

Case Number	22/04564/FUL (Formerly PP-11770999)
Application Type	Full Planning Application
Proposal	Erection of timber pergola with poly-carbonate roof, festoon lighting mounting posts and a new external paint scheme (amended scheme)
Location	Shepley Spitfire 56 Mickley Lane Sheffield S17 4HD
Date Received	21/12/2022
Team	South
Applicant/Agent	DV8 Designs Limited
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Location Plan - Title Number: SYK355225 published 21st December 2022
Proposed Site Plan - Drawing No. 102 Rev C published 15th February 2023
Proposed Pergola Elevations - Drawing No. 201 Rev A published 15th February 2023

Reason: In order to define the permission.

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

3. Before the covered external area formed by this permission is brought into use, a management plan detailing measures to limit and control noise associated with the use of the facilities shall first be submitted to and approved in writing by the Local Planning Authority. The pergola shall only thereafter be used in accordance with the approved management plan.

Reason: In the interests of the amenities of the locality and occupiers of adjoining

property.

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

Other Compliance Conditions

4. All external lighting serving the covered external area and beer garden formed by this permission shall be controlled by automatic timer to ensure the lights are turned off overnight between 2300 hours and 1600 hours on all days.

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

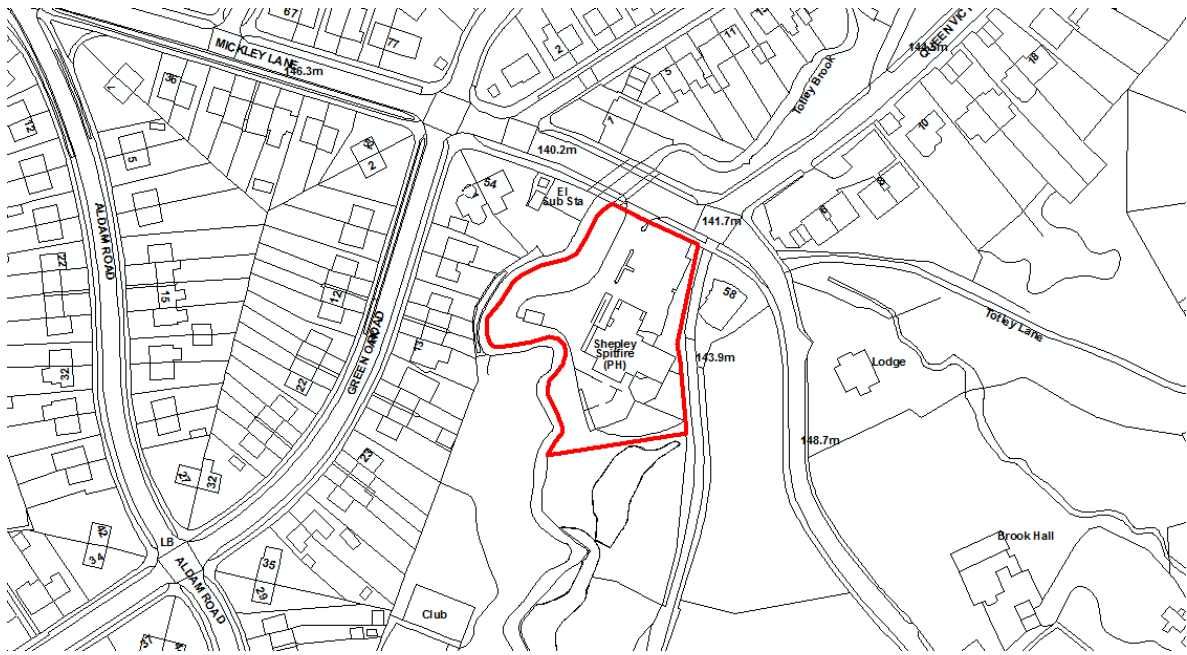
5. No speakers nor audio-visual equipment shall be affixed or positioned externally within, nor directed to broadcast sound to, the covered external area formed by this permission at any time, unless in conjunction with a specific outdoor event, arranged in advance and subject to prior notification and agreement by way of a Temporary Event Notice or other formal prior notification to Sheffield City Council.

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

Attention is Drawn to the Following Directives:

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

Site Location



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LOCATION AND PROPOSAL

The application site is the Shepley Spitfire public house located on Mickley Lane, Totley. The public house is a single storey building, with a two-storey element housing ancillary living accommodation, all set back within the site. To the front and side of the pub is a large car park, to the rear is an existing tiered pub beer garden. The beer garden is a mixture of hardstanding and grassed areas. A covered ramp access with a smoking shelter area is located to the west of the building.

The wider area is a mix of residential, woodland, and allotments. From the northwest to the northeast of the plot is largely residential including a small apartment development separated from the site by a public footpath. To the east and south is the public footpath, open green space including woodland and Totley Brook as well as Mickley Lane Allotments. The subject site borders Green Belt land although is not within it.

At an earlier stage the application included the installation of an external TV and associated speakers, however, after these were deemed by officers to be unacceptable, owing to noise and disturbance, they were removed from the proposal by the applicant. The proposal now seeks permission for only the partially covered timber framed pergola with festoon lighting and posts to the rear and a small section of festoon lighting to the front of the plot.

Other works on the site are proposed, however have been deemed to not require permission. These works include the installation of outdoor heaters, repairs to windows and fencing as well as painting the building, retaining car parking lighting, alteration to a small ramp and levelling of a small section of soft landscaping to the rear to form a small grassed area.

PLANNING HISTORY

There is extensive planning history at the site, most recently and most relevant being:

23/00060/ADV – Re-signage of public house – Granted Conditionally in March 2023;

19/00083/FUL – Erection of smoking area, formation of covered walkway and erection of replacement retaining walls to existing access ramps – Granted Conditionally in March 2019;

19/03681/ADV - 1 illuminated free standing sign, 2 non-illuminated boards, 1 illuminated logo, 1 lantern and retention of lettering above door. - Granted Conditionally in Nov 2019;

08/01994/FUL - Laying out and construction of hard landscaping works, low level brick retaining walls, fencing, staircase, paved areas, and new external door (Amended plans received 24/04/2008) – Granted Conditionally in May 2008

SUMMARY OF REPRESENTATIONS

Neighbours were notified of the application by letter and representations were received. There are in total 16 Objections which are summarised below;

Privacy

- Concern was raised regarding privacy and the opportunities for overlooking from the pub and beer garden to and from those dwellings on Green Oak Road.
- Since the sheltered smoking area has been constructed the privacy levels have worsened. Any further development would worsen them further.
- The 'slender' woodland is not sufficient and the privacy issues means gardens are not useable due to safeguarding issues with young children.

Noise

- The smoking shelter has caused noise disruption with many clientele congregating. The noise can be heard in gardens and housing of neighbours as well as more distance properties;
- The existing noise levels are high, and the introduction of a TV and speakers would create a level of disturbance which would not be acceptable;
- The TV and speakers will increase use outside and therefore increase noise from clientele. The introduction of heaters and a covered section will encourage more outdoor activity and increase noise levels;
- Commenters have stated they have contacted the pub previously to turn music down;
- Concerns that live events may be shown and played loudly impacting the area;
- Any further noise will become overbearing, and sleep is being disrupted as it is;
- No acoustic report has been submitted to outline the expected noise increase;
- One objector stated they had been told by the Council to keep a record of disturbance; further outdoor noise will lead to 'having to re-engage our work with the council for breach of the license agreement'

Light:

- Festoon lighting leads to the notion of a party venue;
- The outdoor lighting will further exacerbate the impact on biodiversity and increase light pollution;
- Trees were removed when the smoking shelter was erected, therefore lights will be more impactful on the local environment;
- New car park spotlights will directly face commenters garden. New source of light visible from objectors who currently 'look out onto darkness'.

Biodiversity:

- Objections to outside drinking area with a TV and Speakers as it will cause significant disturbance to the woodland and surrounding wildlife.
- It has been stated the surrounding area is rich habitat for many animals and insects including bats, badgers, owls, deer, moths, kingfishers, herons, ducks amongst a variety of other birds. It is stated within the wider area there is habitats for animals on Red Listing and protected animals.
- TV and speakers are close to the river and would also impact it
- There will be an impact on the ancient woodland of Gillfield Wood, Totley Brook and the surrounding area serving as a wildlife corridor between the Peak District and Sheffield City Centre;
- The area to the south of the plot has been defined as a Deciduous Woodland-Priority Habitat under DEFRA (Department of Environment Food and Rural Affairs);

- The proposal is likely to result in loss of local biodiversity. Noise and light pollution will affect the local wildlife.
- Concern no bat survey or environmental impact assessment has been carried out.

Notification of the application:

- Queries were raised if Friends of Gillfield Wood were notified;
- Comments stated no advertisement/signs were seen in the area to inform locals of possible development;
- It was also stated some had trouble commenting online.

Change of venue:

- Concerns were raised with the TV and Speakers that the pub may become a party/festival venue or a “mega-entertainment centre”;
- Festoon lighting increase the notion of a party venue;
- Pub is on the fringe of woodland and not suitable for a regular party atmosphere.

Application discrepancies:

- the form says there is no biodiversity that will be affected by the scheme. This is untrue as woodlands and habitats will be affected.

Other:

- Totley Brook watercourse is often seen to be polluted with bottles
- The woodland and biodiversity is important for wellbeing and physical and mental health of the local community;
- Introduction of outdoor heater in the current climate situation is surely against Sheffield City Council commitment to sustainable development and carbon neutrality;
- Comments were received stating ‘inappropriate’ language and other anti-social behaviour is already present, inferring this may increase with the development.

PLANNING ASSESSMENT

Policy Context

The subject site is within a Housing Area, as identified by the Unitary Development Plan for Sheffield. However, the surrounding area is also highlighted as an Area of High Landscape Value and an Area of Natural History Interest. Similarly, the surrounding allotments and woodland fall in the Green Belt under the UDP, although the subject site is not specifically within the Green Belt. It is also noted that the site is parallel to Totley Brook which is also a designated Local Wildlife Site. Each of these areas has specific policies related to them as outlined below.

The National Planning Policy Framework (NPPF) at paragraph 130 states that developments need to contribute towards creating visually attractive, distinctive places to live, work and visit, whilst also being sympathetic to local character. Innovation should not be prevented but developments should add to the quality of an area whilst providing a high standard of amenity for existing and future users. This assessment will

have regard to this overarching principle.

NPPF paragraph 134 states that planning permission should be refused for development of a poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Due to the proximity to the woodland and Local Wildlife Site the NPPF policies associated with the natural environment are relevant. Paragraph 131 of the Framework details that trees make an important contribution to the character and quality of urban environments and requires the retention of trees where possible.

Paragraph 174 stipulates that planning decisions should contribute to and enhance the natural and local environment. Specifically stating valued landscapes should be protected and enhanced, there should be minimal impact on biodiversity including establishing coherent ecological networks that are more resilient to current and future pressures. It also states development should not contribute to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution.

Paragraph 179 of NPPF specifies the need for protection of designated sites and priority habitats and species and encourages biodiversity net gain where possible.

Paragraph 180 of NPPF sets out that in determining planning applications, planning authorities should aim to conserve and enhance biodiversity. Where there would be loss or deterioration of irreplaceable habitats such as ancient woodland, an application should be refused. The subject site adjoins woodland some of which is ancient, however the development is not within the woodland and will not impact on it. In this context it is believed the ancient woodland is Gillfield Woods. Gillfield Woods is located further south of the subject plot towards the Peak District and Derbyshire. The footpath to the east of the site provides access to woodland and the Totley Brook down into Gillfield Woods. The brook to the west of the subject site and its surrounding woodland is defined as a Local Wildlife Site.

The Unitary Development Plan provides some policy grounding in relation to conserving the green environment. The Green Environment subsection of the UDP emphasises the need for protection and enhancement as stated in the NPPF. It is considered that these sections of the UDP and local plan policies are in partial alignment with the NPPF, however there is some inconsistencies with the NPPF, reducing the weight (in most cases) the local policies can be afforded in the decision-making process.

The UDP policy GE10 'Green Network' is given significant weight in decision making, while GE8, GE11 and GE13 can only be given moderate weight. GE8 'Areas of High Landscape Value and The Peak National Park' and GE11 'Nature Conservation and Development' both encourage development to protect and enhance the appearance and character of an area as well as reduce any potential harmful effects. GE13 'Areas of natural history interest and local nature sites' goes further still to state where development would decrease the nature conservation value of a Local Nature Site (now referred to as a Local Wildlife Site), that decrease must be kept to a minimum and compensated for. GE10 'Green Network' is afforded the most weight in the assessment of the green environment, as this is in line with NPPF paragraphs 171 and 174 and aims to protect Green Links from development which would detract from their green and open character or which would cause serious ecological damage.

The subject area is also defined as a Housing Area and as such UDP policy H14 'Conditions on Development in Housing Areas' is applicable as is those associated with design. Policy H14 instils the need for an appropriate scale of development as well as, not result in the site becoming over-developed or depriving residents of light, privacy or security. Residents should not suffer from unacceptable air or noise pollution and where appropriate should provide an environmental buffer.

In relation to design policy and guidance Core Strategy Policy CS74 and UDP Policy BE5 are applicable. Core Strategy Policy CS74 'Design Principles' states that high-quality development will be expected, and at (h) that development should also contribute towards creating attractive, sustainable and successful neighbourhoods. UDP Policy BE5 'Building Design and Siting' states that good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions.

It is important to note, the application is not for a new beer garden. The rear of the plot as existing is a beer garden, and the only elements of this application requiring planning permission is the partially covered pergola and the festoon lighting with posts.

Design and Appearance

In regard to design, the assessment below is underpinned by the UDP Policy BE5 and Core Strategy CS74 as set out above in the Policy Context subsection as well as NPPF paragraph 134. Good design should be of an appropriate size and scale using quality materials. Development should contribute to create attractive spaces and not detract from the street scene or local area.

The scale of the proposed pergola is considered to be appropriate in relation to the pub. It will have an eaves height of 2.7 metres, the covered area spanning approximately 79m², roughly a quarter of the rear amenity space. The posts for the festoon lighting are 3 metres in height, which is an appropriate size and scale. The structure is not considered to dominate the area or detract from the public house.

For reference, the smoking shelter granted in 2019 has an eaves height of 3.7 metres and an overall height of 4.4 metres. It is noted the shelter is raised above ground level by a little over 1 metre however is it still a larger-scale structure than that being proposed in this application.

The partially covered pergola with associated festoon lighting and posts is located entirely to the rear of the plot and will not be seen from the highway. A smaller section may be visible upon entering the public house, however this will be read as public house infrastructure and not detract from the character of the area.

Owing to the scale and nature of the proposed works, it is considered that the proposal would not have any negative impacts to the adjacent area of Green Belt.

The festoon lighting proposed to the front of the plot is not affixed to the fencing nor to another structure. The string of lights proposed to the front of the plot will measure approximately 5.2 metres each (between 3m high posts) fronting Mickley Lane. However, these are not considered to be overly prominent, or distracting. They contribute to an attractive and interesting appearance. It is not considered to be adding to street clutter or harmful to visual amenity.

The existing beer garden has tiered hardstanding levels as well as a grassed area. There is a small section currently being used as storage covered in bark chipping that is proposed to be grass. There is little excavation works here and changing the soft landscape to grass is not deemed to require planning consent.

Overall, the works proposed are in accordance with NPPF 130, 134, UDP Policy BE5 and H14, specifically due to the scale and the quality. CS74 advises development should expect high-quality development which should contribute to an attractive and successful neighbourhood. The enhancement will improve the appearance of the building and make it more attractive. The proposed pergola and lighting to the rear will not be readily visible from the street and as such are not considered to detract from or result in an unattractive development.

Impact on Living Conditions

As covered in the policy context the below assessment is underpinned by the NPPF and Unitary Development Plan. The UDP H14 'Conditions on Development in Housing Areas' ensures no development creates unsatisfactory environments for people living in the area. This policy specifically underpins this subsection of the assessment for the partially covered pergola and festoon lighting with posts.

Light

In regard to the impact on neighbouring properties, the festoon lighting to the front of the plot will add new light to the street scene. However, in this location there is an existing streetlight as well as existing spotlights in the car park. It is therefore deemed that the low level of festoon lighting here is not going to be detrimental and will not be causing adverse living conditions.

The festoon lighting proposed will sit on 3-metre-high posts. The increase light levels associated with the proposal is unlikely to be of a great significance when quantified in terms of increased illumination, the proposed lighting being of a lower level.

Neighbouring properties currently experience varying levels of illumination impacts as a result of the establishment. The introduction of festoon lighting may change the impacts for some dwellings. However, between the subject site and those houses on Green Oak Road is woodland and a significant land level difference. The woodland/brook acts as an environmental buffer between the plots, in line with UDP Policy H14. The separation distance between the proposed development and those properties on Green Oak Road is over 20 metres, which is considered an acceptable distance given the light levels.

The dwellings at the most risk of possible illumination level changes is the apartment block to the east of the plot. The car park of the pub is along this boundary, meaning the element most likely to impact the flats is the festoon lighting proposed to the front of the plot. The residential units to the east are sited on higher ground as well as being set back from the subject plot by the public footpath and the current boundary treatment of a large and mature evergreen hedge along the boundary of the pub. Combined, these considerations are sufficient to alleviate the concern of illumination impacts.

In regard to the lighting, it is also important to note the lighting will be conditioned to be on a timer and will not be illuminated beyond 2300 hours. This is to protect the living conditions of the surrounding residents and the wider implications discussed below.

Noise

Under UDP Policy H14 it is stated development should be permitted, provided it does not result in unacceptable noise pollution or other nuisance or risk to health and safety. Annoyance caused by people's voices is difficult to evaluate quantitatively as the sound level fluctuates greatly.

The presence of a public house, with an existing beer garden on the site means that there is potential for some noise generation. The rear of the plot is an existing beer garden, and it is noted that covering part of the garden with a covered structure may increase the outdoor use and in turn increase the risk of noise. However, the area of beer garden is not increasing, and the maximum number of customers potentially on site at any one time is not changing.

In addition, although it is not disputed the noise from the beer garden may be audible, any increase in frequency of use due to the presence of the covered structure is not considered to be sufficient to cause harm to neighbouring residents to a degree that would warrant refusal. The use as a beer garden is remaining unchanged and while the development may mean more patrons outdoors throughout the year the degree of noise is likely to be no worse than typical beer garden noise, which can be created in the present situation.

The heater which may increase frequency of use in colder weather is proposed in the sheltered smoking area but does not require planning permission, so its impacts cannot be considered here.

The Council's Environmental Protection Service has advised on noise matters and confirms that at busy times noise from the beer garden will likely be noticeable to occupiers of nearby dwellings. A noise management plan is recommended to be submitted for approval prior to the development being brought into use. The focus of the plan should be the measures adopted by the premises to monitor and control noise associated with the use of the outside area. This will mean the development should not be in use if the plan has not been provided and measures not taken to manage the noise.

However, overall, whilst some change in noise levels may occur and mean the beer garden use is less seasonal it is not considered to be at a degree that would be excessive or warrant refusal of planning permission.

Privacy

The woodland between the smoking shelter and those properties on Green Oak Road is less dense than other area around the plot. The woodland buffering along the rear beer garden and the Totley Brook/Green Oak is more dense. This environmental buffer will vary seasonally as in summer months the foliage will provide a stronger barrier than in winter and provide some privacy protection. Whilst the buffer will be reduced in winter, the development will not provide any new views that do not exist at present and as such it will not lead to a loss of privacy or new opportunities for over looking for occupiers of these properties.

Overall, the development proposed is not considered to cause any over-bearing or over-

shadowing issues. It will have a low level of impact on living conditions for nearby resident. It is acknowledged the development may result in an increase in noise levels, however this is likely to be due to vocal noise which is difficult to quantify. A noise management plan will be provided prior to use.

Regarding illumination levels the proposed festoon lighting is at a lower level and not considered to detrimentally impact living conditions for neighbouring properties. Overall, the scheme is in accordance with UDP H14 and is not considered to detrimentally impact living conditions more so than the existing beer garden.

Ecology

NPPF Paragraph 174 stipulates the need for development to protect and enhance valued landscapes as well as not supporting development which may put such areas at an unacceptable level of risk. Paragraph 180 goes further to state planning permission should be refused where significant harm to biodiversity resulting from a development cannot be avoided. Furthermore, where there would be loss or deterioration of irreplaceable habitats such as ancient woodland, an application should be refused.

The subject site is bordering woodland and an area defined as a Local Wildlife Site, meaning the surroundings are a priority habitat. There are no trees with Tree Preservation Orders within in the red line boundary, the nearest being to the east on the adjacent site of the apartment block.

The proposed works are all proposed within the red line boundary and within the land ownership of the public house. No trees within the woodland are proposed to be cut down or directly impacted by the works.

Many of the public representations provide anecdotal evidence of wildlife present in the area including badgers, bats and kingfishers. The resident wildlife is habituated to some disturbance to a degree due to the current levels of noise and light from the subject plot and pub garden as well as the surrounding dwellinghouses. The proposal here, for a partially covered pergola would allow patrons to use the outside space, potentially all year round and in all weathers. The increased use of the outside area will increase light and noise levels, which may result in some further disturbance on the wildlife however it is not considered the changes would cause significant disturbance.

The lighting proposed is at a lower level than the existing lights on the site, and while they will add to the overall amount of illumination of the site, it is not considered to be at an intensity that would be significantly worse than existing levels. The introduction of the timed festoon lighting alone is not considered to significantly disturb the wildlife more than existing levels. The Council's Ecology Team and Biodiversity officers have informed this judgement and do not consider that harmful impacts will arise.

Overall, it is deemed to level of risk to biodiversity is not unacceptable as outlined under paragraph 174 of the NPPF and that little to no harm will result from the pergola and festoon posts and lights to woodland under para 180. The UDP green environment policies have also been adhered too; the development is not considered to detract from the green and open space or result in significant loss of biodiversity.

Response to Representations

The concerns raised by objectors have been acknowledged and responded to in the

above assessment, in relation to privacy, noise levels, light levels and biodiversity.

In regard to a change in venue, the use of the building is remaining unchanged as a public house. Other concerns raised such as river pollution, anti-social behaviour, safeguarding children and the physical and mental health benefits of the woodland have been noted but are not material planning consideration when determining an application.

Objectors raised concerns regarding new spotlights in the car park, however these are existing and shown on plans as well as in situ on site. Similarly, as stated in the report, a heater in the smoking area does not require planning permission and as such cannot be considered under this application.

No system errors were identified preventing comment, and the planning case officer enabled objectors to email or write to them directly.

Only adjoining neighbouring properties were informed of the application. 15 neighbouring properties were informed by letter, and no site notice was published as the development did not meet any of the thresholds for publicity of this form to be necessary. All publicity was undertaken in accordance with the 'The Town and Country Planning (Development Management Procedure) (England) Order 2015', and Sheffield's Statement of Community Involvement.

Summary and Recommendation

Taking the above into consideration, the proposed partially covered pergola, festoon lighting and associated works including the works to the lawn area are in accordance with policy.

The NPPF stresses the importance of good design and supporting development which creates visually attractive places to visit and work, specifically under Paragraphs 130 and 134. The design of the development has been considered and is of a good quality. It will create a more attractive space within the site but will not be highly visible from outside it. It is acknowledged the development will provide space for all year round use however, with the removal of the TV and speakers originally proposed, it is not considered that the impacts are now detrimental.

No direct impact on biodiversity will occur as a result of the development. Any impact is indirect and where practicable has been managed with timers, lower lighting levels and a requirement for a noise management plan. The surrounding woodland is a landscape with value and habitats, however the proposal has been considerate of the trees and woodland, there is no loss of vegetation and minimal impact from the development itself. The proposal is in accordance with the relevant NPPF paragraphs; 174, 180 and the UDP GE10. Although less weight can be afforded to them, the works are also deemed to be in accordance with GE8, GE11 and GE13 in regard to ecology.

In regard to design and living conditions, the works are in accordance with the National Planning Policy Framework paragraph 130 and H14 & BE5 of the Unitary Development Plan. The size and scale is appropriate in design terms, and while it has been acknowledged the development may increase usage, the potential noise levels are not considered to be detrimental to living conditions of neighbours. As such it is recommended that planning permission is granted subject to the listed conditions.