

Planning and Highways Committee

Tuesday 3 September 2013 at 2.00 pm

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

The Press and Public are Welcome to Attend

Membership

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

Substitute Members

In accordance with the Constitution, Substitute Members may be provided for the above Committee Members as and when required.

PUBLIC ACCESS TO THE MEETING

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

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk. You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday, or you can ring on telephone no. 2734552. You may not be allowed to see some reports because they contain confidential information. These items are usually marked * on the agenda.

Planning and Highways Committee meetings are normally open to the public but sometimes the Committee may have to discuss an item in private. If this happens, you will be asked to leave. Any private items are normally left until last.

Further information on this or any of the agenda items can be obtained by speaking to Martyn Riley on 0114 273 4008 or email martyn.riley@sheffield.gov.uk.

FACILITIES

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

**PLANNING AND HIGHWAYS COMMITTEE AGENDA
3 SEPTEMBER 2013**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 1 - 4)
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 5 - 8)
Minutes of the meeting of the Committee held on 13 August 2013
- 6. Sheffield Conservation Advisory Group Minutes** (Pages 9 - 12)
Minutes of the meeting of the Sheffield Conservation Advisory Group held on 23 July 2013
- 7. Site Visit**
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 8. Proposed Diversion of Public Footpath Between Chorley Drive and Slayleigh Lane, Fulwood** (Pages 13 - 24)
Report of the Director of Regeneration and Development Services
- 9. Planning Application Consultation from Barnsley Council About a Proposed Wind Turbine at Sheephouse Farm, Cubley** (Pages 25 - 36)
Report of the Director of Regeneration and Development Services
- 10. Tree Preservation Order 390: Thomas Chambers Newton Memorial Hall, Cowley Lane, Chapeltown**
To seek confirmation to a Tree Preservation Order made on the 9th April 2013 in respect of trees on land at Thomas Chambers Newton Memorial Hall, Chapeltown.
- 11. Tree Preservation Order 808/389: Site of Psalter Lane Campus, Psalter Lane**
To seek confirmation to a Tree Preservation Order made on the 9th April 2013 in respect of trees on land at the site of the Psalter

Lane Campus, Psalter Lane.

- 12. Applications Under Various Acts/Regulations** (Pages 37 - 86)
Report of the Director of Regeneration and Development Services
- 13. Enforcement of Planning Control: 36 Stanwood Crescent** (Pages 87 - 94)
Report of the Director of Regeneration and Development Services
- 14. Enforcement of Planning Control: 17 Fielder Mews** (Pages 95 - 100)
Report of the Director of Regeneration and Development Services
- 15. Record of Planning Appeal Submissions and Decisions** (Pages 101 -106)
Report of the Director of Regeneration and Development Services
- 16. Date of Next Meeting**
The next meeting of the Committee will be held on 24 September 2013

ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

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

You **must**:

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

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

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

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

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Planning and Highways Committee

Meeting held 13 August 2013

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

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Peter Price but no substitute was appointed.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 Councillor Tony Downing declared an interest in an application for planning permission for the conversion of church to form 6 apartments with provision of associated amenity space and car parking accommodation at the Salvation Army Church, Queen Street, Mosborough (Case No. 13/01706/FUL) as a local ward Councillor for the area although he had not been involved in the application process or declared his position on the application and would therefore participate in the determination of the application.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the meeting of the Committee held on 23 July 2013 were approved as a correct record.

5. SHEFFIELD CONSERVATION ADVISORY GROUP MINUTES

5.1 The Committee received and noted the minutes of the meeting of the Sheffield Conservation Advisory Group held on 18 June 2013.

6. SITE VISIT

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

7. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

7.1 **RESOLVED:** That (a) the applications now submitted for permission to develop land under the Town and Country Planning Act 1990 and the Regulations made thereunder and for consent under the Town and Country Planning (Control of Advertisements) Regulations 1989, be decided, granted or refused as stated in the report to this Committee for this date in respect of Case No. 13/01999/FUL and other applications considered be amended as in the minutes of this meeting, and the requisite notices issued; the granting of any permission or consent shall not constitute approval, permission or consent by this Committee or the Council for any other purpose;

(b) following consideration of additional representations, as contained in a supplementary report circulated at the meeting, an application for planning permission for the conversion of church to form 6 apartments with provision of associated amenity space and car parking accommodation at Salvation Army Church, Queen Street, Mosborough (Case No. 13/01706/FUL) be granted, conditionally;

(c) having heard oral representations from a local resident and a local ward Councillor opposing the application, an application for outline planning permission for the erection of 4 detached dwellinghouses (resubmission of withdrawn planning application 12/01095/OUT) (amended plans received 16/05/13) at land at rear of 315 to 329 Baslow Road (Case No. 13/01273/OUT) be granted, conditionally; and

(d) having heard oral representations from the agent of the applicant opposing the recommendation to refuse and a local ward Councillor in favour of the recommendation to refuse, an application for planning permission for the erection of two detached dwellinghouses (C3 Use), including private access road and associated landscaping at the curtilage of 7 Stocks Green Court and land to the rear of 3-7 Stocks Green Court (Case No. 13/00660/FUL) be refused for the reason outlined in the report.

(Note. Councillor Tony Downing abstained from voting on the decision to grant, conditionally, an application for planning permission for the conversion of church to form 6 apartments with provision of associated amenity space and car parking accommodation at Salvation Army Church, Queen Street, Mosborough (Case No. 13/01706/FUL) and asked for this to be recorded.)

8. ENFORCEMENT OF PLANNING CONTROL: 60 CLIFTON CRESCENT

8.1 The Director of Regeneration and Development Services submitted a report informing Members of a breach of planning control in relation to the unauthorised use of garden area for the storage of building materials and machinery at 60 Clifton Crescent.

8.2 The report stated that a number of complaints had been received regarding this property in the past which had been investigated and the case subsequently closed. However, in May 2012 a further complaint was received regarding the use of the property as a builder's yard and the untidy condition of the garden area. A number of site visits had been carried out since May 2012. These visits have

revealed that on most occasions there have been building materials such as breeze blocks, concrete mixer, wheel barrow and scaffolding at the property and in some cases concrete lintels, mini diggers and a dumper truck being stored at the property. The site visit also highlighted that some of the machinery and materials did not move from the property for several months.

8.3 The owner has stated that the storage of these materials is due to works being carried out at the property and the potential future works to the garage and the rear extension. Officers had noticed some works being carried out at the property, however, the pace and type of work being carried out does not reflect the materials and machinery stored at the property. It was officer opinion that the lack of traditional domestic environment and the scale and intensity of the storage is in excess of what could reasonably be considered to be incidental to the enjoyment of the dwelling house and therefore a material change of use had occurred.

8.4 **RESOLVED:** That the Committee:-

(a) authorises the Director of Regeneration and Development Services or Head of Planning to take all necessary steps:-

(i) including enforcement action, service of a stop notice and the institution of legal proceedings, if necessary, to secure the cessation of the use of the garden area, at 60 Clifton Crescent, as a builder's storage yard and the removal of the building materials and machinery from the garden area and the garage; and

(ii) including the service of a S215 Notice and the institution of legal proceedings, if necessary, to secure the removal of all the other waste materials currently stored on the site, including, but not limited to, plastic containers, chairs, punch bag, metal flue, fridge freezer, tyres and household waste; and

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

9. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

9.1 The Committee received and noted a report of the Director of Regeneration and Development Services detailing (a) planning appeals recently submitted to the Secretary of State and (b) the outcome of recent planning appeals along with a summary of the reasons given by the Secretary of State in his decision.

10. DATE OF NEXT MEETING

10.1 It was noted that the next meeting of the Committee will be held on Tuesday 3rd September 2013 at 2.00 pm at the Town Hall.

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Agenda Item 6

SHEFFIELD CONSERVATION ADVISORY GROUP

Meeting held 23rd July, 2013

PRESENT:	<u>Name</u>	<u>Organisation</u>
	Dr. Philip Booth (Chair)	Co-opted Member
	Mr. Tim Hale	Sheffield Chamber of Commerce
	Mrs Christine Ball	Civic Trust/South Yorkshire Industrial History Society
	Prof. Clyde Binfield	20th Century Society
	Mr. Patrick Burns	Co-opted Member
	Mr. Rod Flint	Georgian Group
	Mr. Howard Greaves	Hallamshire Historic Buildings Society
	Mr. Graham Hague	Victorian Society
	Mr. Stanley Jones	Hunter Archaeological Society
	Mr. Philip Moore	Sheffield Society of Architects
	Dr. Malcolm Tait	University of Sheffield

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1. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from, Dr. Roger Harper (Ancient Monuments Society), Mr. Bob Hawkins (Council for the Protection of Rural England), Mr. Bob Marshall (Royal Town Planning Institute), Mr. Andrew Shepherd (Society for the Protection of Ancient Buildings) and Dr. Alan Watson (Institution of Civil Engineers).

2. **MINUTES** in item

The minutes of the meeting held on 18th June, 2013 were approved as a correct record subject to the substitution:-

(a) in item 6(a), of the words "buildings in the immediate vicinity" for the words "buildings nearby";

(b) in item 7(a), of the words "a representative or representatives" for the words "a representative";

(c) in item 7 (b), of the words "of the ancillary buildings at the former Hallam Tower Hotel" for the words " at the former Hallam Tower Hotel"

(d) in item 7(c) of the word "exposure" for the word words "exposition" and

(e) in item 7(f) of the words "did provide" for the word "provide" and, arising therefrom, the Group (i) noted that:-

(A) public consultations regarding the future use of Castlegate would commence on 26th July and the Head of Planning would report to a future meeting on proposals for the use of the site;

(B) the Head of Planning would report to a future meeting on (1) the possibility that Old May House Farm, Mayfield Valley and Bennet Grange, Harrison Lane were listed or of listable quality and (2) whether there was political objection to Members of the City Council serving as Members of the Group;

(C) the injunction against the University of Sheffield preventing the demolition of the

Edwardian wing of the former Jessop Hospital had been discharged, but an online petition to the University Council requesting that the building not be demolished had obtained 3100 signatures. Several letters from Mr. Greaves, regarding the demolition, had been published in a reduced form by the Sheffield Telegraph;

(D) action would have to be taken, possibility through serving s.215 notices, regarding the condition of the former St Vincent's Church, Solly Street;

(E) no action could be taken regarding the changes to the interior of Highfields Library;

(F) urgent works notices would be served regarding the condition of the roof of Loxley Chapel. The owner of a property on the same drive had installed gates;

(G) in the opinion of the Head of Planning, the Sheffield Green Roofs Centre website was a useful one. During 2010, the City Council had granted permissions for 91 green roofs, of which 49 had been built; and

(ii) (A) urged that action be taken to preserve and re-use the staircase within the Edwardian wing building of the former Jessops Hospital and (B) agreed that a subgroup of Members be established to consider and report back on suitable amendments to the terms of reference of the Group.

3. CHAIR'S REPORT

The Group noted that there was nothing to report under this item of business.

4. HEAD OF PLANNING'S REPORT

The Head of Planning reported on:-

(a) the proposed Castlegate Conservation Area, including the area of the former Sheffield Castle, which would be considered at a stakeholders' meeting on 26th July and at the meeting of the Group on 17th September next;

(b) the City Centre Masterplan, which had generated a substantial comments and would be submitted to the City Council in October next; and

(c) the proposed Milton Street Conservation Area, the declaration of which was scheduled for March 2014.

The Group noted the information and welcomed the proposed Castlegate Conservation Area.

5. SHEFFIELD SUSTAINABLE DEVELOPMENT AND DESIGN PANEL

The Group noted that the meeting of the Sheffield Sustainable Development and Design Panel, scheduled for this month had been cancelled.

6. HERITAGE ASSETS

The Group considered the following applications for planning permission for development affecting Heritage Assets and made the observations stated:-

- (a) Erection of 52 dwellings, 731.6 sq.m of commercial floorspace and reinstatement of Kelham Street, access, car parking, landscaping and associated works on site of Richardsons Cutlery Works, Alma Street and Russell Street (**Case Number: 13/01959/FUL**)

The Group considered that the development was a deplorable example of block planning, consisting of a suburban development being shoehorned

into an urban site, with a superficial approach to detail, including an inappropriate saw tooth roof on one of the blocks. The Group felt that the scheme could include houses, provided that it had a more urban character, perhaps involving a courtyard arrangement.

- (b) Alterations to building, including formation of door and window openings, to form 9 apartments at 28 Ebenezer Street
(Case Number: 13/01940/FUL)

The Group felt that there was no objection, in principle, to the development subject to a survey of the elevations being carried out and to the details being to the satisfaction of the Head of Planning. The Group welcomed the return to use of the building, but stressed that the details of the windows and stone should be retained as existing.

(NOTE: Mr. Moore declared an interest in the above application)

7. MISCELLANEOUS ITEMS

Members of the Group reported on developments affecting Heritage Assets and Conservation Areas and the Group noted that:-

- (a) University House, Glossop Road was not listed;
- (b) (i) within the Streets Ahead road improvements project, the traditional street lights and thresholds at Broomhill would be retained, but there were a number of issues regarding the retention of materials such as stone paving, for example as at Crookes, which were not within conservation areas; and
(ii) the contractor, Amey, was required to make good the surface of the highway and would do so where possible, by re-using existing materials, following a site by site survey and a public meeting within each area;
- (c) there was a proposal to redevelop Cow Mouth Farm, involving the retention of the Farm, the demolition of the barns and the erection of 14 houses on the site;
- (d) the Head of Planning had objected to a proposal to amend a planning application to develop Norton Church Hall;
- (e) (i) the repainting of the former Abbeydale Picture House was unauthorised, (ii) the Head of Planning had suggested that the original faience material be exposed and, with the involvement of the Theatres Trust was negotiating with the owner on the future use of the Fire Curtain and (iii) a number of colour photographs, of the Picture House, had been discovered research project, regarding conservation advisory groups, had not materialised due to a lack of finance for the project;

- (f) architects and other agents could make presentations to the Group, at the discretion of the Director of Planning and the Director could inform such interested parties of the planning applications and pre-application schemes, which were to be submitted to the Group;
- (g) the Williams Brothers site, Kelham Island, was wind and watertight;
- (h) the Mayfield Valley Environmental Centre was not listed; and
- (i) the Head of Planning would investigate and report to a future meeting on
 - (i) the intention of Amey regarding the retention of traditional materials in areas which were not conservation areas, (ii) the possibility that the ownership of the former Firth Park Library had changed and (ii) the possible removal of buddleia from the Wicker Arches and Sheffield Station.

(NOTE: The above minutes are subject to amendment at a future meeting)



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Development Services

Date: 3 September 2013

Subject: PROPOSED DIVERSION OF PUBLIC FOOTPATH
BETWEEN CHORLEY DRIVE AND SLAYLEIGH
LANE, FULWOOD

Author of Report: Richard Day 0114 273 6301

Summary: To seek authority to submit the City of Sheffield (Public Path between Chorley Drive and Slayleigh Lane Fulwood) Diversion Order 2013 to the Secretary of State for Environment, Food and Rural Affairs for confirmation in the light of two objections having been received.

Reasons for Recommendations: The only justification for diverting the path is that it is necessary to do so in order to enable the development to be carried out in accordance with the planning permission. Officers' view is that the objections, despite being detailed, are not persuasive in making a case that a diversion is unnecessary to allow the planning consent to be implemented. Therefore, having regard to the primary legislation and published guidance, and the planning consent determined on the 4th December 2012, it is proposed that the Order be submitted to the Secretary of State for confirmation.

Recommendations: The Director of Legal Services submits the City of Sheffield (Public Path between Chorley Drive and Slayleigh Lane Fulwood) Diversion Order 2013 to the Secretary of State for confirmation.

Background Papers: (Full copies of the objection letters circulated to Committee Members in advance of meeting)

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

PROPOSED DIVERSION OF PUBLIC FOOTPATH BETWEEN CHORLEY DRIVE
AND SLAYLEIGH LANE, FULWOOD

1. PURPOSE

- 1.1 To seek authority to submit the City of Sheffield (Public Path between Chorley Drive and Slayleigh Lane Fulwood) Diversion Order 2013 to the Secretary of State for Environment, Food and Rural Affairs for confirmation in the light of two objections having been received.

2. BACKGROUND

- 2.1 Following authority obtained along with planning consent 12/02429/FUL at the West & North Planning & Highways Committee on 4th December 2012, the City Council made an Order on 18th June 2013, under Section 257 of the Town & Country Planning Act 1990, for diversion of part of the public footpath which runs between Chorley Drive and Slayleigh Lane, Fulwood, as shown on the Order plan, a copy of which is included at Appendix A to this Report.
- 2.2 This supersedes/replaces an Order made on 19th March 2013 for which, unfortunately, omissions were made in the public advertising process, in terms of display on the Council website and deposit for public viewing at the Town Hall Reception as at the stated publication date. Consequently, given the potential defect in the process, and in view of the recently reported 'Tinseltown' court case in London, it was decided for the avoidance of doubt that the order should be re-served.
- 2.3 Appendix B to this Report is a context plan showing the wider location within Sheffield of the path in question.
- 2.4 The justification for the proposed diversion (indeed, the only justification there can ever be to use this particular power) is that it is necessary in order to enable the development to be carried out in accordance with the planning permission.
- 2.5 Following the publication of the Order, the Director of Legal Services has received two objections, one from a resident of one of the houses adjoining the development site, and one from the residents of another house on Chorley Drive.
- 2.6 Full copies of the letters of objection have been circulated to Committee Members prior to the meeting. The contents of the objections are summarised

in Appendix C to this Report, along with Officers' opinions in response.

3. LEGAL IMPLICATIONS

- 3.1 If objections are made to a Town & Country Planning Act Section 257 Order then the Council cannot confirm the Order as unopposed. Therefore, to progress the matter, the Order has to be submitted to the Secretary of State for confirmation, which process includes his consideration of those objections.
- 3.2 There is no absolute requirement that any Order which is opposed (as in the present case) must be sent to the Secretary of State. Therefore, if an authority feels that, as a result of new information raised in an objection, it can no longer support the Order, then a formal resolution by that authority not to proceed is all that is required to bring the procedure to an end. The City Council has taken similar action to this in the past. This would be the outcome here if Committee chooses not to approve this Report – the Order would be cancelled, and the development would not be able to go ahead, despite its planning consent.

4 HIGHWAY IMPLICATIONS

- 4.1 The highways issues around the proposed footpath diversion (and the proposed development in general), were described in the planning report approved by the West & North Committee on the 4th December 2012. The proposal has not altered since that date, and indeed the development has now got planning consent, hence it is still recommended that the footpath should be diverted.

5. CONSULTATIONS

- 5.1 Having been through the planning process and obtained planning consent, the applicant has requested that authority be sought to refer the Order to the Secretary of State as soon as possible. However, in the meantime, Officers have offered to meet the two objectors, in the hope of dialogue about their concerns, and as to what compromise, if any, might lead to withdrawal of their objections. A verbal update on this will be given in the meeting.
- 5.2 Both objectors have been informed that the matter is to be considered at this meeting.

6. EQUAL OPPORTUNITY IMPLICATIONS

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

7. ENVIRONMENTAL IMPLICATIONS

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

8. FINANCIAL IMPLICATIONS

- 8.1 All costs associated with the diversion of the footpath, including any costs arising out of the Secretary of State's requirements for confirmation of the Order, will be met by the applicant, therefore the effect on the existing Revenue Budget is considered to be neutral.

9. CONCLUSION

- 9.1 In summary, Officers' view is that the objections, despite being detailed, are not persuasive in making a case that a diversion is unnecessary to allow the planning consent to be implemented.
- 9.2 Therefore, having regard to the primary legislation and published guidance, and the planning consent determined on the 4th December 2012, it is proposed that the Order be submitted to the Secretary of State for confirmation.

10. RECOMMENDATION

- 10.1 The Director of Legal Services submits the City of Sheffield (Public Path between Chorley Drive and Slayleigh Lane Fulwood) Diversion Order 2013 to the Secretary of State for confirmation.

Steve Robinson
Head of Highway Maintenance
Development Services

3 September 2013

PUBLIC PATH DIVERSION ORDER

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 257

CITY OF SHEFFIELD
(PUBLIC PATH BETWEEN CHORLEY DRIVE AND SLAYLEIGH
LANE FULWOOD)
DIVERSION ORDER 2013

This Order is made by Sheffield City Council (hereinafter referred to as 'the Council') under Section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to divert the footpath to which this Order relates in order to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990, namely the erection of a dwellinghouse with integral garage and associated landscaping at Chorley Drive, Fulwood, Sheffield.

BY THIS ORDER:

1. The footpath over the land shown by a bold black line on the attached Map and described in Part 1 of the Schedule to this Order ('the Schedule') shall be diverted as provided below.
2. There shall be created to the reasonable satisfaction of the Council an alternative highway for use as a replacement for the said footpath as provided in Part 2 of the Schedule and shown by bold black dashes on the attached Map.
3. The diversion of the footpath shall have effect on the date on which the Proper Officer, Development Services, of the Council certifies that the terms of Article 2 above have been complied with.
3. Where immediately before the date on which the footpath is diverted there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

SCHEDULE

PART 1

Description of site of existing path or way

That part of an adopted public footpath which runs between Slayleigh Lane and Chorley Drive, Fulwood, commencing at a point marked A on the Order Map, point A being 62 metres from the south western kerbline of Slayleigh Lane, and

extending for a distance of 47 metres to point B on the Order Map, point B being at the point where the footpath meets the back of the north eastern footway of Chorley Drive, having a width of 3 metres.

PART 2

Description of site of alternative highway

An irregular shaped area of new public footpath commencing at point A on the Order Map 6 metres in length and having a varying width from 2.5 metres to 5.5 metres from point A to C on the Order Map and continuing for a distance of 42 metres to point D on the Order Map, having a width of 3 metres.

DATED this 18th June, 2013

EXECUTED as a DEED)
By The Sheffield City Council)
Whose Common Seal)
was hereunto affixed in the)
presence of:-)



13/28/130


Duly Authorised Signatory

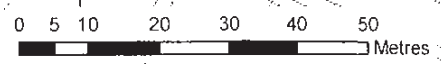
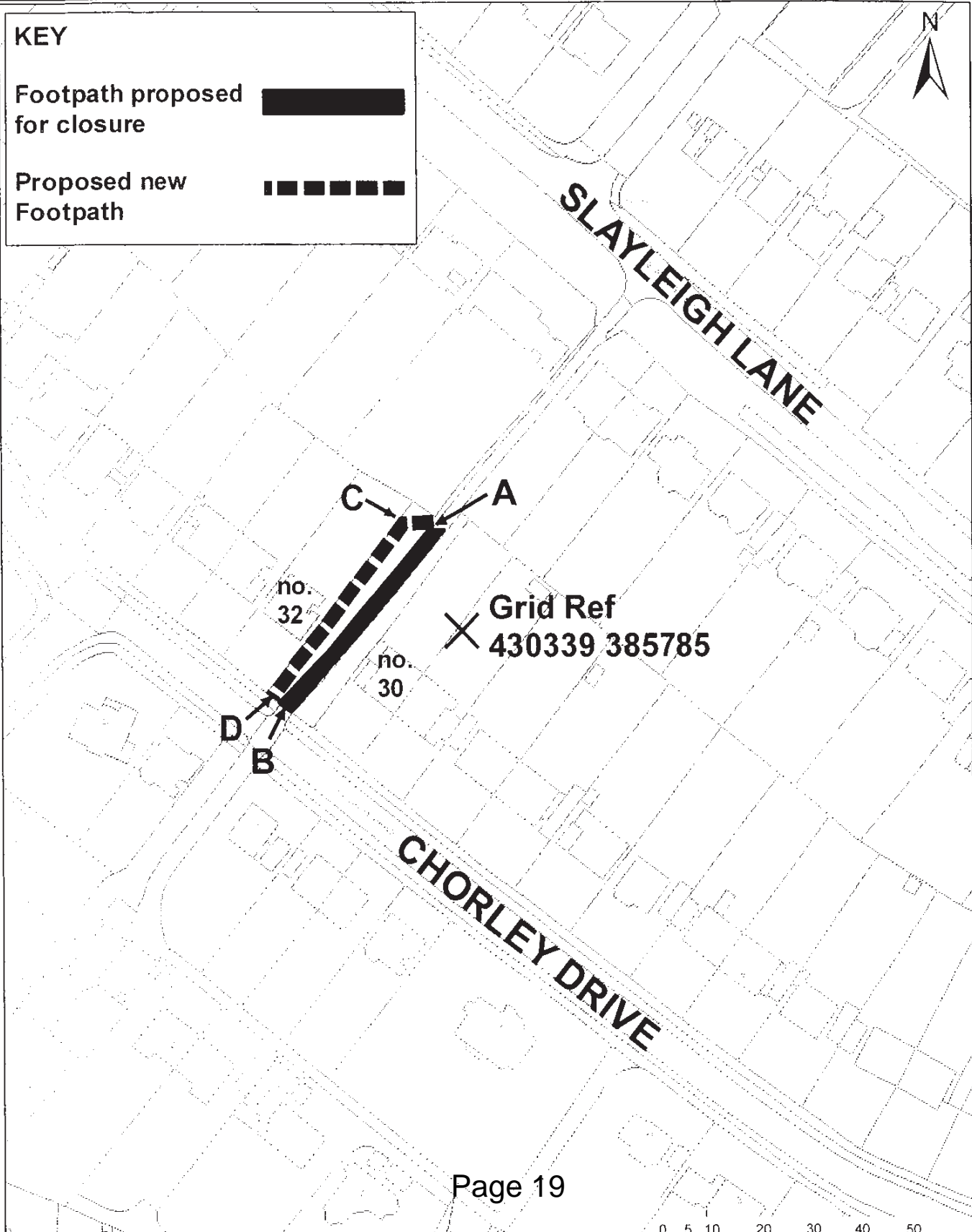


KEY

Footpath proposed
for closure



Proposed new
Footpath





13/28/130

EXECUTED as a Deed by
The Sheffield City Council whose
Common Seal was hereunto
affixed in the presence of:-

Duly Authorised Signatory



PROPOSED DIVERSION OF PUBLIC FOOTPATH BETWEEN CHORLEY DRIVE AND SLAYLEIGH LANE, FULWOOD
SUMMARY OF OBJECTIONS

VIEWS EXPRESSED	OFFICER OPINION
<p>Objection 1, from a resident of Chorley Drive: 1. The footpath is currently straight, with a clear view from one end to the other. Object on safety grounds that the proposed diversion will not allow this clear view, exacerbated by the proposed 2m high fence around the new building, allowing unsavoury characters to lurk, and oncoming cyclists to be obscured.</p>	<p>The issue of the dog-leg was raised by respondents to the planning process, and was referenced in the planning report considered by West & North Planning & Highways Committee, 4 December 2012. The Committee granted planning consent, so the matter now to be decided is whether it is necessary to divert the path in order to enable the development to be carried out in accordance with the planning permission.</p>
<p>Objection 2, from the resident of a property adjoining the proposed development site on Chorley Drive: 2.a. Did the Council carry out its consultation in accordance with Rights of Way Review Committee Practice Guidance Note 1? (Evidence requested).</p>	<p>Yes. This will be evidenced to a Planning Inspector, should they require it.</p>
<p>2.b. Reference to a case described in Rights of Way Review Committee Practice Guidance Note 6 where a Local Authority elsewhere was found guilty of maladministration where it sought to use planning consent and then Section 257 to convert a right of way into a garden. Assertion that, in the Chorley Drive case, only part of the length of the footpath being diverted is actually to be built on, and the rest is to become the garden of the new house, therefore the Order does not satisfy the condition that it is necessary to enable the development to take place.</p>	<p>The maladministration case actually refers to an instance where <i>nothing</i> was to be built. (The use of planning consent for 'change of use' from path to garden, followed by a Town & Country Planning Act Section 257 Order, was deemed to be a contrivance to stop up a footpath without using the Highways Act powers which would have been appropriate for use in that situation). In the Chorley Drive case, it is quite clear that the planning consent is for the new house to be built right across where the footpath currently runs. Very happy to let a Planning Inspector rule on this.</p>
<p>2.c. The Council is inadequately considering the points of objection being raised by the resident.</p>	<p>Points of objection (and Officers' opinions in response) are summarised in this Appendix. Committee Members have been sent full copies of the objection letters. Officers' view, having read and considered the objections, is that no issues have been raised which should prevent referral of the Order to the Secretary of State for a Planning Inspector to rule on, hence the recommendation to Members in this Report that it should be referred.</p>
<p>2.d. Questioning the formal status of the path: do vehicular rights exist on the path?</p>	<p>It is fully accepted that, in the past, there would have been <i>private</i> vehicular access rights to Slayleigh Cottages, but it is understood that these were extinguished by agreement between the relevant property owners some years ago. The Council has no indication in its records that the path is a vehicular highway. Nor has any record been found on file of any complaints from any members of the public who felt that they had the right to drive along it but were being prevented from doing so by the actions of either the</p>

VIEWS EXPRESSED	OFFICER OPINION
	Council or the landowner.
2.e. Contention that a small triangular area of the proposed new footpath is not shown on the Order plan, thus making it unclear, defective and flawed, and thus insufficient for a proper decision making process in confirming the Order.	The Order plan uses notation consistent with guidance. Happy to let a Planning Inspector rule on this matter.
2.f. The objector uses the path himself, along with many others.	Noted.
2.g. The objector has maintained the land between the path and his property, when it has become overgrown or untidy, for more than 50 years.	Noted.
2.h. Raises a point of "private law": the objector's lease places a restrictive covenant on the landowner of the development site that they " <i>will not lay out or construct any drive street road lane or footpath adjoining to or abutting on or touching [the objector's property] without the previous written consent of the Lessee</i> " (the Lessee being the objector). The Council should be aware in its decision-making process that, as well as securing confirmation of the Order, the applicant will need the objector's consent, and so the Council should not be seeking to confirm the Order without reference to this matter.	Noted. To the best of Officers' knowledge, the proposed new footpath does not adjoin, abut or touch the objector's property, so it appears that this remains a private matter between the objector and the applicant. Happy to let a Planning Inspector rule on this matter.
2.i. The Council has not attempted to investigate entering into negotiations with the objector, and thus appears to be pre-judging that there is no prospect of negotiation leading to withdrawal of his objection.	Having been through the planning process and obtained planning consent, the applicant has requested that authority be sought to refer the Order to the Secretary of State as soon as possible. However, in the meantime, Officers have offered to meet the two objectors, in the hope of dialogue about their concerns, and as to what compromise, if any, might lead to withdrawal of their objections. A verbal update on this will be given in the meeting.
2.j. The Council has not referred to the Equality Act 2010 in any of its discussion about the issue of the introduction of the dog-leg to the footpath. (Objector has concerns appertaining to the safety needs/requirements of visually impaired people, wheelchair users and children, particularly toddlers and babies accompanied by mothers as well as primary school children in connection with their use of the new footpath).	The issue of the dog-leg was raised by respondents to the planning process, and was referenced in the planning report considered by West & North Planning & Highways Committee, 4 December 2012. Officers believe that, by having no steps, and by having a dog-leg rather than two right angles, the new path is non-discriminatory. The Committee granted planning consent, so the matter now to be decided is whether it is necessary to divert the path in order to enable the development to be carried out in accordance with the planning permission.
2.k. The proposed width of the new path (2 metres tarmac plus 1 metre verge) does not conform to Rights of Way Review Practice Guidance Note 6, which states that if a path is enclosed by fencing or hedges, it should be a minimum width of 4 metres. This has	The Note referred to is advisory guidance, not a statutory requirement. The Council is cognisant of the guidance but, in this particular case, in assessing the planning application, Officers' view was that it was neither reasonable nor proportionate to require a 4 metre width.

VIEWS EXPRESSED	OFFICER OPINION
<p>health and safety implications for users of the path, especially people with disabilities.</p>	<p>Committee granted planning consent, so the matter now to be decided is whether it is necessary to divert the path to enable the development to be carried out in accordance with the planning permission.</p>
<p>2.l. Numbers 65 and 67 Slayleigh Lane have pedestrian gates in the vicinity of the dog-leg area, adding to the objector's safety concerns. The situation is exacerbated by the apparent boundary encroachments of those two properties.</p>	<p>Properties abutting a highway have a right to make a pedestrian access onto it. Officers have seen no evidence of encroachment onto the highway by properties adjacent to this path.</p>
<p>2.m. The Order plan does not correctly show the extent of the triangular area between points A and C as being in the new highway to be adopted.</p>	<p>The Order plan is not a construction finishes drawing. It has to simply show the current route and the proposed new route, not details such as verges, etc. However, the Schedule to the Order does refer to the width going up to 5.5m on this section of the new route, which takes into account the inclusion of the triangular area in the new Adopted Highway.</p>
<p>2.n. Point A on the Order plan does not correctly denote the proper location of the commencement point of the new footpath.</p>	<p>Officers believe the Order plan is clear and adequate. Happy to let a Planning Inspector rule on this matter.</p>
<p>2.o. The current problem of surface water run-off onto the objector's property from the land on which the footpath is situated is likely to be increased by the diversion of the footpath, in conjunction with the construction of the development, as it will cause an increase in the proportion of the land which is hard-surfaced.</p>	<p>The proposed diversion takes the path <u>further away</u> from the property in question than it is currently. However, if surface water run-off from the Highway onto private property is currently a problem, it should be reported to the Council's Customer Services, as the Streets Ahead Highway maintenance contractor has a duty to address it. The new footpath will need to be constructed so that it does not cause run-off into any private property.</p>
<p>2.p. Discrepancy between the grid references quoted on the original Order plan and the one now being objected to.</p>	<p>In any case, the development has planning consent, so the matter now to be decided is whether it is necessary to divert the path in order to enable the development to be carried out in accordance with the planning permission.</p> <p>The grid reference is correct on the plan with the current Order (copy attached as Appendix A to this report).</p>



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration and Development Services

Date: 03 September 2013

Subject: Planning application consultation from Barnsley Council about a proposed wind turbine at Sheepphouse Farm, Cubley

Author of Report: John Williamson 0114 2734944

Summary:

The proposed wind turbine would have a hub height of 52 metres and blades with a 27 metres radius giving a total height of 79 metres. It is proposed to be located on the hillside north of Stocksbridge

Reasons for Recommendations

The scale of the wind turbine is such that, where it will be visible, it will not dominate views, especially from the local conservation areas, where it is felt that the setting would not be harmed by views towards or from them. It would also not significantly impact on the surrounding areas and their local communities, much of which lies within the green belt as well as the urban area of Stocksbridge. As such there are no serious concerns over the impact of the proposal.

Recommendations:

It is recommended that Members note the report and agree that Barnsley MDC be informed that the Local Planning Authority have no objection to this proposal subject to a condition requiring an alternative TV service to be provided where the wind turbine affects TV reception

Background Papers:

Category of Report: OPEN

PROPOSED DEVELOPMENT OF A WIND TURBINE
SHEEPHOUSE FARM, MORTIMER ROAD, PENISTONE
APPLICATION 2013-0784
CONSULTATION FROM BARNESLEY MDC

1. INTRODUCTION

- 1.1 A planning application, including an Environmental Statement, has been submitted to Barnsley MDC for the erection of a 900kW wind turbine, with a height to hub of 52 metres and with a 27 metre rotor radius giving a height to blade tip of 79 metres.
- 1.2 This application also includes a proposal for a 60 metre high meteorological mast to be erected for 2 years prior to the construction of the wind turbine in order to obtain detailed wind data from the site.
- 1.3 The turbine is required to power a dairy unit at the farm, replacing a generator, and any surplus energy generated will be fed back into the National Grid.
- 1.4 The turbine is to be located at Sheephouse Farm, approximately 1 kilometre north of the nearest built up area of Stocksbridge and about the same distance from Midhopstones. The turbine is close to and will be visible from Stocksbridge and its surrounds within the City Council area and accordingly, Barnsley MDC have notified the City Council of the receipt of the application and requested comments.

2. NATIONAL AND LOCAL POLICY

- 2.1 The Government has a target of 15% of the UK energy supply to come from renewables by 2020.
- 2.2 The National Planning Policy Framework (NPPF) (paragraph 28), sets out the need to promote the development and diversification of agriculture and other land-based rural businesses.
- 2.3 The NPPF also sets out that Local Planning Authorities (LPA's) should help increase the use and supply of renewable and low carbon energy and recognise the responsibility of all communities to contribute to energy generation from renewable and low carbon sources.
(Paragraph 97)
- 2.4 When determining applications, LPA;s should not require applicants to demonstrate the overall need for renewable or low carbon energy and,

where the impacts are , or can be made acceptable, to approve the application. (Paragraph 98)

- 2.5 The Sheffield Unitary Development Plan Policy GE28 encourages the development of wind turbines, subject to the landscape impacts being kept to an acceptable level, particularly in Areas of High Landscape Value and areas conspicuous from the Peak Park, the impacts on living conditions on nearby residents not being significantly adversely affected, there being no harm to nature conservation sites, conservation areas, listed buildings or significant archaeological sites, and the removal of the equipment and site restoration when the equipment is removed.

3. REPRESENTATIONS

- 3.1 The application has been made to Barnsley MDC and neighbour notification and consultations have been carried out by them. A notification has been sent to Stocksbridge Town Council. Stocksbridge Community Forum and Bradfield Parish Council have been consulted.
- 3.2 In accordance with the procedure agreed with Barnsley Council previously, officers have identified additional areas to be notified of the application.
- 3.3 Neighbour letters have been requested to be sent, (on the Sheffield side) to residents in the Midhopestones, Upper Midhope and Langsett areas plus properties on Unsliven Road, Smithy Moor Avenue, Smithy Moor Lane, Cross Lane and New Hall Crescent..
- 3.4 Stocksbridge Ward and Town Councillors have been consulted.
- 3.5 A copy letter of an original from the Protect Sheepphouse Heights action group, sent to Barnsley Council, objecting to the proposal has been received The group have objected on the following grounds:
- 3.5.1 The planning application contains inaccuracies and misleading information which they are to comment on later. There is a strong implication that the ultimate aim of the application is to secure permission for a number of large turbines at the site rather than the single turbine implied in the application.
- 3.5.2 There has been no public consultation by the applicant prior to submission of the application.
- 3.5.3 The objectors believe that there have been closed meetings between the Parish Councils or individuals therefrom, which the objectors consider has compromised their position in respect of an unbiased opinion on

the proposal.

3.5.4 The objectors believe that financial inducements have been offered on an individual and community basis, which are also believed to have been discussed in closed meetings.

3.5.6 The application should be refused in order to preserve the beauty of the natural surroundings.

4. POTENTIAL IMPACTS

4.1 Landscape

4.1.1 The wind turbine will be visible as a feature in the landscape from substantial distances. There are other vertical elements in the landscape on the northern valley side such as electricity pylons. The turbine will have an impact above and beyond this. The landscape impact can be appreciated in more detail in respect of the effect on the local conservation areas and Green Belt as discussed below.

4.2 Conservation Areas

Midhopestones CA

4.2.1 The application includes a viewpoint diagram that indicates the view of the turbine and mast as likely to be seen from within the Midhopestones Conservation Area (CA). The viewpoint is from the higher land to the South of Midhopestones and looks North East towards the turbine. (See Appendix 1)

4.2.2 There is a line of electricity pylons that can be seen on the horizon. The proposed wind turbine would be located in a position where it would be seen relatively close to a pylon. To the blade tip, it would appear slightly taller than the pylon. As the wind turbine will be seen in conjunction with the pylons, it is not considered that there will be a significantly harmful effect on the character and appearance of the Midhopestones CA or the visual amenities of the locality.

4.2.3 Lower down the valley side, close to the junction of the A616 with Mortimer Road, the visibility of the wind turbine will be restricted due to the height of the trees alongside the A616.

4.2.4 It is considered that the views from Midhopestones CA will not be adversely affected by the turbine deployed on the hillside. Views towards Midhopestones will not generally include the wind turbine and so these views will also not be significantly harmed.

Langsett CA

4.2.5 The wind turbine will be seen in some views east from Gilbert Hill which is to the North of Langsett, and at a distance of approximately 3.8 kilometres from the application site. At this distance, the wind

turbine will appear small and will be seen within a group of electricity pylons and so will not create a prominent feature on the horizon

- 4.2.6 Further down the hill into Langsett and the Conservation Area itself, the wind turbine will not be readily visible due to the Conservation Area being in the valley bottom and the intervening landscape and buildings.
- 4.2.7 Further up the valley side to the South of Langsett, and outside the Conservation Area, the wind turbine will be visible but at the distance involved, will not form a significant feature on the horizon.
- 4.2.8 Views towards Langsett CA will not be significantly adversely affected so the character and appearance of the CA will not be harmed..

Bolsterstone CA

- 4.2.9 Views North West from Bolsterstone CA will also include the wind turbine. It will be seen on the skyline at a distance of just over 4 kilometres. This distance does mean that the wind turbine will appear relatively small, but it will be seen as a standalone feature on the horizon as there are no intervening features that break the skyline close to it. The electricity pylons that do breach the horizon are separated from the structure and are not viewed directly in conjunction with the wind turbine.
- 4.2.9 Although seen as a standalone feature, the relatively small size of the wind turbine when viewed from Bolsterstone will not cause significant harm to the character and appearance of the CA and will not significantly harm wider views of the landscape when viewed from Bolsterstone. (Appendix 2)

4.3 Green Belt

- 4.3.1 Outside of the built up area of Stocksbridge, the land is mainly identified as Green Belt.(GB) As the wind turbine would be seen from views within the GB, the effect on its character and appearance has to be considered. Unitary Development Plan policy GE4 sets out that the scale and character of any development conspicuous from it should be in keeping with the area and, where possible conserve and enhance the landscape and natural environment.
- 4.3.2 The Sheffield Local Plan Core Strategy (CS) seeks to protect the Green Belt and states, in policy CS 71, countryside and open land around the built up areas will be safeguarded by maintaining the Green Belt.
- 4.3.3 The National Planning Policy Framework (NPPF) also seeks to protect the Green Belt and confirms that elements of many renewable energy projects will comprise inappropriate development and would need to demonstrate very special circumstances in order to proceed. This will be a matter for Barnsley Council to address.

4.3.4 The main issue for the Local Planning Authority to consider is whether the proposed wind turbine will cause harm to the character and openness of the Green Belt within Sheffield.

4.3.5 In this respect, view towards the Sheffield Green Belt would not be adversely affected by the installation of the wind turbine. It is at such a distance that it will not form a substantial feature in any views.

4.3.6 The wind turbine will be visible in many views looking out from the Sheffield GB but generally, it will be at such a distance that, although it will be seen above the horizon, it will not be significantly intrusive. The view from Underbank from outside the GB but looking over it is discussed below.

4.4 Other Areas

4.4.1 The wind turbine will be seen from other locations in and around Stocksbridge. At Smithy Moor Lane, by Underbank Reservoir, the wind turbine will be 1.4 kilometres away and will be seen on the horizon. At this distance, the wind turbine will be a relatively large feature but will be seen between the line of electricity pylons and as such it is not considered to cause significant harm to the character and appearance of the surrounding area (Appendix 3).

4.4.2 Within Stocksbridge itself, the horizon is masked from many views by buildings. Where views are available, such as from higher up the valley side, the distance it is viewed from will mean the wind turbine will be a small feature and will not harm the visual amenity of the area.

4.5 Highways

4.5.1 The main impact of the proposed wind turbine on the highway network will be during the construction phase. The developers propose to use haulage routes, especially for abnormal loads, that do not require journeys within the City Council boundaries.

4.6 Noise

4.6.1 The Environmental Statement contains a noise report examining the potential noise levels at a number of noise sensitive locations, including Underbank within the City Council area.

4.6.2 The report compared these to the relevant criteria as set out in ETSU-R-97. (ETSU-R-97: The Assessment and Rating of Noise from Wind Farms. This provides a framework for the assessment and rating of noise from wind energy developments. It has become the accepted standard for wind farm developments in the UK.)

4.6.3 At the time of the assessment, the predicted noise levels of the wind turbine were expected to be below the day time and night time noise criteria recommended in ETSU-R-97 to ensure a noise problem does not occur. At the distances involved, noise is unlikely to be a problem within the City Council area.

4.7 Other issues

TV reception

4.7.1 No information has been provided to indicate what effect, if any, the proposal would have on television reception in the area. In the absence of such information, there is a concern that interference could occur. Normally, where this may be possible, a planning condition is attached to any permission given requiring the developer to provide an alternative service within a specific timescale.

Shadow Flicker

4.7.2 Shadow flicker effects occur within 10 rotor diameters of the turbine and within 130° either side of north. None of the City Council area lies within these parameters and so shadow flicker is not considered to be a problem

5. EQUAL OPPORTUNITIES IMPLICATIONS

5.1 There are no equal opportunities implications arising from this report.

6. FINANCIAL IMPLICATIONS

6.1 There are no financial implications arising from this report.

7. SUSTAINABILITY IMPLICATIONS

7.1 The provision of a renewable energy source is in line with national, regional and local policy in principle. The development will provide a source of renewable energy helping to reduce carbon emissions

8. SUMMARY AND RECOMMENDATION

8.1 The proposal would provide for a renewable energy source, contributing to the reduction in carbon emissions and can be supported in principle.

8.2 The turbine is large with a 52 metre hub height and a rotor radius of 27 metres giving a total height to blade tip of 79 metres, but it is smaller than the turbines previously proposed at Sheephouse Heights (which proposed 5 wind turbines with a hub height of 80 metres and 45 metre rotor radius giving a total height of 125 metres and which were refused permission by Barnsley Council).

- 8.3 The theoretical zone of visibility of the wind turbine indicates that it will be visible from a significant area around Stocksbridge and beyond. This does not, however, take into account any intervening landscape features or buildings. The scale of the turbine is such that where it will be visible, it will not dominate views, especially from the local conservation areas, where it is felt that the setting would not be harmed by views towards or from them. It would also not significantly impact on the surrounding areas and their local communities, much of which lies within the green belt as well as the urban area of Stocksbridge. As such there are no serious concerns over the impact of the proposal.
- 8.4 It is recommended that Members note the above mentioned comments on the proposed development and agree that Barnsley MDC be informed that the Local Planning Authority have no objection to this proposal subject to a condition requiring an alternative TV service to be provided where the wind turbine affects TV reception.

Location Plan



David Caulfield
Head of Planning Service

13 August 2013

Appendix 1

Extract from the Environmental Statement indicating the view from Midhopestones
Midhopestones



Viewpoint Grid Ref: SK 2353 9542
Camera Elevation Above Ground: 7.6m
Rotor Diameter: 50m
Hub Height: 52m
Distance to Turbine: 1.50km

This photomontage should be viewed at approximately 327mm when held at A3.

Spring Brook Wind Turbine
Figure 5.3
Viewpoint 1 - View from Midhopestones

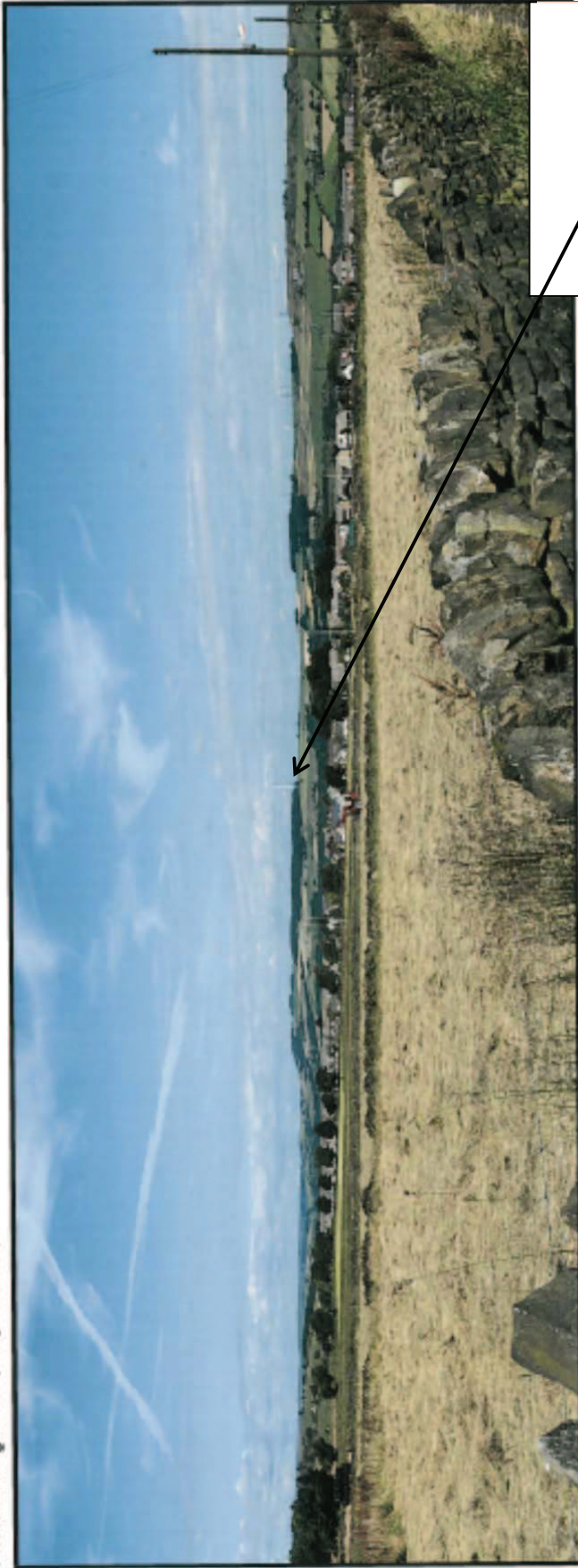


Appendix 2

Extract from the Environmental Statement indicating the view from Bolsterstone

Bolsterstone

Photomontage View (70 degs field of view)



Photomontage Location Map reproduced from the Cotswolds Survey Map with the permission of the Committee of N.M. Naturalists, O.S.M., © Crown Copyright, Scale number 1:60000 1875



Viewpoint Grid Ref. 85 27115 16807
Camera Orientation Above Ground 1.8m
Rotor Diameter 56m
Hub Height 23m
Distance to Turbine 4.05km
This photomontage should be viewed at approximately 327mm when printed at A3.

Spring Brook Wind Turbine
Figure 5.11
Viewpoint 5 - View from Public Footpath at Bolsterstone



Appendix 3

Extract from the Environmental Statement indicating the view from Underbank Reservoir
Underbank Reservoir

Photomontage View (70 degree field of view)



Viewpoint Location Map reproduced from the Cleveleys Survey Map with the permission of the Controller of HM Land Registry (Map 8/0/over northlight license number 2/0021879)



Viewpoint Grid Ref: SK 25250 99920
Camera Elevation Above Ground: 1.0m
Ruler Orientation: 0.0m
Hub Height: 80m
Distance to Turbine: 1.41km

The photomontage should be viewed at approximately 327mm when printed at A3.

Spring Brook Wind Turbine

Figure 5.5

Viewpoint 2 - View from Underbank Reservoir near
Smittry Moor Lane



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SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Director of Regeneration and Development Services

Date: 03/09/2013

Subject: Applications under various acts/regulations

Author of Report: Lucy Bond/Chris Heeley/Kate Mansell 2734218

Summary:

Reasons for Recommendations

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

Recommendations:

Background Papers:

Category of Report: OPEN

Application No.	Location	Page No.
13/02220/FUL	13 College Street Sheffield S10 2PH	40
13/02050/FUL (Formerly PP-02523452)	Garage Site At Rear Of 33 To 35 Daisy Walk, Adjoining 49 - 65 Lilac Road And Sevenairs Road Beighton Sheffield S20 1FT	49
13/01810/CHU	Crossfield Tavern 201 Mortomley Lane Sheffield S35 3HT	65
13/01764/FUL (Formerly PP-02664241)	Pastry Plus 8 Finchwell Close Sheffield S13 9DF	72
13/00838/FUL (Formerly PP-02510040)	1A Halfway Centre Sheffield S20 4TA	79

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To the Planning and Highways Committee
Date Of Meeting: 03/09/2013

LIST OF PLANNING APPLICATIONS FOR DECISION OR INFORMATION

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

Case Number	13/02220/FUL
Application Type	Full Planning Application
Proposal	Two-storey rear extension including provision of lightwell to basement and replacement rear stairs to first floor to form a single flat at basement/ground floor levels
Location	13 College Street Sheffield S10 2PH
Date Received	18/06/2013
Team	South
Applicant/Agent	Chris Gothard Associates
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 Title / Reference:
- PROPOSED PLANS & ELEVATIONS

(2104 Drawing Number 02 Revision A),

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 The proposed facing materials shall match the facing materials to the existing building.

In the interests of the visual amenities of the locality.
- 4 The proposed roofing materials shall match the roofing materials to the existing building.

In the interests of the visual amenities of the locality.
- 5 Within one calendar month of the installation of the external steps / staircase the fence / wall as shown on the approved drawings shall be constructed, and permanently retained thereafter.

In the interests of the amenities of occupiers of adjoining property.
- 6 The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

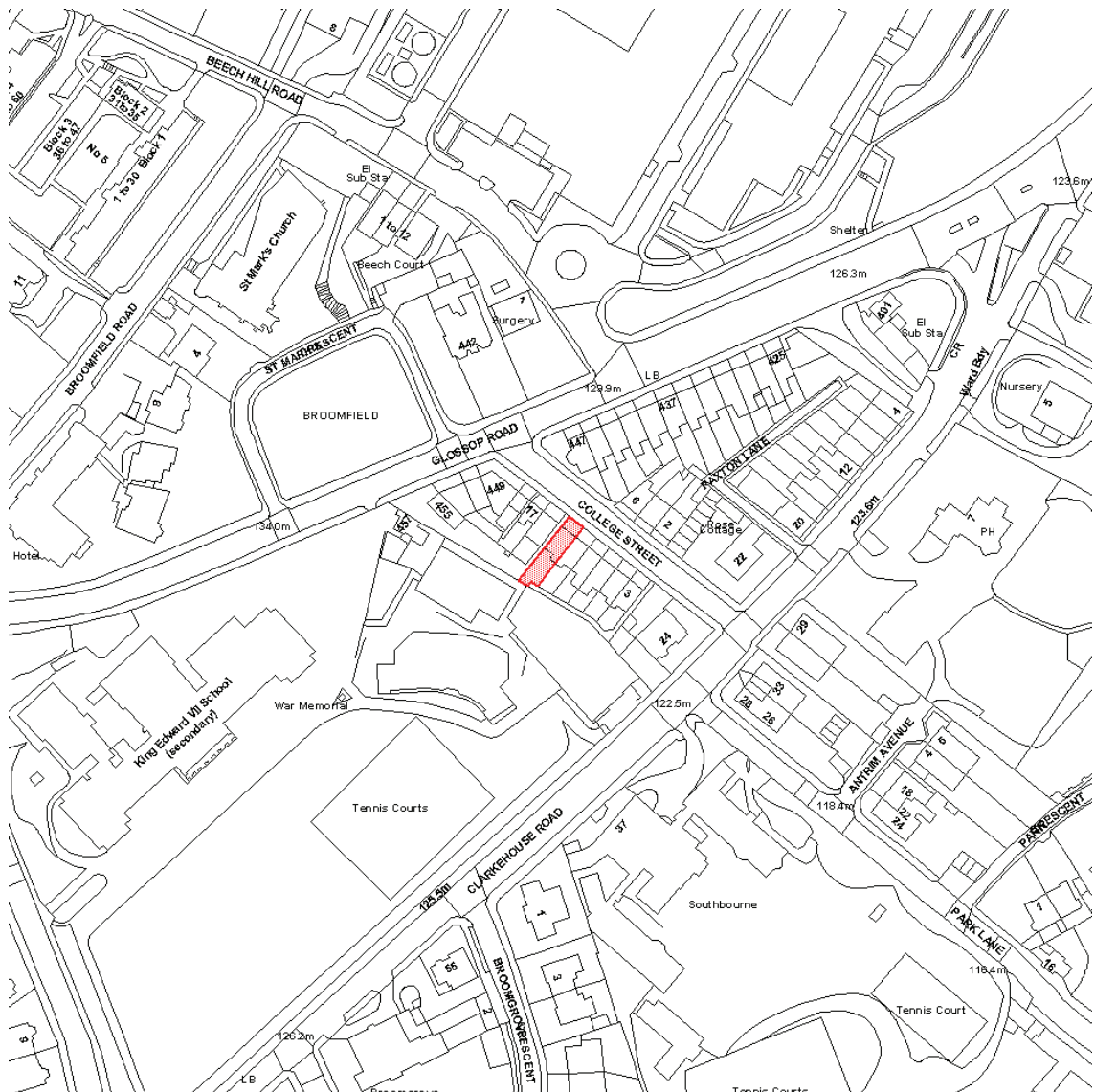
In the interests of the amenities of occupiers of adjoining property.
- 7 The steel grid at the front elevation lightwell shall be painted black prior to the occupation of the basement / ground level flat, and shall be permanently retained as such.

In the interests of the visual amenities of the locality.

Attention is drawn to the following directives:

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

Site Location



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LOCATION AND PROPOSAL

The application property is an end-of-terrace property, which is located to the south of College Street. It falls within Broomhill Conservation Area, and also falls under its Article 4 Direction.

The property is currently divided into 3 flats, and it is intended to make changes to the property to create 2 flats in total by converting the ground floor and basement flats into a single flat, with a first floor flat remaining as the second flat (13A College Street). The applicant's agent has confirmed that the resulting flat would fall within the C3 use class, as opposed to being a C4 house in multiple occupation.

The application proposes the formation of a lightwell at the front elevation, the replacement of external stairs up to the first floor level at the rear elevation and the construction of a two storey rear extension at lower ground and ground floor levels.

RELEVANT PLANNING HISTORY

There is no record of planning history relating to the application site.

SUMMARY OF REPRESENTATIONS

Following neighbour notification, the placement of a site notice and the publication of a press advertisement; 3 objection representations have been received from 2 addresses.

The comments made can be summarised as follows:

- Extension out of keeping with character of houses on that side of College Street
- Overshadowing and over-domination of No.11, involving loss of light. Appears to breach 45 degree line.
- Extension occupies an excessive amount of the garden space
- Property at No.11 has lost a significant amount of daylight and privacy at rear due to Sports Hall, and Swimming Pool Air Handling Unit.
- Illegal works have been carried out at the site, without Ground Landlord permission, including wooden stairway.
- Was originally converted to 2 flats. The 3rd flat was created without ground landlord permission.
- 455a was converted without consent, and originally connected to land at Num.13 for escape purposes.
- Clearly property is to be converted to a larger multi-occupancy dwelling. Area should not be able to become dominated by students, properties should remain as family houses.
- Inadequate neighbour notification.

In regards to amended drawings the adjoining neighbour at No.11 has provided a further representation, and the comments made can be summarised as follows:

- Amendments do not address concerns, will still cause overshadowing and overbearing impacts.

- Plans don't take account of '45 degree rule'. Intend to convert the space used as a utility area in No.11 to a study space.
- The planning committee should be made aware of the cumulative impact caused by other approvals within immediate vicinity.
- Supplementary Planning Guidance does not take account of the size of neighbouring garden. Extension represents an overdevelopment of the plot.

A 4th representation has been received, which raises no objection to the scheme, but points out the presence of a further nearby, residential property which does not feature within the submitted site location plan.

Non-Material Planning Considerations

- Other works have affected the value of the house, and the proposed extension would further decrease attractiveness of the property.
- Unclear how excavation will be carried out. No Party Wall notice received.
- Ground landlord's permission not sought, and it will not be granted.
- Obstruction of communal drain and land at end of garden.
- It is intended to contact Ombudsman regarding reduction in house value. Approval of current application will worsen this.

PLANNING ASSESSMENT

The application property is located within a Housing Area under the provisions of the Adopted Unitary Development Plan. As a result the proposal is required to be assessed against the provisions of UDP policy H14.

- H14 'Conditions on Development in Housing Areas; states amongst other things that extensions are required to be (a) well designed and in scale and character with neighbouring buildings, (c) not result in over-development of the site or deprive residents of light, privacy or security and (d) provide safe access to the highway network and appropriate off-street parking .

Additionally, the site is located in Broomhill Conservation Area and consequently the proposal is required to be assessed against the provisions of the following policies:

- BE5 'Building Design and Siting', states in part (c) that all extensions should respect the scale, form, detail and materials of the original building
- BE16 'Development in Conservation Areas', states that only development which would preserve or enhance the character or appearance of the Conservation Area will be permitted.
- BE17 covers 'Design and Materials in Areas of Special Architectural or Historic Interest' requires a high standard of design using traditional materials.

In addition the provisions of the 'Designing House Extensions - Supplementary Planning Guidance' includes a number of relevant guidelines. These can be summarised as follows:

- Guideline 1; Extensions should be compatible with the character and built form of the area

- Guideline 2; Extensions to dwellings shall not detract from that dwelling or the general appearance of the street or locality
- Guideline 5; Unreasonable overshadowing and overdominance of neighbouring dwellings should be avoided, as should serious reductions in the lighting and outlook of the dwelling to be extended
- Guideline 6; Extensions should protect and maintain minimum levels of privacy

Impact Upon Character of Conservation Area

The proposal incorporates the formation of a lightwell at the property's front elevation. The frontage of the property contains a small garden with a low brick wall to the back edge of footway and as such the garden and proposed light well will be clearly visible to passing pedestrians. In its initial form the light well included railings, approximately 1.0metre in height, around its perimeter. This element of the proposal was considered to be unacceptable, having a detrimental impact on the character of the Conservation Area.

As a result of these concerns, amendments to the light well have been secured. The amended details retain the light well feature, but incorporate a metal grill and brick upstand of 0.4metres in height. The amended light well detail is considered to be acceptable, and to appropriately respect the appearance of the property's frontage and character of the wider street scene.

Some concerns have been expressed in representations about the impact of the two storey rear extension upon the character of the Conservation Area. The location at the rear of the property means that from public vantage points the extension is not visible. As a result it does not impact upon the public amenity of the Conservation Area.

On this basis the proposal is considered to satisfy the relevant requirements of UDP policies H14, BE5, BE16 and BE17.

Impact Upon Neighbouring Occupiers' Amenity

The proposed staircase would replace an existing and somewhat dilapidated staircase structure which leads up towards the first floor flat entrance door at the rear. The proposed steps would follow a similar route to the existing steps, but rise at a steeper angle to meet the house at its 1st floor level rather than at the slightly lower level. At each side of the steps there is proposed to be a wall and a fence to prevent sideward overlooking onto neighbouring gardens. The fence facing towards No.15 would replace an existing brick wall. The proposed fence would be approximately 1metre higher than the wall, and would avoid having an overbearing impact upon No.15 which is already affected in this way by its own boundary wall. The wall facing towards No.11 would run along the portion of the steps beyond the extension. This would prevent sideward views onto the garden of this neighbouring occupier. It is considered to be set sufficiently far away from the boundary and at a reasonably low level to prevent it from having a detrimental impact.

The two storey rear extension would project by 3.0metres beyond the existing off-shot at lower ground level, and by approximately 2.0metres beyond the off-shot at ground floor level. The dwelling at No.15 is elevated above the level of the application site and is also separated by the access walkway. As a result the proposal is not considered to have an impact on this neighbouring occupier.

The adjoining terrace at No.11 is set on an equivalent level to the application site. Currently the lower ground floor level of the neighbouring dwelling includes a utility room window in closest proximity to the application site and a set of folding doors which serve a lounge area further away from the application site.

The occupant of No.11 has confirmed as part of a representation relating to the application, that they intend to convert the space used as a utility area to a study space. Despite the stated intention to undertake these internal alterations within the neighbouring property, it is considered that it would be unreasonable to base an assessment of the proposed extension upon these details, and instead it is considered appropriate to assess the impact on existing layouts at No.11.

The proposed extension in its revised form would fall within a line drawn at 45 degrees from the folding/patio doors to the lounge, but would breach this line when taken from the utility room window. Consideration of overbearing impact in such matters is concerned with the impact upon main windows, serving such rooms as living/dining rooms, bedrooms or other rooms where occupants can be expected to spend a large amount of time. Therefore, the proposal would satisfy Guideline 5 of the Supplementary Planning Guidance - 'Designing House Extensions' used to measure whether extensions would lead to overshadowing or overdominance of neighbouring occupiers.

Further to this it is worth noting that the application site is located north-west of No. 11 and would not be likely to lead to loss of direct sunlight to this property.

Therefore, the proposal is considered to have an acceptable impact in this regard, and it is considered that it would be unreasonable to resist the application for reasons relating to these issues.

The ground floor level element of the extension is proposed to include a Juliette Balcony in its rear facing elevation. This would incorporate glass up to a conventional sill level with double doors behind. The balustrade would ensure that views from the balcony would not be any more detrimental than a conventionally designed window. As a result, the Juliette balcony element of the proposal is considered to be acceptable. On this basis the proposed extension would be considered to meet Guideline 6 of the SPG which requires minimum levels of privacy to be protected.

The attached neighbouring occupier at No.11 has raised concerns about the proposal in combination with previously granted Sports Hall and Air Handling Unit at the adjoining site/s, and their cumulative harmful impact combined with the current proposal. Each planning application is required to be assessed upon its own merits although the cumulative impact of other developments or developments with planning permission but not yet built, may also be considered. The sports hall and air handling unit have been constructed, albeit the latter not in accordance with the approved plans - which is being investigated. The proposed extensions are somewhat separated from the other elements referred to and in addition there is an

element of openness to the south east of No. 11. As such it is considered that the cumulative impact of these works would not be detrimental to the amenities of neighbouring occupiers.

Overall, the proposal is considered to meet the requirements of UDP policy H14 and the relevant guidelines in the SPG.

Amenities of Potential Occupiers

The proposed lower flat would incorporate two bedrooms, a kitchen, a lounge area and bathroom and shower spaces. Partly due to the proposed front light well, the rooms would be considered to be provided with adequate ventilation and natural lighting.

The light well would be considered to provide suitable lighting and outlook, without taking up an excessive amount of the front garden space.

The extension would leave approximately 7.0metres depth of garden, and provide approximately 35sq metres in area terms. This would be considered to be adequate to serve the two flats, and would not be considered to represent an overdevelopment of the plot.

Based upon these conclusions it is considered that the scheme would satisfy the requirements of UDP policy H5, which requires flats to be provided with suitable living conditions.

Highways Issues

As the proposal involves a reduction from 3 flats at the site to 2 flats, it is considered that the proposal would not be likely to lead to additional on-street parking within the vicinity of the application site.

Therefore, the proposal would satisfy part (d) Of UDP policy H14 which requires schemes to have an acceptable impact upon highway safety.

RESPONSE TO REPRESENTATIONS

A substantial number of the issues raised within neighbours' representations have been covered in the above assessment.

In relation to the outstanding material planning considerations, the following comments can be made:

- The property at No. 455A Glossop Road benefits from consent, and it does not require an escape route through the application site.
- The neighbour notification undertaken is fully in compliance with the Statement of Community Involvement, with 9 individual letters distributed to neighbouring occupants, supplemented by a site notice and press advert.
- The proposed flat has been confirmed to be a C3 use, rather than a C4 House in Multiple Occupation. As such it would not be possible for the property to become multi-occupation accommodation.

SUMMARY AND RECOMMENDATION

The application relates to a terrace property within Broomhill Conservation Area. It seeks consent to form a front elevation light well, a two storey rear extension and a rear access staircase, to enable the conversion of the two existing flats at ground and lower ground to a single flat, whilst retaining the first floor flat at No. 13A College Street.

The proposal would have an acceptable impact upon the character of the Conservation Area, avoid having a detrimental impact upon the amenities of neighbouring occupiers, provide an appropriate amenity for occupants of the flat and have no significant impact upon local highway safety circumstances.

On this basis the proposal is considered to meet the requirements of the relevant UDP and Core Strategy policies, along with the relevant parts of the Supplementary Planning Guidance.

Therefore, the scheme is considered to be acceptable and conditional approval is recommended.

Case Number 13/02050/FUL (Formerly PP-02523452)

Application Type Full Planning Application

Proposal Demolition of existing single storey garages and erection of a 2/2.5 storey split level residential/supported housing development comprising 20 one bed supported flats with ancillary accommodation and associated car parking (amended as per plans received on 20/08/13)

Location Garage Site At Rear Of 33 To 35 Daisy Walk,
Adjoining 49 - 65 Lilac Road And Sevenairs Road
Beighton
Sheffield
S20 1FT

Date Received 18/06/2013

Team City Centre and East

Applicant/Agent Self Architects

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:

4002-01 Rev H
4002-04 Rev D
4002-05 Rev D
4002-06 Rev D
4002-07 Rev C
4002-08 Rev C
4002-09 Rev D received on 20/8/2013,

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 No development shall take place unless and until a planning agreement, under Section 106 of the Town & Country Planning Act, in the form or substantially in the form of the draft attached to this consent has been completed.

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

- 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 A sample panel of the proposed masonry shall be erected on the site and shall illustrate the colour, texture, bedding and bonding of masonry and mortar finish to be used. The sample panel shall be approved in writing by the Local Planning Authority prior to the commencement of the building works and shall be retained for verification purposes until the completion of such works.

In order to ensure an appropriate quality of development.

- 6 Large scale details, including materials and finishes, at a minimum of 1:50 of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:

Window reveals
Eaves and verges
Balconies
Entrance canopies
Rainwater goods

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

In order to ensure an appropriate quality of development.

- 7 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.

- 8 No development shall take place until the landscape improvements to the open space to the south of the application site listed below have either;

- a) been carried out; or
- b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the building is brought into use.

Improvements:

Additional tree planting and provision of (2 no.) bench seating.

In the interests of the visual amenities of the locality.

- 9 Prior to the landscape improvement works indicated in the preceding condition being carried out, full details of these improvement works shall have been submitted to and approved in writing by the Local Planning Authority.

In the interests of the visual amenities of the locality.

- 10 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.

- 11 The development hereby approved shall be constructed to achieve a minimum rating of BREEAM 'very good' and before the development is occupied (or within an alternative timescale to be agreed) the relevant certification, demonstrating that BREEAM 'very good' has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.

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

- 12 No development shall take place unless confirmation that a minimum of 10% of the predicted energy needs of the completed development will be obtained from photovoltaic/solar panels, as suggested in the Sustainability Statement and Design and Access Statement, or a report identifying an alternative method of achieving this percentage from other decentralised and renewable or low carbon energy, shall be submitted to and approved in writing by the Local Planning Authority. The agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources or additional energy efficiency measures shall have been installed before any part of the development is occupied and a post-installation report

shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

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

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

To ensure satisfactory drainage arrangements.

- 14 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.

To ensure satisfactory drainage arrangements.

- 15 Unless otherwise approved in writing by the local planning authority, no construction of buildings or other structures shall take place until measures to divert or otherwise formally close the sewers that are laid within the site have been implemented in accordance with details that have been submitted to and approved by the Local Planning Authority.

To ensure satisfactory drainage arrangements.

- 16 No piped discharge of surface water from the application site shall take place until surface water drainage works including off-site works have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

To ensure satisfactory drainage arrangements.

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

In order to mitigate against the risk of flooding.

- 18 Remedial or construction works shall not commence until results from any additional intrusive investigations, as are required by the Local Planning Authority, have been submitted to and approved in writing by the Local Planning Authority. The report(s) shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

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

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

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

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

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

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

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

- 22 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.

- 23 The building shall not be used unless the car parking accommodation for 12 cars 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.

- 24 No development shall commence until the improvements (which expression shall include traffic control, pedestrian and cycle safety measures) to the highways listed below have either;

- a) been carried out; or
- b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the development is brought into use.

Highway Improvements:

- A footpath to adoptable standards should be provided to connect the existing footpath on Sevenairs Road to Daisy Walk / Violet Avenue

To enable the above-mentioned highways to accommodate the increase in traffic, which, in the opinion of the Local Planning Authority, will be generated by the development.

- 25 Prior to the improvement works indicated in the preceding condition being carried out, full details of these improvement works shall have been submitted to and approved in writing by the Local Planning Authority.

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

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

In the interests of the safety of road users.

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

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

Attention is drawn to the following directives:

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

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

Development Services
Howden House
1 Union Street
Sheffield S1 2SH

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

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

You should apply for a consent to: -

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

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

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

The notice should be sent to:-

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

For the attention of Mr P Vickers

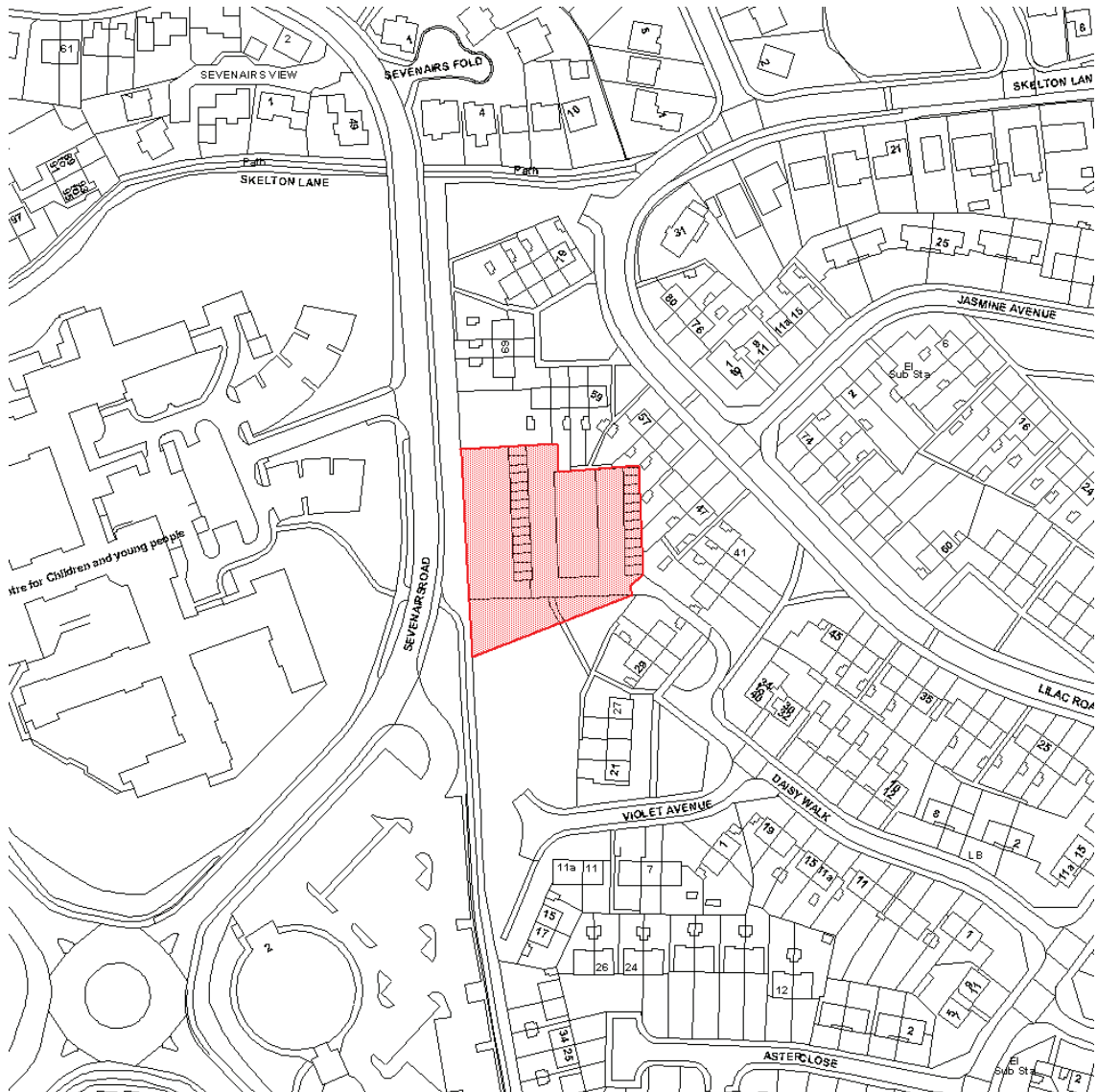
Please note failure to give the appropriate notice may lead to a fixed penalty notice being issued and any works on the highway being suspended.

4. 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.
5. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at www.sheffield.gov.uk/planning or apply online at www.planningportal.gov.uk. The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.

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

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

Site Location



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LOCATION AND PROPOSAL

Located on the eastern side of Sevenairs Road, in a designated Housing Area as defined in the Unitary Development Plan (UDP), the application site comprises largely of a disused garage site, though the southern part of the site extends into the adjoining area of informal greenspace.

The site is surrounded by housing to the north, east and south east - typically small, two storey brick built terraced and semi-detached dwellinghouses adjacent and to the east of the site with larger detached and semi-detached dwellinghouses at the northern end of Sevenairs Road.

To the immediate south west of the adjoining greenspace, Damon's restaurant and car park lies at the junction of Sevenairs Road with Eckington Way, while the Crystal Peaks Shopping Centre is situated on the south side of Eckington Way. Land on the western side of Sevenairs Road is occupied by the Becton Centre, a centre for children and young adults with mental health issues and learning difficulties which forms part of Sheffield Children's NHS Foundation Trust.

The land falls gently to the east. Consequently the site, which has been cleared of most of the garages save for those along the eastern site boundary, is slightly lower than Sevenairs Road.

Planning permission is sought for the demolition of the remaining garages and the erection of a 2 to 2.5 storey supported housing development comprising of 20 one bedroom flats with ancillary accommodation and a car park for 15 vehicles. The development will provide independent living accommodation for people with mental health issues and includes some communal areas for residents such as a lounge and activity area as well as offices and facilities for support staff. Residents will receive support aimed at helping them to establish themselves in their own homes. There are currently no supported housing units for people with mental health issues in the south east of the city. The development is not a secure unit, hospital or crisis house. It will be owned and run by Guinness Northern Counties Housing Association.

RELEVANT PLANNING HISTORY

No relevant planning history.

SUMMARY OF REPRESENTATIONS

38 representations were received in relation to the proposed development, all of whom raised objections to the proposals.

Correspondence was also received from Councillor Helen Mirfin-Boukouris on behalf of one of her constituents who also objects to the proposed development.

Very many people raised objections relating to the type of development and the nature of future occupants, i.e supported housing for people with mental health issues. This matter is discussed further in 'Response to Representations'.

Other concerns raised by objectors include:

- The development will result in overlooking and loss of privacy to the rear of properties on Daisy Walk.
- The development will block light to the rear of properties on Daisy Walk.
- The path between numbers 27 and 29 Daisy Walk is not a public right of way but access for residents to their rear gardens. It cannot be used for access to the development.
- The proposed building will be an eyesore, overlook gardens and cut off a footpath and public area.
- The boundary wall to the rear of the remaining garages will fall down if the garages are removed.
- The proposed building is too big for this small site. It is too tall and the upstairs windows will look directly into neighbouring properties.
- The development is not in-keeping with the existing settlement pattern. It represents a large institutional block which would be an incongruous feature in the existing environment in which the road provides a clear distinction between the housing area and the institution area to the west.
- The building is orientated to the north and does not respond effectively to the road network.
- The density, scale and massing of the development is too great for the site and uncharacteristic of the area.
- There is too little parking. There should be 1.5 spaces per dwelling. With 20 flats there should be 30 spaces. The overflow will spill onto the highway which is severely congested already.
- The area is becoming overdeveloped.
- The building overlooks the rear of properties on Lilac Road.
- The development will result in a loss of some of the public open space.
- The car park will result in noise nuisance, light pollution and air quality issues in the adjoining gardens.
- The development will result in a loss of light to neighbouring properties on Lilac Road.
- We already have a problem with commuters and workers from Crystal Peaks parking their cars here for the day.
- Parking is extremely bad on both sides of Sevenairs Road during the day and particularly at weekends. Existing development at Crystal Peaks, Drakehouse Retail Park and the Becton Centre generate a lot of traffic and demand for parking.
- There has already been one serious traffic accident on Sevenairs Road. Parking on both sides renders the road single file for over 100 metres on a bend.
- This land should be made into a car park to relieve existing parking problems.
- The proposed development will be overbearing when viewed from neighbouring properties.

In addition a petition with 379 signatures was received. The petition requests that a full impact study be undertaken to show how the development will affect the local

community in relation to safety, parking and privacy, as well as a full risk assessment in relation to future occupants.

PLANNING ASSESSMENT

Land Use

The site lies within a designated Housing Area as defined in the UDP. Policy H10 of the UDP (Development in Housing Areas) describes housing as the preferred use of land in such areas. The proposed supported housing development falls within the definition of housing and so the proposed use is therefore acceptable in principle.

In order to provide on-site car parking, the application site extends south into the adjoining informal greenspace. An open space assessment for the site shows that open space provision in the local area is currently 4.46 hectares (ha) per 1000 people. With the proposed loss, this would decrease to 4.43 ha per 1000 people, only just above the level of an overall quantitative shortage (4ha/1000), and significantly short of the recommended provision of 7.02ha per 1000 people. In addition, the adjoining greenspace, which was assessed in the 2009 Open Space Audit as being of good quality, comprises of informal open space of which there is a specific shortage (currently 2.46ha per 1000 against a recommended provision of 2.7ha per 1000). Therefore the loss of this small area of open space is technically contrary to Policy CS47 of the Core Strategy (Safeguarding of Open Space) as it would result in an increase in the quantitative shortage of informal open space.

However, the area of open space to be lost is relatively small (0.06ha), the development's impact on the character of the remaining open space will be minimal and minor improvements to the open space will be secured through condition (including additional tree planting and the provision of bench seating). Furthermore, it could be argued that the demonstrable need for this type of scheme in this part of the city outweighs the loss of a small part of the open space and that the need for on-site parking is critical in order to reduce the impact of the development on the surrounding highway network. It is therefore considered that the loss of a 0.06ha of informal open space does not warrant refusal of the proposed development in this instance.

Design and Amenity Issues

Policy H14 of the UDP (Conditions on Development in Housing Areas) expects new buildings to be well designed and in keeping with the scale and character of other buildings in the area. Sites should not be overdeveloped or deprive existing residents of light, privacy or security.

Policy H15 (Design of New Housing Developments) requires new buildings to be easily accessible, to provide adequate private gardens or communal open space and good quality boundary treatments.

Policy BE5 (Building Design and Siting) states that all new buildings should complement the scale form and architectural style of surrounding buildings, use

good quality materials and be designed to encourage the conservation of energy and natural resources.

The proposed development is essentially a two storey building with some accommodation in the roof at its western end and, because of the gently sloping nature of the site, a step down towards the eastern end of the site which allows the formation of a partly exposed basement level, hence the reference to two and a half storeys in the description. While the mass of the building, essentially an apartment block compared to its semi-detached and terraced neighbours, is greater than dwellings to the north, east and south east, it is not significantly higher and so is considered to reflect the general scale of development in the locality. Further reference is made to the local context through the extensive use of red brick, pitched roofs and simple, domestic detailing - interspersed with a small number of contemporary features including the Eternit or standing seam clad projecting bays and glazed balustrades and balconies. What's more, given its position on the very edge of the designated Housing Area, adjacent to a busy road, it arguably forms a suitable transition between the domestic scale of buildings in the housing area and the larger forms of the Institution; Health Area to the west and the district shopping area dominated by Crystal Peaks on the south side of Eckington Way.

The proposed building forms a 'C' shape, creating a south facing landscaped courtyard that benefits from a solar gain and helps surveillance of the public greenspace to the south. Though it was impractical to locate the main entrance on the west facing elevation of the building due to changes in level and the location of the car park, positioning communal and office areas along the western edge provides a degree of activity and interaction with Sevenairs Road. The main entrance is located on the north facing elevation of the building, adjacent the car park and drop off area, creating a minimum window to window distance of approximately 33 metres between it and the nearest parallel properties to the north, well in excess of minimum 21 metre privacy distance. A new 1.8 metre high timber fence and hedge planting will help to reduce the impression of overlooking.

Taking on board the concerns of neighbours, the building has been amended at the northern end of its eastern edge to increase its distance from the common boundary to 5.4 metres (from 3.3m previously) and to incorporate a hipped rather than a gable roof in the north east corner. Thus, the impact of the development on those properties to the north east that may have experienced some loss of sun light during the late afternoon and early evening has been reduced. Moreover, the approximately 2.8 metre high rear wall of the existing garages which runs along most of the eastern site boundary is to be retained (or re-built if it is not possible to retain) and softened in appearance with hedge planting. Therefore, views of the development from properties to the east will be partially obscured - neighbours will see the proposed development above the boundary wall, particularly from their first floor windows, but having been set back at its nearest point a further 2 metres, achieving a minimum separation of 16 metres at the northern end of the eastern site boundary and 14 metres at the southern end, it is considered that views of the development will not be overbearing. Properties at the southern end of the eastern boundary will not experience any loss of light as the building does not interrupt the sun path. Moreover, as windows on the eastern elevation of the building sit

obliquely to the neighbouring properties to the east and have been obscured in places, it is considered that the occupants of neighbouring dwellings should not suffer from a significant loss of privacy.

Occupiers of the proposed development will benefit from use of the communal central courtyard as well as the quieter garden areas along the north, east and southern boundaries of the site.

The proposals are therefore considered to comply with policies H14, H15 and BE5 of the UDP.

Highway Issues

Policy H14 (Conditions on Development in Housing Areas) expects new developments to provide safe access to the highway network and appropriate levels of off-street parking.

Sevenairs Road is heavily parked on both sides, particularly at its southern end close to Eckington Way. Consequently it was essential that the proposed development did not contribute to existing parking problems.

The development includes a car park for 15 cars (including 2 spaces for people with disabilities) plus facilities for cycle and motorcycle parking. Given the nature of the development it is likely that only a small proportion of future residents will have their own cars. Though the site is very well served by public transport facilities, including nearby bus and tram lines, provision is also required for staff and visitor parking.

No category exists within the UDP Parking Guidelines for supported housing, however similar developments would be expected to provide 1 parking space per 5-10 residents and 1 space per 3 non-resident staff. In consultation with the Council's Highways Department it is considered that the proposed 15 space car park is more than sufficient to provide for the needs of the development and to prevent overspill onto the adjoining highway. Access will be gained from the northern half of the site where visibility is good.

In addition, it is worth noting that some of the cars that currently park along Sevenairs Road are overspill from the neighbouring Becton Centre. An application is currently under consideration for a 40 space extension to the Becton Centre car park (13/02162/FUL) which should alleviate some of the on-street parking problems.

Sustainability

Policy CS 64 of the Core Strategy (Climate Change, Resources and Sustainable Design of Developments) requires all new buildings to be energy efficient and to use resources sustainably and advises that all new developments of 5 dwellings or more should achieve Code for Sustainable Homes Level 3, or a BREEAM rating of 'very good'.

The applicant has submitted a report prepared by the Energy Council which suggests that a BREEAM 'very good' rating is achievable.

Policy CS 65 (Renewable Energy and Carbon Reduction) requires new developments to provide 10% of their energy needs from decentralised and renewable or low carbon energy. The developer proposes to generate energy on site through the installation of photovoltaic panels.

The provision of these proposals is reserved by condition.

Landscape

As previously described, the development will occupy a small area of the adjoining informal greenspace. As such it was considered appropriate for the applicant to contribute towards improvements to the remaining greenspace, which will include the provision of a new footpath to adoptable standards linking the existing footpath along Sevenairs Road to Violet Avenue and Daisy Walk, additional tree planting and the provision of bench seating. There will be no other footpaths created in association with the proposed development (the original proposals having been amended).

Planting within the site boundary, particularly along the boundaries will help to soften the appearance of the development and help it to blend into the adjoining greenspace. The detailed planting proposals are reserved by condition.

Open Space Enhancement Contribution

Policy H16 of the UDP (Open Space in New Housing Developments) requires that the developer make a financial contribution towards the provision or enhancement of public open space within the vicinity of the application site. The applicant has agreed to enter into a unilateral planning obligation to pay the Council the sum of £11,536.00. However, as purchase of the currently Council owned land is subject to the granting of planning permission, submission of the signed legal agreement has been reserved by condition.

RESPONSE TO REPRESENTATIONS

For fear and concern of crime to be a material consideration, there must be reasonable evidential basis for that fear. Unjustified fear motivated by prejudice is not a material consideration when assessing a planning application.

Planning permission is being sought for a supported housing development comprising of 20 one bedroom flats with ancillary accommodation and a car park for 15 vehicles. The development will provide independent living accommodation for people with mental health issues and includes some communal areas for residents such as a lounge and activity area as well as offices and facilities for support staff. The development is not a secure unit, but once up and running there will always be a member of staff on site.

Residents will receive support aimed at helping them to establish themselves in their own homes. For example they will be helped to manage a budget, apply for benefits and access training or employment. The range of mental health issues will vary but may include obsessive compulsive disorder (OCD), post-traumatic stress disorder, anxiety or depression. All residents will be in recovery and receiving health and social care support from their GP and/or a Community Mental Health Team. While they will have risk assessment and risk management plans in accordance with usual procedures, the applicant has confirmed that none of the people who will live in the new apartments will pose a threat to public safety.

There is no evidence to suggest that the character or perception of the area will change and it is considered that there will be no unacceptable effects on the living conditions of residents in the area in terms of anti-social behaviour, crime or the fear of crime.

SUMMARY AND RECOMMENDATION

The proposed supported housing development is an acceptable use in the designated housing area and its design is considered to achieve an appropriate balance between the domestic properties to the north, east and south east and the larger institutions to the south and west.

Following amendments to the proposals, it is felt that the occupiers of neighbouring properties should not suffer any significant loss of amenity and the level of parking provision is sufficient to provide for the development and prevent any overspill onto the adjoining road network.

Improvements to the adjacent informal greenspace are sought in lieu of a minor loss of the open space and a contribution towards the further provision of open space in the locality will be secured through a legal agreement.

The proposals are considered to comply with policies H10, H14, H15, H16 BE5, CS64 and CS65 of the UDP and Core Strategy and it is therefore recommended that Members grant planning permission subject to the proposed conditions.

Case Number 13/01810/CHU
Application Type Planning Application for Change of Use
Proposal Use of public house as a dwellinghouse
Location Crossfield Tavern
201 Mortomley Lane
Sheffield
S35 3HT
Date Received 13/05/2013
Team West and North
Applicant/Agent Mrs Anne-Marie Watkinson
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:

Received 13/05/13,

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.
- 3 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.
- 4 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 building shall be constructed

without prior planning permission being obtained from the Local Planning Authority.

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

- 5 The existing front stone boundary wall fronting Mortomley Lane shall be retained and shall not be removed or altered without the prior notification to the Local Planning Authority. The existing boundary treatments to the rear and to the sides of the site curtilage shall be retained and shall not be removed or altered without the prior notification to the Local Planning Authority.

In the interests of the visual amenities of the locality.

Attention is drawn to the following directives:

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

Site Location



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LOCATION AND PROPOSAL

The site is located within the High Green district of Sheffield. The application property relates to a vacant Public House.

Planning permission is being sought for the change of use of the vacant public house to a dwellinghouse. The plans show a large garden/hard standing area to the rear and sides. No changes to the external elevations of the building are proposed. Internally, the ground floor will change to accommodate a kitchen and lounge area whilst the first floor will remain the same incorporating the same floor layout for the bedrooms as the existing premises.

SUMMARY OF REPRESENTATIONS

18 letters of objection (Note: 3 are from one author and 2 from another) have been received and a petition containing 102 signatures has also been received. The objections are summarised below-

- loss of a community facility;
- potential redevelopment of site for a larger scheme (flats);
- inaccurate information submitted regarding loss of vegetation;
- no site notices displayed;
- applicant has not informed the neighbouring properties;
- excessive parking area for a domestic use;
- increase on potential highway problems;
- increase on noise pollution (during construction);
- other civil matters regarding rights of land;
- other non-planning issues.

A letter supporting the objection letters from neighbouring properties has been received from the local MP Angela Smith.

Bradfield Parish Council has raised no objections and has suggested that the building retain its original name for historic purposes.

PLANNING ASSESSMENT

The site is within a Housing Area as defined within the UDP. Policy H10 of the UDP states that housing is a preferred use in such areas subject to compliance with Policy H14 of the UDP. Policy H14 relates to conditions on development within housing areas and states amongst other things that change of use schemes should not harm the character of the neighbourhood, provide safe access to the highway network and entail appropriate parking, not lead to a concentration of non-housing uses, nor have an impact of the living conditions of neighbouring dwellings in terms of noise, smell, excessive traffic levels, or other nuisance and be in scale with the residential character of the area. Accordingly, in principle, the change of use of the pub to a dwellinghouse, which is the preferred use in accordance with Policy H10 and is consistent with the predominant character of the surrounding area, is acceptable.

With regard to the objections raised regarding the loss of a community facility, Members are advised to note that the UDP defines a community facility as including community centres, drop-in centres, meeting places, youth clubs, crèches and nurseries, religious meeting places, non-residential schools and colleges, training centres, medical and health centres, toilets, libraries, information and advice centres, lecture theatres, museums and art galleries. Whilst accepting that public houses can have a social function within the community, UDP policy does not specifically refer to them such that the policies in the UDP that relate to the retention of community facilities cannot be readily applied. Accordingly, it is considered that a refusal on this basis could not be justified as the change of use is acceptable in accordance with Policy H10 of the UDP and it is also noted that there are other public houses in close proximity to the site.

Design/amenity space/parking

With regard to design considerations, no change to the existing building are proposed; the plans show the existing structure to be retained with no alterations to the external elevations of the building or to the curtilage of the site. As such there is no disparity with Policy H14.

Although the private amenity space is shown to be hard surfaced and thus retaining the existing situation, it is advised that it will be difficult to enforce a requirement that the area be grassed and a refusal on this basis cannot be justified. Nevertheless the boundary to the rear entails natural vegetation, which separates the neighbouring buildings to the site in question; a condition will be imposed to retain the existing boundary treatments and the mature trees within the site to ensure that there is some natural vegetation within the curtilage of the site to give some amenity value to the site. Similarly the front boundary wall is stone built and adds to the character of the existing building and gives a pleasant feature to the street scene, accordingly, a condition will be imposed to retain this boundary wall.

Ample parking is also shown and the existing drive will be retained such that Highways Officers have raised no objections

Impact on the locality and neighbouring property

It is considered that the effect on neighbouring properties, in terms of overlooking, overshadowing or overbearing will not be detrimental as there is no change to the existing building. Windows that look directly onto the rear properties on Mortomley Croft are located approximately 27 metres away; the properties located opposite the site on Mortomley Lane are approximately 21 metres away; both are considered to be at a sufficient distance from the site in question. Neighbouring properties located either side of the existing public house, in particular No.205 Mortomley Lane, is approximately 21 metres from the site and is separated by the existing public house driveway. Although the existing public house is slightly elevated, the distance and the site situation suggest that this neighbouring property will also not be significantly affected by the proposed change of use. Similarly, as there is no change to the external elevation of the public house, the neighbouring

property at No.199 Mortomley Lane will also not be affected by the proposed change of use.

RESPONSE TO REPRESENTATIONS

Neighbours have raised the concern of a potential redevelopment of the site to accommodate residential flats. Members are advised that there has been no discussion to this effect with the applicant and in any event, it is the case that Members must consider only this application for the change of use of the public house to a residential property. Should a scheme come forward in the future for any redevelopment of the site, this would clearly be subject to a requirement for planning permission and a separate public consultation and it would have to be considered on its merits at that time.

With regard to the concern about inaccurate information submitted regarding loss of vegetation, as noted in the report above, it is proposed to impose a condition requiring the retention of trees within the site unless otherwise approved.

In response to the concern that no site notices were displayed, in this case, neighbours were notified by means of direct neighbour notification, which is compliant with planning procedure. There is also no requirement for the applicant to inform the neighbouring properties as the direct consultation is undertaken as part of the planning procedure.

Finally, with regard to the potential for noise pollution during construction, only minor internal works are proposed, which are unlikely to be unduly disruptive and will, in any event, be of a temporary nature. Other issues relating to the hardstanding and highway matters are addressed in the report above.

RECOMMENDATION

This application proposes the change of use of the vacant public house to a dwellinghouse. The plans show a large garden/hard standing area to the rear and sides. No changes to the external elevations of the building are proposed.

The building is situated within a Housing Area as defined within the Sheffield UDP where housing is preferred such that the principle of the change of use accords with Policy H10 of the UDP. With regard to neighbour concerns regarding the loss of a community facility, UDP policy does not specifically refer to them such that the policies in the UDP that relate to the retention of community facilities cannot be readily applied. Accordingly, it is considered that a refusal on this basis could not be justified as the change of use is acceptable in accordance with Policy H10 of the UDP and there are other public houses in close proximity to the site.

The plans show no alterations to the building and as such it is considered that there will be no impact on the street scene, particularly as conditions are proposed to retain the existing boundary treatment and planting within the site.

It is also considered that as the proposed development is for a single dwelling, the change of use will have a lesser impact on the neighbouring properties and the

locality than the current public house in terms of noise issues, and general disturbance.

The proposed development is therefore considered to comply with the relevant policies outlined above and is recommended for approval subject to conditions.

Case Number	13/01764/FUL (Formerly PP-02664241)
Application Type	Full Planning Application
Proposal	Change of use from B2 bakery to sauna/massage parlour (sui generis) (Retrospective Application)
Location	Pastry Plus 8 Finchwell Close Sheffield S13 9DF
Date Received	23/05/2013
Team	City Centre and East
Applicant/Agent	Architectural Design Consultant
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:

Block Plan received 24th May 2013
Proposed internal layout ground floor plan ref: June 12 rev A,

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.
- 3 The building shall be used for the above-mentioned purpose only between 1000 hours and 2100 hours on any day, unless otherwise agreed in writing with the Local Planning Authority.

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

Attention is drawn to the following directives:

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

Site Location



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LOCATION AND PROPOSAL

The application site is in a designated Business Area as defined in the adopted Sheffield Unitary Development Plan (UDP) and comprises of a single storey pitched roofed building formerly used for industrial purposes. The property is located at the end of Finchwell Close which is a small Cul de Sac which provides access to an established industrial estate.

This application has been submitted following planning enforcement investigations and retrospective planning permission is sought to use the premises as a massage parlour/sauna (sui generis use).

RELEVANT PLANNING HISTORY

No relevant planning history.

SUMMARY OF REPRESENTATIONS

Consultation letters were sent out to local residents and businesses and a public meeting organised and attended by South Yorkshire Police was held with residents on the 1st August 2013 at Handsworth Methodist Church

70 letters of representation have been received including an objection from Councillor Mary Lea.

The issues raised are summarised as follows:

Noise and disturbance from operation of the business.
Business operates until late in the evening.
Inappropriate use which is out of character in a residential area.
The Handsworth Area is undergoing improvements.
The proposal will put women and children at risk and attract undesirable people to the area.
The use should be located elsewhere such as Attercliffe where there is already a concentration of these uses.
Increase in kerb calling.
Brothel should be investigated for illegal trafficking of girls.
Increase in drugs/crime.
The site is too close to housing, a nursery, local schools and a public park/play area.
Young vulnerable people will pass by the unit.
Impact on property prices.
The building is being used as a brothel.
The proposal will lead to an increase in traffic and air pollution.
Public consultation was inadequate.

PLANNING ASSESSMENT

Policy Issues.

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

Members are reminded that the main consideration in the determination of this planning application is the proposed change of use of the premises from a (B2) industrial use to a massage parlour/sauna which is a Sui generis use which falls in a use classification of its own. Moral issues surrounding a sauna/massage parlour or the clientele it is perceived to attract can hold no weight in the decision as they are not material planning considerations.

UDP Policy IB7: 'Development in Business Areas' identifies preferred, acceptable and unacceptable uses in the policy area. Business (B1) is identified as a preferred use, however a range of other uses including retail, food and drink uses (Class A uses) and Leisure and recreation facilities (D2) are also considered acceptable. Sui generis uses such as that proposed in this application must be considered on their individual merits.

UDP Policy IB9: 'Conditions on Development in Industry and Business Areas' part (a) seeks to ensure that the change of use of a premise will not lead to a concentration of uses which would prejudice the dominance of preferred B1 uses or cause the loss of important industrial sites.

The UDP defined 'Business Area' includes the existing commercial premises accessed from Finchwell Close as well as commercial premises located on the northern side of Finchwell Road. The change of use of the building to a massage parlour/sauna does not affect the overall dominance of preferred uses in the policy area or lead to the loss of an important industrial site as such the principle of the change of use to massage parlour/sauna is considered to accord with policy IB7 and IB9 part (a).

Amenity Issues

Policy IB9: Conditions on Development in Industry and Business Areas, part (b), seeks to ensure that new development or change of use applications do not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

The application site is in a relatively busy Business Area where there are a number of established commercial uses including heavy industrial uses that generally operate without restriction. There are residential uses in the locality, the closest of which are located on Finchwell Crescent some 70 metres to the west of the site located at a higher level and separated from the application site by intervening land uses.

The proposal is not considered to generate any significant noise or disturbance from its operation or from customers coming and going to and from the premises.

Due to the nature of the proposal it is considered to generate significantly less noise than the previous industrial use.

The applicant has stated on the application forms that they wish to operate between 1000 and 2100 hours 7 days a week. Taking account of the nature of the use and location of the building at the end of a Cul de sac in an established business area, some 70 metres from the nearest residential dwellings and not visible from them, the proposal is not considered to give rise to any amenity issues. Subject to the hours of use being conditioned, it is concluded that the proposal will not detrimentally affect the living conditions of adjoining properties and therefore complies with Policy IB9 part (b).

Highways Issues

The application site is located in a busy established Business Area with a number of other residential uses in the area. Finchwell Road is used by all the existing traffic from the industrial estate and surrounding residential area to access Handsworth Road and the rest of the city. The proposed use is not considered to generate a significant number of vehicle trips that would be harmful to highway safety. In fact due to the nature of the proposed use there is likely to be a reduction in large vehicle movements which would normally be associated with the previous industrial use.

Parking provision for 6 vehicles is provided on site inclusive of 1 disabled space, with additional space in the yard area should there be any requirement for additional parking.

In light of the above the proposal is not considered to give rise to any unacceptable highways issues.

RESPONSE TO REPRESENTATIONS

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

Perceived Increase in crime generated by the use are a policing issue and not a material planning consideration, neither are moral or social objections to the principle of the use.

Impact on property values is not a planning issue.

Issues to do with late night noise/disturbance can be controlled by planning conditions.

The proposal is not considered to generate significant volumes of traffic and as such is not considered to have a detrimental effect on air quality.

Allegations that the site is being used as a Brothel or to traffic women are a police matter.

Concerns have been raised with regard to the proximity of the development to schools, a nursery and a public park. The proposal could not be refused for being in the proximity of such facilities. As noted above the site occupies a relatively concealed position at the end of a Cul de sac and is screened from the park by mature tree coverage to rear of the site.

SUMMARY AND RECOMMENDATION

The application is retrospective. The main consideration is the proposed change of use from B2 to a sui generis massage parlour/sauna. Moral issues relating to the operation of a massage parlour/sauna and associated behaviour are not material planning considerations.

The application site is located in a relatively concealed position at the end of a Cul de sac in an established Business area surrounded by existing commercial premises. The preferred use in this area is B1 (Business) but other uses are acceptable, and sui generis uses such as the proposal must be considered on their merits, as long as they would not have a significant effect on the dominance of preferred uses in the area.

The proposed change of use would not affect the dominance of preferred B1 uses and is therefore considered acceptable in principle in accordance with policies IB7 and IB9 part (a) of the UDP.

Despite the presence of residential accommodation in the vicinity, the operation of the unit as a massage parlour is not considered to give rise to any noise and disturbance issues in this location where there are already established commercial premises, and hours of use will be controlled by planning condition.

The proposal is not considered to give rise to any highways or parking issues.

For the reasons given above, it is concluded that the development complies with the relevant policies and proposals in the Unitary Development Plan and is not considered to detrimentally affect the character of the area or give rise to any amenity issues or highways issues which would warrant the refusal of this application.

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

Case Number	13/00838/FUL (Formerly PP-02510040)
Application Type	Full Planning Application
Proposal	Erection of building and use of land as a vehicle repair garage and MOT Testing Centre
Location	1A Halfway Centre Sheffield S20 4TA
Date Received	15/03/2013
Team	City Centre and East
Applicant/Agent	Halfway Autotechnics
Recommendation	Refuse with Enforcement Action

Subject to:

- 1 The Local Planning Authority considers that the design of the proposed extension by reason of its external appearance, materials, size and prominent siting is considered out of character in this residential area and would be detrimental to the visual amenities of the locality and appearance of the streetscene. This would be contrary to Policies BE5 and H14 of the Unitary Development Plan.
- 2 The proposed development would result in overdevelopment of the site resulting in inadequate parking and turning facilities on site and an over-intensification of the use of an existing single width means of vehicular access which the Local Planning Authority consider would be detrimental to highway safety. As such, the proposal is contrary to Unitary Development Plan Policy H14.
- 3 The Local Planning Authority consider that the proposed development would be detrimental to the amenities of the locality and to the living conditions of nearby residents owing to the noise, and general disturbance which would be generated by the use of the building for the purposes of Vehicle repair/MOT testing centre. The proposal is therefore contrary to Policy H14 of the Unitary Development Plan.

Site Location



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LOCATION AND PROPOSAL

The application relates to a single storey pitched roofed building formerly used for the storage of equipment associated with the maintenance of the adjoining Halfway Junior school playing fields. It is proposed to use the building for vehicle repair purposes and extend the property to provide a new MOT testing centre and parts store. This application is in part retrospective as the existing single storey building is currently being used for vehicle repair purposes without permission.

The site is located on the northern boundary of Halfway Junior school playing fields to the rear of the former caretaker's house. To the north of the site are established residential properties and to the west is a car parking area associated with the Double Top Public House.

The Council's land and property service originally leased the building to the applicant for storage of his personal vehicles, however soon after the applicant began to operate a vehicle repair garage (use class B2) from the premises without consent. The applicant has been allowed an extended period of time to find alternative premises, in order to continue to operate the business, however to date no other sites have been found. As such this application has been submitted to extend the existing premises and occupy the site on a permanent basis.

The application site is in a Housing Area as defined in the adopted Sheffield Unitary Development Plan.

RELEVANT PLANNING HISTORY

No relevant planning history

SUMMARY OF REPRESENTATIONS

1 letter of representation have been received and a 261 signature petition in support of the application. The issues are summarised as follows:

In support

The MOT centre and garage would be good for the community.

In objection

- Concerned with an increase in traffic using the parking facilities.
- Vehicles are currently parked on the edge of the of the school fields without permission which kills the grass and prevents it from being cut and maintained properly.

PLANNING ASSESSMENT

Policy and amenity Issues

The application site is in a Housing Area as defined in the adopted Sheffield Unitary Development Plan.

Policy H10 'Development in Housing Areas' identifies preferred, acceptable and unacceptable uses in the policy area. Housing (C3) uses are identified as preferred uses in the policy area. A range of other uses are considered acceptable, however general industrial uses (B2) which vehicle repair garages are classified as are considered unacceptable. MOT testing stations are considered sui generis uses. The proposed MOT testing bays are almost twice the size of the footprint of the vehicle repair garage, as such the use is considered to be sui generis, and in accordance with policy H10 must be considered on its merits.

Policy H14 "Conditions on Development in Housing Areas" part (i) states that non housing uses should only occupy a small area and not lead to a concentration of non-housing uses which would threaten the residential character of the area. The existing property has not previously been in residential use as such the proposed change of use and extension of the premises will not affect the dominance of the Housing uses in the policy area.

MOT testing uses where no vehicle repair takes place can in principle be considered acceptable in residential areas as they do not give rise to any significant noise and disturbance. However in this case the proposal includes a vehicle repair element which is clearly industrial in character, therefore whilst the use is sui generis it is considered industrial/commercial in character and therefore is clearly out of character with this residential area.

Amenity Issues

Policy H14 'Conditions on Development in Housing Areas' part (k) states that development should not lead to air pollution, noise, smell, excessive traffic levels or other nuisances or risk to health and safety of people living nearby.

The proposed use is located within a housing area in very close proximity to established residential properties the closest of which are located approximately 12.5 metres from the site. It is considered that the operation of the proposed use which includes vehicle repair will give rise to significant noise and disturbance. The noise and disturbance associated with an increase in vehicle movements to and from the site as a result of the extension and commercial use of the property is also considered to unacceptably affect the living conditions and amenity of adjoining properties. As such the proposal is considered contrary to policy H14 part (k).

Design Issues

Policy H14 'Conditions on Development in Housing Areas' part (a) seeks to ensure that new buildings are well designed and would be in scale and character with neighbouring dwellings.

The application site is located in a housing area on the edge of the existing school playing fields which are allocated Open Space in the UDP. The existing building on site is relatively inconspicuous due to its design, its very limited size and its positioning to the rear of the former caretakers house. The proposed extension to form the MOT testing bay is approximately 12 metres wide, 11 metres deep and 6 metres high and will be attached to the existing single storey brick building. The proposed extension to the premises is typically commercial in character comprising of two roller shutter doors and clad in steel profile metal cladding with a shallow pitched roof. The proposed building owing to its size and design is considered a prominent and incongruous feature that is completely out of character with the established built form in this residential area. The building will be highly visible due to its position adjacent to the playing fields and the wider views of the site that are available from public vantage points to the west of the site.

Due to inadequate parking provision on site the applicant is parking vehicles on the adjoining open space which is considered harmful to the visual amenities of the area and leads to an unacceptable encroachment of development into an open space area.

In light of the above the proposal is considered to detrimentally affect the character and appearance of the streetscene and visual amenities of the area and is therefore considered contrary to policy H14 part (a).

Highways Issues

Policy H14 part (d) and (k) seek to ensure that development provides safe access to the highways network, appropriate parking and does not generate excessive traffic.

It is clear that there is inadequate car parking associated with the existing unauthorised use of the premises, as vehicles are being parked on the adjoining school playing fields without permission in order to avoid blocking the access road to the site. The extension of the premises to form two MOT testing bays would build over a large majority of the remaining yard area, removing all of the existing very limited on site parking provision and making manoeuvring in and out of the existing garage and the proposed MOT testing station very difficult. There is publicly available car parking to the west of the site; however this is not in the applicant's control and cannot be relied upon to provide parking for the proposed use.

The application site is accessed via a private drive from a shared car parking area for the Double Top public house and Local Shopping area. The private drive was primarily designed to serve the former caretakers dwelling, with occasional access to the former storage shed. Clearly it was not designed to cater for traffic and vehicle movements associated with the operation of a vehicle repair and MOT business. The access road is single width and due to the lack of turning space and parking space available on site vehicles are often forced to reverse the length of the drive.

In light of the above the proposed development is considered to provide inadequate car parking provision and turning space and is therefore considered harmful to highway safety. The proposal is therefore contrary to policy H14.

ENFORCEMENT

Members are requested to authorise the Director of Regeneration and Development Services or the Head of Planning to take all necessary step, including enforcement action, service of stop notice if necessary and the institution of legal proceedings, if necessary to secure the cessation of the unauthorised use of the building and land as a vehicle repair garage.

SUMMARY AND RECOMMENDATION

The application site comprises of a single storey pitched roofed building formerly used for the storage of equipment associated with the maintenance of the Halfway Junior school playing fields. This application seeks permission to use the building for vehicle repair purposes and extend the property to provide a new MOT testing centre and parts store. The proposal is considered to be a sui generis use. This application is in part retrospective as the existing single storey building is currently being used for vehicle repair purposes without permission.

The application site is located on the edge of a school playing field in an allocated Housing Area. Policy H10 identifies that Sui generis uses must be considered on their own merits however the use is clearly commercial/industrial in character and is therefore considered out of character with this established residential area.

The proposed use is located in very close proximity to residential properties and it is considered that the operation and extension of the premises to provide two MOT testing bays and the associated increase in traffic movements to the site would give rise to significant noise and disturbance which would detrimentally affect the amenity of adjoining residents contrary to policy H14.

Inadequate parking provision is available on site at present, evidenced by the fact that the applicant is parking vehicles on the adjoining playing fields without consent. The proposed extension to the premises to form the MOT testing bay further reduces the parking and turning areas available on site. In addition the established access to the site is single width and was not designed to take the additional movements and traffic that would be generated from a commercial use operating from the site. As such the proposal is considered unacceptable from a highways perspective contrary to policy H14.

The proposed extension to the premises is commercial in appearance and owing to its design, size and siting adjacent to school playing fields the proposal is considered to form a prominent and incongruous feature which detrimentally affects the visual amenities of the locality contrary to policy H14.

In light of the above the proposal is considered contrary to policy H14 of the UDP and it is recommended that planning permission is refused and enforcement action authorised to secure cessation of the use.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Director of Regeneration and Development Services

Date: 03 September 2013

Subject: Enforcement Report

Author of Report: Lee Brook

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

Reasons for Recommendations

The unauthorised extension is contrary to policy H14 of the Unitary Development Plan and guideline 5 of Supplementary Planning Guidance on Designing House Extensions

Recommendations:

That the Director of Regeneration and Development Services or Head of Planning be authorised to take any appropriate action including if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised rear extension at 36 Stanwood Crescent.

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

Background Papers:

Category of Report: OPEN

ENFORCEMENT REPORT

UNAUTHORISED CONSERVATORY AT 36 STANWOOD CRESCENT, STANNINGTON.

1. PURPOSE OF THE REPORT

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

2. LOCATION

- 2.1 The house is set in a 1930's residential estate of semi-detached style houses, built between Wood Lane and Stannington Road.

3. BACKGROUND

- 3.1 A complaint was received about a large conservatory, which was already completed, (after 30th May 2013). A visit confirmed that the conservatory projects from the rear of the house by 5.7m and that it was erected without planning permission and in contravention of the new prior notification procedure contained in the new *Town and Country Planning (General Permitted Development) (Amendment) Order 2013 – 'GPDO'* as it relates to household development.
- 3.2 The owner has pointed out that an existing 3.4m projecting timber framed conservatory has been demolished to make way for this new upvc framed 5.7m projecting conservatory. This is not disputed by the complainant.
- 3.3 The GPDO has been amended for a temporary period of 3 years, (from 30/5/13 to 30/05/16), to allow larger rear extensions than would otherwise be allowed under the household 'permitted development', (PD) that was brought into force in 2008. In the case of a semi-detached house, under new PD rights a single storey extension at the rear of the house can project up to 6m without the need to apply for planning permission provided certain conditions in the GPDO are complied with. Previously the maximum allowed was a 3m projection under Class A.1 (e). The GPDO is amended as of 30/5/13 by the insertion after of a new line under 'A.1 (ea)', which describes the circumstances and conditions of when larger extensions are allowed.

- 3.4 One of the conditions under the new PD is that a prior notification process should be followed whereby the developer must send details of the proposal to the Local Planning Authority (LPA). The LPA then would notify immediate neighbours about the proposal and if no representations are made in response the development can proceed as PD.
- 3.5 If an objection is received then the 'prior approval' of the LPA is required for the development. At this point the LPA must consider the impact of the proposal on the amenity of all adjoining premises.
- 3.6 In this case the extension, (conservatory), was begun and completed without the LPA being notified. This extension falls within the 6m limit set out in the new household PD, however because the LPA was not notified it does not benefit from the PD conditions and is therefore unauthorised. In addition, an objection has already been received from a neighbour so the approach taken by officers in this matter is to assess any harm caused by the impact of the conservatory on the amenity of all the occupiers of neighbouring property.

4. ASSESSMENT

- 4.1 The recently constructed conservatory projects 5.7 metres beyond the original rear elevation of no.36 and it is 3 metres wide. It is set in close proximity to the boundary with the adjoining property no.34. It is built in an elevated position on top of an existing concrete patio, which also extends 5.7m from the house. This patio appears to be, and is being treated as, an original feature of the house. It is replicated at the neighbouring properties either side, (nos.34 and 38) and it stands at 1.1m above the garden level at the highest point, (point furthest from the house).
- 4.2 The development is of a standard appearance and is not visible within the public street scene as such it is not considered to detract from the appearance of the property itself or wider area.
- 4.3 The main issue to be considered relates to the scale of the conservatory and its impact on adjacent residential properties. The projection of the conservatory at 5.7 metres is far in excess of the 3 metres recommended in guideline 5 of the Supplementary Planning Guidance, (to the Sheffield Unitary Development Plan), on Designing House Extensions.
- 4.4 The development leads to a continuous wall of development along the common boundary with no.34 which is clearly visible above the existing boundary fence owing to the height of the conservatory. It is visible from the rear windows of no.34 with the greatest impact being to the dining room window at ground floor. It is also clearly visible from the patio and garden areas. It stands 4m above the patio of no.34, (and no.36) and it is approximately 5m higher than the garden area of no.34 (&36) owing to it being built above garden level on top of the existing

raised patio. It is considered that the height, projection and proximity to the boundary result in the development being very prominent when viewed from no.34 and it causes a detrimental overbearing impact which is harmful to the living conditions of the occupiers of that house.

- 4.5 It is noted that the conservatory is set slightly away from the common boundary and that no.34 has a small bay extension next to the boundary. These features could reduce the impact of the conservatory; however the scale of the development is such that they do little to reduce the overbearing impact of the new structure. A 2m high fence could be erected along the common boundary and therefore it is necessary to have regard to the difference between the impact of such a fence and the conservatory. The conservatory would still be visible above the height of a fence erected to the maximum 2m allowed under PD, particularly where constructed on the lower garden level. The impact of the unauthorised development is therefore greater than a PD fence would be.
- 4.6 It is recognised that the conservatory is a light weight structure and the glazing along the boundary with no.34 is obscure, thus preventing overlooking. However this does not overcome the impact of the continuous wall of development along the boundary with no.34 which is clearly visible from rear windows and from the garden area. Furthermore, when the lights are switched on inside the conservatory the structure will be more prominent and visible from the neighbouring property.
- 4.7 The extension is set away from the boundary with the other neighbouring property at no.38 by a sufficient distance to ensure that the development is not overbearing or overshadowing to residents of this property.
- 4.8 For the above reasons the conservatory as built is considered to cause an unreasonable overbearing impact to the neighbouring house at no.34, which is detrimental to the living conditions of that property. It is contrary to Unitary Development Plan Policy H14 (c) and Guideline 5 of the Supplementary Planning Guidance on Designing House Extensions.

5. REPRESENTATIONS

- 5.1 One complaint has been received from a neighbour about the overbearing impact of the conservatory.
- 5.2 The owner of no.36 wishes it to be known that this new conservatory replaces an existing timber framed one that projected 3.4m from the rear of the house and that the existing raised patio, (now built over), also gave clear views over the neighbouring property.

6. ASSESSMENT OF ENFORCEMENT OPTIONS

- 6.1 Section 171C of the Town and Country Planning Act 1990 provides for the service of a Planning Contravention Notice, (PCN). The notice requires information about the suspected breaches of planning control and about property ownership. It also gives an opportunity for the recipient to meet with officers to make representations. All relevant facts are known and a PCN is not required here.
- 6.2 Section 172 of the Act provides for the service of an Enforcement Notice (EN). In this case such a notice could require the removal of the unauthorised conservatory. If the conservatory was reduced in size to a 3m projection to comply with existing GPDO Class A.1 (e), described in paragraph 3.3, then it would fall within the limits of PD and no further action would be taken to enforce the removal of the remaining structure. As it stands the conservatory as a whole is unauthorised and the EN would require the removal of the whole unauthorised structure.
- 6.3 In planning law an enforcement notice takes 28 days from the date of issue to come into effect. This 28 day period allows the recipient an opportunity to appeal. An EN must give the recipient a minimum of 28 days to comply with its requirements. If the EN is appealed it will not come into effect, until that appeal is determined. If the appeal is dismissed the EN will come into effect immediately, on the date of the Inspectors decision and the compliance period will start from that same date. In this case a reasonable period for compliance is considered to be 3 months.

7. EQUAL OPPORTUNITIES

- 7.1 There are no equal opportunity implications arising from the recommendation in this report.

8. FINANCIAL IMPLICATIONS

- 8.1 There are no financial implications arising from the recommendation in this report.

9. RECOMMENDATION

- 9.1 That the Director of Regeneration and Development Services or Head of Planning be authorised to take any appropriate action including if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised rear extension at 36 Stanwood Crescent.
- 9.2 The Head of Planning is designated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.



PHOTOS





David Caulfield
Head of Planning

6 August 2013

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SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Director of Regeneration and Development Services

Date: 03 September 2013

Subject: Erection of Rear Extension at 17 Fielder Mews

Author of Report: Lee Brook

Summary:

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

Recommendations:

That in light of the Government changes to the Town and Country Planning (General Permitted Development) Order, relating to the temporary relaxation of household permitted development limits for rear extensions and the absence of objections from immediate neighbours, the Director of Regeneration and Development Services or Head of Planning be authorised to take no further action pursuant to the committee resolution of 8th April 2013 in connection with the single storey 6m projecting rear extension at 17 Fielder Mews.

Background Papers:

Category of Report: OPEN

ENFORCEMENT REPORT

ERECTION OF REAR EXTENSION, 17 FIELDER MEWS

1. PURPOSE OF THE REPORT

The purpose of this report is to update committee Members about a breach of planning control and to make recommendations on any further action required in light of Government changes to household permitted development and following committee resolution dated 8th April 2013 to take enforcement action.

2. LOCATION

- 2.1 The property is a modern brick built end terraced property on Fielder Mews, a residential road located within a fairly new housing estate off Bellhouse Road. The immediate area is characterised by modern houses and apartment blocks, all within a Housing Policy Area as defined by the Unitary Development Plan.

3. BACKGROUND

- 3.1 A 6m projecting single storey extension attached to the rear of the house was substantially completed about October 2012 without planning permission. It was built in two stages, the first being a 3m projection within the permitted development limits (PD) of the time. The builder incorrectly advised the owner that the household PD allowance had been relaxed to allow 6m projecting extensions without the need for planning permission. That temporary relaxation of PD was to become law later and was in force by 30th May 2013.
- 3.2 Following the builder's advice the extension was lengthened to the 6m projection. A complaint was received alleging that a separate self-contained two storey living accommodation was being constructed. The complainant is not a neighbour of no.17 Fielder Mews and he was motivated by concerns that a new dwelling was being created. The extension remained one storey when completed.
- 3.3 A retrospective planning application, ref,13/00412/FUL, was refused at committee 8th April 2013 with authority for enforcement action, taking into account the relevant Unitary Development Plan policy and Supplementary Policy Guidance for house extensions. The committee's resolution is reflected in the decision letter sent to the applicant, which reads as follows:

'The Local Planning Authority considers that the extension as built is overbearing in relation to adjoining residential property resulting in an unacceptable effect on the living conditions of neighbouring occupiers. As such the extension is contrary to Policy H14 of the Unitary Development Plan and Guideline 5 of the Supplementary Planning Guidance on Designing House Extensions

The Local Planning Authority consider that the extension as built represents an overdevelopment of the application site leaving very little usable garden space, to the detriment of the character of the area and amenities of occupiers of the application property. As such the extension is contrary to Policy H14 of the Unitary Development Plan and Guideline 4 of the Supplementary Planning Guidance on Designing House Extensions.

The Director of Development Services or Head of Planning has been authorised to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the single storey extension within 4 months of the issuing of an Enforcement Notice. The Local Planning Authority will be writing separately on this matter.'

4. TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) ORDER 2013 - ('GPDO')
- 4.1 The amendments, (which are temporary for a period of 3 years), to the GPDO came into force on 30th May 2013. After this date an extension of up to 6m projection on a terraced or semi-detached house does not require planning permission subject to certain conditions. The conditions include a requirement of the developer to provide details of the proposal to the Local Planning Authority, (LPA). The LPA then notify owners or occupiers of the neighbouring property. If an objection is raised by any owner or occupier of adjoining property then a 'prior approval' is required from the Local Planning Authority (LPA) before work can commence.
- 4.2 Where a prior approval is needed, the LPA is required to assess the impact of the development on the amenity of all adjoining premises. The developer is required to submit sufficient information for the LPA to consider the proposal and a decision should be taken within 42 days.
- 4.3 The approach to the prior approval process would be guided by the existing approved policies set out in the Unitary Development Plan including Supplementary Planning Guidance for household extensions. The prior approval process is not a 'planning application'.
5. REPRESENTATIONS
- 5.1 One complaint was received 10th October 2012, from a local resident concerned that a large two storey extension was being built to form a new residential unit although the build remained single storey when completed and it was an addition to the existing house. The complainant is not a neighbour.

- 5.2 The usual neighbour notification letters were sent out, (Feb 2013), when retrospective planning application 13/00412/FUL was received but no representations were made in response, either for, against or neutral. Planning permission was refused 8th April 2013..
- 5.3 In light of the introduction of the new permitted development (PD) rights before the enforcement notice had been served, letters dated 10th June 2013 were sent to the neighbour's again, to ask if anyone wished to comment on the extension in terms of any ill effects on their amenity. No representations have been made. It is on this basis that the revised recommendation is made.

6. ASSESSMENT OF EVENTS AND ACTION TAKEN

- 6.1 The committee resolution to take enforcement action states that the unauthorised extension should be removed within 4 months of the date of issue of an enforcement notice. At the time of the committee meeting, it was not known for certain whether or not the Government proposal to amend the GPDO would become law, or if the proposal would be dropped as a result of consultations carried out. The committee was mindful of this when setting the timescale.
- 6.2 An enforcement notice (EN) could not be served before the 30th May change over date between existing permitted development (PD) limits and the new temporary PD limits. An EN takes 28 days to come into force from the date of issue. It was also likely, taking into account talks with the applicant's agent, that the EN would have been appealed, which delays the notice coming into effect until the appeal decision is reached, (usually about 6 months or so).
- 6.3 The EN would come into force, in any event, at a time when the 6m extension could have been considered to be PD under the new rules subject to neighbour notifications not raising any objections, (see paragraph 5.3 and 6.4).
- 6.4 Having regard to the recent changes it is proposed that no further action be taken against the extension for the following reasons
- (a) After the committee decision was made and following the introduction of the new temporary PD limits, (three weeks later), letters were sent to the neighbouring properties explaining that enforcement action was authorised to remove the extension and further explaining the changes to PD. The letter asked if there were any objections to the 6m extension. This extra consultation letter was similar to that required under the new PD conditions, which were in force by then.
- (b) It is 7 weeks since the extra consultation letter was sent and no objections have been received.

- (c) If the extension was wholly taken down or part taken down, (to the usual 3m projection), it could be immediately rebuilt to the new 6m PD limit, provided no objections were received from neighbours, following a prior notification process.
- (d) The 6m PD limit and absence of neighbour representation could be taken into account by any Planning Inspector at appeal.

7 EQUAL OPPORTUNITIES

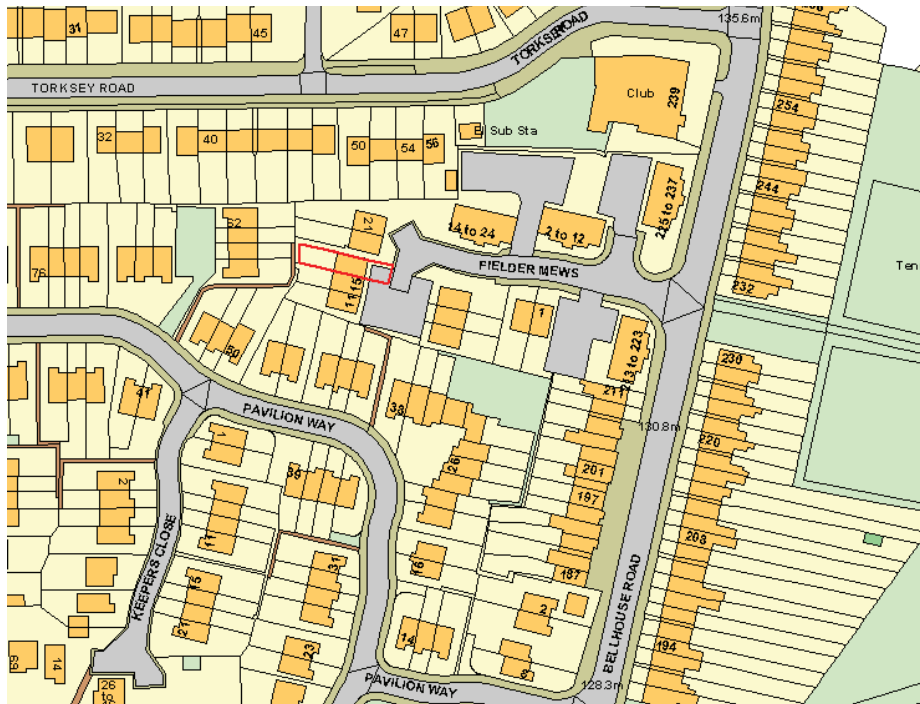
- 7.1 There are no equal opportunity implications arising from the recommendation in this report.

8 FINANCIAL IMPLICATIONS

- 8.1 There are no financial implications arising from the recommendation in this report.

9 RECOMMENDATION

- 9.1 That in light of the Government changes to the Town and Country Planning (General Permitted Development) Order, relating to the temporary relaxation of household permitted development limits for rear extensions and the absence of objections from immediate neighbours, the Director of Regeneration and Development Services or Head of Planning be authorised to take no further action pursuant to the committee resolution of 8th April 2013 in connection with the single storey 6m projecting rear extension at 17 Fielder Mews.



David Caulfield
Head of Planning

31 July 2013

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Development Services

Date: 3 September 2013

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Claire Woods 0114 2734219

Summary:

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

Reasons for Recommendations

Recommendations:

To Note

Background Papers:

Category of Report: OPEN

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DEVELOPMENT SERVICES

REPORT TO PLANNING &
HIGHWAYS COMMITTEE
3 September 2013

1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

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

2.0 NEW APPEALS RECEIVED

(i) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for a Two storey side extension to dwellinghouse at basement level and formation of a hardstanding/car parking space at Edgedale Garage, 370 Walkley Bank Road, Sheffield, S6 5AR (Case No 13/00835/FUL)

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for a retrospective application to replace windows to front of dwellinghouse at 24 Ashgate Road, Sheffield S10 3BZ (Case No 13/01512/FUL)

(iii) An appeal has been submitted to the Secretary of State against the decision of the Council at its meeting on the 2 July 2013 to refuse planning permission for demolition of public house (Use Class A4) and erection of retail store (Use Class A1) with associated landscaping, car parking, and servicing (In accordance with amended plans and elevations received 11.06.2013) (Case No 13/01343/FUL)

3.0 APPEALS DECISIONS - ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for alterations and extension to roof to form rooms in roof space, including a rear dormer window and a side dormer extension to dwellinghouse (As amended drawing 537/PL/101 A received 14/05/2013) at 43 Brooklands Avenue, Sheffield, S10 4GB has been allowed (Case No 13/01179/FUL)

Officer Comment:-

The main issue considered by the Planning Inspector was the effect of the proposal on the character and appearance on the property and street scene of Brooklands Avenue and this turned on the design and materials of the proposed side dormer window.

The Inspector noted the Council's view that the dormer should have a traditional hipped roof with tile hung cheeks in order to be more in keeping

with the original house.

In his opinion, the dormer windows with rendered cheeks at nos. 48A and 50 were in keeping with the host properties as the cheeks matched the elevation rather than the roof. Consequently, he found that the proposed rendered cheeks would not result in harm to the appeal property.

The lead/zinc roof to the proposed dormer was considered not to be consistent with existing side hipped roof dormer windows in the area, nevertheless, it was considered to have some commonality with the varied dormers and roof materials of the area. In addition, the provision of a hipped roof would have a larger elevational area and thus a greater visual impact. The Inspector considered that the dormer would not lead to a negative impact on the street scene.

Although the dormer would be larger than other windows in the dwelling, it was felt that they would still retain a vertical appearance and, at a width of approximately one third of the width of the elevation, it would not dominate the roof plane.

The dormer was considered not to conflict with the Unitary Development Plan or the Designing House Extensions Supplementary Planning Guidance and accordingly the Inspector granted planning permission

5.0 APPEAL – ENFORCEMENT NOTICE

(i) To report that an appeal against a Enforcement Notice served in respect of the replacement of roof tiles at the front and side of the building, facing Albany Road and Chippinghouse Road at 1 Albany Road, Nether Edge, Sheffield S7 1DN has been allowed.

Officer Comment:-

The appeal property is within the Nether Edge Conservation Area, and covered by the Article 4 direction that removes permitted development rights for a range of works including the replacement of roof materials.

The Enforcement Notice required the removal of artificial slates, and their replacement with natural roof slates. The Inspector considered the main issues to be the impact of the artificial slates on the character and appearance of the Conservation Area.

He considered that to comply with the notice, would harm the appearance of the roof as it only required replacement of the roof material on 2 of 4 roof slopes, and all 4 roof slopes are visible in the street scene. He also disagreed with the Council that the artificial slates were particularly shiny or noticeably different to original roof slates in the vicinity, and therefore felt there would not be significant benefit to their removal. He therefore concluded that the artificial slates did not harm the character and appearance of the conservation area and allowed the appeal.

Officers are surprised by this decision which runs contrary to the very consistent outcome of appeals, with Inspectors supporting officer's judgement on matters affecting the Article 4 Direction. Only 2 of the 4 roof slopes could legitimately be required to be replaced as only 2 roof slopes can be considered to 'front the highway' as required by the relevant legislation for permission to be required. In addition, there is fundamental disagreement with the Inspector's description of the impact. Officers are therefore currently in dialogue with the Planning Inspectorate over the potential for challenging the decision, and will update Members on this in due course.

6.0 RECOMMENDATIONS

That the report be noted

David Caulfield
Head of Planning

3 September 2013

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