

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To the Planning and Highways Committee
Date Of Meeting: 19/01/2016

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	15/03924/FUL (Formerly PP-04590438)
Application Type	Full Planning Application
Proposal	Demolition of existing building and erection of three dwellinghouses and garages (Re-submission of 15/02390/FUL)
Location	South Yorkshire Police Rotherham Road Halfway Sheffield S20 8GL
Date Received	27/10/2015
Team	City Centre and East
Applicant/Agent	Architectural Design Consultant
Recommendation	Gr Conditionally with Enforcement Action

Subject to:

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Plans and elevations Oct 15 Rev G
Site plan Rev J

Reason: In order to define the permission.

Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)

Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)

3. A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality.

4. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

Reason: In the interests of the visual amenities of the locality.

5. The development shall not be brought into use unless a boundary wall with maximum overall height of 1.8m as shown on the approved plan has been built along the side and rear boundaries of the site. The boundary wall shall thereafter be retained.

Reason: In the interests of the visual amenities of the locality.

6. The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been installed and thereafter retained. Such scheme of works shall:

- a) Be based on the findings of an approved noise survey of the application site, including.
- b) Be capable of achieving the following noise levels:
Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);
Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);
Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);
Bedrooms: LAFmax - 45dB (2300 to 0700 hours).
- c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.
Before the scheme of sound insulation works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority.

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

- 7. Before the use of the development is commenced, Validation Testing of the sound attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall:
 - a) Be carried out in accordance with an approved method statement.
 - b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

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

- 8. Before the development is commenced full details of finished levels within the site abutting the adjoining public footpath shall be submitted to and approved in writing by the Local Planning Authority. The submitted detail shall include both longitudinal and cross sections showing the finished levels in relation to the footpath itself and any required retaining structures. The development shall thereafter be completed in accordance with the approved levels.

Reason. In the interest of the visual amenities of the locality and amenities of neighbouring occupiers.

- 9. The dwellings shall not be used unless details have been submitted to and approved in writing by the Local Planning Authority, showing how surface water will be prevented from spilling onto the public highway. Once agreed,

the measures shall be put into place prior to the use of the dwellings commencing, and shall thereafter be retained.

Reason: In the interests of highway safety and the amenities of the locality.

10. 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.

Reason: In the interests of the safety of road users.

Other Compliance Conditions

11. The dwellings shall not be brought into use unless the hard surfaced areas of the site are constructed of permeable/porous surfacing unless otherwise approved in writing by the Local Planning Authority. Thereafter the approved permeable/porous surfacing material shall be retained.

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

12. The dwellings shall not be used unless the car parking accommodation, including the garages, 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.

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

13. The gradient of shared pedestrian/vehicular access shall not exceed 1:12 .

Reason: In the interests of the safety of road users.

14. The development and boundary structures shall be completed in full accordance with the materials indicated on the approved plan dated Oct 15 Rev G.

Reason: In the interests of the visual amenities of the locality.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

2. 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. 0730 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 SCC Environmental Protection Service, 2-10 Carbrook Hall Road, Sheffield, S9 2DB: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.
3. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
4. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980, and dealt with by:

Development Services
Howden House
1 Union Street
Sheffield S1 2SH

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

5. 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.
6. 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.

7. 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.
8. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received a signed consent under the Highways Act 1980. An administration/inspection fee will be payable and a Bond required as part of the consent.

You should apply for a consent to: -

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

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

9. You are required as part of this development, to carry out works within the public highway: As part of the requirements of the New Roads and Street Works Act 1991 (Section 54), 3rd edition of the Code of Practice 2007, you must give at least three months written notice to the Council, informing us of the date and extent of works you propose to undertake.

The notice should be sent to:-

Sheffield City Council
2-10 Carbrook Hall Road
Sheffield
S9 2DB

For the attention of Mr P Vickers

Please note failure to give the appropriate notice may lead to a fixed penalty notice being issued and any works on the highway being suspended.

10. 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.

11. The Director of Development Services or Head of Planning has been authorised to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the fence fronting Rotherham Road and Rotherham Road North. The Local Planning Authority will be writing separately on this matter.
12. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process, or a draft Liability Notice will be sent if the liable parties have not been assumed using Form 1: Assumption of Liability.

Site Location



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LOCATION AND PROPOSAL

The application relates to a vacant site with frontages onto Rotherham Road and Rotherham Road North, the main arterial highway. The site which contains a small brick building formerly in use as a police box and sited on the west boundary of the site has previously been cleared of all vegetation by the current owner and secured with a 2m high security fence. A public footpath runs along the southern boundary of the site. Rotherham Road to the west of the site is a short cul de sac which also gives pedestrian access to Halfway N&I School and vehicular access to two residential properties and an informal off road parking area. An adopted turning head has previously been provided along the site frontage enabling vehicles to turn within the highway.

The application site is identified as an Open Space Policy area as defined by the Unitary Development plan. Adjacent land to the north and south forms a wide planted verge which separates Rotherham Road and Rotherham Road North. The application site was previously wooded in nature which screened the vacant police box from the main highway.

The application seeks approval for the demolition of the existing building and the construction of a pair of semi-detached houses and a detached dwelling. The proposed four bedroomed dwellings would have their main frontage onto Rotherham Road with rear gardens sloping down towards Rotherham Road North.

The plans have been amended since first submission following officer requests that the dwellings should better reflect the scale and character of existing properties in the area. In this respect the dwellings have been reduced in height, now incorporate a revised roof profile and have introduced detailing to better reflect the character and appearance of neighbouring properties. All the properties include an attached garage to the side with additional living accommodation above.

RELEVANT PLANNING HISTORY

12/02369/FUL Use of existing police box as pharmaceutical dispensary GC
18.09.12

15/02390/FUL Erection of 4 dwellings and garages- Refused 18.09.15 due to the following reasons:

1. The Local Planning Authority consider that the proposed development by reason of its external appearance, massing and general form gives rise to an unsatisfactory design, detrimental to the street scene and out of keeping with the scale and character of other residential property in the immediate area. It would therefore be contrary to Policy BE5 of the Unitary Development Plan, Policy CS74 of Core Strategy and guidelines 1 and 2 of the Supplementary Planning Guidance on Designing House Extensions
2. The Local Planning Authority considers that the proposed development by reason of its scale and siting would result in an overdevelopment of the site, with substandard gardens for large family houses, to the detriment of future residents. As such the development would be contrary to Policy H15 of the Unitary Development Plan and Guideline 4 of the Supplementary Planning Guidance on Designing House Extensions

SUMMARY OF REPRESENTATIONS

4 letters were received in connection with the original plans which raised concerns that:

- The proposal for a three storey building is out of character with the surrounding properties which are all two storey and of uniform design. The massing is similar to that previously resisted by the council.
- Three storey dwellings will have a detrimental impact on privacy of neighbouring dwellings.
- The site plan is inaccurate as the dwellings front onto Rotherham Road and not Rotherham Road North. Also concerns that the boundaries shown on the site plan and location plans do not correspond and that the boundaries shown differ from the fenced off area. The fence which currently surrounds the site is attempting to impose a defined boundary instead of a general boundary which underpins land registration
- The proposal will significantly increase traffic levels on Rotherham Road and reduce on street parking spaces which will affect neighbouring roads. The proximity of the school and the presence of vehicular traffic and pedestrians give serious concern for highway safety.
- The dwellings have inadequate levels of parking
- There is the potential for further damage to trees and vegetation on adjacent land as the plot of land does not appear large enough to sustain a building of this magnitude without further damage.
- The majority of petitioners who raised concerns with the previous application feel that there are no significant changes in the planning application and all previous objections still stand. (A petition containing 24 signatures was previously submitted with the refused application ref 15/02390/FUL)

Following receipt of amended plans five further letters were received. One letter states that the amendments have been discussed with all previous petitioners and neighbours who continue to express opposition to the plan. The letters make further comment that:

- There is a serious parking issue on this road which needs addressing before any application is approved. The street is used as a car park for tram users and parents and visitors to Halfway School. Local residents experience inconsiderate parking with vehicles blocking their driveways. Vehicles park both sides of the highway and vehicles frequently have to reverse the full length of the road to exit. A dropped crossing along the entire site frontage would reduce parking on the frontage and cause further problems. One letter notes that the dwellings are all shown to be 4 bedroomed with great potential for significant increase in vehicular traffic.
- There is an issue with access for emergency vehicles due to parked vehicles.
- The dimensions shown for the garages and parking spaces will prevent their use by modern cars. Cars are still shown to be parked on the adopted

turning head and the letter queries if there is actually room for the boundary wall to be erected.

- The massing of the dwellings remains an issue with little break in the building line. To the rear the dwellings are three storeys high, appear imposing and totally out of character for the area in its design and current presentation.
- The fenced off area remains different to the site area shown on the plans and there are ongoing concerns that the applicant has previously fenced off land both outside his ownership and within the highway.
- One letter questions the stability and finished appearance of the proposed boundary wall to rear and side boundaries with additional concerns due to the wall's location next to a public footpath and why no heights are shown on the submitted plans which is misleading.
- There is ongoing comment that the road names shown on the applicant's site plan are wrong with local residents saying that Rotherham Road is in fact sited to the front of the proposed dwellings.

PLANNING ASSESSMENT

For the purposes of this application the road names given are as described in the above introduction which concurs with the address of the existing police box on the Council's Planning database. This is different to the roads as named on the application site plan which the applicant has taken off the Land Registry and Ordnance Survey maps for the area. It is understood that the Ordnance Survey map base is inaccurate in this respect.

The site falls within an Open Space Policy Area as defined by the UDP. The most relevant planning policies in determining this application are outlined by Core Strategy Policies CS47 'Safeguarding of Open Space' and CS74 'Design Principles' Also of relevance are UDP policies LR5 'Development in Open Space Areas, H14 'Conditions on development in Housing Areas', H15 Design of new housing developments, BE5 'Building Design and Siting', BE6 'Landscape Design and T22 'Private car parking in New Development' Weight is also given to guidelines stated within the adopted SPG Designing House Extensions.

Land Use Issues.

Policy CS47 states in part that the development of open space will not be permitted where:

- a) it would result in a quantitative shortage of either informal or formal open space in the local area (typically 400metres of the site though this is extended to 1200m in the case of youth and adult sports provision), or
- b) it would result in the loss of open space that is of high quality or of heritage landscape or ecological values;

A quantitative shortage is identified as less than 4 hectares of open space per 1000 people and comprising 1.3 hectares of formal open space/sports and recreational facilities and 2.7 hectares of informal open space/sports and recreational facilities.

An assessment of the area surrounding the application site has confirmed that if the site is developed the local area would retain over 4 hectares of Informal Open Space and over 2 hectares of formal open space per 1000 people.

The application site has previously been cleared of all vegetation by the landowner. The trees on the site were not protected and the site clearance did not require planning approval. The application site is not of a high quality and has no ecological value in its current state. A requirement for a landscape buffer would be a condition of any subsequent planning approval.

In view of the above it is concluded that the loss of this open space area is considered acceptable in policy terms.

Policy LR5 of the Unitary Development Plan indicates that any development within Open Space Policy Areas should be compatible with surrounding Land Uses. The application site adjoins a Housing Policy Area along its eastern boundary with additional open space areas (taking the form of wide landscaped highway verges) to the north and west. As such the use of the land for residential purposes is considered fully compatible with existing uses in the locality.

The development would help achieve the delivery of new homes to meet the needs of a growing population as outlined in the Council's Corporate Plan 2015-2018.

Design Issues

Policy CS74 requires high quality development which would respect the townscape and landscape character of the city's neighbourhoods with their associated scale, layout and built form, building styles and materials.

Policy BE5 of the Unitary Development Plan states that new development should complement the scale form and architectural style of surrounding buildings

Policies CS74 and BE5 are reinforced by the Council's approved Supplementary Planning Guidance on Designing House Extensions. Guideline 1 requires development to be compatible with the character and built form of the area. Guideline 2 requires that development should not detract from the general appearance of the street or locality.

The proposed three dwellings take the form of a pair of semi-detached dwellings and a detached dwelling sited with their principal elevations facing on to Rotherham Road. The dwellings which will be finished in brick with hipped roofline are as viewed from Rotherham Road two-storey in nature in keeping with the general form of properties in the immediate area but, due to the slope of the land, also incorporate basement rooms as viewed from the rear. All the properties include an attached garage to the side with additional living accommodation. This

side addition is built up with a matching hipped roof which is set down from the ridgeline of the main roof. Due to the slope of the land the side additions to the semi-detached properties also include a basement level.

The dwellings are sited with their principal elevations facing onto Rotherham Road and open school fields used by Halfway N & I schools which are sited to the other side of this highway. The dwellings would be set back 5.4m from Rotherham Road with garaging to the side and associated off road parking. The property closest to the adopted turning head is accessed directly off the turning head with garaging set back 5.25m from the edge of the adopted highway.

The side and rear boundaries of the site would be enclosed by a 1.8m high brick wall with timber inserts. As the site bounds in part a public footpath a high quality boundary treatment will be required to enhance the appearance of the area. The general detailing of the proposed wall is shown on the submitted plans, which confirms that the wall will be stepped down along the adjoining public footpath. The base and piers will be finished in brick to match the finish to the proposed dwellings. The wall as shown is considered to be of sufficient quality for this location. A condition requiring its maximum height at any point not to exceed 1.8m will be added to any subsequent approval.

The front highway boundary will be marked by a 600mm high brick wall which will enclose the front gardens to the properties.

The rear elevation of the dwellings which will be 3 storeys (including a basement level) will be set back a minimum of 16m from the main Rotherham Road North highway frontage. This rear elevation will be visible from this adjoining highway due to the differences in levels on the site. The land to the rear of the site which fronts directly onto Rotherham Road North and falling outside the proposed 1.8m high boundary wall will be replanted with replacement trees and shrub planting to compensate for the trees which have been lost from the site and will in time help screen the rear boundary of the site and proposed residential garden areas. A detailed landscaping scheme will be conditioned should the development proceed.

At the time of the previous refused application for four dwellings the applicant was advised that the design and spacing of the dwellings should be more akin to the layout of the neighbouring residential properties which give a distinct character and feel to the immediate area. The current application for three dwellings is considered to address these previous concerns and considered acceptable for this location.

In line with officer requests the applicant has indicated that the dwellings will be finished in an 'Ibstock' Staffordshire multi red rustic brick with art stone heads and cills. The roof will be tiled with a grey Marley duo 'Edgemere' concrete tile. The materials as submitted are considered acceptable for use in this location. A condition requiring the development to be completed using the agreed materials is proposed.

Amenity Issues

Policy H14 requires that development does not deprive residents of light, privacy or security

Policy H15 requires that new developments provide adequate private gardens to ensure that basic standards of amenity are met for all residents.

Policy BE6 requires good quality landscaping in all new developments.

It is considered that the development of this site for residential purposes will not cause any unreasonable overshadowing, over dominance or overlooking of existing residential property which is not sited directly adjacent or opposite the application site.

The application site is located in an area with relatively high background noise levels throughout the day. The predominant noise source is road traffic. It is essential that any residential accommodation which is permitted is designed with appropriate sound insulation to protect future residents. A condition is proposed to secure this.

The application site has a wide frontage to Rotherham Road but due to its irregular shape the two dwellings at either end will have irregular shaped gardens. All the gardens however meet the council's minimum requirements of at least 50 square metres as required by approved SPG. In this respect the development provides acceptable levels of amenity for future residents.

The site has previously been cleared of all vegetation by the applicant. As previously outlined the applicant intends to replant trees/shrubs along the Rotherham Road North frontage of the site which will in time soften the appearance of the development from the Rotherham Road North side.

Highway Issues

Policy T22 requires developers to make provision for sufficient off street parking to meet the needs of their development.

Rotherham Road is a cul de sac with turning head which forms part of the adopted highway and is located to the front of the proposed semi-detached properties. The adopted turning head will be retained to ensure ease of vehicular movement on Rotherham Road. It is noted that the road is at times heavily parked. Visits to the site indicate that parking is generally restricted to the side of the carriageway opposite the development site to prevent the highway becoming blocked. This on street parking would still be available post development. Any obstruction caused by traffic to the existing residential properties on Rotherham Road is a matter for the police traffic enforcement and outside the scope of this planning application.

Each dwelling has its own designated off road parking space and garage facility which provides appropriate levels of parking for the development. In view of this

the development is considered acceptable in highway terms and is considered compliant with policy T22 of the Unitary Development Plan.

Community Infrastructure Levy

The development is located in charging zone 3 and would be liable for a charge of £30 per square metre should the development proceed.

Land Ownership

Although not a planning consideration the site boundary shown on the current application concurs with the land boundary shown on the Land Registry Plan.

Planning Enforcement Issues

A number of complaints have been received with regarding the security fence/gate that has been erected around the site. Planning permission is required for a fence or gate if it is more than 1 metre in height when next to a highway used by vehicles or over 2 metres high elsewhere. The fence adjacent to both the Rotherham Road and Rotherham Road North frontages is more than 1 metre in height and therefore requires planning consent. Part of the fence and gates facing Rotherham Road has been built across the adopted turning head enclosing this land. The Highways Department are taking enforcement action to remove this part of the fence and gates and notice seeking its removal was served on the applicant in December 2015.

The owner has stated that the reason for erecting the fence was to make the site secure. It is officer opinion that planning permission would not be granted for this type of fence/gate at this location given the height location and appearance of the fence/gate which is out of keeping with the character of the area and therefore the fence and gates facing both Rotherham Road and Rotherham Road North need to be removed.

The planning enforcement officer has previously written to the owner asking for the fence/gate to be removed or to be set back 2 metres from the boundary. To date these works have not be carried out in line with officer recommendations and it is now considered that the matter should be reported for further enforcement action.

SUMMARY AND RECOMMENDATION

The planning application seeks approval for the erection of three dwellings taking the form of two semi-detached properties and a detached dwelling which front Rotherham Road. The development would help achieve the delivery of new homes to meet the needs of a growing population as outlined in the Councils Corporate Plan 2015-2018.

The massing and general appearance of the dwellings has been amended during the course of the application and is now considered to reflect the scale, character and general appearance of other residential property in the locality. The proposal provides acceptable levels of amenity for future residents and with the inclusion of

new landscaping along the Rotherham Road North frontage will improve the appearance of the immediate area.

The proposed dwellings are acceptable in terms of their overall scale, form, detail and general material type and therefore are considered satisfactory with regards to relevant policies and Supplementary Planning Guidance on Designing Household Extensions. The application is hereby recommended for approval subject to the listed conditions.

Authorisation of enforcement action for boundary fence & gates

On the separate issue of the unauthorised security fence and gate, it is recommended that the Director of Regeneration and Development Services or 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 fence and gates.

The Head of Planning, in liaison with the Chair of this Committee, be authorised to vary the action to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control

Case Number	15/03499/FUL
Application Type	Full Planning Application
Proposal	Demolition of existing building and erection of 2 dwellinghouses (AMENDED DRAWINGS)
Location	Broomgrove Club, 74 Broomgrove Road SheffieldS10 2NA
Date Received	22/09/2015
Team	South
Applicant/Agent	John Box Associates
Recommendation	Grant Conditionally

Subject to:

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

JBA 3416.101. A
JBA 3416.103.B
JBA 3416.102. A

Reason: In order to define the permission.

Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)

3. No development shall commence until full details of measures to protect the existing trees 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, 2012 (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.

Reason: In the interests of protecting the identified trees on site. It is essential that this condition is complied with before any other works on site commence given that damage to trees is irreversible.

Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)

4. Before construction works commence full details of the proposed external materials shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality.

5. Large scale details, including materials and finishes, at a minimum of 1:20 of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:

Decorative barge boards and finials
Windows
Doors
Posts for vehicular entrance

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

Reason: In order to ensure an appropriate quality of development.

6. Details of a suitable means of site boundary treatment to all curtilage boundaries and between the proposed dwelling curtilages shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, 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.

Reason: In the interests of the visual amenity of the locality and the privacy of existing residents and future occupants of the approved dwellings

7. Before the development is commenced full details of both vehicular crossings, including details of proposed sight lines and re-location of telecommunications equipment shall be submitted to, and approved in writing by, the Local Planning Authority. The crossings shall then be completed in accordance with the approved details and so retained thereafter

Reason: In the interests of highway safety

8. 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.

Reason: In the interests of the safety of road users.

9. Before development is commenced, full details of the proposed hard surfacing to the external areas of the property, which shall incorporate permeable/porous surfacing and demonstrate that water will drain to soakaway or landscaped areas within the site, shall have been submitted to and approved by the Local Planning Authority. The approved details shall then be implemented prior to occupation of the dwellings, and shall thereafter be retained.

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

10. Before the first occupation of the dwellings hereby permitted the first and second floor windows in all side elevations shall be fitted with obscure glazing to a minimum privacy standard of Level 4 Obscurity and any part of the windows that is less than 1.7 metres above the floor of the room in which they are installed shall be non-opening. The windows shall be permanently retained in that condition thereafter

Reason: In the interests of the privacy of occupants of neighbouring dwellings

11. A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality.

Other Compliance Conditions

12. The Local Planning Authority shall be notified in writing when the landscape works are completed.

Reason: To ensure that the Local Planning Authority can confirm when the maintenance periods specified in associated conditions/condition have commenced.

13. 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.

Reason: In the interests of the visual amenities of the locality.

14. Other than those sections of boundary wall, fronting Broomgrove Road, indicated for removal on the approved plans no part of this wall and gate shall be removed, demolished or reduced in height and the wall and gate shall be retained and maintained thereafter.

Reason: In the interests of the visual amenity of the locality

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. 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.
3. 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.
4. 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.

5. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980, and dealt with by:

Development Services
Howden House
1 Union Street
Sheffield S1 2SH

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

6. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received a signed consent under the Highways Act 1980. An administration/inspection fee will be payable and a Bond required as part of the consent.

You should apply for a consent to: -

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

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

7. You are required as part of this development, to carry out works within the public highway: As part of the requirements of the New Roads and Street Works Act 1991 (Section 54), 3rd edition of the Code of Practice 2007, you must give at least three months written notice to the Council, informing us of the date and extent of works you propose to undertake.

The notice should be sent to:-

Sheffield City Council
2-10 Carbrook Hall Road
Sheffield

S9 2DB

For the attention of Mr P Vickers

Please note failure to give the appropriate notice may lead to a fixed penalty notice being issued and any works on the highway being suspended.

Site Location



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LOCATION AND PROPOSAL

The application relates to 0.1 hectare plot of land currently occupied by a single stone built building whose most recent use was as a private club. The site lies in an allocated Housing Area.

The building is a single/two storey building located in the north west corner of the site. The balance of the site is given over to soft landscaping. The majority of the building dates from the mid-19th Century and originally functioned as a clubhouse for the Sheffield Bowling Club. A significant proportion of the soft landscaping represents the site of the original green though this ceased to function as such in the 1960's when half to two thirds of the green was sold and re-developed as flats.

Since then it is apparent that the club has operated as a snooker club and this use continued until the site was sold in 2015. The existing building also contains an accommodation element (stewards quarters) but it is considered that this represented an ancillary use to the established use which was as a private club.

A rather unsympathetic flat roof single storey extension is located on the south elevation apparently added in the 1970's.

The site is flanked on all sides by residential curtilage, to the north by the adjacent property on Broomgrove Road, to the west by the foot of gardens serving dwellings fronting Southgrove Road and to the south by the communal amenity space and car parking serving flats fronting Broomgrove Road.

The street scene of Broomgrove Road is somewhat mixed in character.

The west side of the road to the north of the site consists, in the main, of two storey semi-detached Victorian houses with additional accommodation in the roof space. They are faced in red brick and feature Welsh slate roofs. Some retain their original front gardens but many have hardstanding forecourts constructed in exercise of permitted development rights.

To the south of the application site lies a development of two storey maisonettes with a 25 metre long street frontage. These are a much more recent addition to the street scene and have little architectural merit. Their presence in the street scene is however somewhat diminished by the presence of an approximately 2.5 metre high stone wall which continues north across the entirety of the application site frontage.

Approximately 8 metres inset from the boundary with No. 72 Broomgrove Road (the adjacent site to the north) the site boundary wall is punctured by a pedestrian entrance. The entrance is framed by stone quoins and features a stone lintel surmounted by a headstone which is decorated by a carved relief featuring elements of the City's coat of arms

The opposite side of Broomgrove Road lies within the Broomhall Conservation Area and is characterised in the main by stone built detached and semi-detached dwellings in generous curtilages.

To the south and east lies the Grade II Listed Collegiate Hall, a three storey stone built building which forms part of Faculty of Health and Wellbeing.

There is a general slope in natural ground level in the locality of the site. The land falls generally from north to south so that the adjacent property at No. 72 is elevated above the northernmost part of the application site. The result is that the ridge height of No.72 rises to approximately one and a half domestic storeys above the ridge of the two storey element of the club house.

Land levels continue to fall from north to south across the site so that the land level at the boundary with the maisonettes is approximately 1 metre lower than the ground floor level of the clubhouse.

There are no protected trees on the site and few specimens of significant public amenity value though the group of trees on the east boundary (adjoining the

curtilages of properties on Southgrove Road) represent a welcome softening break in the built environment.

It is proposed to erect two detached two-storey dwellings with further accommodation in the roof space. These would be of traditional appearance and mirror design and detailing often seen on Victorian dwellings throughout the city.

The dwellings would feature pitched roofs with gable ends, the ridges running parallel with Broomgrove Road. The front elevation would feature a pronounced gable feature rising into the roof plane and a large single storey 'hexagonal' bay at ground floor. Fenestration would be of Victorian proportions with a vertical emphasis and sliding sashes in timber employed. An integral garage would feature in each property with timber garage door.

Each dwelling would have a footprint measuring 9.5 metres in width by 19.7 metres depth overall. The dwellings would be set back from highway with the principal elevations aligning with the front elevation of No.72 Broomgrove Road (the single storey bays being slightly advanced of this)

The curtilage to the front of the properties would feature a single hard surfaced car parking space with the balance given over to lawn/garden area.

To the rear of the properties each house would feature a back garden measuring approximately 180 square metres in area.

RELEVANT PLANNING HISTORY

There is no significant planning history on the site

SUMMARY OF REPRESENTATIONS

39 letters of objection were received in response to the originally submitted scheme including a representation from Cllr Marken and a letter of objection from the Broomhall Park Association.

Cllr Marken objects on the following grounds:

This site has significant history which will be sacrificed for maximum financial benefit.

No pre-application advice was sought.

A suitable conversion of the current property retaining most of the current green space would be more appropriate but at the very least, the historic wall and gate should remain intact as they contribute to the character of the Conservation Area opposite.

There are overlooking and light issues.

Traffic and parking is an issue on this road and the proposal could adversely impact on the free flow of traffic and ability to access on-street car parking.

It is possible the applicants are seeking to get round the CS41 rules on HMO density.

The Broomhall Park Association objects on the following grounds

The Broomgrove Club, despite not being a listed building, remains an interesting reminder of Victorian days, when social and community clubs were an important part of the fabric of society.

It is a critical part of the street scene of Broomgrove Road and underpins one of the reasons that Broomhall Park was designated a Conservation Area. The proposal would adversely impact on the Conservation Area.

The grounds are critical in creating a precious green space in an area with pollution levels frequently overtopping European safety levels. Leaf cover, particularly that provided by mature trees, and green spaces do much to ameliorate pollution levels.

The plan is for a gross overdevelopment of the site.

There is completely inadequate off-road parking provisions for family homes of such size.

The new builds would be extremely close to both north and south boundaries, creating a serious loss of amenity for the neighbouring properties.

We note that a number of objectors have voiced concerns that the plans could be for properties that are intended for HMO purposes. It might well be worth noting that the HMO density within a 200m radius of the site (as of April 2014) is well in excess of 40% (47% to be precise). We would hope that CS41, recommending a limit of 20% HMO in this area, would be applied if necessary.

The proposal would adversely impact on free flow of traffic and parking problems.

The Broomgrove Road Tenants Association objects for the following reasons

The proposed houses are too large being higher and much wider than the adjacent block of flats. This will mean they will protrude to approximately 1 metre to the front and over three metres to the rear of the flats.

The proposals would overshadow the external amenity spaces of the flats

The proposal will have a negative impact on the view from neighbouring flats particularly Nos. 88 and 90 and would affect the value of the flats

There would be loss of an important piece of open green space that has provided amenity for the residents of the block of flats for more than 40 years and for the neighbourhood in this built up area.

The proposal would result in the loss of an attractive 1850s building which has local historical significance.

Destruction of a large section of the historic stone boundary wall and the gate lintel with its carved crest of crossed arrows, this will result in a very negative impact on the streetscape. Permission for this was refused many years ago.

This will have severe impact on the adjacent Conservation Area and Listed Building (Collegiate Hall)

The proposals will alter the whole character of Broomgrove Road by being visually overbearing and having a design that is unsympathetic to the context of neighbouring houses.

The proposal will reduce the number of parking bays available to shoppers and visitors to the Groves Roads.

These houses would alter the demographic of the neighbourhood as, with entirely en-suite bedrooms and very little garden or play area, the proposed houses would be more likely to sell as buy-to-let dwellings rather than family homes.

The South Yorkshire Group of the Victorian Society objects on the following grounds:

The proposal is for a development which is wholly out of scale in terms of height and massing with the area round about.

The footprint of the houses is significantly greater than that of the current building on the site and would leave almost no outdoor space other than car turning/parking space.

It is hard to see why 'family houses', especially such big ones which we are presumably intended to assume are for large families, should be treated in this way. The loss of green space is itself objectionable.

The proposals will inevitably affect the setting of the Conservation Area especially in relation to the proposed destruction of much of the existing wall onto the pavement. This is in effect the visual boundary of the CA and its loss will permanently damage the streetscape.

The scale of proposed removal will render what remains of the wall rather pointless and there is a concern that this would be the ultimate intention of the developer.

The extent of the proposed destruction is such that the existing entrance arch and its coat of arms will be lost. The coat of arms contains elements of the city's coat of arms but is also virtually identical to the arms of the Sheffield Town Trust; surviving public examples of this are vanishingly rare and should not be put in jeopardy.

The Sheffield Conservation Advisory Group feels that the building (existing) which served the oldest bowling club in the city should be retained. The Group considered that the design of the replacement building (sic) the loss of the wall and car parking would have an adverse effect on the adjacent Conservation Area. The Group expressed doubt that the proposed access would meet the requirements of highways regulations.

Matters Raised by Other Objectors

Would be an over development of the plot

The properties are poorly designed

The scheme would result in the loss of a historic building (The proposed demolition of the club buildings would be against Sheffield Local Plan UDP Policy BE20)

The proposal would result in the degradation of a boundary wall that is of importance to the street scene. This would be contrary to the Broomhall Conservation Area Appraisal 2007 and Core Strategy policy G7)

Will impact adversely on the setting of the adjacent Conservation Area

Will impact adversely on the setting of the nearby Listed Building

Be out of scale with surrounding properties

Be out of character with the other houses

Result in vehicular and pedestrian conflicts on Broomgrove Road

Impact on the privacy of neighbouring dwellings

The proposal to cover most of the garden area of 74 Broomgrove Road in concrete and tarmac would greatly increase water run-off and thus increase the risk of flooding on Broomgrove Road and downhill to Ecclesall Road.

The proposal will make the boundary with properties on Southgrove Road more porous and therefore reduce security.

The loss of the snooker room wall on the boundary would increase overlooking to neighbouring curtilages

Create an overbearing and overshadowing presence towards neighbouring properties

Remove an important area of open space which acts as a green lung. (Contrary to Policy CS47 off the Core Strategy)

Result in an increase in surface water run off and exacerbate flash flooding

Would result in future pressure to remove additional boundary trees which would be contrary to Policy GE15 and BE6).

Have an adverse impact on wildlife.

The proposal will result in a loss of green space to the neighbouring flats

There is inadequate provision of off street car parking spaces

Windows in the side elevations should be obscure glazed.

The proposal is contrary to Policy BE21 relating to Historic Parks and Gardens

The proposed houses are too close together and would appear as an almost solid block viewed from the street.

The dwellings have insufficient external amenity space

The proposed laundry room windows have very poor outlook and access to a side door is via a narrow alleyway

Matters Raised that are not Material Planning Considerations

The proposal amounts to 'garden grabbing' as defined in the NPPF as the soft landscape area is a private garden

Would result in the loss of Residents Parking Spaces.
The proposals are too close to neighbouring boundaries

Would adversely impact on neighbouring views

Would adversely impact on the value of neighbouring property.

Could impact on the structural stability of neighbouring properties.

The proposal is for houses in multiple occupation in conflict with Policy CS41 seeking to maintain balanced communities. Introduction of HIMO's would result in noise and disturbance from students.

In the past an application even to change the windows was turned down by the council due to the loss of a significant architectural feature. This proposal would mean the loss of the whole building

In response to the amended scheme a further 16 letters were received from previous objectors, in the main, re-iterating points raised in their initial representations.

However, additional points were raised as follows:

The revised vehicular entrance closest to No. 72 Broomgrove Road would require the re-location of a telegraph pole.

The amended scheme now results in two breaks in the boundary wall rather than one.

PLANNING ASSESSMENT

National Policy

The National Planning Policy Framework (NPPF) has replaced previous national planning guidance and the following paragraphs are relevant in terms of overall principle:

At paragraph 9 : “Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment...”

At Paragraph 11: Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

At Paragraph 19 states:

The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth...Therefore significant weight should be placed on the need to support economic growth through the planning system.

The site lies within a Housing Area as defined in the adopted Unitary Development Plan (UDP).

The most relevant UDP and SLP Core Strategy policies are:

H10 (Development in Housing Areas)

H14 (Conditions on Development in Housing Areas)

BE5 (Building Design and Siting)

BE6 (Landscape Design)

BE9 (Design for Vehicles)

BE16 (Conservation Areas)

BE20 (Other Historic Buildings)

GE15 (Trees and Woodland)

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)

CS64 (Climate Change, Resources and Sustainable Design of developments)

CS74 (Design Principles)

The Supplementary Planning Guidance "Designing House Extensions" provides guidelines for protecting residential amenity. Whilst not relating specifically to new build schemes the guiding principles are considered relevant

Principle

Policy H10 establishes residential development as the preferred use in this Housing Area.

Housing Supply

The NPPF at paragraph 49 states:

Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot yet demonstrate a five-year supply of deliverable housing sites. The city currently has 4.7 years supply. Therefore as only a minor shortfall this has limited impact on the weight to be given to the adopted Housing policies.

The proposal would contribute towards housing supply as set out in Core Strategy Policy CS22. There is currently a shortfall, as stated above, in the supply of deliverable sites for housing in the city and although the addition of two dwellings would not be significant on a city-wide scale it nonetheless represents a positive contribution in this regard.

The site is suitable for residential development and is sustainably located within the main urban area. The proposals therefore comply with Core Strategy Policy CS23.

Core Strategy Policy CS24 gives priority to locating new housing development on previously developed (brownfield) sites.

Previously Developed Land or 'Brownfield' land is defined in the NPPF as: 'Land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure'. It continues 'This excludes land in built-up areas such as private residential gardens, parks, recreation grounds and allotments...'

The history of the site clearly indicates that the established land use of the site was as a private club rather than a domestic dwelling. Whilst it is accepted that part of the building was occupied as accommodation (the steward's quarters) this use was ancillary to the land use and therefore it is not considered that the soft landscaped area can be considered as a private residential garden. Given that the outdoor function of the club terminated some considerable time ago neither is the soft landscaping considered to be a recreation ground.

The proposal is therefore considered to be previously developed and acceptable with regard to Policies CS23 and CS24

Policy CS26 requires efficient use of housing land, at a density in keeping with the character of the area. This site falls near to high-frequency bus routes in the urban area, and in line with the policy would justify a density of 40-60 dwellings per hectare. The proposal is at a density of 20 dwellings per hectare, which falls significantly short of the target density for efficient use of land as set out in the policy, however the policy also requires development to be in character. The density level proposed is very similar to that of properties (particularly) on the opposite side of Broomgrove Road, though those semi-detached dwellings immediately to the north would be nearer 30 dwellings per hectare. Therefore in character terms the density proposed is acceptable and there should be no policy objection to this level of density.

Loss of the Existing Building, Wall and Pedestrian Entrance

Policy BE20 (Other Historic Buildings) states that: 'The retention of historic buildings which are of local interest but not Listed will be encouraged wherever practicable'.

It continues: 'Some should ultimately be Listed in their own right. Others, whilst of lower quality, are worth preserving because of their contribution to the local landscape. However, this contribution needs to be balanced against the merits of any proposed development which might replace them'.

In this case the Applicant has stated that the cost involved in renovating/converting the existing building would be prohibitive when considered against the suitability of the accommodation that would result.

This fact coupled with a desire to develop two properties on the site (this would be impossible should the bowling club building be retained due requirements for separation about dwellings considerations and the orientation of many of the windows in the existing building) has resulted in the current scheme.

The existing building on the site dates from c 1850 and, with the exception of the more recent single storey extension, is an attractive building dating from that period.

Nonetheless it is not considered of such merit to warrant listing (at present or in the future) and its original *raison d'être* of serving a bowling green passed some 40 years ago with the loss of a substantial portion of that area to re-development to the south.

The Sheffield Conservation Advisory Group feel that it would be advantageous for the building should be retained but provide no further reasoning for its retention in terms of historical context other than it once served as a club house for, perhaps, the first bowling club in Sheffield.

Given the above it is considered that, whilst the loss of the building is unfortunate the Local Planning Authority cannot demand the retention of the building and it currently contributes little to the street scene being significantly obscured from casual public view by adjacent property and/or the substantial boundary wall. Hence, it is considered that any concern at the loss of the building can carry only limited weight when considering the scheme overall.

The loss of a large central section of the boundary wall and the pedestrian gate as detailed in the originally submitted scheme was also considered unfortunate given the contribution of both features to the street scene and given their proximity to the Conservation Area and Listed Building.

The scheme has therefore been amended following officer requests to separate the vehicular accesses to the extremities of the site frontage. The net loss of wall length will of course be much the same but it is felt that the retention of the large central section and its decorated pedestrian entrance will retain significantly more character and contribution to the street scene. It should be noted that the wall currently has no protected status and protection against partial or substantial demolition would only be afforded if a wall was located in a Conservation Area and

covered by an Article 4 Direction. Neither apply here and so an approval of this scheme, and any subsequent implementation would at least enable protection of the balance of the wall for the future through imposition of a condition on any approval.

Open Space

Several representations have raised the loss of 'Open Space' as a potential reason for refusal.

'Open space' is defined as a 'wide range of public and private areas that are predominantly open in character and provides, or have the potential to provide direct or indirect environmental, social and/or economic benefits to communities.'

The soft landscaped area here is not considered to qualify as 'Open Space' in policy terms being neither public space nor private space that is predominantly open in character.

The area is not accessible for public recreation or pastimes. It is a predominantly grassed area inaccessible to the public and visually it can only be appreciated to any significant degree from the private curtilage of the adjacent residential accommodation to the south.

Therefore, in planning terms the area is simply the curtilage of a former private club and Open Space policies are not considered relevant in this case.

Character and Grain of the Locality

Policy CS31 'Housing in the South West' states:

In South-West Sheffield, priority will be given to safeguarding and enhancing its areas of character. The scale of new development will be largely defined by what can be accommodated at an appropriate density through infilling, windfall sites and development in district centres and other locations well served by public transport.

Policy CS74 'Design Principles' states:

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:

c. 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;

The policy aims to make the most of the opportunities that new development presents to enhance distinctiveness and this will mean respecting the scale, grain and context of the places in which development is proposed.

In terms of the ratio of footprint to plot size and scale and massing then the proposal is felt to maintain the character and grain of development in the locality.

The proposal is for a pair of two storey houses with accommodation located in the roof space to be located with their own curtilage. The dwellings could be described

large in terms of their footprint but the curtilage allocated to the dwelling is comparable with other dwellings in the locality. (Average garden size in the locality varies greatly but the area of the gardens proposed here would certainly exceed those of the existing semi-detached properties on the application side of Broomgrove Road).

Scale and Massing

The National Planning Policy Framework states:

At Paragraph 17 that decisions should:

Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

At Paragraph 58 states:

Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area.

Planning policies and decisions should aim to ensure that developments:

will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

optimise the potential of the site to accommodate development

respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;

and are visually attractive as a result of good architecture and appropriate landscaping.

At paragraph 59:

...design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

Further, at paragraph 60 it states:

Planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Policy BE5 'Building design and siting' which states:

(a) original architecture will be encouraged but new buildings should complement the scale, form and architectural style of surrounding buildings...

(f) designs should take full advantage of the site's natural and built features;

Policy H14 'Conditions on development in Housing Areas' which states:

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

(a) new buildings and extensions are well designed and would be in scale and character with neighbouring buildings;

The surrounding area is characterised in the main by medium to large detached dwellings in comparable curtilages.

Whilst there is no truly homogenous architectural character within the locality the prevailing scale is that of two storey houses with further accommodation in the roof space. The prevailing architectural style is Victorian.

In terms of massing the dwellings, whilst detached, mirror to a close degree individual semi-detached dwellings on the opposite side of Broomgrove Road. Their footprints are remarkably similar with street frontage and depth of footprint much the same

The properties include roof space accommodation which is a characteristic of the street scene though the avoidance of front dormers is welcomed in this regard.

In terms of ridge height this remains consistent with the general fall in land levels across the site and the existing roof scape of Broomgrove Road. The southernmost dwelling would have a ridge approximately 3.2 metres higher than the adjacent maisonettes but this is not an unusual relationship given the topography of Sheffield and is not a rare occurrence on city streets. In addition it should be noted that the maisonettes themselves represent the anomalous feature in terms of height when compared to the prevailing Victorian architecture with their low floor to ceiling heights and relatively shallow pitched roof.

In terms of scale and massing the proposals are therefore considered acceptable.

Design and the Street Scene

Each of the Core Strategy and the UDP make reference to local distinctiveness and a requirement to 'complement' (BE5), to be 'in scale and character' (H14), or 'respect the townscape character of the city's neighbourhoods with their associated scale, layout and built form, building styles and materials' (CS74).

However, there is no part of these policies that requires a new development to 'match' or 'copy' the existing architecture of a street or locality and it is apparent that they would be in conflict with Paragraphs 59 and 60 of the NPPF if they were to be this prescriptive.

Were these policies to require such designs this would imply that new buildings should match existing ones no matter how mediocre or nondescript the existing area might be (though there is no implication that the locality here is either)

The thrust of national policy is therefore to separate planning judgements from matters of personal taste in terms of design and to deter opposition to designs simply because they differ from existing.

Clearly there is encouragement in the NPPF to construct buildings that provide modern day living, and to preclude a slavish adherence to 'the identical' which could lead to mundane and uninspiring architecture.

It is therefore felt that the key consideration with regard the architecture of proposal must be whether it causes demonstrable harm to the street scene of Broomgrove Road.

In this respect there are two considerations:

1. Is the proposal, in itself, of acceptable quality?
2. To what degree does the proposal appear in, and thereby affect, the street scene?

The site does not lie within a Conservation Area (the impact on the Neighbouring Conservation Area is addressed later in this report) which might add additional constraint in a design sense. The proposal has well-proportioned and suitably detailed elevations facing the public domain and natural facing materials dominate.

The large gablet on the front elevation is a classic feature of Victorian architecture in Sheffield as is the ground floor 'hexagonal' bay. Indeed there are examples of houses identified as 'character buildings' within Broomhall, Broomhill and Nether Edge Conservation Areas which exhibit practically identical features and front elevation layouts as are presented in this application.

The gable ends of the roof mirror those of other properties on Broomgrove Road and the fenestration, use of decorative fascia boards and finials, whilst a pastiche approach is not considered discordant.

The floor to ceiling heights are modest and do not reflect accurately the Victorian pattern but it is accepted that the Architect has reduced such heights in order that the overall height of the properties respects the general fall in roof level from north to south along Broomgrove Road.

As such it is felt that the design and detailing of the house is acceptable and the use of the appropriate facing and roofing materials should result in a building of appropriate quality for a Housing Area.

The houses would be set back some 8 metres from the highway and would be screened to a degree by the retention of the great majority of the existing boundary wall.

Even were this screening to be lost it is not considered that the scale, massing, height, proportion or design of the front elevations of the proposal (i.e. that part which would appear most readily in the public domain) would so adversely impact on the quality of street scene as to justify a refusal of planning permission.

Hence it is considered that the proposal satisfies national and local policy with regard to character and design and, subject to conditions relating to materials, is acceptable.

Impact on the Conservation Area and nearby Listed Building

It is not considered that the proposal will result in a development that would cause demonstrable harm to the adjacent Conservation Area. Matters relating to scale, massing and design have already been addressed in this report. The traditional appearance, use of stone facing to the principal elevation and appropriate roofing materials and timber windows will also contribute to a design that is not considered discordant given the context of the surrounding built environment.

Neither is it considered that the proposal would adversely impact on the setting of the listed building. The proposals are on a domestic scale and located approximately 40 metres to the north west of the listed building which is itself of significantly greater scale and presence in the street scene. The proposed dwellings would be set well back from highway behind a significant boundary treatment and as such it is not considered that they will have a deleterious presence in relation to the listed building.

Residential Amenity

Paragraph 17 states that decisions should:

Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

Existing Residents

Overbearing and Overshadowing Considerations

Policy H14 (c) and (d) outline general principles with regard to residential amenity and these are further supported by Supplementary Planning Guidance 'Design of house extensions' (SPG) which lays out good practice guides for new build structures and their relationship to existing houses. Of these the following are particularly relevant:

SPG guideline 4 states that in most circumstances a minimum distance of 10 metres should be achieved between main aspect windows in the rear elevation and the rear boundary.

Supplementary Planning Guidance (SPG) guideline 5 states that two storey structures should not cut a 45 degree line scribed from the nearest ground floor main aspect windows of neighbouring dwellings.

SPG guideline 5 states that a two-storey extension should not be located closer than 12 metres in front of ground floor windows of a neighbour and that level differences may require this distance to be increased.

SPG guideline 6 states that dwellings should keep a minimum of 21 metres between facing main windows.

Properties on the East Side of Broomgrove Road

Separation distance to the houses on the opposite side of Broomgrove Road would equate to well in excess of 21 metres. This satisfies Supplementary Planning Guidance and it is considered that this separation distance to dwellings across the public highway is commensurate with other separation distances between

opposing houses on the street. Hence, it is not felt that unacceptable levels of overlooking would arise in this case.

When considering the relationship between the proposal and properties on the east side of Broomgrove Road, ridge height and separation distance would not differ significantly from other examples on the street and as such there is not considered to be any significant reason to refuse permission on the grounds of overbearing/overshadowing

No. 72 Broomgrove Road

The south elevation of No.72 contains no windows and the two storey element of the side profile of the proposed northernmost dwelling would not project beyond the side elevation of No. 72. The proposal would not cut a 45 degree line scribed from any main aspect window in this property and it would therefore comply with all guidelines of SPG

The single storey bay to the front elevation of the proposal would be set well away from boundary and at a level approximately 1 metre below the level of No. 72. No overbearing or overshadowing would therefore arise from this element

Nos. 88 & 90 Broomgrove Road.

The south elevation of the southernmost proposed dwelling would lie approximately 4.5 metres from the side elevation of these properties. The maisonettes feature side facing windows but these windows do not serve principal habitable spaces (those windows being located in the front and rear elevations)

Being located in a side elevation planning case law strongly suggests that these windows can be offered limited protection as they have been designed to borrow amenity from the application site.

Nonetheless, it is considered that the function of these windows will not be compromised to a degree that would support a robust reason for refusal as they achieve a reasonable separation to the proposal and are north facing, so will lose no direct sunlight.

The side elevations of the proposals do contain windows at first and second floor level but these serve en-suite bathrooms and will therefore be glazed with obscure glass, a requirement that can be conditioned should permission be granted.

In conclusion it is not considered that, subject to a requirement for obscure glazing in any side facing windows, the amenity of the neighbouring dwellings will be significantly compromised through overlooking, overbearing or overshadowing and the proposal is considered to satisfy the requirements of Policy H14.

Future Occupants

The internal dimensions of the proposed dwelling are considered acceptable in terms of providing adequate outlook and natural lighting.

Supplementary Planning guidance guideline 4 indicates that extensions to dwellings should achieve a minimum separation distance to rear boundary of 10 metres. This guideline is often used as a rule of thumb for guiding separation on new builds.

The purpose of providing adequate separation distance is two-fold, the reasons being to ensure appropriate privacy levels to neighbouring curtilage from first floor windows and to ensure adequate outlook from the new build for future occupants.

All aspects of the proposal achieve an adequate separation to boundary for clear glazed main aspect windows.

The properties would benefit from a good sized rear gardens (approximately 180 square metres) and it is therefore considered that the plots would be adequately provided for in terms of external amenity space.

Highways Considerations

Policy BE9 Design for Vehicles states:

New developments and refurbishments should provide a safe, efficient and environmentally acceptable site layout for all vehicles and pedestrians.

Unitary Development Plan guidelines require the provision of 2-3 spaces per dwelling.

The property will benefit from independent access, a driveway in excess of 5 metres long and an integral garage.

Adequate space therefore exists within the curtilage to satisfy off street car parking requirements for the property.

It is not considered that the proposal will significantly intensify vehicle movements in the locality compared to existing and the proposed points of access do not have implications for vehicle or pedestrian safety. Anecdotal evidence suggests that due to the pedestrian and vehicular traffic on Broomgrove Road extra care and attention is required when navigating onto the street.

There is no reason to suggest that occupants of the new dwellings would not exercise a similar degree of care as existing residents/users.

All hard vehicular surfaces should be conditioned as being in porous/permeable materials or drain towards permeable beds within the curtilage.

The introduction of vehicular entrances will result in the loss of at least two resident's parking spaces but this is not a material consideration. Parking is allowed on the highway and that arrangement semi-formalised by the Resident's Parking Scheme but the spaces are not 'car park' and the loss of spaces does not represent a reason for refusal.

In view of the above, the proposals are considered to comply with Policy H14 with regard to highways considerations

Landscape

Policy BE6 'Landscape Design' states that good quality landscape design will be expected in new developments.

There are significant numbers of trees and shrubs within the site though many of these lie beyond the proposed footprints for the dwelling and hardstanding works on the west boundary.

It is considered that the proposed house positions are acceptable in their placement and will avoid root protection areas of trees to be retained.

It is not considered that the loss of identified trees and shrubs represents sufficient reason to refuse the application and this application offers the opportunity to protect boundary trees that currently have no protection under planning legislation

Drainage

The area of the site is currently a mixture of building footprint and soft landscaping. The proposal will result in an increase in building footprint but the front and rear gardens and the use of porous/permeable materials for the front drives will maintain a substantial area of the site for percolation of surface water.

The site does not lie within a Flood Risk Area

It is not considered that the introduction of the two dwellings would result in so significant an exacerbation of existing surface water run-off conditions so as to justify a refusal of permission.

Protected Species

There is no evidence that a protected species habitat may be located on this site. The proposal is set within, what amounts to an extended domestic garden (though it does not serve a domestic dwelling) and the presence of any potential forage route/s is not considered sufficient reason to refuse permission.

Community Infrastructure Levy

The development is CIL liable and is in a part of the city (Zone 3) where the CIL charge is £30 per square metre.

Response to Representations

Matters relating to the loss of existing building and boundary wall, character of the area, design and detailing, highways, open space, drainage, landscape and car parking have been dealt with in the main body of this report.

Similarly, residential amenity considerations such as overlooking, overshadowing and overbearing have been addressed.

A representation mentions Core Strategy Pre submission Policies (G5, and G7). These are considered to carry little weight given that the document has not been adopted. However, it is considered that the concerns raised in reference to the

stated policies has been covered through consideration of policies BE5, BE14, BE16 and CS74

Matters relating to loss of private view are not material planning considerations

The requirement to re-locate a telegraph pole should permission be granted is not a material planning consideration.

There is no reason to believe that the granting of planning permission for dwellings at this location will create a precedent for development of the nearby tennis club.

There is no evidence of a previous application for changes to the clubhouse fenestration on the Planning database. The building is not Listed and does not lie in a Conservation Area and as such changes in the windows would not, in any event, require planning permission.

Matters relating to structural integrity/foundation disturbance are the province of Building Regulations.

CONCLUSION

This is an application for the erection of a pair of detached two storey houses.

The proposal satisfies central government guidelines and Core Strategy policy that encourage efficient use of sites within the existing urban envelope.

The dwellings' design and their relationship to the proposed curtilage are considered acceptable given the context of the locality. It is concluded that there is no harm to the setting of the adjacent Conservation Area or nearby listed building.

The dwellings should provide adequate levels of residential amenity to future occupiers and should not compromise residential amenity of existing residents thereby satisfying the relevant policies.

Adequate off-street parking is provided and the proposals should not compromise highway safety and this too satisfies policy.

As such it is recommended that the scheme be recommended for conditional approval.

Case Number	15/03286/FUL (Formerly PP-04450664)
Application Type	Full Planning Application
Proposal	Change of use from retail (Use Class A1) to a betting shop (Sui Generis) including minor external alterations (as per amended plans received 06.11.15)
Location	Site Of Pasha, 190 London Road Sheffield S2 4LT
Date Received	04/09/2015
Team	South
Applicant/Agent	Miss Susie Boyce
Recommendation	Refuse

For the following reason(s):

- 1 The Local Planning Authority considers that the use of the premises as a betting office will result in the loss of an additional A1 retail unit reducing the dominance of such premises in the immediate vicinity to a level reducing the vitality and viability of this parade of shops and so threatening its function as a District Centre and as such, is contrary to Policy S10(a) of the Unitary Development Plan.

Attention is Drawn to the Following Directives:

1. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:

A/AJB/2246/15/03 (revision A received 06.11.2015)
2. Despite the Local Planning Authority trying to work with the applicant in a positive and proactive manner it was not possible to reach an agreed solution in negotiations.

Site Location



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LOCATION AND PROPOSAL

The application relates to a retail unit (Use Class A1) on London Road, located within the designated District Shopping Centre.

The property comprises a ground floor unit (approx. 95.5m²), within a two-storey, end-terraced building. The building is finished in red brickwork and has a dual-pitched, tile roof. There is an existing shop front to London Road with roller shutters and there is an external air conditioning unit mounted on the side elevation. Above the retail unit is residential accommodation, occupying the building's first floor and attic level.

London Road is predominantly characterised by similar traditional, terraced shops associated with the District Shopping Centre. The wider area is residential in character. The property occupies a corner plot at the junction with Clarke Square, which is characterised by terraced dwellinghouses.

The application seeks planning consent to change the use of the ground floor A1 retail unit into a betting shop (Sui Generis). The unit would comprise 72m² licenced floorspace, a disabled customer WC, counter area, staff kitchen, store and staff WC. A new shop front would be erected, which would include the installation of a replacement, internal air conditioning unit with grill to the side elevation, replacement roller shutters and repositioned doorways. A satellite dish would also be erected to the rear.

RELEVANT PLANNING HISTORY

82/02336/FUL – Use of ground floor of premises as a café and saleshop, with first floor and second floor living accommodation – Refused on 10/11/1982

SUMMARY OF REPRESENTATIONS

One letter of objection was received on behalf of William Hill Organisation Ltd. In summary, the following issues were raised;

- The proposal is in breach of Policy S10 of the Sheffield Unitary Development Plan (UDP).
- Survey data (2011) shows only 48% of units in the Centre are A1. This is below the 50% minimum required by Policy S10.
- Considering applications granted since this study, the proportion of A1 uses is likely to be less than 48%.
- The loss of the A1 unit will further dilute the retail offer within the District Centre and should be refused.

PLANNING ASSESSMENT

The property is located within a District Shopping Centre, as identified by the UDP. Therefore, the following UDP policies are relevant to the application; S7; S10(a); S10(b); S10(d); S10(f); BE5(c); BE5(i) and BE7.

Principle of the development

UDP policy S7 states that in Local Shopping Centres, shops (A1) are the preferred use, but offices used by the public (Use Class A2) are acceptable. Betting shops were classed as an A2 use at the time the UDP was published, and on this basis would have been considered to be an acceptable use in District Shopping Centres.

However, it should be noted that betting shops have since been reclassified by the Government as a Sui Generis use. On this basis, policy S7 states that uses not listed by the policy will be decided on their individual merits.

UDP policy S10(a) states that in shopping areas, change of use will be permitted provided that it would not lead to a concentration of uses that would prejudice the dominance of preferred uses (shops) or its principle role as a shopping centre.

UDP policy is supported by the National Planning Policy Framework (NPPF), which encourages policies that make clear which uses will be permitted in shopping areas and promote competitive town centres that provide a diverse retail offer. Betting shops are not listed in the NPPF as a main town centre use. The proposal is therefore considered on its individual merits.

The UDP defines 'dominance' as a level of development sufficient to help secure an adequate supply of the preferred land use for city-wide needs in appropriate locations and to establish or maintain the distinctive character or role of the area. This will usually mean that non-preferred uses do not occupy more than half of the area.

The UDP (Appendix 1) states that the assessment of the balance of land uses will take account of the area at ground level. It is acknowledged that in Housing and Industry areas, the balance of land uses is calculated on floorspace. However, in Shopping Areas, the established method of calculation is number of units. This method is used because policy S10 refers to the number and distribution of other non-retail uses as a consideration. The number and range of units is therefore a more appropriate indicator of the vitality of a centre than a measurement of floorspace.

The most recent data available (July 2015 Business Rates) and officer analysis indicates that only 41.7% of units within the London Road District Shopping Centre are within A1 use. Therefore A1 units are not dominant, which is not in accordance with policy S10(a). The change of use of the property would lead to a further reduction in A1 units (by 0.6% to 41.1%) and therefore not be supportable against policy S10(a). Given the already low percentage of A1 units, it is not considered that any further erosion of retail provision can be justified.

It is noted that if the dominance of preferred uses was calculated on floorspace, then over half (approximately 52%) of the London Road District Centre would be in A1 use, and therefore A1 uses would be dominant. However, in the London Road District Centre's case, the floorspace figure is skewed significantly by the inclusion of the Waitrose and Aldi supermarkets. If Waitrose and Aldi (only 2 units) were taken out of the floorspace calculation, then only 35% of floorspace within the London Road District Centre would be in A1 use. Furthermore, these two supermarkets are somewhat segregated from the main set of shops along London Road, and even if dominance were to be calculated on a floorspace basis, their presence is not considered to mitigate the negative impact the proposal would have on the existing retail offer along this linear centre. This demonstrates why the number of units is more appropriate to floorspace as an indicator of A1 dominance in Shopping Areas.

While policy S10(a) considers dominance within the Centre as a whole, in linear Centres where there is a high percentage of non-preferred uses (such as London Road), the further loss of A1 units can create large distances between retail frontages. This does not encourage footfall and undermines the viability of the Centre's retail role.

By way of example, there are 9 units within this section of the District Centre (centred upon the application site and measuring approximately 50m to either side of the subject property along the western side of London Road). Only 4 units of these units (including the subject property) are in A1 use. The loss of the subject property would therefore mean that only 3 of the 9 units would be in A1 use within this approx. 100m section. While a betting shop may be considered to contribute to footfall, this focussed analysis is considered to further demonstrate that given the significant percentage of non-preferred uses, any positive contribution to footfall the proposal may have would not outweigh concerns regarding the impact on the long-term viability of the centre, and therefore policy S10(a) should be upheld in this case.

The applicant's agent argues there are economic benefits of bringing this unoccupied unit back into use. However, the aim of UDP policies S7 and S10a is to protect the Centre's vitality and retail role. Protecting the Centre's retail role in line with these policies has more strategic, economic benefits. Therefore any economic benefits associated with the betting office use are only considered to be short-term, as reducing the number of A1 units further would be against the long-term, strategic economic aims of the UDP.

The UDP states that if there is no prospect of preferred development coming forward then an otherwise acceptable use could not be refused just because it is not preferred. The applicant has indicated that the vacant A1 unit has been marketed by an agent from January 2015 with no interest. The application was submitted on 04/09/2015. However, 7-8 months marketing is not considered to be a significant enough period to demonstrate that there is no prospect of the unit being let to an A1 retailer again in the future. The unit is considered to be of good size and location in the centre. It is therefore not considered that this argument carries significant weight in this case.

Furthermore, the vacancy rate of London Road District Centre is approx. 12%, which is little more than the Sheffield average for district centres of 9%. The Local Data Company states that the average UK town centre vacancy rate is 12%. The vacancy rate is therefore not considered to be significantly high enough to mitigate supporting a further reduction in retail units, as there is a natural turnover of units in all Centres. There are also three existing betting shops within the Centre, so it is not considered that there is an outstanding need for such a service in the area that could justify a further reduction in A1 units.

It is acknowledged that bringing a vacant unit back into use would have some short-term economic and physical benefits. However, doing so in this case would not be in accordance with Policies S7 and S10a, and therefore would be to the detriment the London Road District Centre's long-term vitality and strategic role as a retail centre. This strategic impact is considered to be the key consideration, as the UDP's definition of 'dominance' discusses securing and adequate supply of the preferred land use for city-wide needs to maintain the distinctive role of the area. Any benefits of the proposal would therefore not outweigh safeguarding the strategic retail role of the centre or justify supporting a proposal that is against UDP policy S10a.

Design

UDP policy S10(d) states that in shopping areas, development will be permitted provided that it would be well designed and of a scale and nature appropriate to the site.

UDP policy BE5(c) states that good design and the use of good quality materials will be expected in all new and refurbished buildings.

The proposed replacement shop front would be similar in design and appearance to the existing shop front. The shop front would remain predominantly glazed, with aluminium frames and doors, similar in appearance to the existing arrangement. Although the replacement shop front would involve the creation of an additional doorway at the corner of the unit, the overall design impact would be negligible.

The proposed replacement roller shutter would be perforated and powder coated off-white in colour. While roller shutters are not considered to be ideal from a design perspective, as the shop front has an existing roller shutter, and London Road features a number of similar shutters, it would not be considered reasonable to resist the application on these grounds. The proposal to replace the shutter is therefore considered to be acceptable in principle. No further details of the roller shutter have been supplied, although this could be conditioned in order to ensure an appropriate quality of design.

An air conditioning grill would be installed to the side elevation of the shop front, powder coated to match the proposed shop front. The grill would be viewed in context alongside the proposed shop front and roller shutters, and therefore the impact is considered to be acceptable. The existing, externally mounted A/C unit would be removed from the side elevation, which would represent a design improvement in the street scene.

A 840mm satellite dish is proposed to the rear of the property. Although the dish would be visible in the street scene to the rear from Clarke Square, dishes are considered to be common features to the rear of properties. A number of the terraced dwellinghouses along Clarke Square also have smaller, domestic satellite dishes to the front, therefore it is not considered that the proposed dish would unreasonably detract from the street scene.

Overall, the external alterations are considered to be minimal and would not significantly alter the external appearance of the building. The requirements of policies S10(d) and BE5 are therefore considered to be satisfied.

Residential amenity

UDP policy S10(b) states that in shopping areas, development or change of use will be permitted provided that it would not cause residents unacceptable living conditions, including air pollution, noise, other nuisance or risk to health and safety.

The proposed hours of opening are 0830 to 2200 Monday to Saturday and 1000 to 2200 Sundays and Bank Holidays. These hours of operation would be acceptable and in accordance with other premises in the London Road District Shopping Centre.

It is noted that there will be noise sources which will be difficult to control, such as noise associated with the proposed A/C unit, customers arriving and leaving, and servicing of the premises. However, the existing A1 unit also has the potential to cause such disturbance, and generally, it is not considered that the use of the property as a betting shop would lead to significant additional disturbance for residents over and above that associated with the current A1 use.

In the event of planning permission being granted, it would be appropriate to mitigate and limit the impact on neighbours with conditions;

- limiting the hours of use, waste collection and servicing
- requiring acoustic emission details of the proposed A/C unit
- requiring sound insulation to be installed to the ceiling of the betting shop given the residential accommodation above
- limiting any additional externally mounted plant or equipment
- limiting amplified sound to background levels only

Generally, the proposed betting office does not raise significant concern regarding the impact on the residential amenity of neighbours, as the use would have a similar impact to that of the existing A1 unit. It is considered that the above arrangements and conditions would ensure that the development would have an acceptable impact on the amenity of neighbouring residents and therefore comply with UDP policy S10(b).

Highways

UDP policy S10(f) states that in shopping areas, development or change of use will be permitted provided that it would be served adequately by transport facilities and provided safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

No off street parking is proposed, however, given the nature of the site, there would be no scope for such provision. The site is adequately served by public transport and is within easy walking distance from the surrounding residential area. Moreover, the proposed betting shop use is not considered to generate any significant additional transport or parking requirements over those associated with the current retail use and therefore the proposal is deemed to be acceptable and satisfies policy S10(f).

Access

UDP policy BE5(i) states that designs should meet the needs of users, particularly people with disabilities, elderly people, people with children and women.

UDP policy BE7 states that access to existing buildings and their surroundings should be improved as opportunities arise to enable all users to move around with equal ease. A change of use is regarded as such an opportunity.

The submitted plans and details indicate that the accessing arrangements would generally be compliant with the above UDP policy and appropriate design standards.

Two doorways are proposed, one would be central to the shop front with a single step up, and one would be an accessible entrance at the corner of the shop front, 4m away. This arrangement is considered to be acceptable, subject to a condition ensuring that that the accessible door is clearly signposted. The accessing arrangements are therefore considered to be acceptable.

SUMMARY AND RECOMMENDATION

The proposed development is considered to be acceptable in terms of its design, its impact on residential amenity and highway safety and its accessing arrangements. The proposal therefore complies with UDP Policies UDP policies S10(b); S10(d); S10(f); BE5(c); BE5(i) and BE7.

However, the impact on the London Road District Centre and its primary role as a shopping area is not considered to be acceptable. Only 41.7% of units within the District Centre are within A1 use, and therefore A1 uses are not dominant, which is not in accordance with policy S10(a). The change of use of the property would lead to a further reduction in A1 units and therefore not be supportable against policy S10(a). This consideration has been given significant weight, given the implications of allowing the retail offer to erode further, which would be to the detriment the area's long-term vitality and strategic role as a retail centre.

Accordingly, the application is recommended for refusal.

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