation	Refuse

For the following reason(s):

- 1 The Local Planning Authority consider that owing to the intensive subdivision of the property, creating four separate flats, and the existing concentration of flats, bed-sitters and shared housing within the area, the proposal would represent an over development of the site to the detriment of the character of the neighbourhood, and would exacerbate the existing concentration of such uses and their consequential impact upon existing residents in terms of nuisance and living conditions. As such the proposal is

contrary to Policies H5 and H14 of the Adopted Unitary Development Plan, and to the aims of paragraph 50 of the National Planning Policy Framework.

- 2 The Local Planning Authority consider that owing to the location, size and design, the dormer window to the front of the property, would dominate the roof plane and result in an uncoordinated appearance to the front elevation being an incongruous and injurious feature to the character of the property itself and the streetscene. It would therefore be contrary to Policies BE5(c) and H14(a) of the Adopted Unitary Development Plan, Policy CS74(c) of the Sheffield Development Framework Core Strategy and Guidelines 1 and 2 of the Supplementary Planning Guidance on Designing House Extensions.

Attention is drawn to the following directives:

1. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, based on seeking solutions to problems arising in relation to dealing with a planning application, it has not been possible to reach an agreed solution in this case.

Site Location



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LOCATION AND PROPOSAL

The application site is located to the south of Harcourt Road, and currently exists as a single dwellinghouse (Use Class C3). It is a mid-terraced property adjacent to a shared / student house at Num.93 and a single dwellinghouse at Num.97. The dwellinghouse currently includes accommodation across four levels, with a total of six bedrooms.

The application seeks consent to convert the dwellinghouse into 4 num. self-contained flats, with two of these being 1 bedroomed and two being 2 bedroomed. It is confirmed that the flats would provide Class C3 units of accommodation (i.e.

providing accommodation for a single person or a family, but not incorporating more than two unrelated individuals).

In order to facilitate this conversion, a single storey rear extension with additional decking and a front elevation dormer window are proposed. In addition 3 rear elevation velux windows are proposed as part of the scheme.

RELEVANT PLANNING HISTORY

There is no planning history relating to the application property.

A nearby property at Num.102 Harcourt Road previously included two x C3 flats, and has been the subject of applications similar to the current scheme. These are as follows:

-12/02793/FUL; Use of building as HMO for 8 occupants, and provision of a 1-person studio unit.

Refused - 6.11.12

The reason for refusal was as follows:

The Local Planning Authority consider that the proposed development would be detrimental to the aim of creating a mixed community within the vicinity of the application site, further undermining its character as a C3 residential area owing to the increased proportion of shared housing within the area, and to the amenities of the locality and to the living conditions of adjoining residents owing to the noise and general disturbance which would be generated. The proposal is therefore contrary to Policies H5(a) of the Adopted Unitary Development Plan and Policy CS41 of the Sheffield Development Framework Core Strategy.

-12/03456/FUL; Alterations to door and window openings and use of building as 6 flats (Class C3)

Refused - 19.12.12

The application was refused for the following reason:

The Local Planning Authority consider that owing to the intensive subdivision of the property, creating six separate small flats, and the existing concentration of flats, bed-sitters and shared housing within the area, the proposal would represent an over development of the site to the detriment of the character of the neighbourhood, and would exacerbate the existing concentration of such uses and their consequential impact upon existing residents in terms of nuisance, living conditions and on street parking demands. As such the proposal is contrary to Policies H5 and H14 of the Unitary Development Plan for Sheffield.

An Appeal was lodged against this refusal, which was dismissed by the Planning Inspectorate.

In conclusion the Planning Inspector stated that "the proposal would represent an over intensive use of the property, that would unduly increase the already high concentration of flats, bed-sitters and shared housing in Harcourt Road, and compromise the character of the area. This would be to the extent that the potential for increased levels of noise and disturbance that would be likely to be associated with the proposal, when considered cumulatively alongside other such uses, would cause serious nuisance that would be harmful to the living conditions of surrounding occupiers.

-13/00249/FUL; Formation of 3 self-contained flats.

Approved 19.3.13

This consent has now been implemented at the above address.

SUMMARY OF REPRESENTATIONS

Following notification of neighbours, a total of 24 representations objecting to the scheme have been received from 15 different addresses

The comments made are summarised as follows:

- A restrictive covenant applies to the property preventing it from being used for student accommodation. Proposal goes against the intention of the covenant which seeks to support mixed communities and the sustainable future.
- Area currently includes dis-balance between short-term occupants to owner-occupiers, creating problems for the community in the long term.
- Recent increases in non-student occupancy levels have improved community, made area cleaner / quieter, resulting in more care for homes etc.
- Scheme would drive away existing families from street.
- Community is currently very active.
- Proposal could accommodate 8 or more residents. Would increase population density overall. Would constitute density of 224 dwellings per hectare, and would represent an overdevelopment of the property.
- Nature of accommodation would be likely to be attractive to short term residents including students.
- Inadequate bin storage facilities and litter issues.
- Increased noise levels, and comings and goings, late night parties, antisocial behaviour etc.
- Property is not suitable for this usage. Walls are a single brick width, leading to noise passage to neighbours. Inclusion of living rooms in the upper spaces would harm amenities in the neighbouring units.
- Increased sewerage demands and drainage / storm run-off.
- Additional pressure on parking spaces.
- A restriction on parking permits would not prevent parking outside of the limited hours.
- Conversion of large properties to small units is a means of overcoming Core Strategy policy CS41 and the restrictive covenant. Would be most likely to be rented to students. This strategy would lead to increased house prices, reducing ability of families to move into area.

- Proposed conversion would set a precedent in area.
- Houses sold recently have been to families, proving demand for properties of this size.
- Only 1 of the four flats has any access to the garden, which will create pressure on front garden area as amenity space.
- Front dormer window is out of keeping with the character of that part of the street.
- Rear elevation rooflights would break through the eaves, which is not seen elsewhere on street.
- The rear extension is without precedent. Would involve loss of approximately 1/3 of the garden. Rear elevation of these properties provide a significant edge to the park.
- Arguments raised against conversion of Num.102 and the Planning Inspectorate's reasons for dismissal of appeal apply here.
- Conflict with CS26 (population density), CS31 (preserving character of Victorian suburbs), CS41 (community balance) and CS74 (Successful sustainable neighbourhoods). Also conflicts with H5 and H14 of the UDP. Also conflicts with para 50 of the National Planning Policy Framework, and with DCLG Circular 08/2010.
- The City Corporate Plan - A City of Opportunity states that "prioritising stronger communities, cohesive communities where people from different backgrounds and different generations get on well. There should be a good mix of housing available."
- Alternative would be to create two flats, which would be suitable to families.
- Conversion of the church on Crookes Valley Road into student accommodation, will change make-up of the area.
- Proposed building work would be extensive and disruptive.
- Application driven by profit. Consent would make the property more attractive to developers than long term residents.
- Also, a representation has been submitted by Cllr Stuart Wattam, and these comments can be summarised as follows:
 - Road already subject to this kind of over development.
 - Proposal would lead to environmental impacts caused by 4 cars and 8 bins on an overcrowded street.
 - Likely that the 20% or more of properties on the street are HMOs.
 - Queried whether the property is subject to the restrictive covenant applied by the University when sold.
 - All conversions and extensions should be undertaken sympathetically.
 - Should be compared against similar application/s within the locality.

Cllr Shaffaq Mohammed has also commented, and the points made can be summarised as follows:

- The covenant imposed by the University to restrict HMOs has led to a transformation, and now there is a settled community emerging. Proposal would conflict with this.
- Impacts on parking, refuse collection, sewer system and quality of life for local residents.

- Proposal is out of character with other properties on the street and represents an over-development
- Planning Inspectorate decisions relating to 102 Harcourt Road are relevant, and current application should not be approved.

The Sheffield Green Party have commented that the proposal goes against the provisions of the restrictive covenant applying to the dwelling.

- Significant efforts made to build a sense of community.
- Would all be undermined if current scheme is granted.

In addition, 6 representations have been received in support of the proposal. These have been received from addresses remote from the application site.

- Scheme follows Government's encouragement to create extra housing on brownfield sites.
- Ample parking is available on the street, with the possible exception of Sunday evenings, due to the parking scheme.
- There is scope for multiple properties to manage with one bin.
- Properties on Harcourt Road are too large or too expensive for a family, and the proposed conversion would allow more families the opportunity to live on Harcourt Road. Modern families are smaller.
- Unlikely that more refuse would be generated by proposed occupancy, than by a large family. Large shared houses on street currently have 1 bin.
- Many comments relate to negative impacts of students, but this does not relate to the application. Objections show a lack of tolerance towards others.
- Property is close to the Hospital and University so would suit needs of families and professionals.
- Existing facilities in property should prevent drainage being a problem.
- Property was previously occupied by 7 tenants, without problems including no impacts on the sewer system.

PLANNING ASSESSMENT

The application seeks consent to convert an existing single dwellinghouse into 4 self-contained apartments. The proposed apartments would provide C3 units of accommodation.

The policies which are of relevance to the current assessment are as follows:

National Planning Policy Framework Paragraph 50, which states that local planning authorities should create sustainable, inclusive and mixed communities.

UDP policy H5 covers 'Flats, Bed-Sitters and Shared Housing', and states that planning permission will be granted for the multiple sharing of houses if:

- a concentration of these uses would not cause serious nuisance to existing residents,

- living conditions would be satisfactory for occupants of the accommodation and for their immediate neighbours and
- there would be appropriate off-street car parking for the needs of the people living there.

UDP policy H14 states that the development is acceptable provided that, amongst other things, it would not result in the over-development of the site.

Policy CS41 of the Core Strategy deals with 'Creating Mixed Communities', and states that these will be promoted by limiting conversions to hostels, purpose built student accommodation and Houses in Multiple Occupation. Since the current scheme doesn't propose the formation of these types of accommodation, policy CS41 is not relevant in this instance.

Concentration Issue

Policy H5(a) of the UDP states that flats, bed-sitters and shared housing will be allowed where a concentration of these uses would not cause serious nuisance to existing residents.

In response to neighbour notification, significant numbers of representations have been received relating to existing amenity impacts caused by nuisance and disturbance arising from the levels of shared housing / bed-sits / and self-contained flats within the locality. The types of impacts referred to are noise and disturbance impacts, anti-social behaviour, late night disruption, parking difficulties and litter/bin storage.

The impacts which existing levels of shared housing, flats and bed-sits have upon the character of the street were covered by the Planning Inspector dealing with the case at Num.102 Harcourt Road. As part of that application and Appeal it was estimated by the planning authority that approximately 65% of the properties along Harcourt Road were occupied as Class C4 shared housing or flats.

As part of assessment of the current application a survey of occupancy has been carried out by officers, and in combination with a similar survey undertaken by the local residents group, it has been confirmed that 66% of properties along Harcourt Road are C4 housing, shared housing or self-contained flats.

In dismissing the appeal for Num.102 in April 2013, the Inspector stated that "I consider that a significant concentration of these types of housing (flats, bed-sitters and shared housing) already exists in the street. Consequently the character of the road as a residential area with a balanced mix of different types of housing types and sizes is already under threat."

Additionally, the Inspector stated that "Paragraph 50 of the National Planning Policy Framework seeks to create sustainable, inclusive and mixed communities ...I am not convinced that the proposal would support the Framework's aim in this regard. Rather it would add to the already high concentration of such housing in the street. This would result in a worsening of the existing situation which would further undermine the character of the area. It could eventually lead to the creation

of an area made up exclusively of such types of housing, and a community that is not mixed, inclusive or sustainable."

The Inspector concluded that the "proposal would result in a more intensive use of the property, and there would be likely to be more comings and goings (of both occupiers and their visitors, on foot and by car) which would result in noise and disturbance. This need not be a problem in itself, rather it is the concentration of such uses in particular areas which UDP Policy H5 recognises can lead to problems of nuisance to existing residents."

As mentioned above, the representations received relating to the concentration of flats, bed-sitters and shared housing is already having an impact, and generating nuisance. These impacts include noise and disturbance especially in the evenings and late at night, the transitory nature of the population, higher levels of crime during holidays, anti-social behaviour, and generation of rubbish, bins and street litter.

The Applicant has stated that he intends to live in one of the converted flats with his Mother living in another, and that one would be sold with the other being rented. It is not possible to attribute significant weight to these intentions and the possible implications as part of the current assessment, given that the flats may be subsequently sold / tenanted and their future occupiers and their lifestyles cannot be assumed, nor reasonably limited by condition.

The proposed increase in household numbers from one to four would be considered to be significant. It would remove a single Class C3, dwellinghouse from the street which would typically be expected to not generate significant nuisance impacts on a consistent basis. Converting this property to four flats would be considered to represent a significant change in the character of the occupation of the premises from a single family based arrangement to four, small households with their consequential activities. Almost certainly four flats would lead to numerous refuse bins being stored at the front of the property, to the detriment of the street scene.

It is considered to be likely that the flats would be attractive to younger people and a more transitory population. The supporting text of UDP policy H5 acknowledges that the lifestyle of young, mobile people can conflict with that of older people and families. Therefore causing nuisance impacts to existing residents.

In addition to these potential concerns, the Appeal Inspector dealing with Num.102 stated that "...irrespective of whether young people would occupy the units or not, the levels of activity and movement both on foot and by car would be increased as a result of the proposal, and more on street car parking would be likely to arise. These increases would add unacceptably to the existing levels of noise and disturbance and the nuisance experienced by existing residents." These types of activity and movement impacts would almost be generated by the current proposal, and would represent detrimental impacts upon existing residents.

The proposed conversion to four flats would be considered to result in excessive numbers of households and persons being either resident within the premises, or

associated to them. This would be considered to conflict with the requirements of UDP policy H14 due to it representing an over-development of the site.

Overall, it is concluded that the proposed conversion constitutes an over intensive use of the property, and that this would unacceptably increase the high concentration of flats, bed-sitters and shared housing in Harcourt Road, to the extent that the character of the area would be further undermined. This would involve the potential for increased levels of noise and disturbance which would be likely to arise from the proposal. When these are considered cumulatively alongside impacts of other such uses, would cause serious nuisance that would be harmful to living conditions of surrounding occupiers.

On this basis the proposal would be considered to conflict with the provisions of Paragraph 50 of the National Planning Policy Framework and policies H5 and H14 of the UDP.

Street Scene and Design Issues

The proposal involves the addition of a single dormer window to the front elevation of the dwellinghouse. It would rise vertically from the eaves level, and measure 3.6metre width and 1.6metre height.

UDP Policy BE5 deals with 'Building Design and Siting' and states in part (c) that all extensions should respect the scale, form, detail and materials of the original building.

UDP Policy H14 deals with 'Conditions on Development in Housing Areas', and amongst other things states that development would be permitted provided that; new extensions are well designed and extensions are well designed and would be in scale and character with neighbouring buildings and that the site would not be over-developed or deprive residents of light, privacy or security.

Also, Policy CS74 of the SDF Core Strategy states that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods, including the townscape and landscape character of the city's districts, neighbourhoods and quarters, with their associated scale, layout and built form, building styles and materials.

Also applicable to this element of the proposal is Designing House Extensions Supplementary Planning Guidance; the relevant guidelines are:

- Guideline 1; Extensions should be compatible with the character and built form of the area,
- Guideline 2; Extensions to dwellings shall not detract from that dwelling or the general appearance of the street or locality.

The street scene along Harcourt Road features a significant number of properties having front dormer windows. These represented a key consideration in a recent

Appeal Inspector's decision regarding a front elevation dormer window at Num.53 Harcourt Road.

The Inspector noted that the existing dormers vary considerably in terms of their size, style, design and the impact they have on the street scene, and goes onto state that "Given the large number of dormers that already exist on properties on the road, the proposed dormer window would not in itself be out of keeping with the area".

The Inspector noted that the proposed front dormer would occupy a central position within the roof and would contain two windows, which would not align with windows below. This non-alignment was observed to be common on the street. Overall, the Inspector concluded that the proposed dormer would not dominate the existing roof plane, and that it would be visually acceptable, reflecting the existing character of the street.

The Inspector's decision is a material consideration in the determination of the current application. The proposed dormer would be broadly similar in width and height terms to the appeal dormer. However, the currently proposed dormer rises directly from the eaves line, whilst the appeal dormer was surrounded by portions of roofslope. This is considered to represent a material difference between the two cases, and as such the proposed dormer is considered to have a dominating impact upon the appearance of the dwelling and the character of the wider street scene. It would be considered to represent an unco-ordinated and non-subordinate feature upon the appearance of the dwelling. As a result it would be considered to fail to respect the appearance of the dwelling and be obtrusive and incongruous within the surrounding street scene.

A comment has referred to the inappropriate appearance of the rear rooflights wrapping around the eaves. In its own right this would not require planning permission, so it is not necessary to consider the implications of this part of the proposal.

Consequently, the proposal would be considered to be contrary to the provisions of BE5(c) and H14 (a) of the Adopted Unitary Development Plan, and Policy CS74 (c) of the Sheffield Development Framework Core Strategy. It would also fail to comply with Guidelines 1 and 2 of the Designing House Extensions Supplementary Planning Guidance.

Neighbour Amenity Issues

The proposed single storey rear extension is required to be assessed against UDP policies BE5 and H14 and Core Strategy policy CS74, as summarised above. Additionally, Guideline 5 of the SPG is relevant, where it states that overshadowing and overdominance of neighbouring dwellings should be avoided. This guideline goes onto state that a single storey extension built adjacent to another dwelling may not extend more than 3m beyond that other dwelling.

The proposed extension would include a mono-pitched roof, and project rearward by approximately 3.2metres. It would be set in from the boundary to Num. 97 by

approximately 0.1m and would be set on ground approximately 0.6metre below the level of this neighbouring property.

On this basis, the proposed extension would be considered to avoid overbearing impacts on the amenities of neighbouring occupiers at Num.97 Harcourt Road.

The dwelling at Num. 93 is set at an equivalent level to the application site, and the extension is set away from the shared boundary by 0.4metres. On this basis the proposed extension is considered to have an acceptable impact upon the amenities of the occupiers of this neighbouring dwelling.

The proposed raised decking area adjacent to the proposed extension would be approximately 0.6m above the ground level at that point. In order to prevent overlooking towards the neighbouring properties from the balcony a 1.8m height fence is shown on the amended drawing.

Comments have referred to the scope for noise to pass through the walls to neighbouring occupiers. In order to overcome this it is considered that a scheme of noise attenuation would need to be added as part of any approval.

Overall, the proposed extension is considered to have an acceptable impact upon the amenities of the adjacent occupiers, satisfying the requirements of the relevant UDP and Core Strategy policies, and guidelines within the Supplementary Planning Guidance.

Amenities of Potential Occupants

The proposed apartment details are considered to be reasonable and to provide a reasonable opportunity for outlook, natural daylighting and ventilation. However, the nature of the layout means that only the occupants of the basement flat would be provided with access to the rear garden space. Lack of access to any external amenity space for the remaining three apartments would be considered to be unacceptable.

UDP policy H5 states that living conditions for the proposed occupants of flats should be satisfactory. Also the South Yorkshire Residential Design Guidance, which has been adopted as Best Practice by Sheffield City Council, states that the shared private space for flats must total a minimum of 50 square metres plus an additional 10 square metres per unit.

The depth of garden and total area of amenity space for the basement flat would be acceptable. However, the failure of the scheme to provide any amenity space for three of its proposed apartments mean that it would fail to meet the particular requirement of UDP policy H5, summarised above. As such it would be considered to be unacceptable.

Highways Issues

In regards to parking issues, it is noted that a number of the objectors refer to this issue as a concern. It is also relevant that a number of representations supporting the application state that there is no difficulty in parking.

The Appeal Inspector dealing with the case at Num. 102 Harcourt Road commented as follows: "I note the appellant's view that on street parking could be controlled by limiting the number of parking permits available to the occupiers of the proposed flats, and that the removal of the yellow lines in front of the property would provide additional parking spaces. However, evening and weekend parking would remain unrestricted under the terms of the residents parking scheme, and I am not persuaded that these measures would ensure that no additional demand for on street parking would occur as a result of the proposal. "

The current dwelling would be expected to generate the need for 3 parking spaces. The proposed use would generate the potential for 6 on-street parking spaces (1 for each of the 1 bedroom apartments, and 2 for each of the 2 bedroom flats). Therefore, the scheme would be expected to create an additional 3 on-street parking spaces.

Observations during the periods not covered by the residents parking scheme show there to be reasonable levels of spaces available on the street. Therefore, despite the conclusions of the Appeal Inspector it is concluded that the proposed conversion would not lead to a shortage of on-street parking or be detrimental, avoiding consequential impacts upon neighbouring amenities or highway safety impacts.

Drainage Issues

A number of representations have referred to the inadequacy of the local drainage and sewerage system to deal with the proposed conversion. This would not constitute a material planning consideration, and would instead be an issue to be dealt with under the Building Regulations.

Response to Representations

The majority of comments have been addressed in the above assessment. The remaining comments can be addressed as follows:

- The restrictive covenant is not a material planning consideration.
- The sale of other houses on the street to families is mentioned as the Applicant has referred to difficulties in selling the application property. This does not constitute a material planning consideration.
- Policy CS26 does give population density ranges, but it is not considered to be intended as an assessment tool for an application of this type and hasn't been referred to. Policy CS31 deals with housing in the south-west area, and the application site lies outside of the area covered by this policy. Policy CS74 deals with design principles, and its aim of maintaining sustainable communities has not been referred to here.
- Circular 08/2010 relates to Houses in Multiple Occupation, and therefore doesn't apply to the current assessment.
- The implications of any disturbance from building work are not material planning considerations, and would potentially form a statutory nuisance dealt with by Environmental Protection.

- The suggestion that the application is motivated by profit is not relevant to the assessment of the application.

SUMMARY AND RECOMMENDATION

The application relates to an existing terraced property, and seeks consent for the sub-division of the property to form four self-contained flats.

The proposed sub-division would lead to an increase in the concentration of flats, bed-sits and shared housing along Harcourt Road, further undermining the character of the area. The increased potential for noise and disturbance and detrimental impacts when considered alongside the existing impacts arising from other uses would be considered to be unacceptable. It would be contrary to the provisions of UDP policy H5 and H14.

The proposed front dormer window would appear out of character with the appearance of the existing dwelling and the wider street scene, and therefore this element of the proposal would be considered to be unacceptable and fail to meet the requirements of UDP policies BE5 and H14, and CS74 of the Core Strategy.

The proposed rear extension and decking would be considered to have an acceptable impact upon the appearance of the dwelling, and the amenities of neighbouring occupiers.

Overall, the proposal is considered to be unacceptable for the reasons given above, and therefore refusal of the application is recommended.

Case Number	13/02613/FUL (Formerly PP-02804193)
Application Type	Full Planning Application
Proposal	Change of use of retail unit from shop (class A1) to betting office (class A2), installation of new shop front, installation of two additional air handling units to rear elevation and satellite dish on roof top
Location	Sly 36 Division Street Sheffield S1 4GF
Date Received	06/08/2013
Team	City Centre and East
Applicant/Agent	England And Lyle
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:

PROV/N/NL/0486/501
PROV/N/NL/0486/201B

unless otherwise authorised in writing by the Local Planning Authority.

In the interests of the amenities of the locality and occupiers of adjoining property.
- 3 No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof have first been submitted to and approved in writing by the Local Planning Authority, and once installed such plant or equipment should not be altered without prior written approval of the Local Planning Authority.

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

- 4 No windows forming the betting office shop front shall be blocked up, filmed over or otherwise made non-transparent without the prior written approval of the Local Planning Authority.

In the interests of the visual amenities of the locality.

- 5 The unit shall not be used unless the access and facilities for people with disabilities shown on the plans have been provided in accordance with the approved plans and thereafter such access and facilities shall be retained.

To ensure ease of access and facilities for disabled persons at all times.

- 6 The premises shall be used for the above-mentioned purpose only between 0700 hours and 2300 hours on any day.

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

Attention is drawn to the following directives:

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

Site Location



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LOCATION AND PROPOSAL

The application relates to a retail unit located on Division Street. The retail unit which is currently vacant is located within the Central Shopping Area and falls within the City Centre Conservation Area. The existing retail unit comprises the ground floor of the four storey building with upper floors being in use as office accommodation. Neighbouring retail units are currently in A1 uses.

Planning permission is sought to change the use of the retail unit from Class A1 (shops) to Class A2 (financial and professional services). The application also seeks planning permission to install a new shop front, a satellite dish on the roof of the building and two additional air handling units onto the rear elevation of the

building. Plans submitted with the application indicate that the retail unit will be occupied by William Hill as a betting office.

RELEVANT PLANNING HISTORY

13/02614/ADV One internally illuminated fascia sign and one internally illuminated projecting sign. Not yet determined.

SUMMARY OF REPRESENTATIONS

The application has been advertised by site notice, press advertisement and neighbour notification.

In total, 82 letters of objection have been received. This includes objections from Paul Blomfield MP, Councillor Jillian Creasy, the Sheffield City Centre Residents' Action Group (SCCRAG), the Youth Association, South Yorkshire group and the Chief Executive of Sheffield Futures.

In summary the letters raise concerns that:

- Division Street is home to many small independent shops that offer a unique character and diversity to the city centre. The area has a strong identity which should be protected. The introduction of a betting office will erode the character and reputation of the area.
- Division Street is a major pedestrian link from the City Centre to the university and frequented by a large number of young people. There are concerns that the use will 'spill' out onto the pavement with people gathering to smoke, drink and loiter. Betting shops are connected with anti-social and intimidating behaviour which is out of place on this hugely valued and important shopping street. Recent media reports demonstrate this.
- The vision for Division Street was set out in The Devonshire Quarter Action Plan which stipulates that no more than One third of the linear ground floor frontage in any one block would be allowed to change to non retail uses. For Division Street as a whole, of the 51 premises, only 28 are A1 and only 19 are actual shops (rather than hairdressers, travel agents etc). Thus the balance has already been breached.
- At a time when the high street is struggling the Council should be prepared to support local businesses who are trying to draw people into the city centre
- There are already 14 betting shops within the Inner Ring Road and at least two within a three minute walk of this location. There is no need for additional outlets within the city centre.
- There is a link between gambling, poverty and deprivation. Betting shops can attract the most vulnerable in society. The increase in numbers of betting shops directly correlates to the numbers of desperate people living on or below the poverty line in Sheffield.

- Sheffield Futures and The Youth Association South Yorkshire who are based in close proximity to the site provide training, education and support services for vulnerable young people. The introduction of a betting office in an area where there is a high footfall of young people is not welcomed and will undermine the valuable work of these organisations.

PLANNING ASSESSMENT

Members are reminded that the main consideration in the determination of this planning application is the proposed change from an A1 use to an A2 use. Moral issues surrounding a betting office or the clientele it attracts can hold no weight in the decision as they are not material planning considerations. The main planning policy consideration here is whether the approval of this change of use will continue to achieve a balance of shops and appropriate uses in the Central Shopping Area or whether it will add to and/or create a harmful concentration of non-retail use in the area. In addition a further key function of the decision making process is whether an A2 use would have a significant effect on the vitality, viability or character of the area.

Land Use Policy Issues

Unitary Development Plan

The application is located within the area designated as the 'Central Shopping Area' in the Council's adopted Unitary Development Plan (UDP).

UDP Policy S3 'Development in the Central Shopping Area' lists A1 (shops), A2 (offices used by the public), A3 (food and drink outlets) and C3 (housing) uses as the preferred use of land, outside the main retail core.

Policy S10 'Conditions on Development in Shopping Areas' part (a) allows change of uses within Shopping Areas providing they will not lead to a concentration of uses which would prejudice the dominance of preferred uses in the Area or its principle role as a Shopping Centre

The proposed use raises no policy issues in respect of the Unitary Development Plan

Devonshire Quarter Action Plan

The Devonshire Quarter Action Plan (approved by the Council in 2001) requires that on Division Street 'a maximum of one third of the linear ground floor frontage on any block (ie all those properties contained between any two public highway junctions) will be permitted to change to non shopping uses'

The 'block' in which the proposal lies between Rockingham Lane and Carver Street comprises a 42metre frontage. Assuming the current proposal is allowed, non A1 uses would take up 14.5m of frontage (just 50cm more than a third of the entire

block frontage). This distance is so insignificant that a refusal on these grounds could not be justified.

Core Strategy

Policy CS18 'Shopping in the City Centre' states that 'On other shopping Streets leading into the primary Shopping area, small shops, food and drinks outlets and services that would promote the vitality of the area will be acceptable on ground floor frontages. (Division Street is listed as an 'other shopping street')

Emerging Policy

Emerging Policy B2 within the City Policies and Site document (Pre-submission) says that on the part of Division Street which falls outside the Primary Shopping Area the proportion of street frontage in use as shops (A1) 50 metres on either side of a proposed development should not fall below 50% unless it can be shown to enhance the vitality of the area for shopping. Analysis of the relevant frontages shows that approval of the application would leave 41% of the frontage within 50 metres either side in A1 use. Whilst this falls below the desired percentage, the reuse of the vacant unit will help to maintain the vitality and viability of the area and this policy has not yet been adopted and can be given very little weight in determining the current application for change of use due to a number of objections lodged against the emerging policy.

National Planning Policy Framework

The NPPF requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF encourages vitality in town centres but makes no specific comment on changes of use.

Maintaining the Vitality and Viability of Division Street

The unit is currently vacant following the closure of a retail clothes shop. It is noted that during the life of the current application a temporary 'pop up shop' has used the premises but this has also now closed. The closure of the clothing shop is unfortunate but this appears to be a reality of the current economic climate. There is no guarantee that if approval for the A2 unit is withheld that another A1 use will take on the unit. The proposed A2 use will therefore secure the long term use of the unit, bringing it back into active use, improving its external appearance and removing the current 'dead' frontage. Irrespective of the nature of the proposed use, the reuse of this retail unit will enhance the existing vitality and viability of this part of Division Street by filling an empty unit with a use that provides a service to customers, a day and evening economy and attracting a reasonable number of customers who may combine a visit to the premises with other shopping activities within the central shopping area.

As part of the proposal a new shop front will be provided to the retail unit. The submitted details which detail a large amount of glazing will maintain an active frontage which will allow the unit to continue to engage with the surroundings and

maintain some of the attributes of a retail premises. The unit is set in the middle of an existing row of retail premises on a busy part of Division Street with high footfall. The new shop front will not deter shoppers walking past and using other parts of the area to the detriment of wider vitality and viability.

Notwithstanding the above, a condition is proposed which removes the right to display vinyl stickers that can be stuck to the shop window to ensure that permeability and views through the shop window is maintained.

Taking the above into account it is considered that the proposal will not adversely impact on the vitality and viability of Division Street or the wider Central shopping Area.

Design Issues

UDP Policy S10: 'Conditions on Development in Shopping Areas' part (d), states that new developments or change of use applications will only be acceptable if they are well designed and of a scale and nature appropriate to the site.

UDP Policy BE16: 'Development in Conservation Areas' states that development including change of use proposals should make a positive contribution to the character and appearance of the Conservation Area.

The proposal involves the installation of a new shop front. As submitted the new largely glazed shop front is considered to be in keeping with the locality and will not detract from the character and appearance of the City Centre Conservation Area. A level access has been incorporated into the design. As discussed, the unit will retain a display window retaining an active frontage onto Division Street. An application for internally illuminated signage has also been submitted and this will be assessed on its own merits.

The application also seeks approval for the installation of a SIS satellite dish (900mm diameter) on the roof of the building required for the proposed use as a betting office. The satellite dish will be partially set down and located 3m back from a low parapet wall which surrounds the roof of the building. The Satellite dish will not be visible from ground level and will have no impact on the character and appearance of the Conservation Area.

Also detailed on the plans are two air conditioning units, which will be located on the rear elevation of the building overlooking a servicing area. The air conditioning units which will not be visible from any of the adjoining highways will not impact on the visual amenities of the locality.

The proposed alterations to the external appearance of the building are considered to be acceptable from a design perspective and therefore comply with UDP policies S10(d) and BE16.

Amenity Issues

Policy S10: Conditions on Development in Shopping Areas, part (b), seeks to ensure that new development or change of use applications will only be acceptable if they do not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions, including air pollution and noise.

There is no residential accommodation which would be affected by the proposal and the upper floors of the building within this block are in use as office accommodation. The Environmental Protection Unit is satisfied that there will be no unacceptable noise output from the air conditioning units to the rear of the building. A condition preventing the installation of additional plant or equipment on the building will be added to any subsequent approval.

The applicant has not indicated the intended opening hours of the betting office but it is located in an area of the city centre where there are a number of active uses, including food and drink, which operate until late into the evening. In addition, there are relatively high background noise levels as a result of vehicle traffic on Division Street. As such, the proposal will not give rise to any unacceptable noise and disturbance or amenity issues as a result of its operation.

In view of the above the use will comply with Policy S10(b)

Recent changes to the Use Classes Order

The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 introduced new permitted Development rights for changes of use. Irrespective of the outcome of this application, this would permit the existing retail unit to be used for A2 purposes for a single period of up to two years.

RESPONSE TO REPRESENTATIONS

The objections received in relation to this application proposal are noted. It is considered that planning issues raised have been addressed in the main body of this report.

Issues of anti-social behaviour generated by the use are a Licensing and Policing issue and not a material planning consideration.

SUMMARY AND RECOMMENDATION

The main consideration for this application is the proposed change of use from A1 use to A2 use. Moral issues relating to gambling and associated behaviour are not material planning considerations.

The application site is located in the city's Central Shopping Area. The preferred uses on this part of Division Street are A1, A2, A3 or C3 provided they will not lead to a dominance of uses which will prejudice its principle role as a shopping Centre.

The proposed unit is currently empty. Bringing the unit back into active permanent use will add to the area's vitality, viability and character.

The main design alterations relate to the installation of a new shop front, a satellite dish and air conditioning units. The new shop front is appropriately designed but a condition which restricts the blocking up of windows with vinyl stickers etc. is recommended to ensure that permeability and views through the glass are maintained. The siting of the satellite dish on the roof and installation of air conditioning units on the rear of the building will not impact on the character and appearance of the City centre Conservation Area.

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

The application is therefore considered to be acceptable and it is recommended that planning permission is granted conditionally for the proposed change of use.

Case Number	13/02249/RG3 (Formerly PP-02636806)
Application Type	Application Submitted by the Council
Proposal	Outline application for a residential development comprising 65 dwellings (Amended Plans received - showing minor amendments which are restricted to reconfiguration of plots adjoining the boundary with dwellings in Bushey Wood Road and the realignment of Plots 45 and 46) (as amended 10/10/13)
Location	Site Of King Egberts Upper School Furniss Avenue Sheffield S17 3QN
Date Received	08/07/2013
Team	South
Applicant/Agent	Sheffield City Council
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:

Drawings

3202(1)002 P (Site layout - notwithstanding location of units within individual plots)

3202(1)010 B (Plots)

3202(1)009 B (Roads)

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) Appearance and (b) 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.

- 4 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.

- 5 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.

- 6 No development shall commence until full details of measures to protect the existing trees, shrubs and hedges 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.

- 7 A Landscape and Ecological Management Plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, other than small, privately owned, domestic gardens shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The Landscape and Ecological Management Plan shall be carried out as approved.

To ensure the maintenance and management of the open space areas.

- 8 Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of proposals for the inclusion of public art within the development shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall then be implemented prior to the occupation of the development unless otherwise authorised in writing by the Local Planning Authority.

In order to satisfy the requirements of Policy BE12 of the Unitary Development Plan and to ensure that the quality of the built environment is enhanced.

- 9 No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying a minimum of 10% of the predicted energy needs of the of the completed development being obtained from decentralised and renewable or low carbon energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources or additional energy efficiency measures shall have been installed before any part of the development is occupied and a post-installation report shall have been submitted to an approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

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

- 10 The dwellings hereby approved shall be constructed to achieve a minimum standard of Code Level for Sustainable Homes Level 3 and before any dwelling is occupied (or within an alternative timescale to be agreed) the relevant certification, demonstrating that Code Level 3 has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.

In the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS64.

- 11 Unless otherwise agreed in writing by the Local Planning Authority, any application for approval of reserved matters relating to this outline planning permission shall include a scheme, which shall be agreed in writing by the Local Planning Authority, for the delivery of affordable housing equivalent to 30% of the floor space of the development, or an alternative percentage to be determined through a Development Appraisal Viability Process, and such scheme and such appraisal shall make provision for a minimum of 6 no affordable housing units to be provided within the development and shall include:

- a) the type and location of the affordable housing units

- b) the timing for the construction of the affordable housing units

The affordable housing units shall be provided for sale to a Registered Social Landlord at the transfer price for the area at the time the detailed application is determined. Details of alternative arrangements for the remaining percentage of affordable housing provision to be delivered off-site within the City by way of a financial contribution calculated in accordance with the current policy at that time, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

In order to meet the requirements of Policy CS40 of the Local Plan Core Strategy.

- 12 25% of the dwellings (not less than 16 units) shall be provided as 'mobility housing' in accordance with full details to have first been submitted to and approved in writing by the Local Planning Authority.

To ensure ease of access and facilities for disabled persons at all times.

- 13 Full details of the areas of informal open space, which shall include details of any structures to be erected thereon, shall be included with the reserved matters submission for the landscaping of the development hereby approved.

In order to meet the requirements of Policy H16 of the Unitary Development Plan.

- 14 No development shall commence unless details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure provision for formal sports and children's play equipment in the local area to serve the needs of the proposed development.

In order to meet the requirements of Policy H16 of the Unitary Development Plan.

- 15 No development shall commence unless details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure provision for secondary education in the South West Area (Education Planning Area 1) to serve the needs of the proposed development.

To ensure that adequate provision for secondary education is made to meet the needs of occupiers of the proposed development in accordance with Policy CS43 of the Local Plan Core Strategy and the adopted Supplementary Planning Guidance "Planning Obligations and Education Provision".

- 16 No development shall commence until the improvements to the public transport infrastructure listed below have either;
- a) been carried out; or
 - b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the dwellings are occupied

Provision of Real Time Information screen to Dore but terminus (Totley Brook Road)

To promote the use of public transport by future occupiers of the development in accordance with Policy CS53 of the Local Plan Core Strategy.

- 17 No demolition and/or construction works shall be carried out unless equipment is provided for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway. Full details of the proposed cleaning equipment shall be approved in writing by the Local Planning Authority before it is installed.

In the interests of the safety of road users.

- 18 The development shall not be begun until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the reconstruction of the footways adjoining the site before the development is brought into use. The detailed materials specification shall have first been approved in writing by the Local Planning Authority.

In order to ensure an appropriate quality of development.

- 19 Details of a suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority and the dwellings shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

In the interests of the visual amenities of the locality.

- 20 All private drives shall be constructed with permeable/porous surfaces unless otherwise approved in writing by the Local Planning Authority. Thereafter the permeable/porous surfaces shall be retained.

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

- 21 The development shall incorporate bird nesting boxes and bat boxes in accordance with details to have been submitted to and approved in writing by the Local Planning Authority. The approved bird nesting boxes and bat boxes shall be provided prior to the occupation of the dwellings, or within an alternative time frame agreed in writing by the Local Planning Authority, and shall thereafter be retained.

In the interests of biodiversity.

- 22 The reserved matters shall include provision for green roofs within the development. Details of the specification and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority prior to foundation works commencing on site. The plants shall be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced.

In the interests of biodiversity.

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

To ensure satisfactory drainage arrangements.

- 24 Unless demonstrated that ground conditions are unsuitable, the reserved matters shall include details of the implementation, adoption, maintenance and management of a sustainable drainage system. Such sustainable drainage system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

In the interests of sustainable development.

- 25 The surface water discharge from the site shall be reduced by at least 30% compared to the existing peak flow and detailed proposals for surface water disposal, including calculations to demonstrate the reduction, must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, or an alternative timeframe to be approved in writing by the Local Planning Authority. In the event that the existing discharge arrangements are not known, or if the site currently discharges to a different outlet, then a discharge rate of 5 litres/hectare should be demonstrated. The development shall thereafter be carried out in accordance with the approved details.

In order to mitigate against the risk of flooding.

- 26 Notwithstanding the requirements of Condition No. 23, no piped discharge of surface water from the application site shall take place until surface water

drainage works including off-site works have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

To ensure satisfactory drainage arrangements.

- 27 The intrusive investigation recommended in the submitted Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

In order to ensure that any contamination of the land is properly dealt with.

- 28 Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

In order to ensure that any contamination of the land is properly dealt with.

- 29 All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy, or unexpected contamination is encountered at any stage of the development process, works should cease and the Local Planning Authority and Environmental Protection Service (tel: 0114 273 4651) should be contacted immediately. Revisions to the Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

In order to ensure that any contamination of the land is properly dealt with.

- 30 Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development or any part thereof shall not be brought in to use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

In order to ensure that any contamination of the land is properly dealt with.

- 31 The gradient of the access road shall not exceed 1:20 for the first 10 metres from Furniss Avenue, unless otherwise approved by the Local Planning Authority.

In the interests of the safety of road users.

- 32 The gradient of the driveways to the dwellings shall not exceed 1:12 unless otherwise approved by the Local Planning Authority.

In the interests of the safety of road users.

- 33 Where access driveways give both vehicular and pedestrian access to a dwelling, the driveway shall be at least 3.2 metres in width.

In the interests of the safety of road users.

- 34 The dwellings shall not be used unless the car parking accommodation as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

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

In the interests of the visual amenities of the locality.

- 36 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, or any Order revoking or re-enacting that Order, no enlargement to the roof of the dwellings to Plots 1, 3, 27-31, 63 and 65 which would otherwise be permitted by Class B to Part 1 of Schedule 2 to the Town & Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 shall be carried out without prior planning permission.

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

- 37 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, or any Order revoking or re-enacting that Order, no enlargement, or other extension of the dwelling to Plot 34 which would otherwise be permitted by Classes A and B to Part 1 of Schedule 2 to the Town & Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 shall be carried out without prior planning permission.

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

- 38 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, or any Order revoking or re-enacting that Order, no extensions, garages, ancillary curtilage buildings, swimming pools or hard surfaces to Plots 13 and 14 which would otherwise be permitted by Classes A, B, E and F to Part 1 of Schedule 2 to the Town & Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 shall be constructed without prior planning permission.

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

Attention is drawn to the following directives:

1. As the proposed development will involve the closing/diversion of a footpath(s) you are advised to contact the City Solicitor and Head of Administration, Town Hall, Sheffield, S1 2HH, as soon as possible with a view to the necessary authority being obtained for the closure/diversion of the footpath(s) under Section 257 of the Town and country Planning Act 1990.
2. To ensure that the road and/or footpaths on this development are constructed in accordance with the approved plans and specifications, the work will be inspected by representatives of the City Council. An inspection fee will be payable on commencement of the works. The fee is based on the rates used by the City Council, under the Advance Payments Code of the Highways Act 1980.

If you require any further information please contact Mr S A Turner on Sheffield (0114) 2734383.

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. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk. Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

5. The applicant is advised that Sheffield City Council, as Highway Authority, require that drives/vehicular access points be designed to prevent loose gravel or chippings from being carried onto the footway or carriageway, and that they drain away from the footway or carriageway, to prevent damage or injury.
6. Before the development is commenced, a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which agreed in writing with the Local Planning Authority. Any deterioration in the condition of the highway attributable to the construction works shall be rectified in accordance with a scheme of work to be agreed with the Local Planning Authority.
7. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at www.sheffield.gov.uk/planning or apply online at www.planningportal.gov.uk. The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.

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

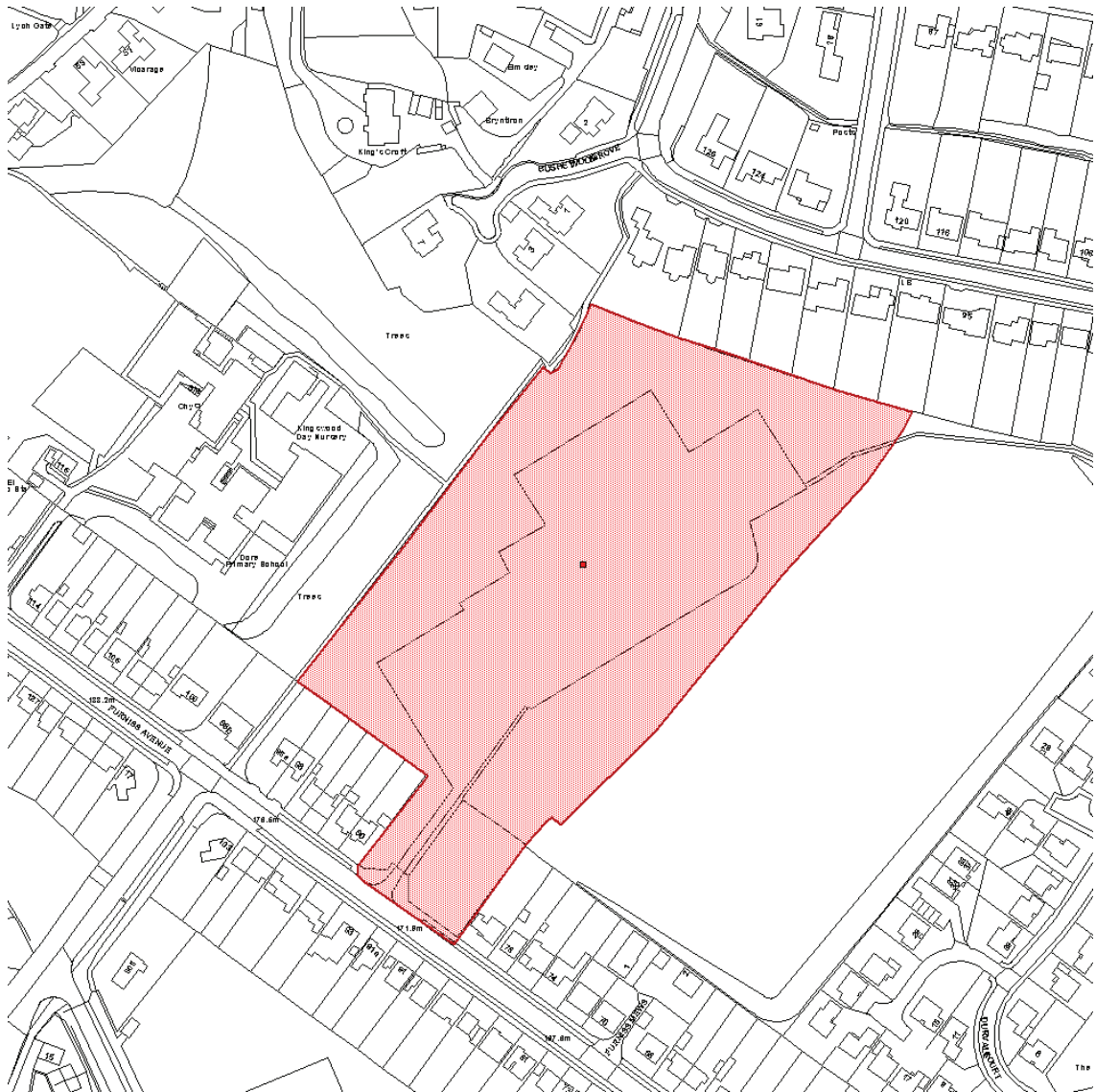
8. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0800 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from the Environmental Protection Service, 2-10 Carbrook Hall Road, Sheffield, S9 2DB: Tel - 0114 2734651.
9. The proposed development lies within a coal mining area. In the circumstances applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.

10. The developer is advised that in the event that any un-natural ground or unexpected contamination is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority.
11. Green / brown roof specifications must include drainage layers, growing medium type and depths (minimum 75mm, but depends on system and type employed) and plant schedules. It should be designed to retain at least 60% of the annual rainfall. A minimum of 2 maintenance visits per year will be required to remove unwanted species (as is the case with normal roofs). Assistance in green roof specification can be gained from the Sheffield Green Roof Forum - contact Officers in Environmental Planning in the first instance: 2734198 / 2734196. Alternatively visit www.livingroofs.org or see the Local Planning Authorities Green Roof Planning Guidance on the Council web site.
12. You are advised that the biodiversity information/ecological assessment provided as part of this application will be made available to Sheffield Biological Records Centre. This will assist in a key principle of the National Planning Policy Framework that planning policies and decisions should be based on up-to date information about the natural environment and other characteristics of the area by building up the data base of up-to-date ecological information and this will help in future decision making. Ideally data should be provided in ESRI shape file format.
13. The developer is advised that commuted sums in respect of formal recreation space provision, provision for secondary education and provision for public transport infrastructure referred to in Conditions 14, 15 and 16 are currently calculated to be:

Recreation space - £78,547.80
Education - £178,295
Transport infrastructure - £15,000

The recreation and education figures are subject to index linked annual increases and the transport infrastructure will be subject to any alterations to supply/implementation costs at the time that any agreement is entered into.
14. The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

Site Location



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INTRODUCTION

The application site is Council owned and has been submitted prior to marketing the land, which is now surplus to the Council's requirements. The proposals have been developed through the Asset Enhancement Programme (AEP) which has included research into the current housing market and consultation with the local community. The objectives of the AEP are to address key issues and risks that can delay development and reduce land values whilst promoting high quality design in new residential schemes.

LOCATION AND PROPOSAL

The site is part of the former King Egbert School (Mercia site). The school was replaced on the Wessex site off Totley Brook Road approximately 10 years ago, and the old school was demolished shortly afterwards. A former caretaker's house close to the Furniss Avenue frontage was demolished approximately 2 years ago. Since the demolitions, the site has been neglected and is becoming increasingly overgrown.

The site covers approximately 2.84 hectares and has a frontage of approximately 50 metres to Furniss Avenue. It adjoins housing in Furniss Avenue and Bushey Wood Road to the north and south, a school playing field to the east and an adopted public footpath to the west. Beyond the public footpath is a large area of informal open space (Kings Croft), Dore Primary School and Kingswood Day Nursery.

There are a number of trees within and adjoining the site. Most notable are 2 individual mature Oaks towards the eastern boundary, a group of 4 Norway Maple/Poplar towards the northern boundary, a group of 4 Silver Birch/Alder within the more central area, several groups of trees and individual specimens to the southern boundary, some of which are in adjoining gardens, and several individual Silver Birch towards the Furniss Avenue road frontage.

The playing field to the east of the application site has been retained for use in connection with the new King Egbert School. It is also used by the wider community outside school hours.

The land rises to the north and west. Vehicular access is taken from Furniss Avenue. An unadopted public footpath links Furniss Avenue and Wyvern Gardens and runs close to the boundary with the playing field. The adopted footpath to the west of the site links Furniss Avenue with Bushey Wood Road. The footpath is channelled at the northern end between the private gardens to dwellings in Bushey Wood Road and Bushey Wood Grove, respectively. An informal grass pathway links the adopted and unadopted footpaths at the northern end of the site.

The application is for outline planning permission for 65 dwellinghouses. Approval is being sought for the means of vehicular access, layout and scale of development. The appearance of the dwellings and the landscaping details are reserved matters which will require a separate application(s) for subsequent approval. It should be noted that the layout relates solely to the location of the roads and footpaths and the arrangement of plots. The location and style of dwellings within the plots is purely indicative. The scale relates to the height, width and depth of the dwellings on the individual plots. The dwellings are between 2 and 3 storeys high with the 3 storey accommodation being predominantly in the roof spaces. Some units are indicated as being split-level to accommodate the rising ground towards the western boundary.

RELEVANT PLANNING HISTORY

Planning permission to develop the site to provide 106 dwellings was refused in 2007 (ref 06/02772/FUL) and an appeal was subsequently dismissed following a Public Inquiry. Refusal was on the grounds of poor quality design and layout, including the relationship with the playing field, footpath links and car parking, together with insufficient provision for inclusive access and the potential impact on trees. The Inspector upheld the issues relating to inclusive access and trees but did not uphold the Council's concerns about design and general layout. Criticism was also levelled at the Council's failure to produce a Planning Development Brief prior to marketing the site.

Prior to that outline planning permission for the residential development of the site had been granted in 2001 (ref 00/01441/OUT) and an application for full planning permission for 89 dwellings was withdrawn in April 2006 (ref. 05/04521/FUL). The withdrawal was due to officers concerns about the development combined with the applicant's desire to review the site following a takeover of the relevant house building company.

Planning permission for the replacement King Ecgbert School was granted in 2002 (ref 02/03231/FUL).

The demolition of the caretaker's dwelling was granted in September 2011 (ref 11/02614/DPNRG3). The boundary planting (tall leylandii) was conditioned to be retained in order to maintain visual amenity in the period between demolition and redevelopment.

SUMMARY OF REPRESENTATIONS

Originally submitted scheme

7 representations objecting to the proposals have been received from, or on behalf of, local residents. The objections are summarised below:

Residential Amenity

- plans show 111 and 109 Bushey Wood Road inaccurately - shown as one plot instead of two and do not include existing conservatories to rear elevations
- corner of split level building to Plot 27 very close (approx 4m) to rear boundary of 111 Bushey Wood Road and is much closer than any other building of this height to boundaries of Bushey Wood Road plots - requests relocating Plots 26 and 27 a little further towards south west which would minimise obstruction of view, and reduce views of rear of 111 from new dwelling to plot 27)
- acknowledges need for development and appreciates attempts to create a less intrusive development with a reasonable housing density but remains concerned about significant loss of privacy and views for residents of Bushey Wood Road
- Plots 29-32 and 34-35 have potential to invade privacy of garden and internal living space and notes that existing conservatory not shown on plans (No103 Bushey Wood Road) - requests maximum 2 storey height properties to this

boundary and remove or reduce the 'green spaces' to allow properties to be moved further from Bushey Wood Road boundary - will also give new residents larger rear gardens and will reduce green space maintenance burden on Council

- Queries why the two biggest and highest properties are proposed at the bottom of existing properties on Bushey Wood Road, with north facing gardens - too close to existing neighbours, too high and too big - suggests prudent to put these up against footpath in vicinity of plots 17-26
- 3 plots adjoin rear boundary of 80 Furniss Avenue - this feels intrusive and cramped as there will be 4 houses (including semi) and a garage directly adjoining
- Will be 3 houses (plots 63-65) and a garage all on a plot that used to contain one house
- 3 storey building to Plot 64 elevated above 80 Furniss Ave - will effectively result in 4 storey building next door which will directly block evening light and will be very imposing and intrusive
- 2 storey building to Plot 63 will directly overlook garden (80 Furniss Ave) and is elevated, effectively making 3 storey building - will take even more light away and will be exceptionally intrusive - notes that houses built close to gardens in Furniss Mews have been made a bungalow with no overlooking windows
- concerns about substantial increase in use of school playing field outside school hours as a result of additional dwellings - in particular, use of 2 large sand pits close to 1 Furniss Mews will increase security issues and raise noise levels unacceptably - requests fencing to secure playing field as part of proposals

Green Environment

- proposals do not properly follow principles of UDP relative to natural environment and particularly Policy GE11 - does not acknowledge existing semi-natural areas (mainly grassland) which have developed on the site and provide a rich habitat for a range of species
- submitted Ecological Report incorrectly states that there will be no significant impact on the existing ecology - e.g. recent survey submitted to Butterfly Conservation show abundance of butterflies on the site in July 2013 - also expects a range of other species to be present
- ecological survey carried out at unsuitable time for summer species (Feb)
- clear that plans would impact on existing ecology - LPA should consider ways in which impact can be reduced or mitigated - suggest that the house plots do not extend right up to the boundary of the Bushey Wood Road houses and to the footpath below Dore Primary School in order to maintain wildlife corridor along these boundaries,
- wildlife corridor suggested above would assist in reducing privacy/intrusion to residents in Bushey Wood Road and would provide much more pleasant and acceptable aspect for users of the footpath compared to very intrusive high fence alongside the footpath as currently shown
- 'green corridor' concept shown in Design Brief barely carried forward to plans - missed opportunity for good integration of new development with preservation and enhancement of the natural environment

Traffic/Parking

- whole road network is already well used and heavily congested at peak times - additional housing will exacerbate problems
- application indicates extremely low estimation of volume of vehicles joining Furniss Avenue at peak times - proposals will far exceed quoted peak hour usage and safety of pupils of King Ecgbert School and Dore Primary School will be compromised

Miscellaneous

- concerns about layout of gardens around storage container on playing field - have some minor issues with older children congregating around the container - proposed gardens recess into blind corner around the intersection of gardens of plots 61/62 and 80 Furniss Ave and will create area that is prime for congregating and could encourage previous problems of drinking, smoking, lighting fires, vandalism, and loud offensive language
- queries whether there is a requirement for any electrical transformers to be installed, and where they may be located

The Dore Village Society has objected to the detail of the proposals:

- proposals do not add to overall quality of area, establish a strong sense of place or optimise potential - layout does not reflect thorough understanding of local topography, natural features and open spaces and ignores valued views of landmarks and skylines across City to surrounding countryside
- layout does not adequately incorporate green and public space as part of development
- proposals do not recognise need to maintain views and damages character of Dore Conservation Area - distinctive heritage will be severely compromised
- layout fails to provide car parking for playing field users and is not adequately sensitive to amenity and privacy of houses in Bushey Wood Road
- inadequate contribution to Affordable Housing and creating mixed community - some 40% of dwellings should be 'affordable' - huge and demonstrable need in area
- Affordable Housing Statement not been submitted and no justification for impracticable suggestion of the majority of AH provision being secured off site through a commuted sum
- Approved Planning and Development Brief fairly reflects general agreement through consultation regarding site context, constraints and opportunities but has not been taken into account in proposed layout
- Extensive views of Bradway and Derbyshire largely blocked by boundary treatment to public footpath (west boundary) - footpath will be uncomfortably constricted and will deter recreational use of open spaces - use of local space may also be nuisance to new residents
- Views from Kings Croft open space similarly compromised and broad open space link in Brief not achieved in layout
- Does not create pleasant pedestrian link between Wyvern Gardens and Kings Croft

- 'sensitive boundary' to Bushey Wood Road not treated as such - does not provide adequate amenity, landscape softening or privacy for existing residents
- Serious concerns that there is no requirement for car parking to serve playing field use - development will displace current provision for 30-50 cars that have used site for car parking during community use of playing field - will result in unacceptable on street parking causing congestion and nuisance to new residents and existing residents in Furniss Avenue. Notes that requirement for such parking deleted from conditions on site allocation in latest City Policies and Sites document
- Narrow access to playing field may cause issues for service and maintenance vehicles to access playing field

The Sheffield Wildlife Trust has also objected:

- concerned that elements that community were consulted on in draft Design Brief are not reflected in the proposals, specifically with regard to green space, natural play space and semi-natural habitat
- biodiversity gains need to be incorporated into the designs through use of native trees and shrubs, connectivity of landscaping to hedgerow at rear of Dore Primary School and incorporation of bat bricks into new buildings
- no proposals for trees and shrubs in proposed green spaces
- existing trees, particularly those to sensitive south west boundary, should be retained and recommendations of Arboricultural Report followed - space must be allowed for tree roots and canopies - plans show gardens to Plots 12 and 13 right up to border
- proposed green spaces bear little resemblance to Design Brief - represent a series of disconnected green spaces that does not link to the woodland to the north west of the site - minimises ecological value and does not comply with Core Strategy policies or NERC (Natural Environment and Rural Communities Act) Biodiversity Duty
- no provision for 'green roofs' as required in Climate Change and Design SPD
- disagree with statement on application form that there are no biodiversity considerations on the site
- although Ecology Report is generally good, the Phase 1 Ecological Survey was carried out an inappropriate time of year and a proper grassland/invertebrate survey has not been carried out in summer. Also no butterfly survey carried out - large number of butterflies noted by SWT members during July 2013
- recommend maintenance of part of site as meadow for helping absorb water run-off and notes opportunities to create pond for wildlife and the community
- recommends summer invertebrate/butterfly survey, leaving some areas of rough grassland for butterflies and addition of at least one pond and/or SUDS scheme

Amended Scheme

Following minor adjustments to the layout, principally towards the Bushey Wood Road boundary, limited re-consultation was undertaken (restricted to properties in Bushey Wood Road, Bushey Wood Grove and Dore Village Society).

3 further representations have been received from residents in Bushey Wood Road:

- objections have not been listened to
- size of house on Plot 34 has been increased from 2 storeys to 3 storeys (Note - this was an error on the plan key and has since been corrected)
- continue to object to close proximity of Plots 34 and 35 to Bushey Wood Road houses and gardens causing major privacy issues
- Plots 34 and 35 appear to be the two highest and largest houses on site - will totally block views from 97 - 103 Bushey Wood Road and invade privacy - should be only 2 storey and repositioned lower down the site
- still doesn't appear to be a sufficient green link between Kings Croft and playing field without crossing at least two roads - why not use existing bank adjoining Bushey Wood Road garden boundaries as a 'green link' - will move all those plots away from boundary so removing some of privacy issues

The Dore Village Society has confirmed its previous objections:

- revisions do not address any of concerns previously raised

A local house-builder (Pullan Homes) has made representation:

- unless a location for off-site provision (in Dore/Totley) can be identified, Affordable Housing should be on-site
- any proposal to buy back former council houses at Totley Brook is socially divisive; a social mix with tenants and owner occupier should not be modified by using affordable housing commuted sums
- with affordable houses available to Housing Associations, there will be competitive bids above the SPG/IPG transfer values which will make the affordable houses cost neutral to the developer
- to ensure lower cost smaller units, suitable as starter homes on the housing market step ladder, a trade-off against the affordable house provision would create a better social mix
- any developer would aim to maximise the number of detached aspirational (formal executive) dwellings
- site is large enough and need is clear for an on-site equipped area of play
- 4 frontage plots onto Furniss Avenue would be better as 2 plots with wide highway verges/landscaped areas.
- indicative plan shows substantial communal open spaces which is a waste of valuable residential development land
- layout not innovative as, say, the Persimmon scheme which was rejected by both the LPA and at appeal
- outline stage gives opportunity to achieve design improvements - otherwise left with typical executive home estate which could be in any town

PLANNING ASSESSMENT

Policy

The site lies within a Housing Area as defined in the adopted Unitary Development Plan (UDP). The Housing designation is retained in the Sheffield Local Plan (SLP) Proposals Map (pre-submission version). The site is not affected by any special designations.

The most relevant UDP and SLP Core Strategy policies are:

BE5 (Building Design and Siting)
BE6 (Landscape Design)
BE9 (Design for Vehicles)
BE10 (Design of Streets, Pedestrian Routes, Cycleways and Public Spaces)
BE12 (Public Art)
GE10 (Green Network)
GE11 (Nature Conservation and Development)
GE15 (Trees and Woodland)
H7 (Mobility Housing)
H10 (Development in Housing Areas)
H14 (Conditions on Development in Housing Areas)
H15 (Design of New Housing Developments)
H16 (Open Space in New Housing Developments)
T8 (Pedestrian Routes)
T25 (Car Parking in Residential Areas)
CS22 (Scale of the Requirement for New Housing)
CS23 (Locations for New Housing)
CS24 (Maximising the Use of Previously Developed Land for New Housing)
CS26 (Efficient Use of Housing Land and Accessibility)
CS31 (Housing in the South West Area)
CS40 (Affordable Housing)
CS41 (Creating Mixed Communities)
CS43 (Schools)
CS53 (Management of Demand for Travel)
CS63 (Responses to Climate Change)
CS64 (Climate Change, Resources and Sustainable Design of Developments)
CS65 (Renewable Energy and Carbon Reduction)
CS67 (Flood Risk Management)
CS74 (Design Principles)

Several policies in the Local Plan City Policies and Sites document (pre-submission version) (CPS) are also relevant. The CPS has not yet been adopted and the policies can therefore only be afforded limited weight. This assessment is therefore restricted to relying on the adopted policies only. In this instance, the CPS policies generally raise no issues over and above those contained in the quoted UDP and Core Strategy policies. However, the following CPS policies should be noted:

C1 (Access to Local Services and Community Facilities in New Residential Developments)
C2 (Residential Layout, Space Standards and Accessible Housing)
D2 (Open Space in Large New Housing Developments)

The site is allocated for Housing (Use Class C3) or Residential Institutions (Class C2) in the CPS. Some degree of weight can be given to this allocation in the absence of any objection to the Housing allocation. However, there remains an unresolved objection to the absence of any requirement for car parking provision for the adjoining playing field in the conditions attached to the Housing allocation.

Government policy in the National Planning Policy Framework (NPPF) is relevant. Policies within the NPPF are referred to in subsequent sections of this report where applicable.

The following documents are also relevant:

- Supplementary Planning Guidance "Designing House Extensions". Whilst not strictly applicable to these proposals, the guiding principles for protecting residential amenity are relevant.
- Interim Planning Guidance "Affordable Housing"
- Supplementary Planning Guidance "Mobility Housing"
- Supplementary Planning Guidance "Open Space Provision in New Housing Development"
- Supplementary Planning Guidance "Planning Obligations and Education Provision"
- Supplementary Planning Document "Climate Change and Design"

The South Yorkshire Residential Design Guide (2011) has been designated by Members as a Best Practice guide and is therefore a material consideration, albeit carrying less weight than the afore-mentioned policies and documents.

A Planning and Design Brief for the site has been prepared as part of the Local Growth Fund programme. The Brief was publicly consulted on between October and December 2012 and was subsequently approved by Members of the Planning Committee in March 2013. As such, it is a material consideration in determining this application.

Principle of Proposed Development

Housing uses are preferred in accordance with UDP Policy H10 and the site has been allocated for Housing or Residential Institutions in the CPS. The principle of residential development been accepted in previous applications, although there is no extant permission for the site and the approved Planning and Design Brief relates to the development of the site for Housing.

Core Strategy Policy CS22 commits to maintaining a 5 year supply of deliverable housing sites at all times. There is currently a significant shortfall in 'deliverable' (i.e. with planning permission for housing uses) sites which is being addressed through proposals for additional Housing Site allocations in the Local Plan. Policy

CS23 seeks to focus at least 90% of new dwellings in the main urban area and Policy CS24 gives priority to previously developed sites. The proposals are in accordance with these policies and granting planning permission will increase the supply of 'deliverable' housing sites.

In view of the above, housing (Class C3) development is acceptable in principle.

Housing Density

The density proposed equates to 22.8 units per hectare. This is significantly below the 30-50 density normally expected within the urban area but outside District Centres and away from Supertram/high frequency bus routes, as set out in Core Strategy Policy CS26. However, the policy provides scope for densities outside this range where they achieve good design, reflect the character of an area or protect a sensitive area. Policy CS31 adds weight to the consideration of lower density schemes by giving priority to safeguarding and enhancing the areas of character in the South West Area.

This part of Dore cannot be described as having any particularly distinct townscape. It generally comprises detached and semi-detached houses fronting the main routes (Furniss Avenue and Bushey Wood Road) between the centre of Dore and Abbeydale Road South. These properties follow generally strong building lines and have long rear gardens; and smaller estate developments with cul-de-sacs off a spine road (eg. Wyvern Gardens; Kings Coppice).

Densities in the immediate area are typically around 12-15 units/ha with a density of approx 20 units/ha in Durvale Court/Wyvern Gardens (opposite side of the playing fields). There are also higher density schemes such as in the newer developments around Totley Brook Road (30 units/ha) and the development at the end of King Ecgbert Road (44 units/ha).

The proposed layout has its own identity which draws on local characteristics without reflecting the surrounding developments. Despite the low density, plot sizes are relatively small and there is a variety of indicative house types.

In this context, the lower density cannot be reasonably justified on the grounds that it is necessary in order to reflect local character. It is worth noting that the higher density scheme proposed in 2006 had a density of 37.3 units/ha and was not considered harmful to the character of the area in the subsequent appeal decision.

Notwithstanding the above, the scheme does achieve good design, particularly through the inclusion of several green spaces. The green spaces cover approximately 14% of the site area. They are included in order to create focal points and visual amenity within the development whilst maintaining green links and views between the open spaces to the east and west of the site. The green spaces significantly contribute to the quality of the layout and broadly accord with requirements set out in the approved Planning Brief for the site. A higher density scheme would require the loss of green space and/or the inclusion of apartments in lieu of a variety of house types. These factors would result in a lower quality environment.

In view of the above, it is considered that the lower density scheme can be justified in this instance.

Housing Mix

The applicant commissioned specialist research into the current housing market to inform preparation of the application. The application is believed to represent the aspirations of potential house-builders and, if permission is granted, is expected to significantly assist the disposal of the site by providing market confidence.

The results of the research show that there is no market for building apartments and that developers would be minded to avoid terraced property forms and 3 storey townhouses with integral garages. The market preference is for larger family housing (3+ bedrooms) with a smaller number of 5 bed properties.

Core Strategy Policy CS41 promotes mixed communities by encouraging housing developments to meet a range of needs including a mix of prices, sizes, types and tenures. The policy includes a requirement for homes for larger households, especially families, in areas outside the City Centre and other highly accessible locations.

The proposals are for a mix of 2, 3, 4 and 5 bed houses, the 2 bed houses being identified as part of the contribution to Affordable Housing. This creates a good mix of housing which reflects the aspirations of potential developers whilst providing opportunities for different sized households. In these respects the proposals comply with Policy CS41.

25% of units will be required to meet 'mobility housing' standards in accordance with UDP Policy H7 and the Supplementary Planning Guidance "Mobility Housing". There is adequate scope within the proposed layout to achieve this level of provision.

Affordable Housing

Core Strategy Policy CS40 requires a contribution towards Affordable Housing, subject to financial viability. The associated Interim Planning Guidance "Affordable Housing" seeks to provide a contribution of 30 - 40% which should normally be provided on site. An off-site contribution can be accepted if it would have a better outcome for overall Affordable Housing provision.

As the application is in outline, a contribution cannot be fixed at this stage of the planning process. The applicant wishes to give potential developers a degree of certainty about the requirements for Affordable Housing and the level of contribution that is required. It is therefore proposed that 6 x 2 bed properties are provided as 'affordable housing' within the development. The remaining contribution is proposed to be provided off site through a commuted sum (subject to viability testing).

In this instance, the nearby Totley Brook and New Totley estates provide the potential to deliver a much higher number of units off-site than the policy requirement would allow to be provided on-site. However, it is unlikely that the full contribution could be spent within these areas within the 5 year timescale that any legal obligation would be restricted to. It is therefore appropriate to provide a 10% proportion of the total contribution on-site. This equates to the 6 x 2 bed units which are currently proposed and allows for the provision of smaller dwellings, which are required in the area.

Any off-site contribution should be limited to the local area in order to address local needs. This can be secured by condition and the overall package will comply with Policy CS40.

Proposed Layout

The site presents several constraints. Most notable are the difference in levels, particularly to the north and west boundaries; the location of important trees; the single point available for vehicular access; the need to maintain access to the playing field; and the need to maintain public footpath links.

The layout has been designed to accommodate the constraints described above whilst providing a good standard of residential amenity for future occupiers, maintaining good pedestrian links and opportunities for wildlife, and ensuring that views across the site remain available. Inevitably, compromises have had to be made in order to achieve a viable scheme at a justifiable density.

The existing site levels are such that there is an approximately 5 metres level difference between the level of the public footpath to the western boundary and the level of the former school building and hard play areas. The dwellings could be positioned at 90° to the western boundary in order to maintain clear views through the site between the playing field and Kings Croft towards the Dore Conservation Area. However, this arrangement would require significant engineering works and raising of levels to provide access and gardens at an acceptable gradient. The design response indicates split-level properties adjoining the public footpath which exploits the existing levels and maximises outlook for future residents. Clustering development around the largest area of green space creates a focal point for the development.

A high quality uniform boundary treatment will be required at the boundary with the public footpath in order to maintain a high quality public realm whilst providing the necessary privacy to the rear of the new dwellings. This will compromise the existing open views across the site. However, the two proposed public footpath links to the existing footpath are relatively open and will continue to provide views, albeit more limited than at present.

The proposed green spaces within the development provide loose linkages between the east and west boundaries which will allow views through the development and provide some degree of opportunity for the movement of wildlife.

The proposals provide a coherent road layout with the access point being centred on the Furniss Avenue frontage and the provision of a central loop road with several shared surfaces off it. The unadopted public footpath to the eastern boundary will be replaced by an adopted road with footway which will follow a similar route to existing. The existing informal route across the top of the site (close to Bushey Wood Road dwellings) will be replaced by the estate loop road and a footpath link which will join the existing public footpath at a point some 25-30 metres from the existing point. This link is slightly sub standard in gradient at 1:10 but cannot reasonably be improved upon without significantly increasing the length and compromising a number of plots.

Several of the representations have raised concerns about this link, with a preference expressed for providing a route directly to the rear of existing gardens in Bushey Wood Road with the new dwellings on the opposite side. This arrangement would result in minimal natural surveillance of the link and an awkward junction where it would meet the existing footpath between garden boundaries. It would also be less effective as a green link and would result in the need for street lights at the rear boundaries of existing and proposed dwellings.

The other link to the existing public footpath achieves the standard 1:12 gradient.

The layout at the site entrance relates adequately to the street scene in Furniss Avenue and follows the strong building line.

The application states that Northern Power Grid have confirmed that there should not be any requirement for a new sub-station.

The alignment of the boundary adjoining the playing field results in an approximately 6m deep recess directly behind No80 Furniss Avenue. Nuisance activity in this area is reported in the Representations section of this report. The boundary would benefit from being realigned to remove the recessed area or increase visibility across it. However, this cannot be given any weight as consideration must be restricted to the application boundary as submitted. In order to ease this situation the location of the access route to the playing field has been adjusted so that there will be a view along the access from the estate road. This should help to deter activity in this recessed corner.

Overall, the proposals address the site constraints positively, resulting in a good quality layout that sits comfortably in the local context. The proposals therefore comply with UDP Policies BE5, BE10, GE10, H14, H15, T8 and CS74.

Sustainability

There is a presumption in favour of sustainable development as set out in the NPPF. The proposals re-use previously developed (brownfield) land and will contribute to the strong local community by providing good quality housing to meet the needs of present and future generations. The site is well located in terms of access to local shops and services and there are regular bus services in Furniss Avenue.

The site is located between two large areas of green space and the proposals provide several areas of green space within the layout which will contribute to maintaining opportunities for biodiversity and the movement of wildlife. The most important trees are retained. The layout minimises the need for ground re-modelling by working with the existing ground levels as far as possible. A large proportion of the grass bank directly above the playing field is retained in the layout. This area can be left in a natural or semi-natural state and the submitted Design and Access Statement suggests the possibility of a wildflower meadow which would be beneficial to the green environment. Ground investigations have indicated that the site is likely to be suitable for a sustainable drainage solution (SUDS). SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, green roofs, ponds and wetlands.

The detailed design of the proposed dwellings is a reserved matter and will be fully considered through either the reserved matters approval process or a fresh application for full planning permission. The development will be expected to achieve a minimum Level 3 in the Code for Sustainable Homes and to meet at least 10% of its predicted energy needs from renewable or low carbon energy. It will also be expected to incorporate 'green roofs' as part of the detailed design of buildings in accordance with the Supplementary Planning Document "Climate Change and Design". The extent of the 'green roofs' will be subject to future negotiation. Conditions to ensure delivery of these matters can be attached to the outline planning permission, if granted.

The above measures reflect the general principles of sustainable development and thereby comply with UDP Policies BE6, GE10, GE11 and GE15 and Core Strategy Policies CS63, CS64, CS65 and CS67. The proposals also comply with draft CPS Policy C1 which requires new large/medium scale housing developments to be integrated with existing residential communities and where public transport and local shops and services are readily accessible on foot.

Landscape and Ecology

A comprehensive Ecological Assessment (EA) has been submitted in support of the application. No protected species have been identified although a bat survey is recommended. This is not considered necessary as the trees that are of interest are to be retained within the development. The EA also notes that the proposed scheme will include potentially suitable bat foraging habitat. The EA considers the wider context, including local sites of conservation interest, and indicates that the scheme will not have any detrimental effect for nature conservation.

The representations indicate that the site attracts significant numbers of butterflies and it is acknowledged that the EA does not consider this interest. However, the proposals are not considered to be detrimental to this interest, particularly if a wildflower meadow is included in the detailed landscape proposals. It should be noted that a wildflower meadow will require specific management and cutting regimes in order to be adequately maintained for ecological benefit.

As stated in the previous section, the proposals also indicate that the site is likely to be suitable for SUDS. This could support further biodiversity enhancements. The site is suitable for the inclusion of bird and bat boxes which will further increase biodiversity and can be conditioned.

As stated previously, the most important trees are to be retained and the layout includes the provision of new green spaces which will contribute to visual and residential amenity and promote biodiversity. The detailed landscape design will be considered through the reserved matters process but a management plan will be required in order to promote biodiversity and should be conditioned.

In view of the above, the proposals comply with UDP Policies BE6, GE10, GE11 and GE15.

Public Art

There are opportunities within the scheme to provide for public art in accordance with UDP Policy BE12. This will be dealt with at reserved matters stage and it is anticipated that it will be provided within one or more of the green spaces. There is also the possibility of provision as part of the public footpath links or SUDS.

Residential Amenity - Proposed Dwellings

The detailed design of dwellings is a reserved matter but the layout shows that good quality living conditions can be provided with sufficient separation, outlook and external space to each plot. The indicative layout of dwellings within the proposed plots show that the minimum private garden areas exceed 67m². The majority of plots show areas in excess of 100m². These areas comfortably exceed the best practice specifications in the South Yorkshire Residential Design Guide and comply with UDP Policy H15 and draft CPS Policy C2.

Residential Amenity - Existing Dwellings

The separation distances between dwellings within the development and between new and existing dwellings meet and generally exceed guidelines as specified in the Supplementary Planning Guidance "Designing House Extensions". The SPG is not applicable to new dwellings but the guiding principles are relevant as good practice.

The concerns of adjoining residents in Furniss Avenue are noted. A pair of dwellings is proposed to each side of the road access and will adjoin the dwellings in Furniss Avenue. An indicative street elevation has been provided and demonstrates that the new dwellings can satisfactorily relate to the existing dwellings. Driveways are indicated to the sides of the new dwellings adjoining the boundaries with the existing dwellings and there is no projection of new dwellings beyond the rear of the existing dwellings. There may be limited impact on the large side dormer at No80 Furniss Avenue but this will be largely mitigated by the rising ground levels.

Behind the Furniss Avenue frontage, a single dwelling to each side of the access road will back onto the side boundaries of the rear gardens of Nos80 and 90 Furniss Avenue, respectively. The rear gardens to 80 and 90 are approximately 30m long. Tree cover adjoining the boundary with No80 is shown for removal. This is necessary to make effective use of the space between the two existing dwellings whilst maintaining a reasonable density.

As shown on the indicative plan, the dwelling backing onto No80 will have a rear garden length of 11.5m. This exceeds the 10m minimum length normally expected. The dwelling will be at least 25m from the nearest point of the dwelling at No80. Additional screen planting can be planted at the boundary to ensure privacy between garden spaces. No90 has significant planting within its garden to the lower part of the side boundary. This is sufficient to screen views from the proposed new dwelling which, again, has a rear garden length in excess of 11m.

A significant proportion of the tree belt at the boundary with the rear gardens of dwellings in Furniss Avenue will be retained. The side elevations of 2 new dwellings will face the tree belt. This will reduce pressure for subsequent tree removals/pruning due to shading problems and will ensure that there is no impact on the rear boundaries of the existing properties.

Residents adjoining the site in Bushey Wood Road have raised concerns about the proximity of new dwellings to their rear garden boundaries. Their rear gardens are in excess of 20m length. 2, 2½ and 3 storey (split-level) dwellings are proposed in this area. The split-level units will appear as 2 storey on the rear elevations. Computer generated views of the development from No111 Bushey Wood Road have been provided and indicate that the site levels and existing boundary treatments will maintain privacy. Separation distances between existing and proposed rear elevations are well in excess of 30m. The plot to the rear of No109 and 111 has the closest relationship but only has its side elevation facing. Nevertheless, amendments have been negotiated to increase the separation to the boundary. No107 is now most affected but the level of separation is more than sufficient to maintain adequate residential amenity.

In view of the above, the proposals comply with UDP Policies H14 and H15.

Highway Issues

The road layout provides a safe and efficient layout which is good quality and with a clear hierarchy of streets. Minor amendments during the course of the application have ensured that adequate turning provision is made for service vehicles. A minimum of 2 car parking spaces are provided for each dwelling, with the larger units having at least 3 spaces. The road layout also provides adequate scope for on street parking for visitors. In these respects, the proposals comply with UDP Policies BE9, H14(d) and T25 and with best practice guidance in the South Yorkshire Residential Design Guide.

Core Strategy Policy CS53 seeks to manage the demand for travel. The policy promotes good quality public transport which is considered necessary to encourage more sustainable modes of travel. In line with this policy, a contribution

to upgrading public transport infrastructure is appropriate for this scheme. Funding of a Real Time info screen at the Totle Brook Road bus terminus has been requested at a cost of £15,000. The necessary arrangements for the infrastructure improvements can be secured by condition.

Good footpath links are provided and connect to existing routes in accordance with UDP Policies T8 and H15(d). The layout requires the diversion of the existing unadopted public footpath that links Furniss Avenue to Wyvern Gardens.

The community requests for car parking provision for use in connection with non-school use of the playing field are noted and have been considered. The playing field is used outside school hours, particularly weekends, for football matches and other sports. Such use is encouraged and is in line with the Community Use Agreement negotiated when the new King Ecgbert School was built. The hard standing areas within the application site have been used for informal parking in connection with this use since the old school was demolished. There is no evidence that the school grounds had been used for this purpose prior to vacation of the site.

The approved Planning Brief for the site specifies that visitor parking is required to be provided on a communal basis, which would serve both residents and the users of the adjacent playing field. Based on the number of dwellings this equates to 16-17 car parking spaces, as 1 visitor parking space is required per 4 dwellings. The Brief notes that this need not simply be accommodated as parking bays but can be accommodated on street within the development assuming the street is wide enough, in lay-bys or as parking bays. The proposed layout includes provision for on street parking for this number of spaces without relying on spaces directly in front of the new dwellings. Further provision is available at the new school albeit unlikely that it will be used as it is remote from the playing field. In practice, any excess demand for parking is likely to be accommodated in Furniss Avenue. This should not displace residents parking as all properties in Furniss Avenue have off street parking. Nor should it cause any significant disturbance to residents due to the level of separation of dwellings from the carriageway.

Overall, adequate provision is made for vehicles and the proposals accord with UDP Policies BE9, H14(d) and T25 and Core Strategy Policy CS53.

Open Space

At least 10% of the layout is given over to informal open space areas. This provision accords with UDP Policy H16 and the associated Supplementary Planning Guidance "Open Space Provision in New Housing Development". It also complies with CPS Policy D2. The on site open space will be required to be maintained at the expense of the developer. This is likely to pass to a residents management company and will give residents more ownership of the open space areas. A commuted sum will be required for provision or enhancement of off-site sports facilities and children's play equipment. On the basis of the size and number of units the required contribution will be £78,547.80. This can be secured by planning condition.

Education Provision

The development will increase the demand for school places in the immediate area. Children, Young People, and Families (CYPF) have confirmed that they consider it is possible that additional demand resulting from the proposed development could be absorbed by the existing system at the Primary stage but, despite additional Secondary places from 2015/16, demand will exceed the level of provision in the area from 2016 onwards. Central government funding is available to ensure the existing local population can access a school place but this funding is not intended to address demand growth resulting from new housing. Although CYPF will bring forward proposals to address the expected shortfall in supply of places where necessary from population change, additional housing will exacerbate the need and therefore increase the number of places required.

In accordance with Core Strategy Policy CS43 and the Supplementary Planning Guidance "Planning Obligations and Education Provision", a financial contribution is therefore appropriate to enable future Secondary education needs to be met. The required contribution is £178,295 and can be secured by planning condition.

Ground Contamination

A Phase I desktop study has been carried out in respect of potential ground contamination. The study indicates that there are potential sources of contamination on the site and in the surrounding area, generally as a result of made ground, possible high permeability of the underlying geology and remnants from the previous demolition works. The study recommends a Phase 2 intrusive site investigation, which can be conditioned.

SUMMARY AND RECOMMENDATION

The site is in a Housing Area as defined in the UDP and is allocated for Housing in the Local Plan City Policies and Sites document (pre-submission version). The outline proposals provide a good mix of housing, including provision for Affordable Housing and scope for Mobility Housing. The density is lower than normally expected but appropriate given the constraints of the site and the inclusion of significant areas of informal open space. The proposals represent a sustainable form of development that accords with the approved Design Brief for the site and provides a high quality layout. The proposals respond positively to the existing ground levels and relates satisfactorily to neighbouring properties and the street scene in Furniss Avenue.

Adequate residential amenity is provided and maintained for new and existing residents, respectively. Adequate provision is made for vehicles, including on street parking which can be shared with users of the adjoining playing field.

The detailed design of the proposed dwellings is a reserved matter. The details will be expected to make provision for renewable and/or low carbon energy and meet Level 3 of the Code for Sustainable Homes as a minimum.

Commuted sums are required in respect of providing or enhancing formal sports provision and children's play equipment in the local area and in respect of provision for secondary education. Commuted sums are normally secured by legal agreement. There is no facility for a legal agreement in this instance as the Council is the applicant and cannot enter into an agreement with itself. Therefore, conditions have been imposed accordingly. The conditions do not preclude a legal agreement being entered into by the developer at reserved matters stage following disposal of the site.

Overall, the proposals comply with the quoted policies and planning documents and it is recommended that outline planning permission is granted subject to appropriate conditions.

Footpath links to existing routes are included in the layout. This requires diversion of the existing public footpath that crosses the site. Members are requested to confirm that they:

a. Raise no objection to the proposed diversion of the public footpath shown on the plan included, subject to satisfactory arrangements being made with Statutory Undertakers with regards to such of their mains and services that may be affected. Any unresolved objections will be the subject of a later, separate report.

b. Authorise Legal Services, to take all necessary action on the matter under the relevant powers contained within either:

i The Highways Act 1980, or

ii The Town and Country Planning Act 1990,

dependent upon which statute is appropriate at the time of processing the diversion Order.

iii and in the case of any public path order, in the event that no objections are received or any objections received being resolved, authority be given for the order to be confirmed.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Director of Regeneration & Development
Services

Date: 5th November 2013

Subject: Unauthorised Tipping and the Derelict Condition of
the Land, Sheffield Ski Village, Vale Road

Author of Report: Lee Brook

Summary:

The purpose of this report is to inform Members of (a) a breach of a planning control and (b) the poor condition of the Land and to make recommendations on any further action required.

Recommendations:

(a) That the Assistant Chief Executive of Legal and Governance be authorised to take any appropriate action including enforcement action, the service of a stop notice, the institution of legal proceedings and injunctive action if necessary to (i) cease any further unauthorised tipping of waste material and (ii) to remove any unauthorised tipped material and (iii) to remedy harm caused by the poor condition of the land, buildings and structures to the visual amenity of the area.

(b) For the Head of Planning, in consultation with the Chair of the Committee, to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Background Papers:

Category of Report: OPEN

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ENFORCEMENT REPORT

UNAUTHORISED TIPPING AND THE DERELICT CONDITION OF THE LAND, SHEFFIELD SKI VILLAGE, VALE ROAD

1. PURPOSE OF THE REPORT

The purpose of this report is to inform Board Members of (a) a breach of planning control and (b) the poor condition of the land and to make recommendations on any further action required.

2. BACKGROUND

- 2.1 The Planning Service was contacted by Kier Asset Partnership Services, (KAPS), in February 2013 about the tipping of waste material on the land around what was by then a derelict ski village site. KAPS also have other concerns about the poor condition of the site due to arson attacks, vandalism, concerns about poor security, depreciating value of the land and the long term viability of the site due to these issues.
- 2.2 The Council owns the land and leases it to a private company on a 99 year term, which has about 62 to 63 years left to run.
- 2.3 Officers from KAPS, planning enforcement and the Environment Agency, (EA), met at the site to assess and discuss the situation from all respective sides. The initial impression was excavation and demolition material consisting of subsoil, rocky material, bricks, concrete and stone had been tipped over two large areas. There was also extensive damage to buildings and there were two scrap heavy earth movers / one scrap military vehicle). The area was generally laid to waste with rubbish, tyres and broken pieces of timber building strewn around.
- 2.4 On arriving at the site for the meeting, EA officers observed and stopped a tipper lorry, at the site entrance, to question the driver. During a follow up investigation by EA officers it was revealed that the tipped material, (at least some if it), was from a residential development site in Sheffield.

- 2.5 The lessee of the ski village site is Pullan Homes (Selby) Ltd. The EA officer investigating was told by a haulage contractor employed by that company that the excavation waste has been moved from a residential development site at Daniel Hill in the city, which belongs to the company. The EA officer advises that the company has agreed to stop tipping at the ski village and subsequent monitoring shows this to be the case.
- 2.6 The ski slope has not been in use since a fire at the main building. Since that attack there have been further fires at the site since April 2011 and the facility is now almost completely destroyed, leaving the site in an extremely poor condition with vandalism an on-going problem.
- 2.7 Building Control Officers have also been involved from a public safety point of view and at the time of writing the remaining buildings are not considered dangerous in the context of the Building Regulations.
- 2.8 A Planning Contravention Notice, (PCN), dated 8th July 2013 was sent to the current leaseholder to establish facts about what had taken place, why and what the plans for the tipped waste are. A representative has met officers and discussed the site at length.
- 2.9 Over the past few months changes have occurred on site with the removal of all three scrap vehicles. Some of the earth piles also appeared to have changed in that a few piles near to the inside of the entrance gates have been removed.
3. ASSESSMENT OF THE BREACHES OF CONTROL
- 3.1 Tipping has occurred over large areas in two main places, on the site of the main building and on the car park to the north of it. These areas are marked on the attached plan as Area Y and Area X respectively. The tipped material at Area X covers approximately 2200m² and the tipped material at Y covers approximately 2400m². The land in between them is mostly clear / open.
- 3.2 The explanation given to the EA for the tipping by the lorry driver, (para.2.4), referred to the waste originating at a development site elsewhere in the city. The EA officer also advises that she was told by the lessee / occupier, that the ski village site is a temporary holding place for excavation material taken out of the Daniel Hill development site and that there is a planned use for the material elsewhere in other development sites. She also advises that the tipped material has been tested for hazardous substances and contaminants. The results are that nothing untoward or unusual was found.
- 3.3 The EA was satisfied that the lessee had full control of all the sites involved in this transfer process, (as described) and under the circumstances this satisfies the environmental control and waste

licensing aspects of this operation. It can be shown to be legitimate in the context of the environmental legislation. This means that the EA would be likely to grant a waste transfer license, however, for technical reasons they cannot issue one because the freehold owner of the site, (the Council), does not consent to waste being tipped here. The lessee has since given a different account to Council officers.

- 3.4 In response to the PCN served 8/7/13 a representative of Pullan Homes (Selby) Ltd met with officers to discuss the site. It was revealed that material had been imported from the Daniel Hill development and tipped on the site of the main building, (Area Y) for the purpose of 'capping off' the fire damaged main building. During this discussion he also stated that no other material other than that for capping off work had been taken to the site, on his instruction. He specifically said, (in response to questions), that the other material (in Area X) was not tipped there on his instruction.
- 3.5 The account offered to Council officers from the lessee, (which has direct control of the site), was that the tipping was intended purely to cap off the fire damaged main building and that is all. It was to make the area safe and then level off the material. This account differs from the one given to the EA, (waste transfer described).
- 3.6 The amount of tipping involved here in Area Y, by itself, is considered to be 'development', (as defined by s55 of the Planning Act), requiring express planning permission by way of a full planning application. The material at the site of the main building, (Y), is a significant amount. It is not levelled to tidy finish. It is left in rough undulating piles and consists of what appears to be a mix of sub-soil, rocky material and some demolition waste including brick, concrete, stone etc. Since it was tipped this material has begun to green over giving it some camouflage against the backdrop.
- 3.7 It is clearly evident that there is also a significant amount of other tipped material at Area X. It could not be determined from talks with the lessee why the material was there or where it had come from. From a visual inspection / assessment by officers it appears to be similar material as that at Area Y / former main building.
- 3.8 From a planning point of view the significant amount of tipping for any of the following reasons would be considered 'development', including (a) tipping purely for the disposal of unwanted waste, (b) tipping to facilitate significant re-contouring of site levels at the ski village, (c) temporary waste transfer holding site, (d) permanent waste transfer site, (e) tipping to cap off the fire damaged main building. Scenario (a), (c) or (d) would be considered changes of use of the land, either to a primary use in their own right or to a mixed use involving the existing leisure use. If the land was to be subdivided to make a new use in one part of it then that would also require planning permission. In any of these events a full planning application would be required.

- 3.9 The authorised use of the site is for leisure use with planning applications approved for a ski slope with associated buildings and ancillary leisure uses. There are no planning consents for any change of use or for redevelopment of the land levels / contours and there are no consents for waste transfer or tipping for any other purpose including infilling, (capping off), of any damaged building.
- 3.10 Fires have destroyed all the timber buildings on site. Some charred remains are left standing and some are broken up in piles. There is general rubbish strewn about the site, including old tyres, some which appear to have been used on site in the children's play area and some which appear to be there as a result of fly-tipping. A small amount of fly-tipping of other general waste has also taken place on the site.
- 3.11 Part of the ski village is prominent on the Sheffield skyline due to its situation on a high hill above Neepsend. It can be seen from long distances, viewed from the west, however the majority of the site, below the actual ski runs, including the buildings, the car park and the adventure playground are not so visible from outside the immediate area.
- 3.12 The areas of tipped material and the general poor condition of the site are evident however from some points along a footpath that skirts the site boundary to the south east and from the top of Vale Road to the west. Some of the tipped material can be seen from the footpath but this is a long range view only. It is partially greened over by self-set vegetation. Some of the burned out buildings and some of general rubbish / waste can be seen at long range. One other, vandalised structure one of the ski runs is visible at close range from footpath point B, (see plan).
- 3.13 There are limited views from another footpath skirting the north west boundary, (point J), however views from this footpath and mostly obscured by trees / other vegetation and the topography of the land. The attached Photo Appendix shows various views on the site from inside and outside the boundaries.
- 3.14 Now that the site is closed down the area has become quiet. The site is at the end of a 'dead end' road and as such there is virtually no vehicle traffic to that end of it. The area is a convenient spot for illegal fly-tipping. This is mostly confined to the highway Vale Road and its verges but access is possible on to the Ski Village land and it is evident that fly tipping has taken place 'on-site' and around the entrance gates to it.
- 3.15 The fly-tipping has consisted of household and commercial waste including old tyres. Regular visits to the area show that although the Council has been clearing rubbish from the highway, new fly-tipping occurs.

- 3.16 Sheffield Core Strategy Policy CS50 'Parkwood Springs and the Parkwood Landfill Site' states that, "Over the medium to long term, Parkwood Springs will be developed into a City Park. Sport and leisure uses could also be located at the Sheffield Ski Village if they are needed to support the development of sport and recreation facilities there'. Whilst this policy was written prior to the fires at the Ski Village the site is clearly intended to be a sport and recreation hub for the city and any future application for the redevelopment of the former ski village site is likely to respond to this policy intention.
- 3.17 Tipping at the Parkwood Landfill site is expected to end on 31st December 2018, as per the requirements of planning permission (05/02877/FUL), with the site being restored after this. Discussions are underway with the current operators of the site, Viridor, regarding its restoration. A key element of these discussions is the opening up of the site for public access, when it is both safe and appropriate to do so, and to open up key connections with the existing public footpath network in order to reconnect the site with the local population. In doing so, it is hoped that the more people will use the area and that there will be a greater presence around the site; this in turn will mean that the former ski village site is a more prominent feature in the landscape.
- 3.18 The supporting text to Policy CS50 is clear that open space at Parkwood Springs will be the dominant land use because of its prominence on the hillside. The policy explains that the precise means of delivery and funding for regenerating Parkwood Springs to a City Park will be worked out in a masterplan for the area. Whilst progress on a masterplan has stalled due to current funding pressures, it remains a priority. It is considered that the current unauthorised tipping comprises progress towards achieving Policy CS50 and further undermines the visual amenity of the area.

4. REPRESENTATIONS

- 4.1 Representations of a kind have been made by Kier Asset Management Partnership, concerned about immediate enforcement powers to prevent a worsening of the tipping situation, while the Council's freeholder powers were also being considered.

5. ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 Section 171C of the Town & Country Planning Act 1990, ('the Act') provides for the service of a Planning Contravention Notice, (PCN). It requires information about the suspected breach control and property ownership. It also gives an opportunity to meet with officers to make representations. Such a meeting can be used to encourage regularisation and/or discussions about possible remedies where harm has occurred. In this case the notice was served to identify any person/s with an interest in the property for the purpose of correct service of any future enforcement notices should they be needed.

Regularisation of tipping is not the course of action being recommended but the notice can establish the reason for it. The responder to the Notice has refused to complete the PCN and return it, though enough relevant information has been obtained to be able to reach the recommendation in this report.

- 5.2 Section 171E of the Act provides for the service of a Temporary Stop Notice, (TSN), if it is expedient to require a breach of planning control to be stopped immediately. The temporary stop period lasts for 28 days to allow the Council time to decide / implement further enforcement action, if necessary. There is no right of appeal against a TSN. This power hasn't been used to date as the tipping had already stopped.
- 5.3 Section 172 of the Act provides for the service of an enforcement notice, (EN). In this case such a notice would require the remedial measures to make good any harm caused by the unauthorised tipping. This could include re-grading / redistribution of the material to blend it into the landscape or it could require its removal. The level of harm needs to be carefully considered before serving an EN.
- 5.4 If an EN was served and the removal of the material was not requested in the EN, the unauthorised tipping would then benefit from deemed planning permission at the point the (alternative) steps requested by the EN were complied with, (such as levelling or re-contouring of the material).
- 5.5 At this time an EN is not considered appropriate. The harm caused is not significant in planning terms. If a case was made for the material at X and Y causing harm, the steps required by an EN to remedy that harm would fall short of removing the material from site. However this power can be considered if the situation worsens.
- 5.6 Section 183 of the Act provides for the service of a Stop Notice in conjunction with an enforcement notice, (s172). In this case the stop notice would prohibit further unauthorised tipping. This isn't necessary at this time because the tipping has stopped.
- 5.7 Section 187B of the Act allows the Planning Authority to apply to the Sheffield County Court to restrain a breach of planning control. In this case an injunction would be a last resort if a stop notice was ignored. Injunctive action would be a quicker way to stop further unauthorised tipping, (than by prosecution for non-compliance with the stop notice).
- 5.8 Section 215 of the Act provides for the service of a notice requiring the proper maintenance of the land. In this case it is recommended that it is used to require proper maintenance of the property visible from public areas. This could include clearing away of derelict and fire damage buildings, chattels, burnt out vehicles, general rubbish and waste and it could be used to tidy up uneven mounds of tipped

material. It could also require the removal of any of the tipped material considered to cause visual harm to the amenity of the neighbourhood.

6. EQUAL OPPORTUNITIES

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

7. FINANCIAL IMPLICATIONS

- 7.1 Where an enforcement notice (EN) and stop notice, under section 183, is served compensation may be payable, following appeal, in respect of a stopped activity only if:

- (a) the EN is quashed on grounds other than the granting of planning permission,
- (b) the EN is varied so that matters alleged to constitute a breach of control cease to include an activity stopped by the notice,
- (c) the EN is withdrawn by the Council otherwise than in consequence with the grant of planning permission by the Council for the development to which the notice relates; or
- (d) the stop notice is withdrawn

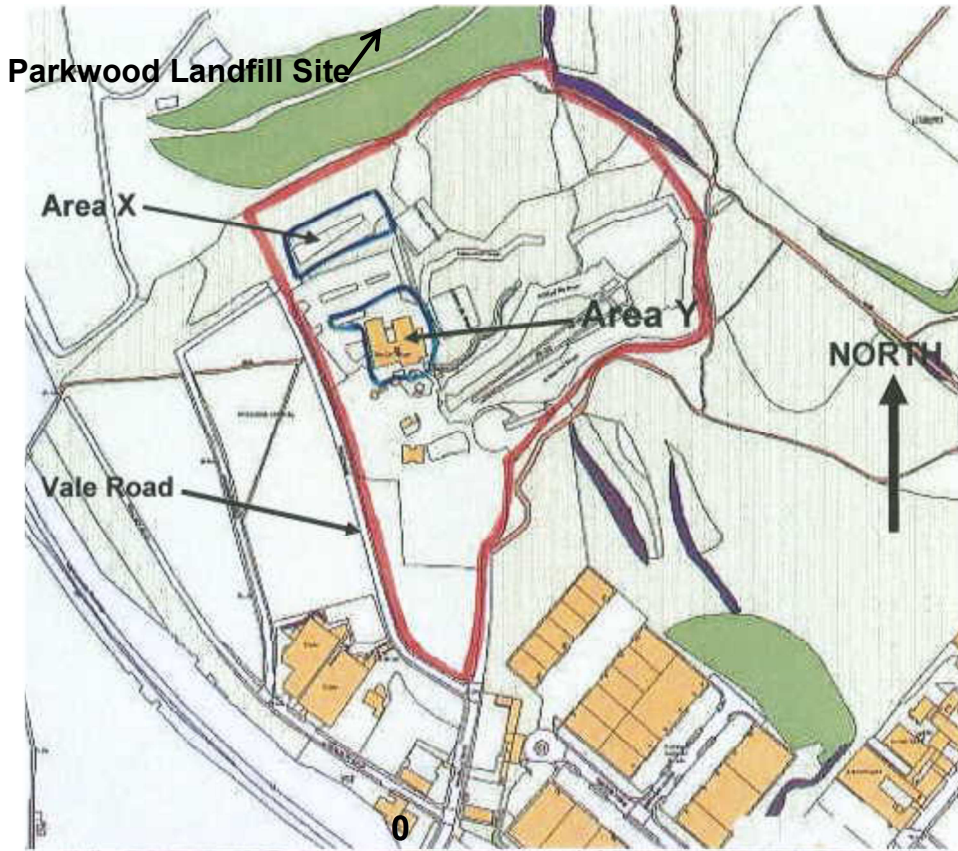
- 7.2 If in the unlikely event compensation is paid, that would be met from the planning revenue budget.

8. RECOMMENDATION

- 8.1 (a) That the Assistant Chief Executive of Legal and Governance be authorised to take any appropriate action including enforcement action, the service of a stop notice, the institution of legal proceedings and injunctive action if necessary to (i) cease any further unauthorised tipping of waste material and (ii) to remove any unauthorised tipped material and (iii) to remedy harm caused by the poor condition of the land, buildings and structures to the visual amenity of the area.

- (b) For the Head of Planning, in consultation with the Chair of the Committee, to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

SITE PLAN
(to be read with the PHOTO APPENDIX)



Maria Duffy
Interim Head of Planning

18 October 2013

PHOTO APPENDIX

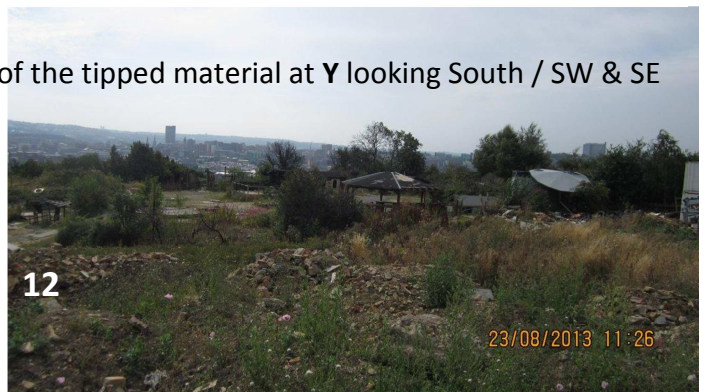
Top car park (Area X)

Taken 'on site' 20th March 2013 and 23rd August 2013

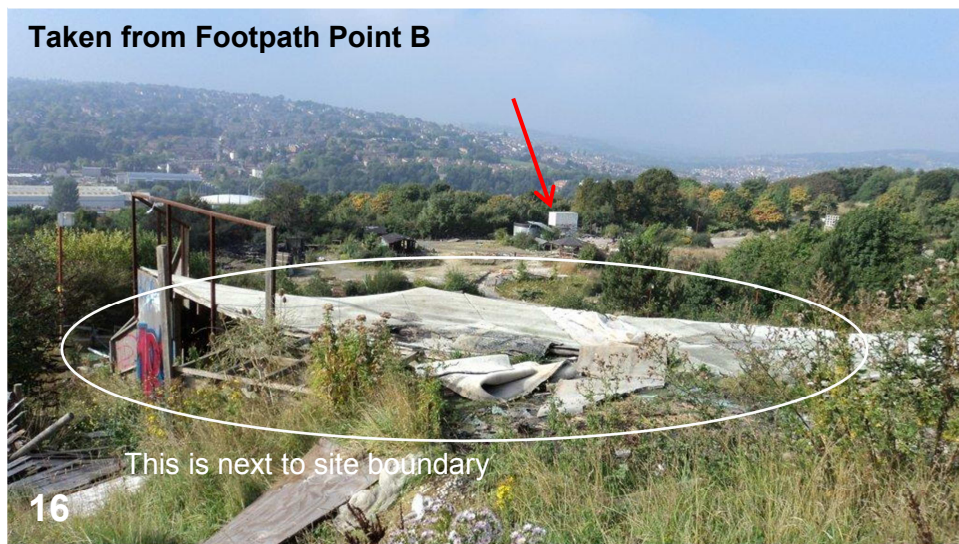
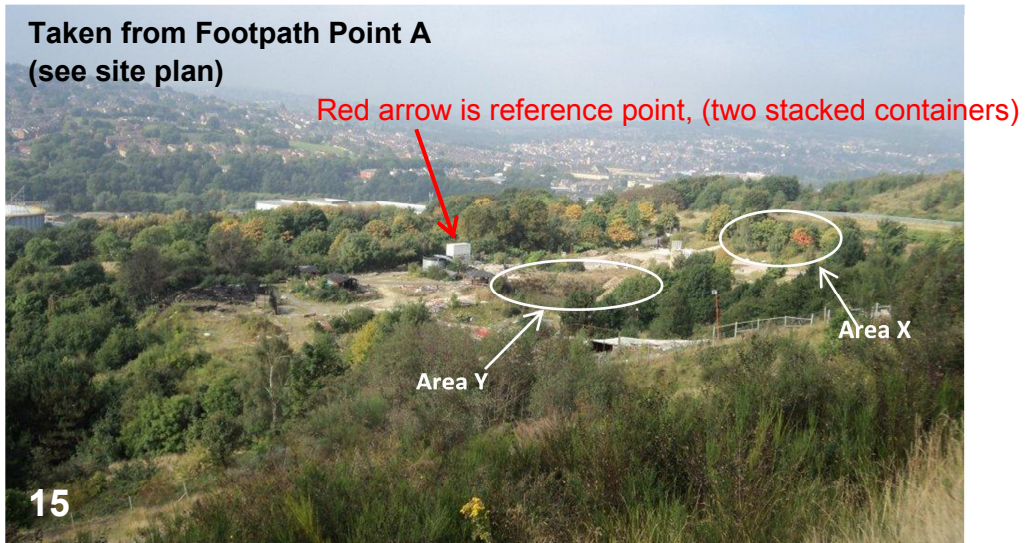


Site of Main Building (Area Y)

Taken 'on site' 20th March, 23rd August & 4th September 2013



Views of the Ski Village from public footpaths skirting the Boundary
(Actual views Sept.2013 / no zoom used in any photo shown here)



Taken - Footpath Point D



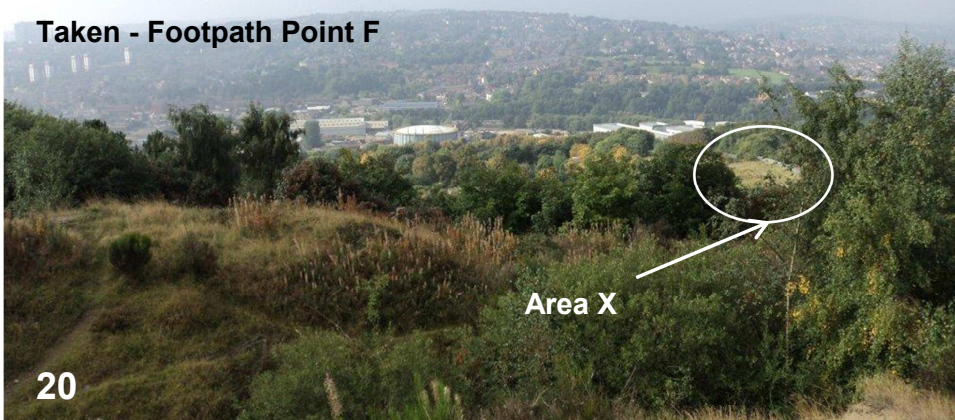
18



19

Taken at Footpath Point E

Taken - Footpath Point F



20

Taken from Vale Road Point G



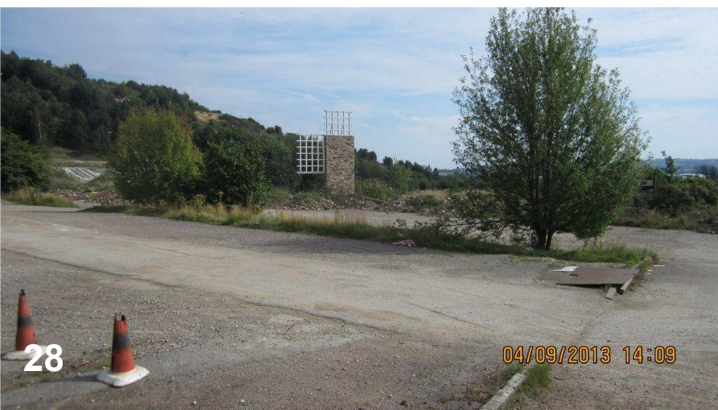
Taken at Vale Road Point H



Taken at Footpath Point J



Photos Taken from within the Ski Village Site
(of damaged structures, waste & fly-tipped material)





SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 5 November 2013

Subject: Enforcement Report

Author of Report: Khalid Mahmood

Summary: Unauthorised replacement of windows to the front and side of 263 Cemetery Road, S11, facing Grange Crescent Road and Cemetery Road, the erection of a new soil pipe facing Cemetery Road, a new down pipe adjacent to the bay window facing Grange Crescent Road, the replacement of guttering and the erection of roof felt on the ground floor bay windows.

Reasons for Recommendations:

No attempt is being made to resolve this issue and it is now considered that the matter should be reported for further enforcement action.

Recommendations:

That authority be given to the Director of Regeneration & Development Services or the Head of Planning to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the unauthorised windows, soil pipe, guttering, down pipe and roof felt.

The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control

Background Papers:

Category of Report: OPEN

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REGENERATION & DEVELOPMENT SERVICES

REPORT TO PLANNING AND HIGHWAYS COMMITTEE

5 NOVEMBER 2013

ENFORCEMENT REPORT

UNAUTHORISED REPLACEMENT OF WINDOWS TO THE FRONT AND SIDE OF 263 CEMETERY ROAD, S11 FACING GRANGE CRESCENT ROAD AND CEMETERY ROAD, THE ERECTION OF A NEW SOIL PIPE FACING CEMETERY ROAD, A NEW DOWN PIPE ADJACENT TO THE BAY WINDOW FACING GRANGE CRESCENT ROAD, THE REPLACEMENT OF GUTTERING AND THE ERECTION OF ROOF FELT ON THE GROUND FLOOR BAY WINDOWS.

1. PURPOSE OF REPORT

- 1.1 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 BREACH

- 2.1 263 Cemetery Road is a two/three storey brick built end terrace property at the corner of Grange Crescent and Cemetery Road. It has an elevated position and is a prominent property highly visible from both road frontages. The property is located within a Housing Area as designated in the Unitary Development Plan. The property is also within the Nether Edge Conservation Area and the Nether Edge Article 4(2) Area, where permitted development rights for alterations to the front of dwellings have been removed.
- 2.2 A complaint was received on the 16 March 2013, regarding the replacement of windows at the property. A subsequent site visit was carried out and it was noticed that most of the original timber windows to the front and side of the property facing Grange Crescent and Cemetery Road had been removed and replaced with UPVC windows.
- 2.3 A site meeting was arranged with the representative of the owner of the property informing him that the property was within the Article 4(2) area and that there are no permitted development rights for alterations to dwelling houses fronting the highway. Therefore the replacement of the windows facing Grange Crescent and Cemetery Road without planning permission was unauthorised. It was suggested that a planning application for a more appropriate replacement should be submitted for the Council's consideration. Several assurances have

been given that an application would be submitted however, to date, no planning application has been received for the Councils consideration.

- 2.4 On a further site visit it was also noticed that a new black UPVC soil pipe at first floor level had been installed at the front of the property facing Cemetery Road. The gutters above the ground floor bay windows had been replaced and new black UPVC guttering and new black UPVC down pipe had been installed adjacent to the bay window facing Grange Crescent Road and the roofs of the bay windows had been covered with roof felt.

3. ASSESSMENT OF BREACH OF CONTROL

- 3.1 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.
- 3.2 Unitary Development Plan Policy BE15 'Areas and buildings of special architectural or Historical Interest' states that development which would harm the character or appearance of a Conservation Area will not be permitted.
- 3.3 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.
- 3.4 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 H14 'Condition on Development in Housing Areas' states that developments should be well designed and in scale and character with the neighbouring buildings.
- 3.6 The previous windows were original timber sliding sash. The replacement windows are now all white UPVC either top or bottom hung opening.
- 3.7 It is considered that the unauthorised new UPVC windows are of an unsatisfactory appearance due to the poor design and detailing. The traditional styles of windows in this area were timber sliding sash. One of the most important aspects of these are the top sash that projects over the bottom sash and the method of opening which has not been replicated in these replacements. This has the effect of a flush appearance. The second important characteristic is the slender box frame. The replacements have lost this slender detail and have a much heavier chunky appearance to the frames. As the windows have

a non-traditional method of opening this is further exacerbated when the windows are left in the open position.

- 3.8 The ground floor bay windows at the corner of the property and the ground floor window facing Cemetery Road have not been replaced and have subsequently been repaired.
- 3.9 The new black UPVC soil pipe, black UPVC guttering and the roof felt on the bay windows have been installed. UPVC and roof felt which is normally manufactured from bitumen are materials not traditional to the area and are considered to be unacceptable in a conservation area, where traditional natural materials are required by Policy BE17 of the UDP. The rainwater goods would traditionally be cast iron, and painted timber and lead would be the appropriate material for the top of the bay window.
- 3.10 The Nether Edge Conservation Area Appraisal was adopted in 2005 and refers to the loss of original architectural features and poor quality replacements which have eroded the quality of the Conservation Area. This was one of the reasons for the introduction of the Article 4 direction in late 2005, which limits certain permitted developments.
- 3.11 The incremental loss of traditional features such as windows threatens the character and appearance of the Conservation Area, and is in direct conflict with the purpose of the Article 4(2) direction. The aim of the direction is to halt the erosion of traditional character, by exerting greater control, and to gradually restore it with suitable alterations that enhance the appearance of the Conservation Area. The works undertaken are typical examples of the alterations identified by the Conservation Area Appraisal as having a negative impact on the conservation area.
- 3.12 Given the circumstances the windows and the new soil pipe, guttering, down pipe and the roof felt on the bays fail to preserve or enhance the character of Nether Edge Conservation Area and as a result are contrary to the aims of the policies BE5, BE15, BE16, BE17 and H14 of the Unitary Development Plan.
- 3.13 Officers acknowledge the recently allowed enforcement appeal relating to replacement windows at 2 Albany Road, within the same Conservation Area. This appeal decision is a material consideration but officers consider it should be afforded little weight as there are clear differences in the two cases. The Inspector made it clear in the Albany Road case that his decision to allow the appeal was significantly influenced by the fact the previous timber windows (replaced by UPVC) were poor quality non-traditional windows and in very poor condition. He specifically noted there was no loss of original windows or windows of a traditional form, and stated that his decision should not set a precedent for the replacement of timber sliding sash windows with uncharacteristic UPVC windows.

- 3.14 As the windows replaced at 263 Cemetery Road were traditional timber, sliding sash windows, their loss and replacement with UPVC windows represents a clear erosion of character, and a very different case to the appeal described above.
- 3.15 The photo images below show the property in question before and after the changes and clearly demonstrate that the unauthorised windows and the new soil pipe, guttering, down pipe and roof felt on the bay windows are not appropriate for the property and their appearance is deemed not to be in keeping with the character of the Conservation Area.

Before changes photographs taken in September 2011



After changes photograph taken in August 2013



- 3.16 The Enforcement Notice would require the removal of the unauthorised ground floor bay window facing Grange Crescent, all the windows on the first and second floor elevation, the removal of guttering, down pipe and roof felt on the ground floor bays and the removal of the unauthorised soil pipe facing Cemetery Road within a specified time period.

4. REPRESENTATIONS

- 4.1 A complaint was received from a local resident about the replacement of windows with "horrible" UPVC units which are in contravention of the Article 4 direction.

5. ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 The service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 enables the Local Planning Authority to issue Enforcement Notices where there has been breach of planning control. In this case the notice would require remedial measures to ensure that the perceived harm is remedied. In this case this would be that the unauthorised windows on the elevation facing Grange Crescent and Cemetery Road, the guttering, down pipe and roof felt on the ground floor bays and the new soil pipe on the elevation facing Cemetery Road are all removed. There is a right of appeal to the Planning Inspectorate against the service of an Enforcement Notice. However it is considered that the Council would be able to defend any such appeal.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications arising from the recommendations of this report

7. EQUAL OPPORTUNITY IMPLICATIONS

- 7.1 There are no equal opportunities implications arising from the recommendations of this report.

8. RECOMMENDATIONS

- 8.1 That authority be given to the Director of Regeneration & Development Services or the Head of Planning to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the unauthorised ground floor bay window facing Grange Crescent and all the windows at first and second floor, soil pipe, guttering, down pipe and roof felt.
- 8.2 The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

M Duffy
Interim Head of Planning

25 October 2013

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 05 November 2013

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Claire Woods 0114 2734219

Summary:

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

Reasons for Recommendations

Recommendations:

To Note

Background Papers:

Category of Report: OPEN

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REGENERATION & DEVELOPMENT SERVICES

REPORT TO PLANNING &
HIGHWAYS COMMITTEE
05 November 2013

1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

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

2.0 NEW APPEALS RECEIVED

(i) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for alterations to building to form No. 3 self-contained flats at 27 Filey Street Sheffield S10 2FG (Case No 13/00250/FUL)

3.0 APPEALS DECISIONS - DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for use of ground floor as 1 bedroom flat at Nevio's Barber Shop 224 Gleadless Road Sheffield S2 3AF has been dismissed (Case No 12/03668/FUL)

Officer Comment:-

The Inspector considered the main issue to be whether the development would produce acceptable living conditions for future occupants.

She noted the appeal related to a ground floor of an end terrace property in a parade of mixed residential and commercial uses, with the ground floor unit sharing a rear yard with a hot food take away where the main activity occurs in the evening. She considered that there would be noise and disturbance until late into the night from arrival and departure of customers, congregation of customers, staff activity and tidying up after closing.

The appellant argued the flat could be occupied by a night worker but the Inspector asserted that this would neither be reasonable nor enforceable.

She agreed with the Council that as the only living room window faced directly onto the street this would either be screened by blinds/curtains and affect outlook, or be open to views from the street and affect privacy. Similarly she agreed with the council's concerns about poor outlook and amenity from the bedroom window which faces directly onto the rear yard, shared with the take away.

(ii) To report than an appeal against the delegated decision of the Council to refuse planning consent for alterations to existing detached double garage at rear of dwellinghouse to form ancillary living accommodation (Resubmission of 12/03301/FUL) at 60 Clifton Crescent Sheffield S9 4BE has been dismissed (Case No 13/00112/FUL)

Officer Comment:-

The Inspector considered there to be 3 main issues to consider; namely: the effect of the proposal on the character of the area; whether adequate living conditions would be provided and whether there would be an adverse impact on the living conditions of adjoining houses.

On the character of the area he concluded that the development would be incongruous with the general character as it would not appear as ancillary but would appear as entirely separate and would not fill well with the mature garden and woodland character. He also considered that the outdoor amenity space, which had largely been hard surfaced, would be stark and utilitarian and provide poor living conditions for the occupants of the proposed dwelling. Furthermore the proposal would result in poor privacy for occupants of the proposed dwelling and a loss of privacy for the existing house. He concluded that the development would fail to meet the NPPF's aims with regard to making places better for people and would not represent sustainable development.

(iii) To report than an appeal against the delegated decision of the Council to refuse planning consent for erection of dwellinghouse at land adjacent 382 Bellhouse Road Sheffield S5 0RE has been dismissed (Case No 12/02508/FUL)

Officer Comment:-

The Inspector considered that the main issues were the effect of the proposal on the character and appearance of the area and the effect of the proposal on the living conditions of neighbouring properties.

She concluded that the proposal would fail to complement the scale, form and architectural style of the surrounding buildings and would harm the character and appearance of the area. She also found that the development would harm the living conditions of 4 properties on Oaks Lane by its overbearing impact, reduction in available amenity space, and loss of privacy and light.

On all of these issues the proposal was contrary to the aims of the NPPF and to Policy H14 of the UDP.

(iv) To report that an appeal against the decision of the Council at its meeting of the 18 March 2013 to refuse planning consent for installation of external lighting to three tennis courts (Resubmission of planning application no. 12/00767/FUL) at Dore and Totley Tennis Club 48 Devonshire Road Sheffield S17 3NW has been dismissed (Case No 13/00285/FUL)

Officer Comment:-

She considered the columns would present an overbearing feature when viewed from the rear gardens and windows of the houses that surround the site, and that the light intensity would exceed the Institute of Lighting Engineers guidelines at specific properties, and even where other properties are within the guidelines, would result in an increase in ambient light levels in the surrounding area and introduce a brightly lit feature into an otherwise low light environment and cause nuisance.

She concluded that noise disturbance already occurs to a degree and an increase in hours of use that would result from the presence of the floodlights would exacerbate this concern.

4.0 APPEALS DECISIONS - ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for roof extension and erection of front and rear dormer windows at 53 Harcourt Road Sheffield S10 1DH has been allowed (Case No 13/00492/FUL)

Officer Comment:-

The Inspector considered the sole issue to be the effect of the dormer on the character and appearance of the host property and surrounding area.

She noted the property was a large end terrace property in a road comprising similar sized terraced and semi-detached properties, a significant proportion of which have front dormers that vary considerably in size, style, design and impact they have on the street scene. She therefore concludes that there is no concern with the provision of a dormer.

She also noted the appeal dormer was sited below the ridge line, and would be set back from the eaves, gable and party wall of the neighbouring dwelling and concluded it would not dominate the roof plane as a result, would be visually acceptable and would reflect the existing character of the street.

The Inspector allowed the appeal and imposed conditions relating to external materials.

5.0 RECOMMENDATIONS

That the report be noted

Maria Duffy
Interim Head of Planning

05 November 2013

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