

REPORT TO CITY CENTRE SOUTH AND EAST PLANNING DATE 23/07/2012
AND HIGHWAYS COMMITTEE

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES ITEM

SUBJECT APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

SUMMARY

RECOMMENDATIONS

SEE RECOMMENDATIONS HEREIN

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

FINANCIAL IMPLICATIONS N/A

PARAGRAPHS

CLEARED BY

BACKGROUND PAPERS

CONTACT POINT FOR
ACCESS

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AREA(S) AFFECTED



CATEGORY OF
REPORT

OPEN



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SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To The SOUTH Planning And Highways Committee
Date Of Meeting: 23/07/2012

LIST OF PLANNING APPLICATIONS FOR DECISION OR INFORMATION

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

Case Number	12/01647/FUL
Application Type	Full Planning Application
Proposal	Demolition of single storey side extension and erection of detached dwellinghouse with integral garage (amended plans received 02.07.2012) (Amended Plans and Elevations received on 02/07/2012)
Location	Curtilage Of 11 Bradway Grange Road Sheffield S17 4PH
Date Received	21/05/2012
Team	SOUTH
Applicant/Agent	Mr Peter Rudd
Recommendation	Grant Conditionally

Subject to:

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

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

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

Drawing number 12/991/02 Revision A; and 12/991/03 Revision A

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

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

In the interests of the visual amenities of the locality.

- 4 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.

In the interests of the visual amenities of the locality.

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

In the interests of the visual amenities of the locality.

- 6 The dwellinghouse shall not be used unless the car parking accommodation for 2 vehicles as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

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

In the interests of the amenities of occupiers of adjoining property, bearing in mind the restricted size of the curtilage.

- 8 Before the development has commenced, information shall be submitted to demonstrate that the development will be designed to mitigate against climate change: achieving a high standard of energy efficiency; making the best use of solar energy, passive heating and cooling, natural light and natural ventilation; and making sustainable use of resources. Thereafter,

the development shall be built in accordance with those details, unless otherwise notified in writing by the Local Planning Authority.

In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change.

Attention is drawn to the following justifications:

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

The design and external appearance of the proposed house, as shown in amended plans, would be of good quality, being a traditional building that would tie in with the local row of houses, being of an almost identical scale and design, with a building arrangement to complement the row of houses as originally constructed.

There would be no harm to the amenities of existing occupiers and the parking accommodation proposed would be acceptable, especially given the unusual arrangement of the street that provides significant on-street accommodation in addition to the 2 spaces proposed to the front of the house.

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

Unitary Development Plan (UDP)

H10 - Development in Housing Areas

H14 - Conditions on Development in Housing Areas

BE5 - Building Design and Siting

Core Strategy Policies:

CS31 - Housing in the South West Area

CS51 - Transport Priorities

CS53 - Management of Demand for Travel

CS74 - Design Principles

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

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

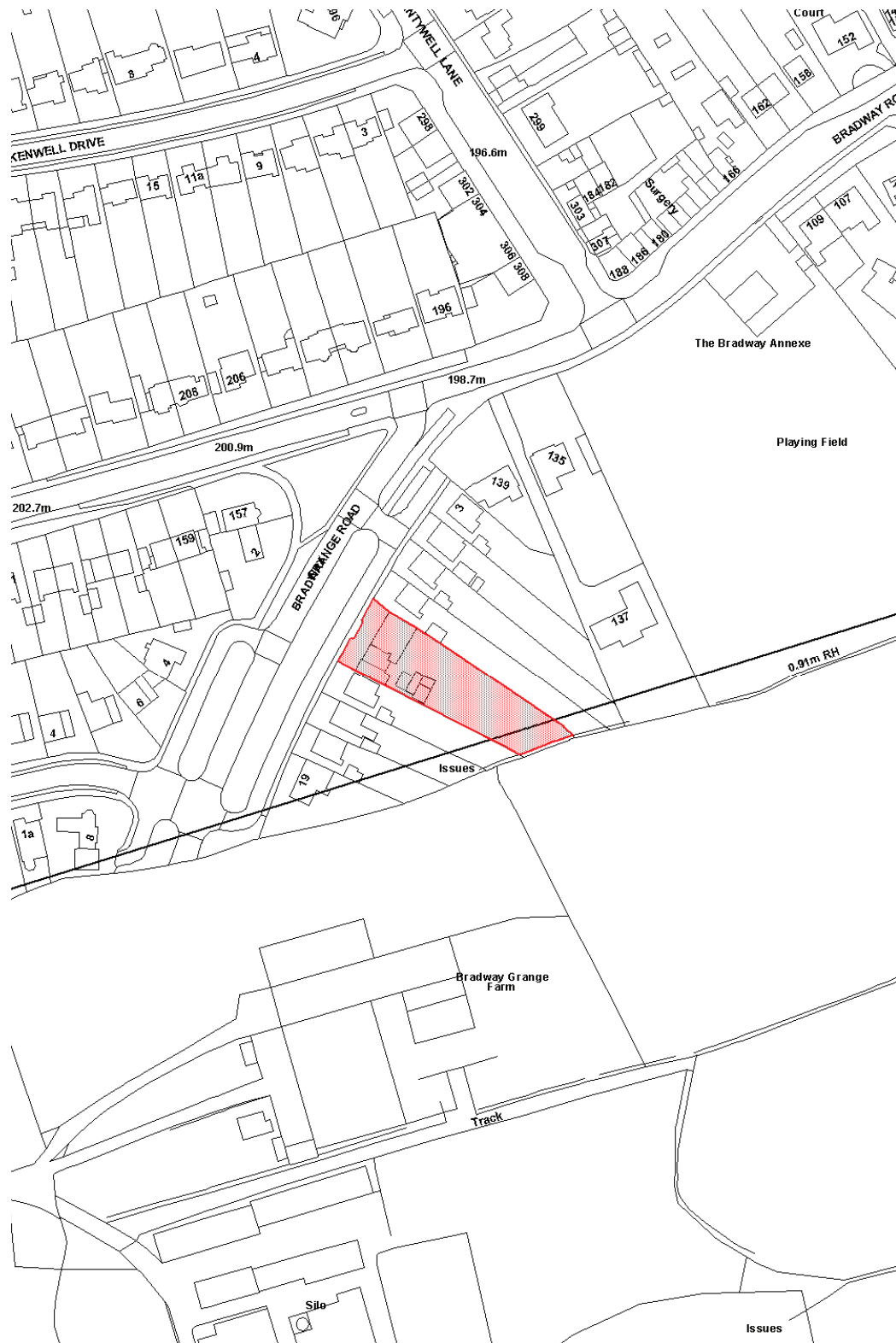
Attention is drawn to the following directives:

1. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for

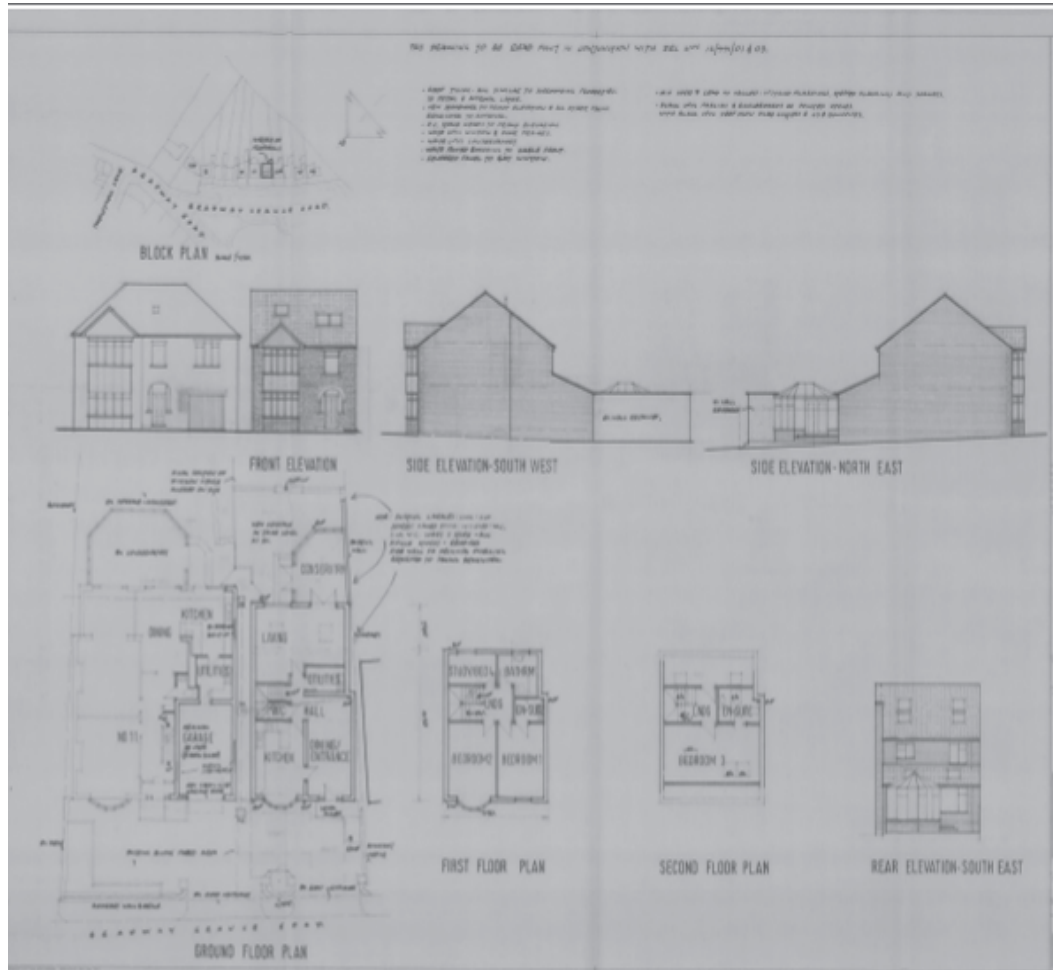
confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at www.sheffield.gov.uk/planning or apply online at www.planningportal.gov.uk. The charge for this type of application is £85 or £25 if it relates to a condition on a householder application for development.

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

Site Location







LOCATION AND PROPOSAL

The proposal relates to a large detached house located on Bradway Grange Road. The streetscene consists of a row of very similar houses, which feature common front bay features and are stone fronted. They are all situated off a service road which runs parallel to Bradway Grange Road. All the houses have a common design, with the exception of the subject property that is wider and benefits from a set of double garages and extensive single-storey extensions to the rear.

This application seeks to demolish the garages, and to position a new dwellinghouse between number 11 and number 11a. Amended plans received on 02/07/2012 have altered the design in order to remove the proposed integral garage and add a front bay feature to match those in the street.

RELEVANT PLANNING HISTORY

There is historic planning history relating to extensions to the existing house on the plot. The most relevant planning applications to this application are:

25/1133 Extension to garage

	Permitted Development	09/10/1957
39/4104	Extension to house and alterations to form garage extension Granted	14/04/1965
90/01812/FUL	Extension to dining room, sitting room and kitchen and to form utility room, WC and double garage and first-floor extension to form bathroom. Granted	15/08/1990

SUMMARY OF REPRESENTATIONS

Ten written representations from neighbours have been received for this application, raising the following objections to the proposal:

The following material planning considerations have been received:

The space between number 11 and 11a is insufficient for a new house, which will make the new build appear cramped and detract from the character of the street.

The proposal would constitute overdevelopment

The rear elevation would be beyond the rear of 11a Bradway Grange Road, and would lead to issues of overshadowing/loss of light to this property.

There is insufficient parking on the site and in the street for the proposed development.

The development would interfere with safe parking for parents to drop children to school (Pre School on Bradway Road) as the service road is often used by parents to pick up and drop off children to this facility.

An additional representation from the Bradway Action Group has been received, supporting objections based on the fact that the house will not fit in with the street scene, and that there is inadequate off-street parking proposed.

The above issues will be considered in the assessment below.

In addition to the above comments, the following non-material planning considerations have been received that will not be assessed further:

Issues with regards to the applicant not having to deal with disruption during construction work due to the fact their house is for sale.

Issues with regards to the maintenance of the side wall of 11a Bradway Grange Road (this is a civil matter).

Impact on the view of houses opposite.

Issues with waste water and sewer capacity.

Disruption during building works.

Questions with regards to building regulations and fire safety (building regulation matters)

Following re-consultation upon the amended plans received on 02/07/2012, two comments have been received from the above representations stating that objections based on design and parking still stand.

PLANNING ASSESSMENT

Land Use Policy.

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

The site is not technically a garden, being on the site of existing outbuildings/garages. Nevertheless, there can be an argument made that this does constitute garden grabbing, based on the need for a rear amenity space, and the site would therefore need to be considered as a Greenfield development site. Government planning guidance in the form of the National Planning Policy Framework (NPPF) says, in paragraph 48, that Local Planning Authorities (LPA) should make allowance for windfall housing sites in the five year supply but this should not include residential gardens. The NPPF goes on to say in paragraph 53 that LPAs should consider setting out policies to resist inappropriate development of residential gardens, for example where they would cause harm to the local area.

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

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

The site is small within an existing urban area and sustainably located in that it is within 300 metres of a local shopping centre which includes a convenience food store. Bus services with regular frequencies are available from Baslow Road. In this context, the development of this small Greenfield site for new housing complies with the aims of policy CS24.

Layout, Design and External Appearance.

UDP policy H14 and Core Strategy policy CS74 expect good quality design in keeping with the scale and character of the surrounding area. Good building design is also reflected in UDP policy BE5

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

The proposed house in this case, would be situated between the existing built form of numbers 11 and 11a Bradway Grange Road. The street has a uniform layout, with 7.2m wide houses of originally identical design laid out in a row, punctured by the larger plot size of number 11. The proposed house would be in line with these properties, and would consist of an identical width. As a result, it will generally complement the row of houses as viewed in the street. It is noted that most houses in the street have a drive to the side, measuring between 2.5 and 3m in width between the original house and the neighbour. In this case, a separation gap of 0.9m is proposed between the new house and number 11a as viewed from the front elevation, which is approximately a third of the gap commonly seen. Consideration of comments raised objecting to the proximity of the house to neighbours have been noted. However, in design terms, the gap is still reasonably large, and will be sufficient to make the house appear as a detached separate entity from the house to the side. This is also a significantly better relationship than extensions in the wider streetscene, on Conalan Avenue, where extensions have been built right up to the boundary of the neighbouring house. Despite some uniformity in the layout of houses, changes to properties carried out by owners, including attic roof extensions and single-storey side extensions have reduced the uniformity in design and style, and the reduced gap compared to others in the street is not considered a significant enough to warrant a change that would be out of context with the style of the main street.

In general terms, the house (as amended in plans received on 02/07/2012) will feature a stone front, brick sides, a concrete tiled pitched roof and a front bay with a distinctive gable element. The style of the house and choice of facing and roofing materials will be very similar to others in the street. The building will also have a similar width (of 7.1m) to the main row of houses on the street. As viewed as part of the streetscene, its layout and general form will tie in very well with the other properties in the row. Due to roof alterations carried out upon neighbouring properties, the gable ended style of the house is considered acceptable in this case.

The eaves and ridge height of the proposed house will reflect the slope of the street, with the total height lower than that of number 11 and taller than that of 11a, with the ridge height also echoing the fall in land height relative to the houses.

With a design that will reflect those of neighbouring houses, the proposed design of the building will not look out of character with neighbours. It is also well

proportioned, and will accord with the aims of Core Strategy Policy CS74 to reflect the character and appearance of the Garden City Suburb to which it belongs.

The proposed front garden area will be a retention of the existing area to the front of the existing garages, which is reasonably attractive with good quality paving and planters diving the access point from that directly to the front of 11 Bradway Grange Road.

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

Sustainability.

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

The Design and Access Statement supporting the application includes nothing specific on this issue. Floor plans indicate that thought has been given to the use of natural lighting where possible. However, more information is required, and this matter will be addressed in detail through the use of conditions.

Impact on the amenities of existing residents.

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

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

It is important to ensure that the proposal would not result in a significant and/or unreasonable loss of privacy to neighbours nor result in a development having an overbearing nature which would be to the detriment of neighbours' amenities.

With regards to overshadowing, the proposal will have a two-storey section that will project 0.7m beyond the rear of number 11a. This will not break an angle of 45-degrees when taken from the rear ground floor windows of this neighbour, as the separation gape to the side of the neighbour at this point is also 0.7m. As a result, no significant argument can be made that overshadowing from this part of the house will result.

At single-storey level, the rear of the house will project significantly beyond that of number 11a. However, it will utilise the existing side wall already in place for the extensions to the rear of the existing garage, presently in use by number 11. Indeed, the extension will result in a reduced wall length compared to the existing situated, as the projection will be reduced to 10m from 14m, improving the situation as viewed from the garden of number 11a slightly. The wall height will be identical. A pitched roof element will involve a section slightly taller than 3m, but will only

project out 3m from the main building, which is considered an acceptable to avoid significant overshadowing resulting.

No side windows are proposed, with the exception of side windows in the conservatory, which will have views to the side easily screened by new fencing. The main windows to the front and rear will face towards the public street and the long rear garden behind, both causing limited privacy implications.

The sub-division of the curtilage will leave sufficient amenity space for both properties, both over 240 square metres in area.

Access, Parking and Transport.

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

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

With respect to parking provision, the indicative proposal shows two parking space to the front of the new dwelling, whilst the original house will benefit from a larger space to the front, capable of parking at least 2 cars, with a new garage.

Given that the original house is quite large, it is considered that at least 2 spaces are needed as a minimum, with the garage space providing suitable additional accommodation should it be needed. As a result, the removal of the existing garages and 2 spaces from this property will not result in such a loss as to cause significant parking issues for the local area.

The size of the new house is not so large as to expect overly-intensive use of the parking facilities on site, and the small size of the internal accommodation means that the proposed accommodation sought is considered acceptable. Highways officers have commented that there are no objections to the scheme. Looking at the site, and the amended proposal, the officer notes that the layout of spaces may mean that only a small car can be accommodated in addition to a typical family car, due to the angle of the second space at 90 degrees to the access. The nature of the main street, with two service roads on either side, does result in a situation where there is significantly greater on-street parking accommodation than usual. The officer visited the site in a case, and notes that the width of the service roads are sufficient for one sided parking. As such, even if only one of the spaces is useable (should the occupier have two larger vehicles) the parking implications are unlikely to be overly problematic.

Comments raised with regards to the street being used by parents to collect a drop off children to a local pre-school are noted. However, this will only occur for brief periods during the day. In addition, the pre-school is closer to other cul-de-sacs off Bradway Road, such as Birchitt Road. In the context of aims to encourage parents and children to walk to school, the loss of accommodation for parents to park is not considered to be an issue that considerable weight can be given, and

the number of cars likely to be used by the proposed size of house is not great enough to cause significant disruption.

SUMMARY AND RECOMMENDATION

The design and external appearance of the proposed house, as shown in amended plans, would be of good quality, being a traditional building that would tie in with the local row of houses, being of an almost identical scale and design, with a building arrangement to complement the row of houses as originally constructed.

There would be no harm to the amenities of existing occupiers and the parking accommodation proposed would be acceptable, especially given the unusual arrangement of the street that provides significant on-street accommodation in addition to the 2 spaces proposed to the front of the house.

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

Unitary Development Plan (UDP) policies: H10; H14; & BE5

Core Strategy Policies: CS31; CS51; CS53; & CS74

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

Case Number 12/01332/FUL
Application Type Full Planning Application

Proposal Alterations to first, second and third floors to form shared living accommodation for 12 people, formation of 2 bedsits on the fourth floor and alterations to shop front to form entrance to living accommodation

Location The Cash Store
5 Fitzalan Square
Sheffield
S1 2AY

Date Received 10/05/2012

Team CITY CENTRE AND EAST

Applicant/Agent Grant And Associates Limited

Recommendation Grant Conditionally

Subject to:

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

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

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

Drawing refs: 634 004; 634 005; 634 006 and 634 007 received on 11/5/2012

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 Details of all proposed external materials and finishes, including samples when requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

In order to define the permission.

- 4 The residential accommodation hereby permitted shall not be occupied unless a scheme of sound attenuation works has been installed and thereafter retained. Such scheme of works shall:
- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey,
 - b) Be capable of achieving the following noise levels:

Bedrooms: LAeq 15 minutes – 30 dB (2300 to 0700 hours),
Living Rooms: LAeq 15 minutes – 40 dB (0700 to 2300 hours),
 - c) Include a system of alternative acoustically treated ventilation to all habitable rooms.
 - d) Be designed to protect the residential accommodation from noise and vibration arising from the ground floor commercial use.

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

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

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

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

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

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

Attention is drawn to the following justifications:

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

S3 - Development in the Central Shopping Core
S10 - Conditions on Development in Shopping Areas
CS41 - Creating Mixed Communities

The proposed shared living accommodation complies with policies S3 and S10 of the Unitary Development Plan but contravenes policy CS41 of the Core Strategy as a result of the low levels of housing in the area. However, given it is a preferred use that will not prejudice the role of the shopping centre, the potential over time for a mixed community to emerge, and the benefits of bringing an underused building in a sustainable location back into full use, it is considered that use of the upper floors of 5 Fitalan Square as shared accommodation and 2 bedsits is acceptable in this instance.

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

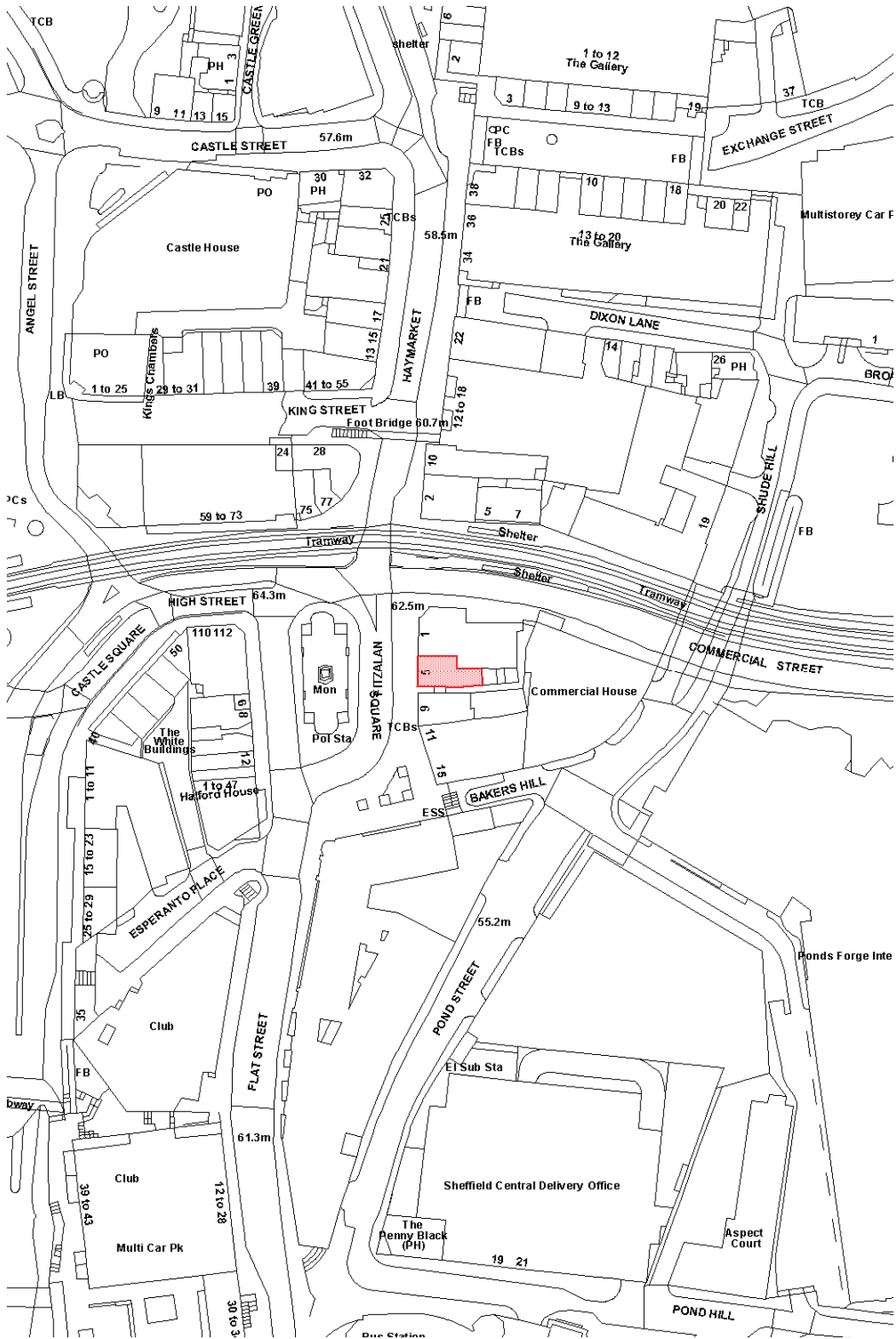
Attention is drawn to the following directives:

1. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0800 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from the Environmental Protection Service, 2-10 Carbrook Hall Road, Sheffield, S9 2DB: Tel - 0114 2734651.
2. Plant and equipment shall be designed to ensure noise levels do not exceed 10dBA (LA90) below background noise levels when measured at the site boundary.
3. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at www.sheffield.gov.uk/planning or apply online at

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

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

Site Location



LOCATION AND PROPOSAL

The application site is situated on the eastern side of Fitzalan Square, in the Central Shopping Area as defined in the Unitary Development Plan (UDP). The site is occupied by an attractive five storey red brick building with an existing retail unit and single storey rear extension at ground level. The building's upper floors are currently vacant.

A modern, two storey building to the immediate south of the application site is occupied by a book makers while the ground floor of the four storey building directly to the north contains an amusement arcade and a bakery. To the rear is a four storey stone clad office building.

The application site faces onto Fitzalan Square, a busy bus route for vehicles accessing the Pond Street Bus Station to the south, the grade II listed statue of King Edward VII and, on the opposite side of the square, four and five storey buildings including the grade II listed 'White Buildings' at numbers 6 to 12 Fitzalan Square.

Planning permission is being sought for alterations to the first, second and third floors to form shared living accommodation for 12 people, plus the formation of 2 bedsits on the fourth floor and alterations to the shop front to form a new entrance to the proposed living accommodation.

RELEVANT PLANNING HISTORY

07/00039/ADV In October 2007, retrospective planning consent was granted for the erection of one internally illuminated fascia sign, one internally illuminated projecting sign and one sign to door of premises.

03/01045/CHU An application for the use of building for Class A2 purposes (financial and professional services) was granted in May 2003.

98/00898/FUL In February 1999, planning permission was granted for the use of the building for class A3 (food and drink) purposes.

SUMMARY OF REPRESENTATIONS

No representations were received in connection with the proposed development.

PLANNING ASSESSMENT

Land Use

Policy S3 of the UDP (Development in the Central Shopping Area) states that, outside of the Retail Core, housing is a preferred use in the Central Shopping Area.

Policy S10 of the UDP (Conditions on Development in Shopping Areas) states that changes of use will be permitted provided that they do not prejudice the areas principal role as a shopping centre. The ground floor of the premises will remain in

commercial use and so there will be no impact on its contribution to the role of the Shopping Area.

Policy CS41 of the Core Strategy (Creating Mixed Communities) attempts to promote mixed communities by encouraging a range of housing types, sizes and tenures. It does so by limiting purpose built student housing and Houses in Multiple Occupation (HMOs) to 20% within 200 metres of the application site where communities are already imbalanced by a concentration of such uses. The concentration in this area is currently 42%, well in excess of the 20% threshold. However, this figure is high because of the relatively low number of residential properties in the locality (90 as opposed to the more usual range of between 400 and 500).

Exceptions to the requirements of Policy CS41 have been made in the City Centre to allow HMOs in areas with high concentrations of shared housing where there are relatively few residential properties within 200m of a site. They have also been made where there is potential over time for a mixed community to emerge as there are other development sites or sites with planning permission within the 200m that would alter the mix once built.

The Sheffield and Rotherham Strategic Housing Land Availability Assessment (SHLAA) provides the assessment of housing land supply for the Sheffield District. It does not allocate land for housing development, nor does it make policy decisions on which sites should be developed. However, the SHLAA does identify a pool of potential housing sites against which other policy considerations have to be balanced. There is provision for another 278 dwellings within 200m of the application site, of which 17 have consent for use as a HMO, If all these sites were to come forward for housing the percentage of shared housing would be 15%. In addition, the site of Castle Markets, which is expected to include a significant residential element, falls partially within the 200m radius, increasing the total capacity still further.

While the proposals do not comply with Policy CS41 of the Core Strategy, there are currently low levels of residential accommodation in the vicinity and the potential for a mixed community to emerge over time. Moreover, the development would bring into use an attractive, underused building in a sustainable location close to many amenities and transport facilities.

Amenity Issues

Policy S10 (Conditions on Development in Shopping Areas) states that changes of use will be permitted provided that living conditions are satisfactory and that the site is adequately served by transport facilities and appropriate levels of off-street parking.

The layout of the proposed residential accommodation is considered to be satisfactory. While the rooms to the rear do not enjoy the best outlook, the space between buildings, maintained by the presence of the single storey rear extension, allows in good levels of natural light. Background noise levels in the vicinity are relatively low throughout the evening and night, however conditions are proposed to protect future residents from traffic noise and from noise from the commercial use at ground floor level.

The development will remain car free, which is to be encouraged within the city centre. The site lies a short walk away from both the bus and railway stations and is less than 30m from the nearest Supertram stop.

Design and Access

Changes to the existing shop front are proposed in order to create a new entrance to the proposed upper floor living accommodation. It is considered that this will not harm the character or appearance of the building or wider area.

The new entrance will have a level threshold, however, there will be no lift to the upper floors.

SUMMARY AND RECOMMENDATION

The proposed shared living accommodation complies with policies S3 and S10 of the UDP but contravenes policy CS41 of the Core Strategy as a result of the low levels of housing in the area. However, given it is a preferred use that will not prejudice the role of the shopping centre, the potential over time for a mixed community to emerge, and the benefits of bringing an underused building in a sustainable location back into full use, it is considered that use of the upper floors of 5 Fitzalan Square as shared accommodation and 2 bedsits is acceptable in this instance. This application is therefore recommended for approval subject to the proposed conditions.

Case Number 12/01210/CHU

Application Type Planning Application for Change of Use

Proposal Change of use to a House in Multiple Occupation
(Retrospective application)

Location 21 Fieldhead Road
Sheffield
S8 0ZX

Date Received 30/04/2012

Team SOUTH

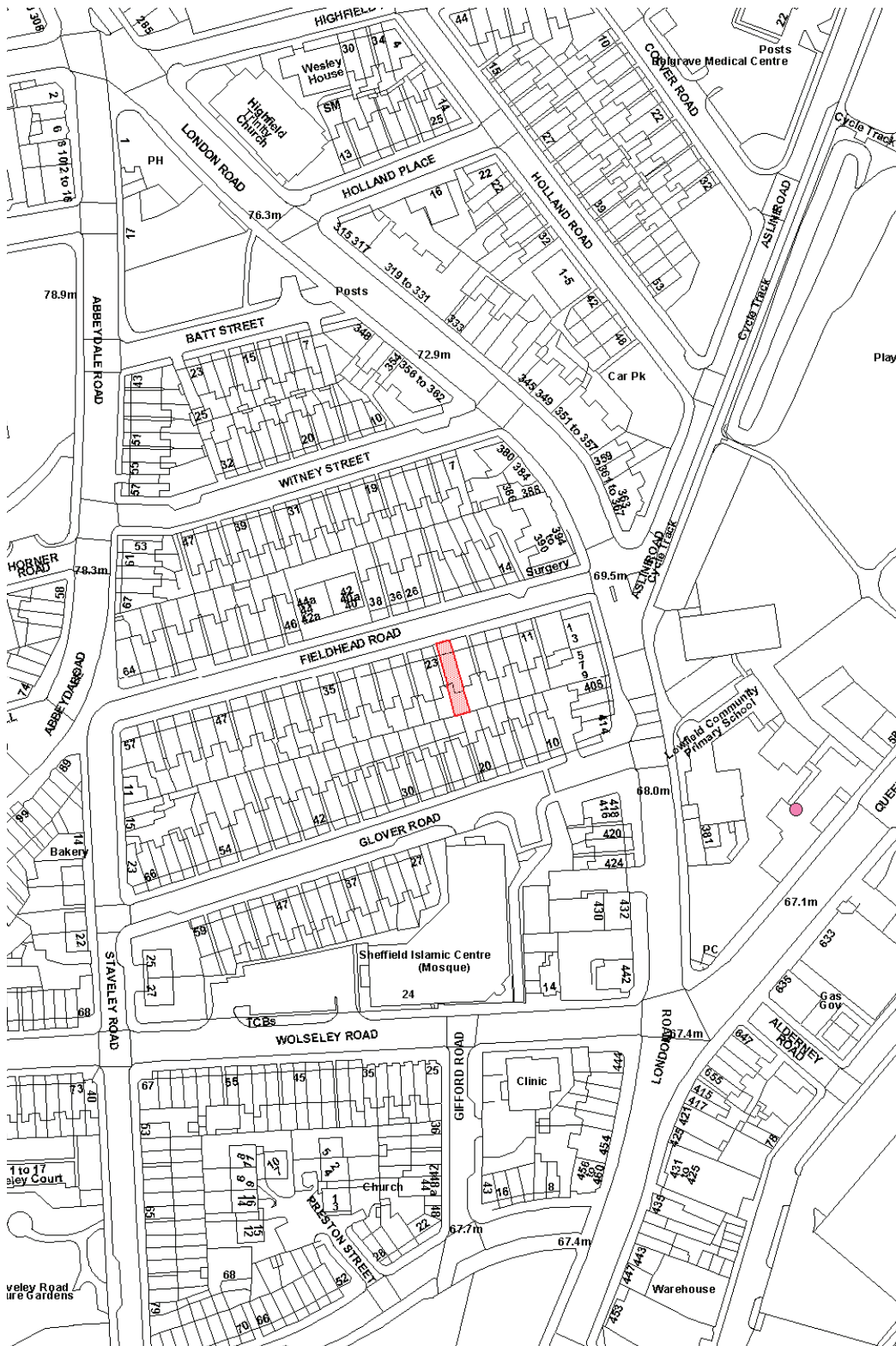
Applicant/Agent Mr David Smith

Recommendation Refuse with Enforcement Action

Subject to:

- 1 The Local Planning Authority consider that the change of use is detrimental to the aim of creating a mixed community within the vicinity of the application site, undermining its character as a C3 residential area owing to the excessive proportion of shared housing within the area. The proposal is therefore contrary to Policy H14 (i) of the Adopted Unitary Development Plan and Policy CS41 of the Sheffield Development Framework Core Strategy.
- 2 The Local Planning Authority consider that the change of use is detrimental to the amenities and living conditions of adjoining residents owing to the noise and general disturbance which is generated by the use of the building for the purpose of a Class C4 House in Multiple Occupation. The proposal is therefore contrary to Policy H5 (b) and H14 (k) of the Adopted Unitary Development Plan.

Site Location





LOCATION AND PROPOSAL

The application site is a terraced dwellinghouse, located to the south of Fieldhouse Road. It is within a Housing Area under the provisions of the Adopted Unitary Development Plan.

The application seeks consent to continue the use of the property as a class C4 House in Multiple Occupation. The premises were previously occupied as a C3 dwellinghouse. The change of use from a C3 to C4 dwellinghouse is understood to have been completed during the spring of this year. The address is subject to the provisions of the Article 4 Designation which prevents such a change of use taking place without the requisite planning permission.

RELEVANT PLANNING HISTORY

There is no planning history relating to the current application premises.

SUMMARY OF REPRESENTATIONS

After direct neighbour notification, no written representations have been received.

PLANNING ASSESSMENT

The application to retain the change the use from a class C3 dwellinghouse to a class C4 House in Multiple Occupation is required to be assessed against the provisions of Policies H5 and H14 of the Adopted Unitary Development Plan and Policy CS41 of the Sheffield Development Framework Core Strategy.

UDP policy H5 'Flats, Bed-Sitters and Shared Housing', states amongst other things that planning permission will be granted for the multiple sharing of houses if a concentration of these uses would not cause serious nuisance to existing

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

UDP policy H14, requires, in addition to a number of other criteria, that proposals for changes of use should not lead to a concentration of non-housing uses which would threaten the residential character of the area, and not lead to noise or other nuisance for people living nearby.

Core Strategy Policy CS41 states that mixed communities will be promoted by limiting Houses in Multiple Occupation where the community is already imbalanced by a concentration of such uses. The supporting text specifies that the objectives of this policy will partly be achieved by limiting HMOs, purpose built student accommodation and hostels where more than 20% of residences within 200metres of the application site are already shared housing.

Concentration of Shared Housing

An assessment of the amount of shared housing within the vicinity of the application site has been carried out, revealing that within 200metres of the 22.5% of residential dwellings (including the application premises) are occupied as shared housing.

The proposal to retain the change of use from a class C3 dwellinghouse, to a class C4 House in Multiple Occupation involves an additional dwelling being occupied for shared housing purposes rather than as a C3 / family dwelling. This would add to the concentration of non C3 dwellinghouses within the vicinity of the application site. It would be considered to increase the nuisance experienced by existing residents within the locality, and further lessen the C3 type housing character in the area. The application would therefore be considered to be contrary part (i) of Policy H14 of the UDP.

The change to a C4 HMO reduces the proportion of C3 family type housing uses within the locality, thereby further imbalancing the mix of the community. This would be contrary to the provisions of Core Strategy policy CS41.

As the proposal would be contrary to the UDP and Core Strategy policies referred to above, it is considered to be unacceptable.

Impact on Neighbours' Amenities

In addition to the general impacts on amenities of neighbouring occupants within the vicinity of the application site, potential impacts on the immediately adjoining neighbours also need to be considered.

Noise transmission via the internal walls is considered to be likely to occur. Given that bedrooms and kitchens within a shared house are more intensively used than within a C3 family dwelling, it is considered that some form of noise insulation within the dwelling would be necessary to prevent detrimental impacts upon the amenities of adjoining neighbouring occupiers.

No information is given within the proposal regarding the provision of noise insulation.

Therefore, on this basis it is recommended that the application should be resisted as the application would not comply with part (b) of UDP policy H5 and part (k) of UDP policy H14, which require the safeguarding of satisfactory living conditions for immediate neighbours to shared houses and the avoidance of the impacts of noise and other nuisance.

The rear elevation dormer window appears to be historic and the 1st floor level, front elevation window will have been added under permitted development opportunities. These are not considered to have a detrimental impact upon the amenities of neighbouring occupiers, and would not be considered to conflict with the relevant elements of UDP policy H14.

Amenities for Potential Residents

The layout of the rooms is considered to provide sufficient floor space to provide a reasonable level of accommodation for each of the five occupants.

Each of the bedroom spaces has a window providing natural light, ventilation and outlook opportunities. There is a shared kitchen and dining area at the ground floor level.

The four bedroom occupants at ground and 1st floor level share a bathroom, whilst the bedroom within the attic space has its own shower room.

The proposed layout would be considered to provide an acceptable level of amenity for the five residents of the HIMO. As such the proposal is considered to satisfy the relevant parts of UDP policy H5.

Highways Issues

In highways terms the change of use is considered to avoid having a detrimental impact upon highway circumstances on the street. The application site is in a sustainable location, adjacent to key frequency bus routes. Any additional on-street parking would be able to be accommodated without having a detrimental impact upon local highway safety circumstances.

On this basis the proposal is considered to meet the requirements of UDP policy H5 part (c).

ENFORCEMENT

This application is retrospective as the change of use has already taken place.

Section 172 of the Town and Country Planning Act (the Act), provides for the service of an enforcement notice (EN). In this case such a notice would require the return of the dwelling to its previous form of occupation as a C3 dwelling.

SUMMARY AND RECOMMENDATION

The application seeks planning permission to retain a change the use of a previously existing class C3 dwellinghouse to a class C4 house in multiple occupation, for 5 persons.

Within a 200m distance of the application site 22.5% of residences are occupied as shared housing. Therefore, the application is contrary to the provisions of Unitary Development Plan policy H5(a) and Core Strategy policy CS41.

There would also be expected to be a detrimental impact upon the residential amenities of occupants of the adjoining dwellinghouses. Therefore, the proposal would also be considered to be contrary to the provisions of Policy H5 (b) of the Adopted Unitary Development Plan. Whilst it is recommended that the application is refused due to this concern, it is acknowledged that the incorporation of sound insulation measures at the respective party walls would address this issue.

The proposal is considered to be satisfactory in regards to its impacts upon local highway safety circumstances.

In conclusion the scheme is considered to be contrary to the provisions of UDP policy H5 (a and b), policy H14 (i and k) and Core Strategy policy CS41. On this basis the change of use is considered to be unacceptable, and refusal of the application is therefore recommended.

It is also recommended that the Director of Development Services or Head of Planning be authorised to take any appropriate action including if necessary, enforcement action, the service of an Enforcement Notice and the institution of legal proceedings to secure return of the dwelling to its previous use as a C3 dwellinghouse.

Case Number 12/01174/FUL
Application Type Full Planning Application
Proposal Erection of a dwellinghouse and double garage
Location Garage Site At Rear Of 47 To 55
Trap Lane
Sheffield

Date Received 17/04/2012
Team SOUTH
Applicant/Agent Paul Goudge Design
Recommendation Grant Conditionally

Subject to:

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

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

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

Drawings numbered
3903/1/11 Rev A
3903/5/12 Rev A
3903/4/12
S432/S/1
3903/3/12

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 No development shall commence until details of the foundations of the house and garage have been submitted to and agreed in writing by the Local Planning Authority. Such foundation details shall ensure that the roots of adjoining trees are not harmed and the agreed foundation specifications shall be implemented as part of construction works of the house and garage.

In the interests of the visual amenities of the locality.

- 4 The finished floor levels of the house shall be implemented in accordance with the levels shown on drawing 3903/1/11 Rev A.

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

- 5 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.

In the interests of the visual amenities of the locality.

- 6 The soft landscaped areas shall be managed and maintained for a period of 5 years from the date of implementation and any plant failures within that period shall be replaced in accordance with the approved details.

In the interests of the visual amenities of the locality.

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

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

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

In the interests of the visual amenities of the locality.

- 9 The width of the internal access road shall have a minimum width of 3.7 metres from the access point at Trap Lane to the entrance gates to the house.

To ensure access is available at all times.

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

In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change.

Attention is drawn to the following justifications:

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

H10 - Development in Housing Areas

H14 - Conditions on Development in Housing Areas

BE5 - Building Design and Siting

GE15 - Trees and Woodland

CS23 - Locations for New Housing

CS24 - Maximising the Use of Previously Developed Land for New Housing

CS31 - Housing in the South West Area

CS51- Transport Priorities

CS53 - Management of Demand for Travel

CS64 - Climate Change, Resources and Sustainable Design of Developments

CS74 - Design Principles

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

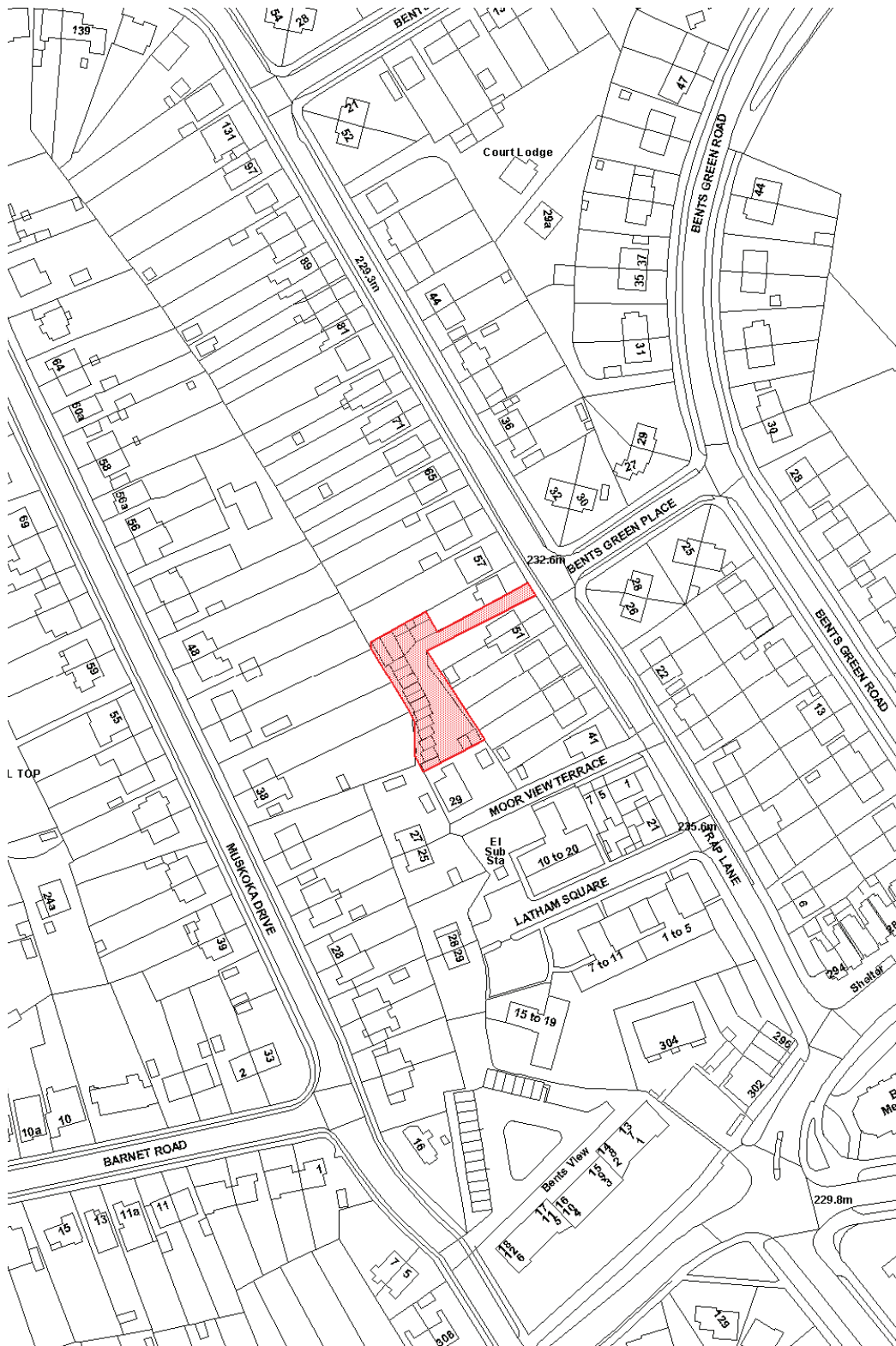
This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report at www.sheffield.gov.uk/planningonline or by calling the planning officer, contact details are at the top of this notice.

Attention is drawn to the following directives:

1. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at www.sheffield.gov.uk/planning or apply online at www.planningportal.gov.uk. The charge for this type of application is £85 or £25 if it relates to a condition on a householder application for development.

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

Site Location





LOCATION AND PROPOSAL

This application relates to an 'L' shaped site within the residential suburb of Bents Green and lies between the rear gardens of houses that front Trap Lane and Muskoka Drive. Opposite the junction of Trap Lane and Bents Green Place is a single track private drive between 53 and 55, Trap Lane which leads to a disused garage court which also contains a workshop which is still in sporadic use. This is in a state of semi dereliction and disrepair, containing 14 single garages and the workshop. All buildings are single storey with flat roofs. The site is bounded by trees, hedges and walls.

This application seeks planning permission for a single dwelling with a separate double garage, the details being:

The existing access will be retained and will serve both the new house and the existing 55, Trap lane which is being refurbished, all the works being permitted development.

The access at Trap Lane will be widened to 5 metres and there would be an internal gated access to the new house.

The plot for the house is orientated north west to south east and the house would be sited in line with this with blank walls at the side facing existing houses.

The garage, open parking and turning area would be in front of the house in the north west sector with a private garden of about 200 square metres at the rear of the house.

The new house would be two storeys to eaves, with a pitched roof having gable ends which would accommodate a third level of accommodation.

SUMMARY OF REPRESENTATIONS

Seven letters of representation have been received from neighbours and four of them support the principle of new development on this site. However, the following additional comments have been made.

A one storey dwelling would be acceptable.

The two storey house conflicts with and further erodes the established street and garden layout of the area.

There would be a detrimental impact on trees.

It would result in overshadowing and a loss of sunlight to adjoining gardens.

There would be a loss of visual amenity.

The new house would be out of character and scale with other houses in the area.

The scheme would have a detrimental impact on trees along the site boundary.

The garage walls that form site boundaries should be replaced by secure fences.

The trees act as a screen and should remain as such.

There is concern that on site parking is insufficient.

The house would be at a higher level than those on Trap Lane so would have an over dominant impact.

PLANNING ASSESSMENT

Land Use Policy.

The adopted Unitary Development Plan (UDP) shows that the site is designated as part of a housing policy area and policy H10 says that housing is the preferred use.

Policy CS23 of the adopted Sheffield Development Framework Core Strategy deals with the location of new housing which should be concentrated in the main urban area. The site is within a well established suburb with existing housing on all sides about 2 miles from the city centre.

Core Strategy policy CS24 says that priority will be given to development on previously developed or 'brown field' land. The whole site contains a workshop and semi derelict garages which would all be cleared in the event of this development proceeding. The site is 'brown field' and complies with policy CS24.

The recently adopted National Planning Policy Framework (NPPF) says, in para. 210, that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

This application will be tested against all relevant policy criteria.
Layout, Design and External Appearance.

UDP policy H14 says that new buildings should be well designed and in scale and character with neighbouring buildings.

UDP policy BE5 says that good design and the use of good quality materials will be expected in new buildings.

Core Strategy policy CS74 requires high quality development of a good design.

Core Strategy policy CS31 deals with housing in the south west of the city and gives priority to safeguarding and enhancing its areas of character. This site lies within this area. The scale of development in this sector will be defined by what can be accommodated within, amongst other areas, windfall sites and sites close to district centres well served by public transport.

In this instance, the site lies within about 100 metres of a local shopping centre which is well served by buses.

The proposal is for a single two storey dwelling with a pitched roof and single storey off shot extensions at the front and back. There would be accommodation in the roof with velux windows allowing light into the rooms. The external materials would be dark grey brick at the lower level with off white stone dashed render on the remainder of the exterior. Roof tiles would be dark grey with matching grey bargeboards and soffits. The garage door and rainwater goods would also be in black and the driveways and paved areas would be red brown block paving and buff slabs respectively.

The hard surface treatments are acceptable and the rear private garden space would be about 200 square metres, giving ample space for use as a family garden. The garden would be split level, due to falling levels to the south.

The scale, design and external appearance is similar to other houses in the vicinity of the site. In the neighbourhood, the character of the housing is established by the variety of type, design and scale, which encompasses detached, semi-detached houses, bungalows and flats of varying designs and external materials. Consequently, the design and appearance of the proposal would be appropriate. The new house would be located in between existing dwellings and part screened by trees that would be retained as part of this scheme. The proposal would, therefore, have a limited impact on the character of the area and there would be no conflict with policy CS31.

The design of the double garage would match that of the house and have a pitched, hipped roof. This is acceptable.

With respect to boundary treatment, the existing boundary is marked by a mix of hedges, walls and fences in varying states of repair. New close boarded fencing is proposed around those parts of the site where it is necessary, principally along the boundaries with gardens to the east and west. A solid timber double gate would be placed at the entrance.

The design and external appearance would be acceptable, satisfying policy criteria.

Sustainability.

Core Strategy policy CS64 deals with climate change and the sustainable design of developments. This says that development should achieve a high standard of energy efficiency, make the best use of solar energy, passive heating and cooling, natural light and ventilation and minimise the impact on existing renewable energy installations.

The applicant has stated the intention to exceed the minimum standards of energy efficiency. Also, the harnessing of solar energy is likely by way of solar panels on the south facing roof plane and this would meet the policy criteria. More information is required on this issue and an appropriate condition would be attached controlling this.

Amenities of Neighbours.

UDP policy H14 says that there should be no harm to the amenities of neighbours and Core Strategy policy CS74 says that new development should contribute to successful neighbourhoods.

The location of the proposed house is such that it would be in the southern section of the site with a gap of 2 metres on either side between the house and the end of gardens associated with existing housing either side. The impact of this scheme on existing houses is an issue that neighbours have expressed concern about and it is important to establish that no significant harm would result.

The houses that lie closest to the proposal are 47 to 53, Trap Lane. The side facing elevation of the proposed house would be 16 metres long at the ground floor, but this would be largely screened by new fencing and 7.8 metres at first floor, tapering to a gable above. The first floor element would directly face part of the gardens of 49 and 51, Trap Lane and the applicant has submitted sections to illustrate the relationship of the proposal with these houses.

The sections show that there would be a distance of 21 metres between buildings. Guidance on distances between new houses is set out in the adopted Supplementary Planning Guidance (SPG) for Designing House Extensions and this says that the minimum distance between houses where there is a blank gable wall facing windows should be 12 metres. The proposal exceeds this and is the same distance as the minimum distance between elevations with facing windows. The residents have also said, in their objections, that the proposal would be higher than existing houses so the impact would be more pronounced. This issue has been

addressed in the sections and the eaves and ridge level of the proposal would be the same as 51, Trap Lane and lower than no. 51.

The sections provide information on the finished floor levels of the proposal and to ensure that the impact on neighbouring houses would be in accordance with the sections, a condition would be attached saying that the development should be built in accordance with the finished floor levels shown on the approved drawing.

It is accepted that the new house would be close to the end of existing gardens but this arrangement complies with the SPG guidance.

With respect to the houses on the other side at Muskoka Drive, the nearest house would be 44 metres from the proposal and the existing trees along the boundary at this point would be retained.

No. 29, Moor View Terrace lies to the south and is a bungalow with one window facing the proposal. There would be 18 metres between elevations and the ground floor window would be screened by the boundary screening.

With respect to windows in the side elevation, there would only be one, associated with a toilet and this would have obscure glass. Therefore, there would be no overlooking of adjoining properties.

The impact of the house and how it impacts existing residents has been assessed and it is considered that in this respect, the development complies with all relevant policy criteria, so is acceptable.

Highways, Access and Parking.

UDP policy H14 says that new housing should have safe access for vehicles and pedestrians from the public highway, adequate off street parking and be well served by public transport.

Core Strategy policies CS51 and CS53 seek to prioritise and manage travel demand respectively.

The access on to Trap Lane would, as part of the proposal, be widened to 5 metres which is adequate for all vehicle including fire tenders.

There is sufficient parking for five vehicles with two in the garage and another three on the hard surface in front of the house.

The site is within 100 metres of a local shopping centre where there are bus stops for a number of routes.

The proposed dwelling is a little over 45 metres from the highway which is in excess of what is required for a fire tender. It is not possible to provide a turning area within the site large enough for a fire vehicle because of the site confines, but because of the wide access, it is possible to get a fire vehicle close enough to the

house for it to be effective. This would be subject to a condition ensuring that the minimum clear drive width is 3.7 metres throughout its length.

All highways issues are acceptable.

Landscaping.

UDP policy GE15 seeks to retain trees and those lost to new development should be replaced within the site.

There are trees along the north and west site boundaries and these are indicated for retention on the accompanying drawings. There is also some uncontrolled hedgerow, which would be removed and replaced by new planting and close boarded fencing.

The main issue relates to the impact of the new house on the trees and roots along the western boundary. The plans show that the new house would require the canopy of three trees to be reduced on their eastern side and it is possible that the tree roots might be affected by the new development. However, it would be possible to overcome this by attaching a condition requiring details of foundations at this point of the site and how they will minimise the impact on the trees.

The double garage is also shown as being located beneath the canopy of adjoining trees but to a lesser extent than the house and the condition would apply to this as well.

New landscaping would be introduced to the front and rear to create gardens. The details of this would also be controlled by conditions.

The impact on existing trees and the landscaping proposals are acceptable given that this can be controlled by the use of appropriate conditions.

RESPONSE TO REPRESENTATIONS

A full assessment of the proposal has been carried out and the proposed two storey house would not conflict with or erode the existing street and garden layout. Nor would it be out of character with the area.

It is accepted that there would be an increase in the massing and built form on the site but this has been set against all relevant policy criteria and is considered to be acceptable. There would be some overshadowing and loss of sunlight to gardens, but this is not considered to carry enough weight to merit resisting the scheme on these grounds.

It is also accepted that there would be an impact on trees but this can be effectively controlled by requiring foundations that take account of tree roots which can be controlled by conditions.

The proposed on site car parking levels are sufficient.

The house would not be at a higher level than those on Trap Lane.

SUMMARY AND RECOMMENDATION

This application seeks planning approval for a single two storey house with a separate double garage on a site currently accommodating a workshop and garages that lies between rear gardens of houses on Trap Lane and Muskoka Drive.

The existing access point from Trap Lane would be retained and widened to 5 metres and this would provide acceptable and safe access to the house. The design and external appearance would be acceptable and in keeping with area and the impact, in this respect would be limited because it would be located behind existing housing.

Additional information provided by the applicant in the form of sections through the proposal and existing houses has demonstrated that the impact on neighbours' amenities complies with relevant policy criteria. The impact on trees can be controlled by conditions and there is sufficient on site car parking.

The application complies with all relevant policy criteria set out in the UDP, Core Strategy and NPPF, is considered to be acceptable and is, therefore, recommended for conditional approval.

Case Number 12/00610/LD2

Application Type Certificate of Lawful Use Development

Proposal Erection of building for use as garages, workshop, indoor golf practice centre and gym all incidental to the use of 20 Newfield Lane as a dwelling (Application Under Section 192)

Location Newfield Farm
20 Newfield Lane
Sheffield
S17 3DA

Date Received 24/02/2012

Team SOUTH

Applicant/Agent Mr J R Fillingham

Recommendation Grant Certificate of Lawful Use Dev

Subject to:

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

This decision refers to the single storey building as indicated on drawings dated

12/11 refs:

RF:NF:01 – 02 Rev A

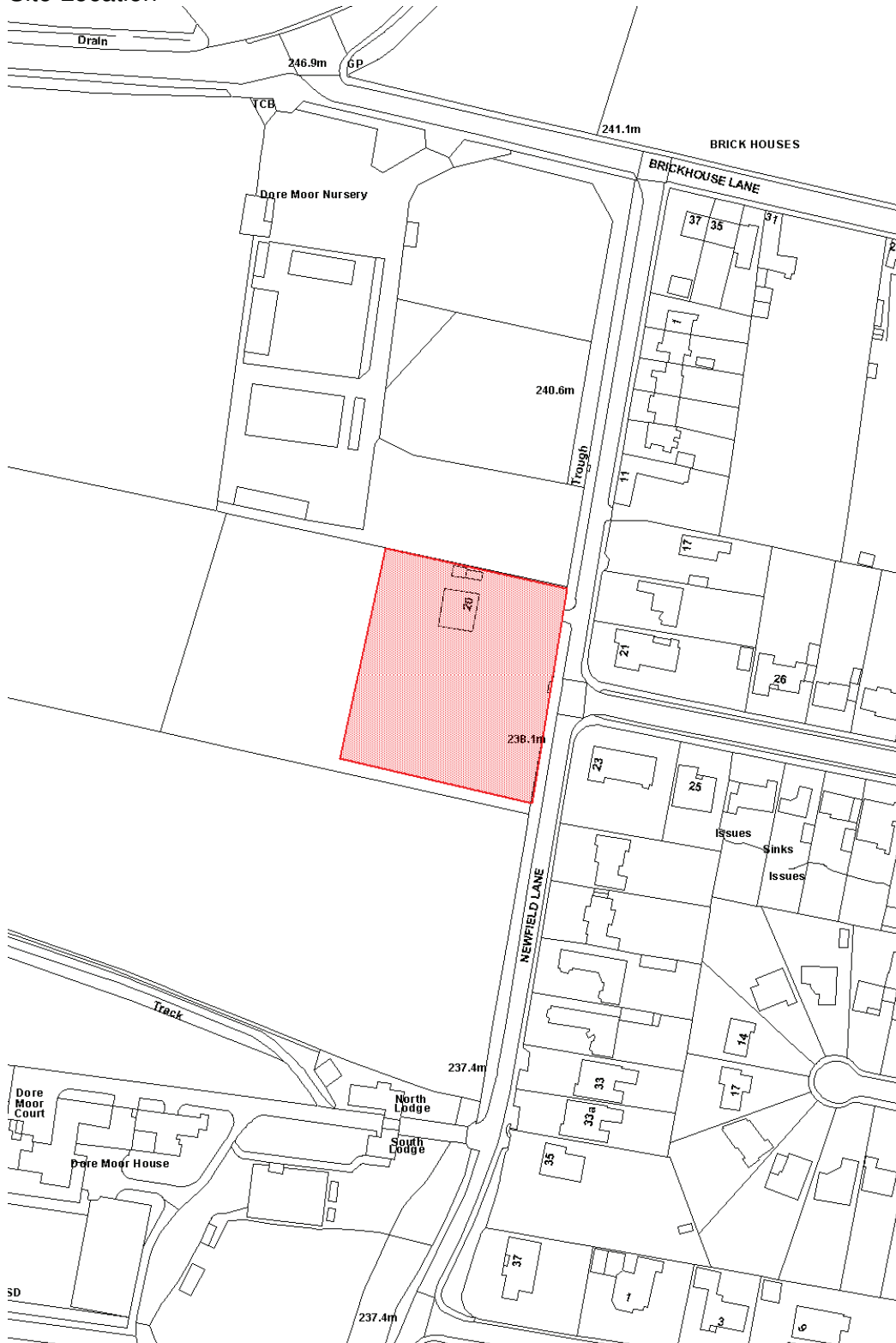
RF:NF:01 – 03 Rev A

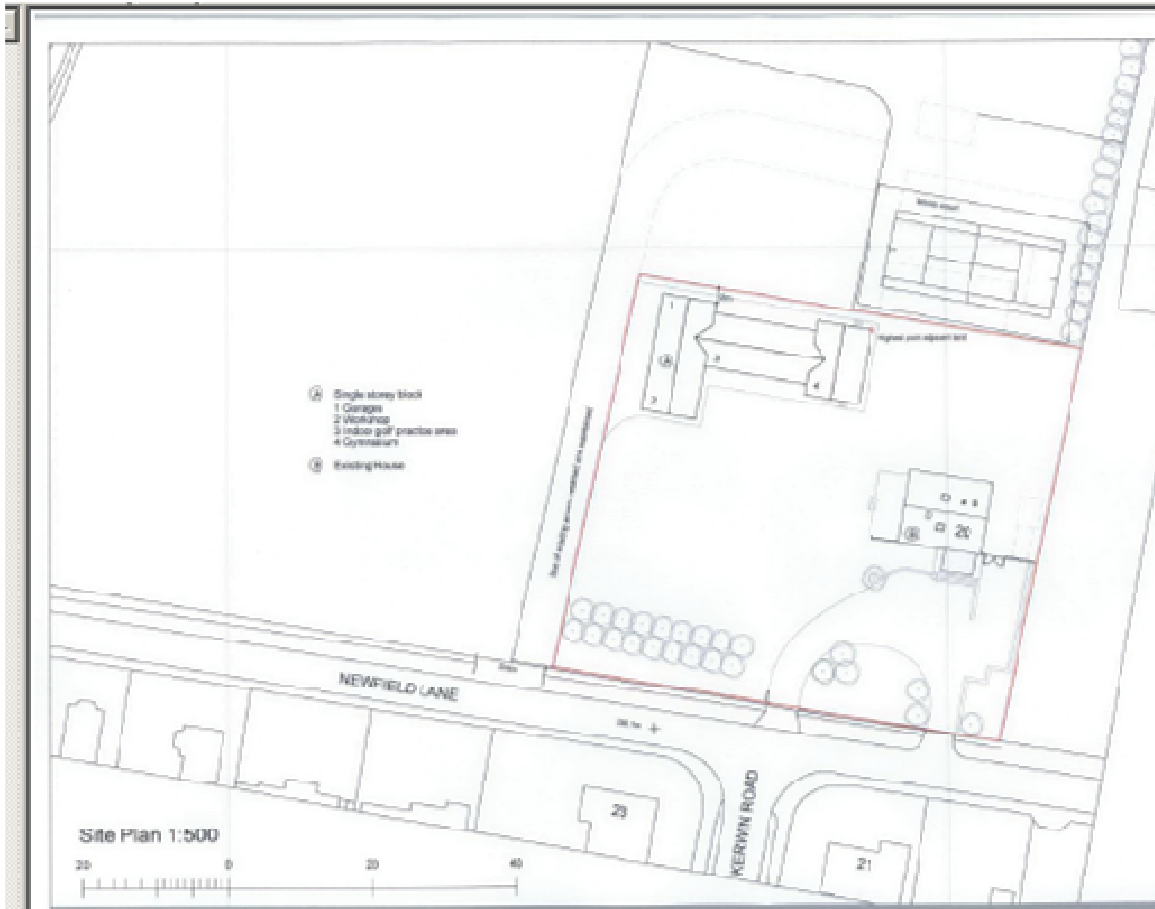
RF:NF:01 – 04 Rev A

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

Site Location





LOCATION AND PROPOSAL

The application relates to development within the curtilage of a modest detached dwelling within the Green Belt.

The single storey dwelling has a footprint of approximately 120m² and is set back approximately 25m from Newfield Lane. It has large private garden areas to 3 sides which extend to approximately 3500m². To the rear is a tennis court which has been built on the site of dilapidated agricultural outbuildings associated with a former use, and a paddock of approximately 0.65ha. The whole site covers approximately 1.375ha.

There is an unmade driveway giving access along the southern boundary of the site to the paddock at the rear. The driveway is outside the domestic curtilage. A driveway in front of the dwelling gives access for parking in front of the dwelling.

Agricultural land adjoins the southern boundary beyond which is the historic Dore Moor Estate. Dore Moor Nursery adjoins the northern boundary. There are dwellings directly opposite in Newfield Lane.

The application seeks confirmation that a proposed outbuilding would be lawful as 'permitted development' within the meaning of Class E to Part 1 of the Town & Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008.

During the course of the application, the proposals have been amended to indicate a smaller building. The building is proposed to be located in the south-west portion of the garden. It has 3 distinct elements and is broadly 'L' shaped. The overall dimensions are approximately 29.6m x 16.9m with a footprint of approximately 320m². The building is single storey despite parts of the building having the appearance of a two storey building. The overall height is approximately 6.75m.

The proposed building provides 3 single garages, a workshop, gym, changing room and golf practice facility. Access to the garages and workshop is from the unmade driveway to the southern boundary of the site.

RELEVANT PLANNING HISTORY

An application to establish the lawful use of land to the south of the dwelling as an extension to the residential curtilage of the dwelling was granted in November 2009 (ref 09/02263/LU1). There had been a number of earlier applications relating to the extension of the dwelling and an application for boarding kennels and a cattery was withdrawn in 2002.

The planning history is not relevant to consideration of the current application.

SUMMARY OF REPRESENTATIONS

39 letters of representation were received from local residents in relation to the application as originally submitted. In addition, representations have been received from Councillors Keith Hill, Joe Otten and Colin Ross, the Dore Village Society, the Dore Conservation Group and the Campaign to Protect Rural England. A petition with 237 signatures has also been received.

All the representations object to the application proposals. The objections are summarised below:

- scale and massing is not incidental to footprint of existing dwelling
- scale, massing and design is inconsistent and inappropriate for the stated uses – excessive room sizes for purported purposes
- building still has windows at what would normally be first floor level, appearance is still reminiscent of a hotel or employment unit – reasonable to suspect that applicant has other intentions for the building
- 'incidental' building should be subsidiary or secondary to the enjoyment of the dwellinghouse – this proposal is significantly larger than the dwelling and cannot be 'incidental' – could easily be converted to a dwelling or commercial use
- proposed uses cannot be regarded as incidental to the existing use and are remote from the dwelling
- proposed access is outside residential curtilage (from farm track)

- Newfield Lane is a clear boundary between the City and the Peak District and is a historical and 'fitting' boundary for a lovely village – this sort of development represents gradual erosion of farming land and conversion to building land and fails to preserve a rural 'window'
- significant and detrimental visual impact on the Green Belt area, open views in Area of High Landscape Value and surrounding roads
- general loss of amenity including for existing dwelling
- applicant has not demonstrated what incidental purposes he intends to enjoy or why the proposed areas are so large – far in excess of requirements for a couple in a domestic setting – need has not been demonstrated
- exceeds 4m overall height and 2.5m eaves height restrictions specified in Class E
- no special circumstances to justify a development of this nature – contrary to relevant UDP and Core Strategy policies
- could never have been the legislator's intention to allow planning requirements to be circumvented by gaining an extended residential curtilage and subsequently using Class E to build substantially in the Green Belt
- will be overbearing on adjacent and surrounding properties and will form a prominent landmark from Blacka Moor which is a Site of Special Scientific Interest (SSSI)
- increased traffic detrimental to road safety and noise, traffic and parking will be intrusive and unacceptable
- will destroy habitats
- need to protect area from quick money-making schemes and consider people who live in the area

One of the objectors has enclosed a précis of various appeal decisions relating to the incidental use of outbuildings.

The scaling down of the development has not materially addressed the above objections. Following notification about the revised proposal, 24 representations were received. The representations confirm that the objections to the original proposal are still relevant to the revised proposal.

PLANNING ASSESSMENT

Legislation and Policy

Class E to Part 1 of the Town & Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008 (GPD0) permits:

“the provision within the curtilage of a dwellinghouse of –

- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or

- (b) a container use for domestic heating purposes for the storage of oil or liquid petroleum gas.”

“Development is not permitted by Class E if –

- (a) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (b) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
- (c) the building would have more than one storey;
- (d) the height of the building, enclosure or container would exceed—
 - (i) 4 metres in the case of a building with a dual-pitched roof,
 - (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
 - (iii) 3 metres in any other case;
- (e) the height of the eaves of the building would exceed 2.5 metres;
- (f) the building, enclosure, pool or container would be situated within the curtilage of a listed building;
- (g) it would include the construction or provision of a veranda, balcony or raised platform;
- (h) it relates to a dwelling or a microwave antenna; or
- (i) the capacity of the container would exceed 3,500 litres.”...

The site lies within the Green Belt and an Area of High Landscape Value. However, the GPDO makes no concessions for these designations in applying ‘permitted development’ criteria. National and local planning policies are therefore not material to the consideration of this application. Consideration is necessarily restricted to establishing whether the development can be lawfully implemented as ‘permitted development’ within the meaning of Class E.

Building Dimensions

The Government’s published Technical Guidance to the GDPO: “Permitted Development for Householders” defines ‘Height’ and confirms that ‘height’ is the height measured from ground level. Ground level is ‘the surface of the ground immediately adjacent to the building in question. Where ground level is not uniform (e.g. if the ground is sloping), then the ground level is the highest part of the surface of the ground next to the building.”

In this instance, the ground slopes from north to south and is slightly banked towards the western boundary. Although the overall height of the garage is approximately 6.75m, when measured from the highest point, the ridge height is only 4m above ground level. At the same point, the eaves are only approximately 2.1m above ground level, despite being approximately 4.5m above the lowest external ground level.

Although the overall height has been distorted by the lie of the land, the proposals do meet the GPDO criteria in Class E.1. Providing that the use of the building is considered to be 'incidental to the enjoyment of the dwellinghouse', the height of the building meets the criteria for 'permitted development'.

Part E of the GPDO does not place any restrictions on footprint other than to prevent more than half of the total curtilage being covered by buildings. The building sits in a very large garden and is comfortably within this criterion.

Despite elements of the building having the appearance of a two storey structure, the building has a single floor level. The appearance of the building is not a consideration under Class E. The layout as a single storey building is the key factor and, in this respect, there is no conflict with Class E criterion (c).

Incidental Use

The GPDO Technical Guidance provides little assistance in the interpretation of 'incidental to the enjoyment of the dwellinghouse'. It does confirm that 'incidental' includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the house'. It also states that Class E allows 'a large range of other buildings' including 'garden sheds, other storage buildings, garages, and garden decking' but does not include 'normal residential uses, such as separate self-contained accommodation nor the use of an outbuilding for primary living accommodation such as a bedroom, bathroom, or kitchen.'

Case law and numerous appeal decisions relating to incidental uses are available and are material considerations in determining whether the uses proposed in this application can be regarded as incidental to the enjoyment of the dwellinghouse. The courts have established that it is a matter primarily for the occupier to determine what incidental purposes he proposes to enjoy. The test is whether the building is reasonably required for a purpose incidental to the enjoyment of the particular dwellinghouse (as opposed to dwellinghouses in general) and the test must retain an element of objective reasonableness. Case law has also established that the fact that a proposed outbuilding would provide more accommodation for secondary activities than the dwelling provides for primary activities is not part of the test as to what buildings fall within Class E.

The proposed building includes 3 garages each being 7m x 4m. Whilst the garages are generously proportioned, the footprints are not unreasonably excessive. The applicant has stated that he has two cars and two tractors. The use of one or more of the garages to house a tractor(s) is unusual within a

domestic set up but, in this instance, not unreasonable as the applicant has a significant amount of land immediately adjacent the residential curtilage and the tractors may be used to maintain that land which has no storage facilities. Notwithstanding this, in the absence of any other garaging within the curtilage of the dwelling, the 3 covered parking spaces seem entirely reasonable and consistent with many residential properties across the City.

The location of the garages is remote from the dwelling. Whilst this may make their use potentially inconvenient it does not make the garages unreasonable. The access track to the garages lies outside the domestic curtilage but on land owned by the applicant. There will be no material change of use of the access track i.e. it will remain as a means of vehicular access.

The proposed workshop has the same dimensions as the garages (7m x 4m). Again, a workshop is a feature of many outbuildings in residential curtilages and not unreasonable as a general purpose area for various hobbies and domestic maintenance activities.

The applicant has stated that he has played golf for over 50 years and needs to practice to maintain his skill level. There is no reason to dispute the applicant's hobbies and, as mentioned earlier, the size of the accommodation relative to the dwelling does not determine whether a building falls within Class E. Case law in *Emin V SoS for the Environment* (1989) established that a primarily outdoor sport (in that case, archery) could be a hobby and be practised in a building. This golf practice proposal has distinct similarities and is therefore capable of being reasonable and incidental to the enjoyment of the dwelling. The golf practice element is approximately 14.6m x 7m and is appropriate to accommodate a putting green, indoor nets and a flightscope projector.

The gym is approximately 10m x 7m and incorporates a changing room with two toilets and two showers. The plans indicate that a table tennis table will be provided. The applicant has stated that he and his wife are in poor health and need 'physical conditioning'. He also wishes family members to be encouraged to keep fit. Little weight can be attached to the needs of family members that do not live on the site. Again, the space provided appears reasonable for the activities stated and, as stated earlier, it is a matter primarily for the occupier to determine what incidental purposes he proposes to enjoy.

Overall, it is difficult to conclude that the building is anything other than 'incidental to the enjoyment of the dwelling.'

RESPONSE TO REPRESENTATIONS

Many of the representations make reference to the applicant's motives for the proposed development. Concerns are expressed about the development being required for future commercial use or conversion to a dwelling. Regardless of any such concerns, consideration of the proposals must be based on the submissions put forward in the application.

Granting a Lawful Development Certificate will only permit the development described in the application. The development will have to be built in accordance with the submitted plans and subsequently used for the purposes described in the application in order for the building to be lawful within the terms of the Certificate. Any subsequent change of use for purposes not incidental to the enjoyment of the dwelling will require planning permission and any such application will be subject to consideration within the context of the planning policy framework.

SUMMARY AND RECOMMENDATION

The application is to establish that a large outbuilding within the curtilage of a modest dwelling is 'permitted development'. The building complies with relevant criteria within Class E of the GPDO in terms of location and height restrictions. The proposed outbuilding is of a much larger scale than the host dwelling. However, case law has established that the scale of a proposed outbuilding for secondary activities in relation to the scale of the host dwelling for primary activities is not part of the test as to what buildings fall within Class E. The test is the degree to which the proposed uses are incidental to the primary activities. Planning policies are not a material consideration.

In this instance, the activities proposed within the building can be considered to be incidental to the enjoyment of the dwelling. The scale of garaging is consistent with domestic requirements and the workshop, golf practice area and gymnasium are required in connection with the applicant's hobbies and interests.

In view of the above it is recommended that a Certificate of Lawful Development is granted.

Case Number 12/00456/FUL

Application Type Full Planning Application

Proposal Extension to create second floor and use of first and second floors as House in Multiple Occupation (Use Class C4)

Location 7 - 11 Cemetery Road
Sheffield
S11 8FJ

Date Received 10/02/2012

Team SOUTH

Applicant/Agent Ben Liddle

Recommendation Grant Conditionally

Subject to:

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

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

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

The drawings numbered
A/2012/7-11/05 Rev A

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

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

In order to ensure an appropriate quality of development.

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

- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey,
- b) Be capable of achieving the following noise levels:
Bedrooms: LAeq 15 minutes – 30 dB (2300 to 0700 hours),
Living Rooms: LAeq 15 minutes – 40 dB (0700 to 2300 hours),
- c) Include a system of alternative acoustically treated ventilation to all habitable rooms.

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

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

Attention is drawn to the following justifications:

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

S7 - Development in District and Local Shopping Centres

S10 - Conditions on Development in Shopping Areas

BE5 - Building Design and Siting

CS34 - District Centres

CS41 - Creating Mixed Communities

CS63 - Responses to Climate Change

CS67 - Flood Risk Management

CS74 - Design Principles

The proposed use of the building, together with the design of the proposed extension, is considered to be acceptable in terms of scale, built form and detailing. As such, the proposal is considered to be acceptable in terms of Unitary Development Plan policies S7, S10, BE5 and Core Strategy policies CS34, CS41, CS63, CS67 and CS74.

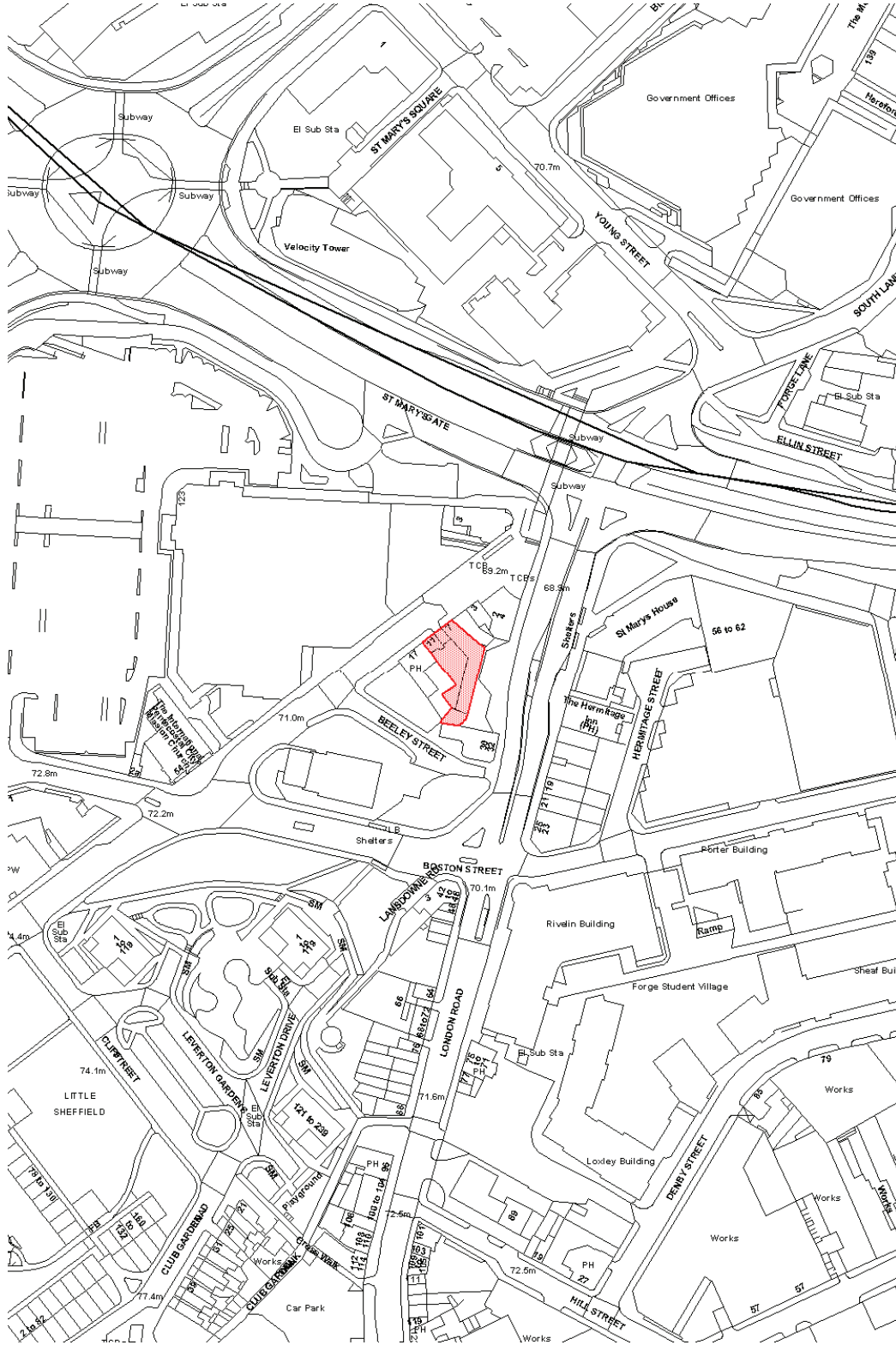
This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report at www.sheffield.gov.uk/planningonline or by calling the planning officer, contact details are at the top of this notice.

Attention is drawn to the following directives:

1. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at www.sheffield.gov.uk/planning or apply online at www.planningportal.gov.uk. The charge for this type of application is £85 or £25 if it relates to a condition on a householder application for development.

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

Site Location



LOCATION AND PROPOSAL

The application relates to a brick built property on Cemetery Road. The building is set within a larger triangular piece of land which is enclosed by Beeley Street, London Road and Cemetery Road. The site is very close to the city centre and a busy shopping district along London Road.

The subject property is mostly two stories in height with a flat roof and is sited next to taller neighbouring buildings. The flat roofs are not characteristic of the buildings within the street and the neighbouring properties comprise of buildings that vary in height and design.

The subject building has its frontage facing Cemetery Road. However, the building does have ground floor workshops that extend into the back of the site and create a courtyard. These workshops back onto London Road but there is no active frontage facing this highway; instead, the rear of the workshops provide space for various hoardings.

The site is close to the ring road and the subway that links London Road to the city centre. The property is sited to the southwest of two land mark buildings; the Chinese Firework shop and a stone built Thai restaurant.

The property is situated within an area which is defined in the Unitary Development Plan as being both a District Shopping Centre and a Flood Risk Zone 3a.

The application seeks permission to construct a pitched roof above the existing building that fronts Cemetery Road. The roof would be slightly higher than the neighbouring public house and this would enable the provision of further living accommodation in the roof. The dwelling currently has residential accommodation above the retail and workshop units. The proposal seeks to increase the size of the unit to provide a House in Multiple Occupation (HIMO).

RELEVANT PLANNING HISTORY

The property has been altered and extended in the past. However, there is only one planning application that is relevant to this proposal and that was submitted in 1995. The 1995 consent granted a change of use to the first floor for a massage parlour.

SUMMARY OF REPRESENTATIONS

There have been no representations received in connection with this application.

PLANNING ASSESSMENT

Policy Issues

The building which is the subject of this application is sited within a District Shopping Centre as defined in the Unitary Development Plan. Furthermore, the

area is also within a Flood Risk Zone 3 a and needs to therefore meet the policies outlined in the Core Strategy relating to flooding.

The most relevant planning policies are outlined in the following:

Unitary Development Plan Policies

- S7 Development in District and Local Shopping Centres
- S10 Conditions on Development in Shopping Areas
- BE5 Building Design and Siting

Core Strategy Policies

- CS34 District Centres
- CS41 Creating Mixed Communities
- CS63 Response to Climate Change
- CS67 Flood Risk Management

The proposal seeks to change the use of the residential unit to a House in Multiple Occupation. To facilitate the change of use, the proposal would include the construction of a second floor with a pitched roof above it. The HIMO would provide accommodation for 6 persons.

UDP policy S7 and Core Strategy policy CS34 both allow residential units within District Centres provided that the proposal can satisfy the criteria within the other UDP and Core Strategy policies.

Core Strategy policy CS41 seeks to create mixed communities that have access to a variety of housing types, sizes, tenures and prices. To achieve the aims of this policy, the implementation of the policy involves assessing the area surrounding the subject property and limiting the amount of shared housing to 20% of properties within a 200 metre radius of the subject unit.

Within 200 metres of this property there are approximately 41% of residential units used as HIMO's. This is contrary to policy CS41, but such figures may be explained by the siting of the unit close to the city centre. The area is extremely close to the city centre and as such, a mixture of different property sizes, types and tenures is not realistic. The area is not predominantly residential and the residential units around this area are more suited to shared living.

It should also be weighed up in the assessment of this application the fact that the property is currently a small residential unit that is shared by two persons (Use class C3 B). The proposal would not make the situation any worse and would provide sustainable accommodation which is demanded in such an area. Whilst it is acknowledged that the proposal does not strictly accord with policy CS41, this proposal does not compromise the future effectiveness of the policy and is on balance, considered to be acceptable.

Climate Change and Flood Risk Issues

The Core Strategy seeks to promote development which reduces the impact upon the environment. CS63 promotes sustainable development and specifically looks at reducing the need to travel and making development sustainable through design.

The building is sited in a very sustainable location as it is very close to the city centre. The development re-uses an existing building and this further enhances its sustainability credentials. On balance, the proposal is considered to meet the criteria outlined in policy CS63.

The building is sited within a Flood Risk Zone 3a. There is a high risk of flooding and the proposal has acknowledged this and submitted a Flood Risk Assessment. The proposal is currently used for residential purposes at first floor level and the use is not therefore changing to a more vulnerable use.

Policies CS63 and CS67 both seek to minimise and manage flood risk. It states that sites which are less likely to flood will be chosen over those sites which are more likely to flood. However, it acknowledged that exceptions will be necessary and that in these cases they will only be acceptable where the use is no more vulnerable and public safety measures can be implemented.

It is conceded that the proposal is at risk from flooding and that the number of persons living in the unit will increase. The applicant has supplied a Flood Risk Assessment and this illustrates that there are escape routes to lower areas of flood risk which area within close proximity to the site. Moreover, as it has outlined levels of flooding during 1 in 100 years and 1 in 1000 years, it demonstrates that the first and second floor living accommodation are safe from severe flooding.

It is considered that the proposed residential unit is not at any more risk from flooding than the current unit and persons living there would not be any more vulnerable. On balance, given that the building is already being used for residential purposes and does not increase the potential for surface water run off, the proposed development is acceptable and compliant with Core Strategy policy CS67.

Design Principles

In order to facilitate the expansion of the living accommodation, the proposal seeks planning consent to erect a pitched roof above the existing flat roofed structure. The proposed alterations are therefore subject to policies S10, BE5 and CS74. These policies seek to ensure that the proposal is of a high quality that respects the surrounding area.

The extension would use brickwork to match the existing building and slates that would compliment the adjoining property. The extension includes the raising of the property's roof by 3.5 metres and the pitched roof would sit marginally higher than the chimney of the adjoining building. The extension would increase the size of the residential unit from a two bedroomed shared unit to a six bedroomed HIMO.

The buildings that surround the subject property vary significantly in size and architectural style. There is no uniformed height to the buildings within the street

and the architectural styles vary significantly. The corner building that faces St Mary's gate is a tall three storey white building with a mansard roof; this is in contrast to the adjoining building which is a more traditional two storey pitched roof public house.

Whilst the design of the proposal incorporates various roof lights, the height of the proposal means that the view from the street will be of the buildings façade, rather than the pitched roof and roof lights.

It is considered that the proposal can be accommodated within the street without being detrimental to the character of the surrounding area. The proposal is considered to enhance the character of the original building and not be harmful to the visual amenities of the street. The design, siting, materials and details of proposal are therefore considered to be satisfactory with regards to policies S10, BE5 and CS74.

Amenity Issues

The proposal seeks permission to extend a current residential unit to create a six bedroomed HIMO. The unit does not have any private external amenity space; however, once extended the proposal would create very spacious internal living space.

The proposal seeks to redevelop a building which is sited within a very sustainable location. To live so close to a city centre means that inevitably a compromise will have to be made by any occupant who lives there. Although there is no private external amenity space any occupant will be close to open spaces within the city centre and various public facilities. As the proposal provides spacious living accommodation, on balance the living conditions of the occupants of the unit are considered to be more than satisfactory for a residential unit within this location.

The residential unit is within a city centre location and it is sited next to a public house. The neighbouring property does have an external seating area which could potentially be a source of noise and disturbance. However, given that proposal would involve more than internal alterations, it is considered that the extension to the building can be constructed to a high specification that would limit noise and general disturbance. A condition should therefore be attached to any permission to secure appropriate sound attenuation measures are implemented.

Owing to the layout and use of the surrounding buildings, the proposed increase in height and massing of the subject property is not considered to be detrimental to the amenities of these neighbouring areas.

Owing to the above comments, it is considered that subject to conditions, the proposal provides a reasonable standard of living for occupants of the subject building and neighbouring area. As such, the proposal is considered to be acceptable in terms of UDP policy S10.

SUMMARY AND RECOMMENDATION

The proposed development relates to the first floor of a building which is currently used for residential purposes. Whilst it is acknowledged that the proposed unit would increase the size of a residential unit within a flood risk area, the sustainable location of the site and the scale and nature of the proposal provides an overriding case in support.

The applicant has shown in a Flood Risk Assessment that safe access to and from the site can be made. Furthermore, the Flood Risk Assessment rightly justifies that the residential unit itself would not be unsafe for future occupants. The proposal does not alter the footprint of the site or the potential surface water run off area and as such, the proposal satisfies Core Strategy policy CS67 which relates to Flood Risk Management.

The proposed use of the building, together with the design of the proposed extension, is considered to be acceptable in terms of scale, built form and detailing. As such, the proposal is considered to be acceptable in terms of UDP policies S7, S10, BE5 and Core Strategy policies CS34, CS41, CS63, CS67 and CS74.

Accordingly, the application is recommended for approval.

Case Number 12/00289/FUL
Application Type Full Planning Application
Proposal Erection of 3 dwellinghouses (In accordance with amended plan numbered in condition 2)
Location 31 Brickhouse Lane
Sheffield
S17 3DQ
Date Received 06/02/2012
Team SOUTH
Applicant/Agent Chalkline Architectural Services
Recommendation Grant Conditionally

Subject to:

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

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

In order to define the permission.

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

The drawings numbered:

SO-279-12 Rev B
SO-279-13 Rev C
SO-279-14 Rev B
SO-279-15 Rev A
SO-279-16 Rev A
SO-279-17 Rev A
SO-279-18 Rev A
SO-279-19

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 No development shall commence until details of the means of ingress and egress for vehicles have been submitted to and approved in writing by the Local Planning Authority. Thereafter the access road to the car parking spaces indicated on the approved drawings shall be constructed before the dwellings are occupied.

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

- 4 Details of all proposed external materials and finishes, including samples when requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

In order to ensure an appropriate quality of development.

- 5 Details of all boundary walls and bin stores, including samples when requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

In order to ensure an appropriate quality of development.

- 6 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 an alternative timeframe to be agreed in writing by the Local Planning Authority.

In the interests of the visual amenities of the locality.

- 7 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 unless otherwise approved by the Local Planning Authority.

In the interests of the visual amenities of the locality.

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

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

- 9 The side windows on the eastern and western most elevations of the dwellings facing 31 and 29 Brickhouse Lane shall be fully glazed with

obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of it shall at any time be glazed with clear glass without the prior approval of the Local Planning Authority.

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

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (and any order revoking and re-enacting the order) no additional windows or other openings shall be formed in the extension hereby permitted without the prior written approval of the Local Planning Authority.

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

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

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

Attention is drawn to the following justifications:

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

H14 - Conditions on development in Housing Areas

BE5 - Building Design and Siting

CS24 - Maximising the Use of Previously Developed Land for New Housing

CS26 - Efficient Use of Housing Land and Accessibility

CS31 - Housing in the South West Area

The low density and overall design of the dwellings, enables the proposal to fit in with the surrounding area and comply with Core Strategy policies CS24, CS26, CS31 and UDP policies H14 and BE5. The density and layout of the dwellings also prevents the proposal from being detrimental to the amenities of the neighbouring properties.

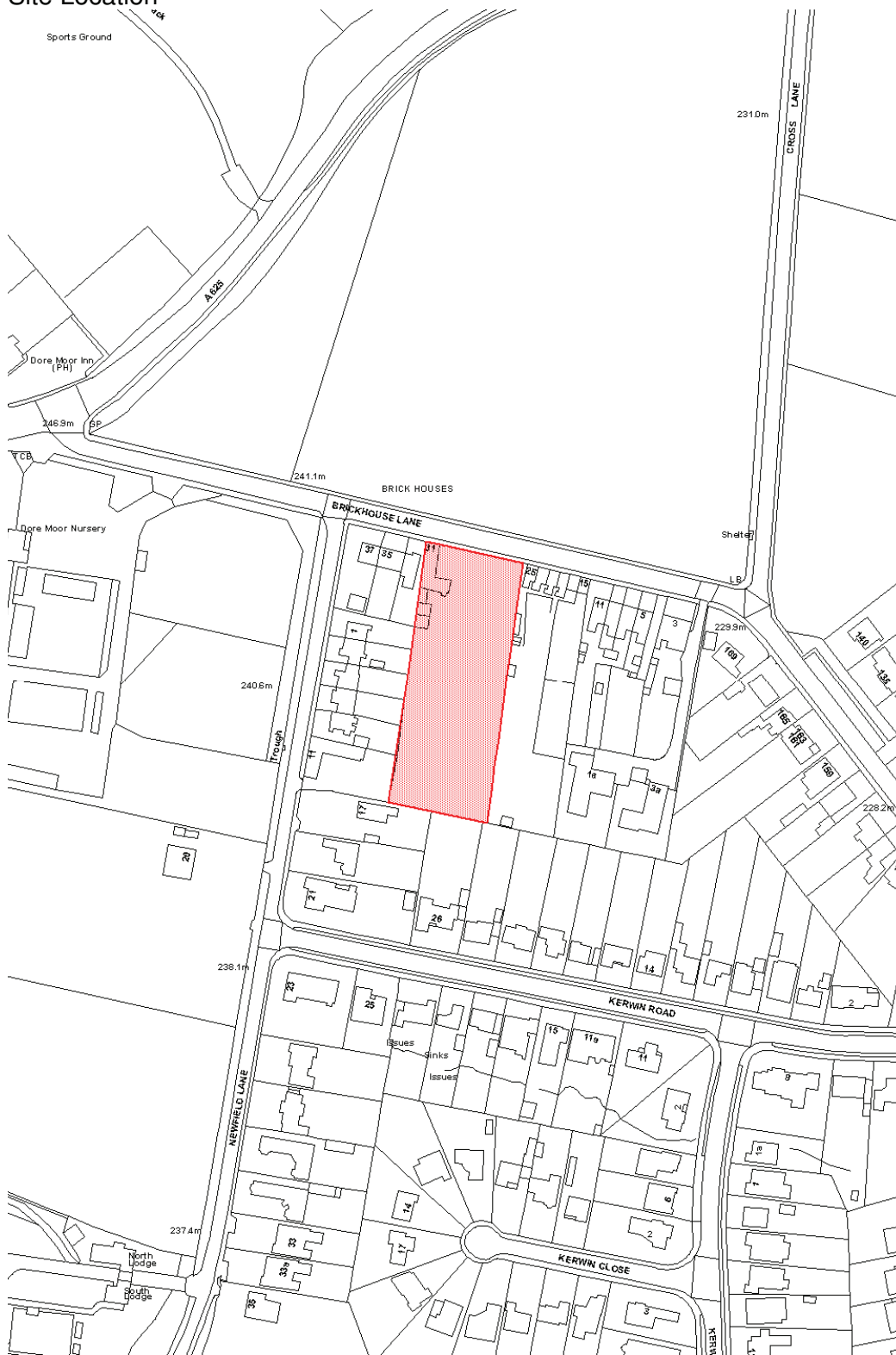
This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report at www.sheffield.gov.uk/planningonline or by calling the planning officer, contact details are at the top of this notice.

Attention is drawn to the following directives:

1. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at www.sheffield.gov.uk/planning or apply online at www.planningportal.gov.uk. The charge for this type of application is £85 or £25 if it relates to a condition on a householder application for development.

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

Site Location



LOCATION AND PROPOSAL

This application relates to a parcel of land adjacent to 31 Brickhouse Lane. The proposal seeks planning permission for the erection of three, two storey terrace houses. The dwellings would be situated in the north eastern corner of the site facing the public highway.

The parcel of land, outlined within the red line boundary, is currently used in connection with 31 Brickhouse Lane and is set to the side and rear of the property. The site is relatively flat and approximately one quarter of a hectare in size.

The site is located within a leafy suburb which is approximately 1.6 km away from the Peak District National Park boundary. The site is flanked on two sides by dwellinghouses which vary in size and architectural style. As defined in the Council's Unitary Development Plan, the proposed site is wholly within a Housing Area. To the north of the site, however, on the other side of the road there is agricultural land.

The existing 'L' shaped two storey stone building is situated in the north western corner of the site. The northern elevation of the stone building fronts the public highway and the main front elevation looks across the width of the site. A stone wall marks the boundary between the site and the public highway. An access point of 2.3 metres in width runs up from the road to a flat roofed open shed/store which is sited directly behind the dwelling. The boundaries are defined by stone walls and various mature trees. Further smaller trees/ shrubs are located fairly centrally within the site, opposite the existing dwelling.

RELEVANT PLANNING HISTORY

The site, as defined by the application's red line boundary plan, has been the subject of a previous application for four dwellings. The application (11/02416/OUT) was granted permission but has not as yet been implemented. The previous application did not involve the development of this corner. The corner of the site did not form part of the previous application, but it was indicated on the 2011 proposal that a further application for houses fronting Brickhouse Lane may be submitted.

SUMMARY OF REPRESENTATIONS

There have been 18 representations received in connection with this application. The proposal has been amended since the original submission and as such, the neighbours were re-notified. The representations have therefore accrued through the various rounds of public consultation and some of the representations are from neighbours who responded to the initial consultation process.

Whilst the majority of the representations have been received from neighbouring properties, a representation has been received from the Dore Village Society.

The main planning concerns that have been raised are summarised below:

The proposal would be contrary to current planning policies including policies: Core Strategy policies CS31, CS74 and UDP policies BE5 and H14;

The proposal would be an overdevelopment of the site which has already got permission for the erection of 4 dwellinghouses;

The development would exacerbate the existing car parking problems which exist along Brickhouse Lane;

The new dwellings will make car parking for the existing cottages more difficult and the revised plans do not appear to make the application any better;

The car parking is inadequate and the lack of sufficient sightlines would mean that parking cars would be dangerous;

The original proposal was not in keeping with the design and character of the surrounding area and this proposal is no different. It does not reflect the modest and traditional character of the adjoining buildings and granting this application would be to the detriment of the neighbouring properties;

It is a Greenfield site with high ecological value and should be retained.

These issues are discussed further in the subsequent report.

The representations also raise concerns with the levels of consultation. The proposal has notified all the immediate neighbouring properties and the consultation process has been carried out in accordance with Government legislation and the Council's statement of community involvement.

PLANNING ASSESSMENT

Policy Issues

The application site is situated within a Housing Area as defined in the Unitary Development Plan. (UDP) The main policy considerations are therefore outlined within UDP policies:

H10 'Development in Housing Areas';
H14 'Conditions on Development in Housing Areas';
BE5 'Building Design and Siting'.

In March 2009, Sheffield City Council adopted the Core Strategy policy document which is to run along side the UDP until the Sheffield Development Framework is fully implemented. The policies which are most relevant from the Core Strategy are in this case:

CS24 'Maximising the Use of Previously Developed Land for New Housing';
CS26 'Efficient Use of Housing Land and Accessibility';
CS31 'Housing in the South West Area';
CS74 'Design Principles'.

Since the original application was submitted, the National Planning Policy Framework has been put into practice and has to be given weight in the decision process.

Although the proposal seeks permission for three new dwellinghouses, the guidance stipulated within the Supplementary Planning Guidance: Designing House Extensions is also relevant in determining whether or not the plot can accommodate such a development without being to the detriment of the neighbouring properties.

As the subject site is situated within a Housing Area as defined in the UDP, policy H10 is fundamental in determining whether the principle of development is acceptable. Policy H10 states that Housing is the preferred use for such land, provided that the other policies outlined above can be achieved.

Policy CS24, 'Maximising the Use of Previously Developed Land for New Housing', seeks to utilise the 'Brownfield' sites within the city. The application site is considered to be a 'Greenfield' site, as it is contrary to the definition of 'previously developed land' as stipulated within the glossary of the NPPF. However, Core Strategy policy CS24 does state that small Greenfield sites may be acceptable provided that no more than 12% of the dwelling completions within the city are on 'Greenfield' sites. The number of proposed dwellings accords with this policy and the development would not result in more than 12% of the total number of dwellings being completed on 'Greenfield' sites.

Policy CS26 'Efficient Use of Housing Land and Accessibility', seeks to ensure that proposal makes efficient use of land. However, whilst the policy does specify desired densities, it also states that housing densities outside of the specified ranges maybe acceptable if they achieve good design which reflects the character of the area. This proposal, together with the four other dwellings which have been granted upon the site, create a density of 28 dwellings per hectare, compared with the desired density specified in the Core Strategy of 30 – 40 dwellings per hectare. However, the policy does allow for lower densities, but stresses that it must be compatible with the character of the area. As it will be discussed further in the subsequent report, the proposal is considered to be more representative of the character of the area in terms of its density and as such is acceptable in terms of this policy.

Development within this area of the city is also considered in policy CS31, 'Housing within the South West Area'. It states that priority will be given to the safeguarding and enhancing of the areas of character. However, it also makes the provision for infill development which at an appropriate density can be accommodated without being detrimental to the character of the area. This policy accords with the NPPF in so far as it aims to prevent inappropriate development of residential gardens which would harm the character of the area.

Design Issues

Policies CS74, BE5 and H14 all seek high quality designs which reflect the existing character of the surrounding area whilst retaining the character and main architectural features of the properties within the street.

The application seeks planning consent for the erection of three terraced properties. Unlike the previous application for the four dwellings to the rear of the site, this submission seeks full planning consent rather than outline permission only.

The original plans have been amended to create more modest sized dwellings which are more in keeping with the row of cottages to the east of the site. The pitched roofs are more in keeping with the surrounding properties and the frontages of the cottages have been simplified to reflect the detailing of the surrounding properties. The plans have also provided car parking to the rear.

The properties within the street are constructed from a variety of materials and the proposed stone, render and clay tiles are considered to compliment the other properties within the street. Furthermore, as the stone walls to the front are to be kept and the buildings are to be set slightly back from the public footpath, the proposed setting of the buildings is considered to be in keeping with the original dwelling and the neighbouring cottages.

The proposal is considered to be acceptable in terms of the siting, materials, height, massing, scale and details. Conditions can be attached to any permission requiring fine details for elements such as the bin store, boundary walls and paving materials. Overall, the proposal is considered to respect the character of the street and the wider area. The proposal, as detailed in the amended drawings, is considered to be sympathetic to the surrounding built environment and acceptable in terms of UDP policies BE5, H14 and Core Strategy policy CS74.

Residential properties surround the site and the properties to the east have had bungalows erected to the rear of them. The sites of the bungalows would at some point have been the gardens to the properties facing Brickhouse Lane. The character of the immediate area is therefore defined by the close proximity of the dwellings and their setting within modest sized gardens. 31 Brickhouse Lane is the only exception to this as the property is set within a much larger garden and has large separation distances between the neighbouring properties to the south and east.

The siting of these three properties increases the density of the development within the overall site of 31 Brickhouse Lane. The dwellings are set within modest grounds and are considered to respect the urban grain of the immediate surrounding residential area. The scale, massing and built form of the properties are similar to those of the neighbouring properties and it is considered that the layout and details of the properties respects the surrounding residential layout, pattern and building styles.

Whilst the proposed layout has a lower density of dwellings than would be desired, the character of the area is maintained as a result of this. As such the proposed layout of three dwellings is considered to meet the Council's planning policies

regarding efficient use of land and development within the South West Area. The policy is within a Housing Area and is therefore the preferred use in this instance.

Amenity Issues

UDP policy H14 seeks to protect the amenities of the neighbouring properties. For the purpose of clarity, the distances recommended in the Supplementary Planning Guidance for Designing House Extensions are used as a guide to assess whether the site can accommodate the three dwellings without compromising the amenities of the neighbouring properties.

The proposed siting and detailing of the terraced houses is such that the windows face either the public highway or the modest sized rear gardens. The gardens are all approximately 10 metres in length. All other side windows serve non habitable rooms and can be conditioned to be obscure glass. The houses have been designed so that the main habitable windows are set a minimum distance of 21 metres from the existing neighbouring properties and the potential dwellings to the rear.

The properties have been laid out in a way which reflects the character of the area. Moreover, the layout enables the properties to sit within the site without having a detrimental impact upon the amenities of the surrounding properties. The proposed dwellings are set approximately 15.5 metres away from 31 Brickhouse Lane and the proposed building would not cut a 45 degree line taken from the ground floor windows of the neighbouring properties to the east. It is not therefore considered that the proposal would restrict light or overbear upon the neighbouring properties. In this respect the proposal is therefore considered to be acceptable in terms of UDP policy H14.

Highways Issues

The proposed dwellings would be set back from the road and would have car parking spaces to the rear. The car parking spaces would be accessed from the road that was granted permission in the previous application and a condition should be attached to any permission ensuring that the car parking and access to them is provided before the houses are occupied.

The proposal incorporates one off street car parking space per dwelling. This is considered to provide the development with sufficient off street car parking for dwellings of the size proposed. The car parking illustrated on the plans is considered to meet the Council's parking standards.

It is acknowledged that Brickhouse Lane is a modest public highway in terms of its width. However, it is considered that owing to the scale of the development, together with the car parking spaces provided, that the additional pressure put on Brickhouse Lane would be minimal and not detrimental to highway safety. Furthermore, the sizes of the car parking spaces exceed the Council's guidelines and it is not therefore considered that the car parking arrangement would be detrimental to highway safety either.

With respect to the above highway issues, it is considered that the proposal is acceptable in terms of UDP policy H14.

Landscaping Issues

The proposal incorporates the removal of various trees/ bushes from the site. The trees on the site are not protected with Tree Preservation Orders (TPO) or by any previous planning conditions. The trees/ bushes vary in size and species and the ones to be removed are not considered to be of significant merit to consider protecting with TPO's. Any permission granted should include conditions requiring further landscaping details. This will ensure that the further landscaping will be provided to offset the loss of the trees indicated for removal.

Ecology Issues

The site comprises of mostly lawn and various trees/bushes. It is considered that the areas of the site which are affected by the proposal are of low ecological value. No evidence was noted on site to suggest that the site is occupied by protected species that would be affected by the development. The mature trees to the rear of the site which are of significant importance are to be retained and enhanced through the landscaping details to be provided as part of the reserved matters of the previous application.

SUMMARY AND RECOMMENDATION

The proposed planning application seeks approval for three dwellinghouses on the land adjacent to 31 Brickhouse Lane. It is considered that on balance, the low density of houses enables the proposal to respect the character of the area in terms of layout and urban grain. The proposal is surrounded by residential units and does not therefore affect the setting of the surrounding Green Belt or the residential area.

The low density and overall design of the dwellings, enables the proposal to fit in with the surrounding area and comply with Core Strategy policies CS24, CS26, CS31 and UDP policies H14 and BE5. The density and layout of the dwellings also prevents the proposal from being detrimental to the amenities of the neighbouring properties.

The siting, built form, materials and detailing of the proposal are considered to be acceptable in terms of UDP and Core Strategy policies. Accordingly, the proposal is recommended for approval.