

Planning and Highways Committee

Tuesday 22 May 2018 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 Dianne Hurst (Chair), Peter Rippon (Chair), Ian Auckland, David Baker, Jack Clarkson, Michelle Cook, Tony Damms, Roger Davison, Bob Johnson, Alan Law, Zahira Naz, Joe Otten, Peter Price and Chris Rosling-Josephs

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. You may not be allowed to see some reports because they contain confidential information. These items are usually marked * on the agenda.

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

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

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

FACILITIES

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

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

**PLANNING AND HIGHWAYS COMMITTEE AGENDA
22 MAY 2018**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 1 - 4)
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 5 - 12)
Minutes of the meeting of the Committee held on 1 May 2018
- 6. Site Visit**
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 7. Proposed Closure of Part of Footpath Sto/11 at Ellen Cliffe, Deepcar** (Pages 13 - 20)
Report of the Director of Culture and Environment
- 8. Proposed Diversion of Part of Footpath Sto/65 at Underbank Activity Centre, Stocksbridge** (Pages 21 - 28)
Report of the Director of Culture and Environment
- 9. Proposed Diversion of Footpath She/1072 at Bannerdale** (Pages 29 - 36)
Report of the Director of Culture and Environment
- 10. Applications Under Various Acts/Regulations** (Pages 37 - 38)
Report of the Director of Regeneration and Development Services
- 11. Land Within the Curtilage of the University of Sheffield, Bolsover Street, S3 7HF (Case No. 18/00613/FUL)** (Pages 39 - 52)
- 12. 90 Trippet Lane/8 Bailey Lane, S1 4E (Case No. 18/00386/FUL)** (Pages 53 - 64)
- 13. Curtilage of 29 Florence Road, S8 0GE (Case No. 18/00272/FUL)** (Pages 65 - 78)
- 14. BAL Fashions and Knitwear, 16 Exchange Street, S2 5TS** (Pages 79 - 90)

(Case No. 18/00028/CHU)

- 15. 28A School Green Lane, S10 4GQ (Case No.17/05237/FUL)** (Pages 91 - 112)
- 16. Curtilage of 26 Rangeley Road, S6 5DW (Case No. 17/04664/FUL)** (Pages 113 - 124)
- 17. Record of Planning Appeal Submissions and Decisions** (Pages 125 - 134)
Report of the Director of Regeneration and Development Services
- 18. Date of Next Meeting**
The next meeting of the Committee will be held on 12 June 2018

ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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.

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 Audit and Standards Committee in relation to a request for dispensation.

Further advice can be obtained from Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email gillian.duckworth@sheffield.gov.uk.

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Planning and Highways Committee

Meeting held 1 May 2018

PRESENT: Councillors Peter Rippon (Chair), Ian Auckland, David Baker, Jack Clarkson, Michelle Cook, Tony Damms, Roger Davison, Dianne Hurst, Bob Johnson, Zahira Naz, Joe Otten, Peter Price, Chris Rosling-Josephs and Zoe Sykes

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Alan Law, 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 Michelle Cook declared a personal interest as a local Ward Councillor in respect of applications for planning permission and listed building consent for the General Cemetery, Cemetery Avenue (Case Nos. 18/00235/FUL and 18/00236/LBC). Councillor Cook stated that she had not predetermined her views on the applications and would participate in their determination.

3.2 The Chair, Councillor Peter Rippon, declared a personal interest as a local Ward Councillor in respect of an application for planning permission for the erection of a single-storey pre-school building with associated car parking and vehicle turning facilities at Intake Primary School, Mansfield Road (Case No. 18/00415/FUL). Councillor Rippon stated that he had not predetermined his views on the application and would participate in its determination.

3.3 Councillor Dianne Hurst declared a personal interest as a local Ward Councillor in respect of an application for planning permission for the erection of a single-storey pre-school building with associated car parking and vehicle turning facilities at Intake Primary School, Mansfield Road (Case No. 18/00415/FUL). Councillor Hurst stated that she had not predetermined her views on the application and would participate in its determination.

3.4 Councillor David Baker declared a personal interest as a local Ward Councillor in respect of an application for planning permission for the change of opening times of an existing café at Stannington Park, Stannington Road (Case No. 18/00666/FUL). Councillor Baker stated that he had not predetermined his views on the application and would participate in its determination.

3.5 Councillor Zahira Naz declared a personal interest as a local Ward Councillor in

respect of an application for planning permission for the use of land as a car sales/storage site at the Site of Zion Congregational Church, Lawrence Street (Case No. 17/04825/FUL). Councillor Naz stated that she had not predetermined her views on the application and would participate in its determination.

- 3.6 Councillor Bob Johnson declared a personal interest in applications for planning permission for (i) the change of opening times of an existing café at Stannington Park, Stannington Road (Case No. 18/00666/FUL) as the applicant was known to him and (ii) the retention of a dwellinghouse and decking including amendments to fenestration and facing materials at the garage site, adjacent to 4 Langsett Avenue (Case No. 18/00250/FUL) as the site was close to his own property. Councillor Johnson stated that he had not predetermined his views on the applications and would participate in their determination.
- 3.7 Councillor Joe Otten declared a personal interest as a local Ward Councillor and as he had made his views known in respect of an application for planning permission for the erection of a dwellinghouse with an integral double garage at land to the rear and side of 29 Overcroft Rise (Case No. 17/04626/FUL). Councillor Otten stated that he would not speak and vote and left the room during consideration of this item.

4. MINUTES OF PREVIOUS MEETING

- 4.1 The minutes of the meeting of the Committee, held on 10 April, 2018, were approved as a correct record, subject to an amendment to Councillor Zoe Sykes declaration of interest by the substitution of the planning application for 20 Woodburn Drive (Case No. 17/04628/FUL) for the planning application for Dial House Club, 72 Far Lane (Case No. 18/00214/FUL) (Declaration of Interest, Item 3.1).

5. SHEFFIELD CONSERVATION ADVISORY GROUP

- 5.1 The Committee received and noted the minutes of the meeting of the Sheffield Conservation Advisory Group held on 20 March 2018.

6. SITE VISIT

- 6.1 **RESOLVED:** That the Chief Planning Officer, in liaison with a Co-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. PROPOSED CLOSURE OF PART OF THE FOOTPATH OFF STANWOOD DRIVE, STANNINGTON

- 7.1 The Director of Culture and Environment submitted a report seeking authority to process the Public Footpath Extinguishment Order required to close part of the adopted footpath off Stanwood Drive, Stannington. The report stated that it was necessary to close the public footpath from the end of Stanwood Drive to the former

Hawkhills Residential Home, 11 Stanwood Road to allow a proposed development comprising 20 dwellings to be constructed.

7.2 It was stated that the closure of the footpath would not affect the residents of Stanwood Drive which was a no through road.

7.3 **RESOLVED:** That (a) no objections be raised to the proposed closure of part of the footpath off Stanwood Drive, as detailed in the report of the Director of Culture and Environment and as shown on the plan now exhibited, subject to planning consent and subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected; and

(b) authority be given to the Director of Legal and Governance to:

(i) take all necessary action to close the footpath by order under the powers contained within Section 257 of the Town and Country Planning Act 1990; and

(ii) confirm the order as an unopposed order, in the event of no objections being received, or any objections received being resolved and withdrawn prior to the order being confirmed.

8. TREE PRESERVATION ORDER 418: 178 HOWARD ROAD, S6 3RX

8.1 The Director of City Growth submitted a report seeking to confirm Tree Preservation Order No. 418 at 178 Howard Road. The report stated that the Sycamore tree which was positioned close to the front boundary of the property, was considered to be visually prominent and seen as part of a cohesive element of the landscape with other trees in the area. It was perceived though that the tree was under threat due to the potential development of the site.

8.2 A copy of the Order and the Tree Evaluation Method for Preservation Orders were attached to the report now submitted.

8.3 **RESOLVED:** That no objections having been received, Tree Preservation Order No. 418 made on 1 December 2017 on land at 178 Howard Road S6 3RX, be confirmed unmodified.

9. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

9.0.1 **RESOLVED:** That 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 and as amended 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.

9.1 STANNINGTON PARK, STANNINGTON ROAD, S6 6BX (CASE NO. 18/00666/FUL)

9.1.1 Having heard oral representations at the meeting from two local residents objecting to the proposed development and from the applicant speaking in support of the proposed development, an application for planning permission for the change of opening times of an existing cafe from 0700 hours to 1900 hours, Monday to Sundays and opening two occasions per month for functions/events from 0700 hours to 2300 hours, Fridays/Saturdays (application to vary Condition 4 of planning ref: 13/04166/FUL) (amended description and plans) at Stannington Park, Stannington Road (Case No. 18/00666/FUL) be granted, conditionally, for the reasons detailed in the report now submitted.

9.2 INTAKE PRIMARY SCHOOL, MANSFIELD ROAD, S12 2AR (CASE NO. 18/00415/FUL)

9.2.1 Having heard oral representations at the meeting from a local Ward Councillor speaking in support of the proposed development, an application for planning permission for the erection of a single-storey pre-school building with associated car parking and vehicle turning facilities at Intake Primary School, Mansfield Road (Case No. 18/00415/FUL) be granted, conditionally, for the reasons detailed in the report now submitted.

9.3 GARAGE SITE, ADJACENT TO 4 LANGSETT AVENUE, S6 4AA (CASE NO. 18/00250/FUL)

9.3.1 An application for planning permission for the retention of a dwellinghouse and decking including amendments to fenestration and facing materials (Retrospective application) (Resubmission of 17/03331/FUL) at a garage site, adjacent to 4 Langsett Avenue (Case No. 18/00250/FUL) be granted, conditionally, for the reasons detailed in the report now submitted.

9.4 SHEFFIELD GENERAL CEMETERY, CEMETERY AVENUE, S11 8NT (CASE NO. 18/00235/FUL)

9.4.1 Having (i) noted (A) clarification on Page 94 of the report now submitted to confirm that 14 car parking spaces were originally proposed and not 13 and (B) additional representations in support of the proposed development and objecting to the proposed development and the officer's responses, all as detailed in a supplementary report circulated at the meeting and (ii) heard oral representations at the meeting from eight people comprising representatives of organisations and local residents objecting to the proposed development and from the applicant's representatives speaking in support of the proposed development, an application for planning permission for conservation works to listed/non-listed historic features; walls/catacombs; and to listed/non-listed monuments, improvements to site entrance points, landscape improvements including general footpath improvements, installation of wayfinding signage, management of trees/vegetation, and improvement/inclusion of new amenities, lighting, and car parking at Sheffield General Cemetery, Cemetery Avenue (Case No.

18/00235/FUL) be granted, conditionally, for the reasons detailed in the report now submitted, subject to (1) Condition 2 being amended with a revised plan reference and (2) Condition 18 being amended clarifying the purpose of the disabled spaces to be provided and that it is operated within the approved Car Park Management Scheme, as detailed in the aforementioned supplementary report.

9.5 SHEFFIELD GENERAL CEMETERY, CEMETERY AVENUE, S11 8NT (CASE NO. 18/00236/LBC)

9.5.1 Having (i) noted additional representations in support of the proposed development and objecting to the proposed development and the officer's responses, as detailed in a supplementary report circulated at the meeting and (ii) heard oral representations at the meeting from eight people comprising representatives of organisations and local residents objecting to the proposed development and from two representatives of the applicant speaking in support of the proposed development, an application for listed building consent for conservation works to listed/non-listed historic features; walls/catacombs; and to listed/non-listed monuments, improvements to site entrance points, landscape improvements including general footpath improvements, installation of wayfinding signage, management of trees/vegetation, and improvement/inclusion of new amenities, lighting, and car parking at Sheffield General Cemetery, Cemetery Avenue (Case No. 18/00236/LBC) be granted, conditionally, for the reasons detailed in the planning application report (Case No. 18/00235/FUL) now submitted, subject to Condition 2 being amended with a revised plan reference, as detailed in the aforementioned supplementary report.

9.6 LAND AT JUNCTION WITH LOXLEY ROAD, BLACK LANE, S6 6RR (CASE NO. 18/00177/OUT)

9.6.1 Having (i) noted (A) additional representations from the Loxley Valley Protection Society objecting to the proposed development, (B) clarification in respect of the Loxley Valley Design Statement referred to on Page 124, Paragraph 2 and (C) an amendment to Directive 1 by the addition of a location plan, all as detailed in a supplementary report circulated at the meeting and (ii) heard oral representations at the meeting from the applicant, the applicant's agent and a resident interested in purchasing a property in the area, an application for planning permission for the erection of up to 4 x dwellings with integral garages, including provision of two access roads and associated parking at land at the junction with Loxley Road and Black Lane (Case No. 18/00177/OUT) be refused, for the reasons detailed in the report now submitted.

9.7 EBENEZER CHAPEL, SOUTH ROAD, WALKLEY, S6 3TD (CASE NO. 17/05212/FUL)

9.7.1 Having heard oral representations at the meeting from the applicant's agent speaking in support of the development, an application for planning permission for the removal of the existing student accommodation on the ground floor and conversion to 8 x 1 and 2 bedroom apartments; removal of an organ, pulpit and partial removal of first floor balcony; reinstatement of the original main entrance,

lobby and route up to the first floor level; installation of mezzanine floors in part of the first floor conversion; insertion of new services and party walls/floors; and proposed access improvements with the erection of a new external stepped ramp at Ebenezer Chapel, South Road, Walkley (Case No. 17/05212/FUL) be granted, conditionally, for the reasons detailed in the report now submitted

9.8 EBENEZER CHAPEL, SOUTH ROAD, WALKLEY, S6 3TD (CASE NO. 17/05213/LBC)

9.8.1 Having heard oral representations from the applicant's agent speaking in support of the development, an application for listed building consent for the removal of the existing student accommodation on the ground floor and conversion to 8 x 1 and 2 bedroom apartments; removal of organ, pulpit and partial removal of first floor balcony; reinstatement of original main entrance, lobby and route up to first floor level; installation of mezzanine floors in part of the first floor conversion; insertion of new services and party walls/floors; and proposed access improvements, with the erection of a new external stepped ramp at Ebenezer Chapel, South Road, Walkley (Case No. 17/05213/LBC) be granted, conditionally, for the reasons detailed in the planning application report (Case No. 17/05212/FUL) now submitted.

9.9 SITE OF ZION CONGREGATIONAL CHURCH, LAWRENCE STREET, S9 3RG (CASE NO. 17/04825/FUL)

9.9.1 Having heard oral representations at the meeting from the applicant's agent supporting the proposed development, an application for planning permission for the use of land as a car sales/storage site at the Site of Zion Congregational Church, Lawrence Street (Case No. 17/04825/FUL) be granted, conditionally, for the reasons detailed in the report now submitted.

9.10 LAND TO THE REAR AND SIDE OF 29 OVERCROFT RISE, S17 4AX (CASE NO. 17/04626/FUL)

9.10.1 Having noted (i) additional representations from the applicant's agent and the officer's response and (ii) a neighbour representation confirming that their objection and other concerned complainants objections remained, as outlined in a supplementary report circulated at the meeting, in connection with an application for planning permission for the erection of a dwellinghouse, with an integral double garage, at land to the rear and side of 29 Overcroft Rise (Case No. 17/04626/FUL) the Committee indicated that, as the application was subject to an appeal against non-determination, it was minded to refuse the application for the reasons set out in the report now submitted.

10. OVERVIEW OF ENFORCEMENT ACTIVITY

10.1 The Committee received and noted a report of the Director of City Growth providing a quarterly overview of progress on the work being undertaken by the enforcement team within the City.

11. QUARTERLY UPDATE OF ENFORCEMENT ACTIVITY

- 11.1 The Committee received and noted a report of the Director of City Growth providing an update on the progress of enforcement cases being undertaken with respect to developments and advertisements in the City.

12. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 12.1 The Committee received and noted a report of the Chief Planning Officer detailing (a) the 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.

13. DATE OF NEXT MEETING

- 13.1 It was noted that the next meeting of the Committee will be held at 2:00p.m. on Tuesday, 22 May, 2018 at the Town Hall.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Culture and Environment

Date: 22nd May 2018

Subject:

HIGHWAYS ACT 1980 SECTION 118 PROPOSED STOPPING UP OF PUBLIC FOOTPATH STO\11 AT ELLEN CLIFFE FARM, DEEPCAR, SHEFFIELD S36

Author of Report: Mark Reeder 0114 2736125

Summary:

To seek authority to process the Public Path Closure Order required for closing part of the definitive public footpath STO\11 at Ellen Cliffe Farm, Deepcar, Sheffield.

Reasons for Recommendations

Based on the above information, the proposed closure of part of definitive public footpath STO\11, as shown on the plan included as Appendix A, is supported by Officers.

Recommendations:

Raise no objections to the proposed closure of part of definitive public footpath STO\11, as shown on the plan included as Appendix A, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.

Authority be given to the Director of Legal & Governance to

- take all necessary action to close the footpath under the powers contained within Section 118 of the Highways Act 1980;
 - confirm the Order as an Unopposed Order, in the event of no objections being received, or any objections received being resolved.
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Background Papers:

Category of Report: OPEN

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HIGHWAYS ACT 1980 SECTION 118 PROPOSED STOPPING UP OF PUBLIC
FOOTPATH STO\11 AT ELLEN CLIFFE FARM, DEEPCAR, SHEFFIELD S36

1.0 PURPOSE

- 1.1 To seek authority to process the Public Path Closure Order required for closing part of the definitive public footpath STO\11 at Ellen Cliffe Farm, Deepcar, Sheffield.

2.0 BACKGROUND

- 2.1 An application has been made to close part of the footpath STO\11, at Ellen Cliffe Farm, Deepcar, Sheffield S36, as shown on the plan included as Appendix A. The applicant contends that it is no longer required for public use and can be considered surplus to the requirements of the Highway Authority.
- 2.2 This part of footpath STO\11 commences at the intersection with footpath STO\10 (shown as 'A' on the plan) then crosses land at Ellen Cliffe Farm before ascending a steep incline (shown as 'B' on the plan) and continues uphill until it meets the A616 (Stocksbridge Bypass) at a point shown as 'C' on the plan.
- 2.3 Due to work carried out by persons unknown (thought to be a previous occupier of Ellen Cliffe Farm) this section of the route has not been used for some years. As an alternative the current land owner provided a permissive route shown as points 'D' to 'E' on the plan, though due to issues regarding livestock the route was subsequently closed.
- 2.4 The City Council's Public Rights of Way Office (PROW) requested that, on account of the permissive route not being available, the legal route should be reinstated. However, to reinstate this part of STO\11 would require engineering works that the land owner feels would be costly and detrimental to their property. Given the availability of an alternative public route available to pedestrians in the immediate vicinity shown as points 'F' to 'G' on the plan) the landowner has asked that the Council as Local Highway Authority consider a permanent stopping up application on the grounds that it is not necessary for public use. PROW have considered this, and following further discussions with user groups and the land owner, believe that permanently stopping up this part of footpath STO\11 would be in the best interests of all concerned.

3.0 CONSULTATIONS

- 3.1 Consultations have been carried out with Statutory Undertakers (i.e. utility companies), the Emergency Services, and other relevant bodies, including footpath societies.
- 3.2 Not all the consultees had responded at the time of writing this report. But of those that have responded, no objections have been received.
- 3.3 The Ramblers' Association and Peak and Northern Footpath Society have responded positively to the proposal to close this part of the route.
- 3.4 Stocksbridge Town Council has been consulted, though at the time of writing no comments have been received from them in response.
- 3.5 If any negative comments relating to the application are received before the Planning and Highways Committee meeting, they will be reported verbally.

4.0 LEGAL IMPLICATIONS

- 4.1 The Director of Legal & Governance has been consulted and has advised that if the Council was minded to agree to this application it would be appropriate to process the closure using the powers contained within Section 118 of the Highways Act 1980. These powers provide for a public footpath to be closed on the grounds that it is not needed for public use.

5.0 HIGHWAY IMPLICATIONS

- 5.1 The subject part of path STO\11 is part of the definitive public footpath network in the Stocksbridge area of Sheffield.
- 5.2 This part of footpath STO\11 provides a link between footpath STO\10 and the Stocksbridge Bypass, and the continuation of STO\11 on up the hill towards Park Lane.
- 5.3 In view of the alternative route described in 2.4 above, the proposed closure should not adversely affect the public's enjoyment of the area and will have no detrimental effect on the surrounding highway network and its users.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

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

7.0 ENVIRONMENTAL IMPLICATIONS

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

8.0 FINANCIAL IMPLICATIONS

8.1 All the costs of the Closure Order process and any other associated costs will be met by the applicant.

9.0 CONCLUSION

9.1 Based on the above information, the proposed closure of part of definitive public footpath STO\11, as shown on the plan included as Appendix A, is supported by Officers.

10.0 RECOMMENDATIONS

10.1 Raise no objections to the proposed closure of part of definitive public footpath STO\11, as shown on the plan included as Appendix A, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.

10.2 Authority be given to the Director of Legal & Governance to

- a. take all necessary action to close the footpath under the powers contained within Section 118 of the Highways Act 1980;
- b. confirm the Order as an Unopposed Order, in the event of no objections being received, or any objections received being resolved.

Paul Billington
Director Culture and Environment

22nd May 2018



**HIGHWAYS ACT 1980 SECTION 118
PROPOSED STOPPING UP OF PART OF FOOTPATH
STO\11 AT ELLEN CLIFFE, DEEPCAR**

Scale: 1:1,500

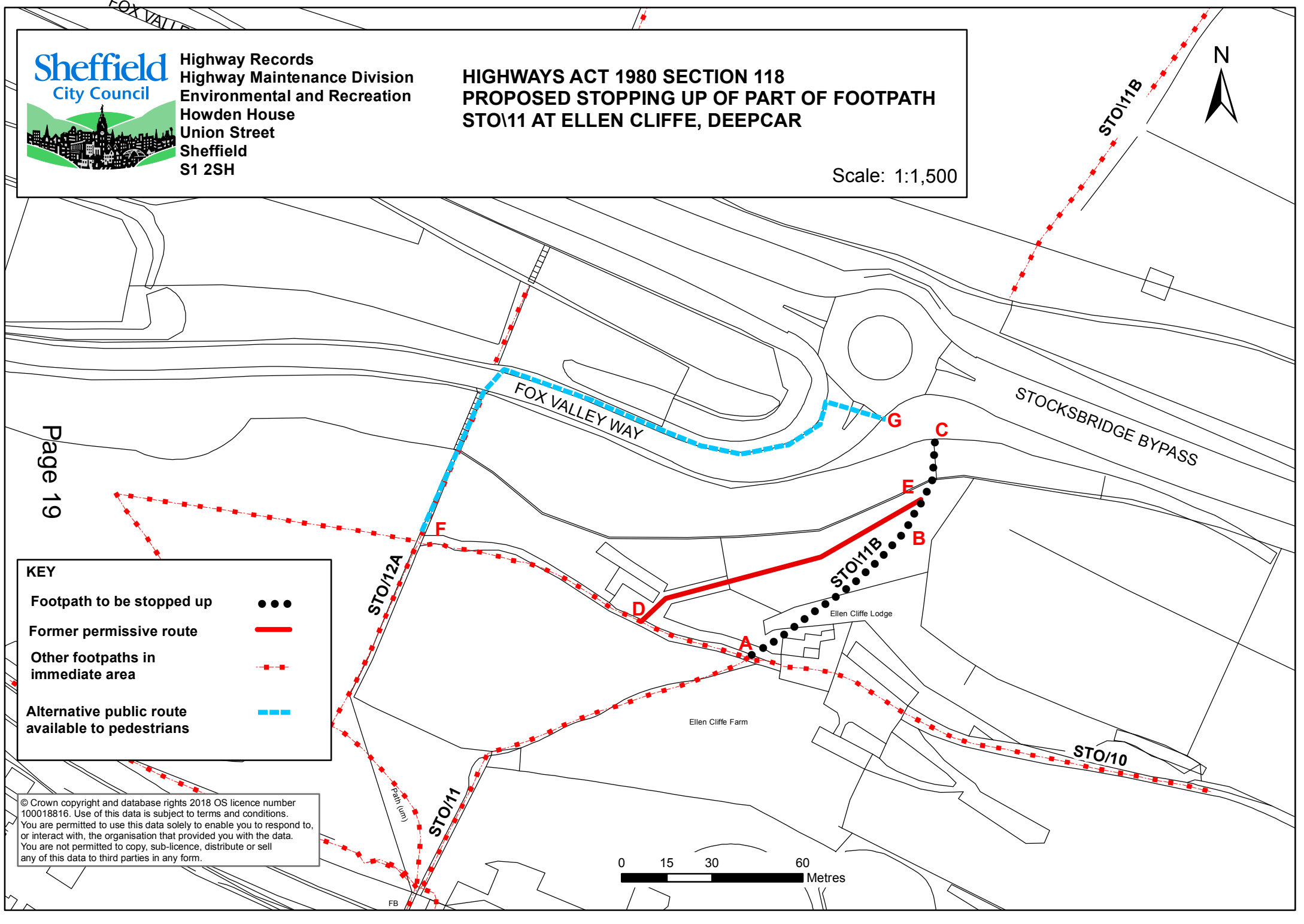
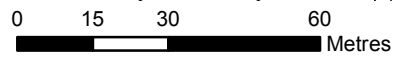


Page 19

KEY

- Footpath to be stopped up ● ● ●
- Former permissive route ———
- Other footpaths in immediate area - - -
- Alternative public route available to pedestrians - - -

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Culture and Environment

Date: 22nd May 2018

Subject:

HIGHWAYS ACT 1980 SECTION 119 PROPOSED DIVERSION OF PART OF PUBLIC FOOTPATH STO\65 AT UNDERBANK, STOCKSBRIDGE, SHEFFIELD S36

Author of Report: Mark Reeder 0114 2736125

Summary:

To seek authority to process the Public Path Diversion Order required altering the course of definitive public footpath STO\65, at Underbank, Stocksbridge, Sheffield S36.

Reasons for Recommendations

Based on the above information, the proposed diversion of definitive public footpath STO\65, as shown on the plan included as Appendix A, is supported by Officers.

Recommendations:

Raise no objections to the proposed diversion of definitive public footpath STO\65, as shown on the plan included as Appendix A, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.

Authority be given to the Director of Legal & Governance to

- take all necessary action to divert the footpath under the powers contained within Section 119 of the Highways Act 1980;
 - confirm the Order as an Unopposed Order, in the event of no objections
-

Background Papers:

Category of Report: OPEN

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HIGHWAYS ACT 1980 SECTION 119 PROPOSED DIVERSION OF PART OF
PUBLIC FOOTPATH STO\65 AT UNDERBANK, STOCKSBRIDGE, SHEFFIELD
S36

1.0 PURPOSE

- 1.1 To seek authority to process the Public Path Diversion Order required altering the course of definitive public footpath STO\65, at Underbank, Stocksbridge, Sheffield S36.

2.0 BACKGROUND

- 2.1 The City Council has received an application requesting the diversion of part of definitive public footpath STO\65, at the Underbank Outdoor Centre, Stocksbridge, as shown on the plan included as Appendix A (hereby referred to as 'the plan').
- 2.2 Footpath STO\65 has a recorded width of 1.5 metres over a length of 901 metres, commencing at Oaks Lane and heading in a generally northerly direction until it meets the Underbank Activity Centre, it then heads in a generally south easterly direction terminating at Smithy Moor Lane.
- 2.3 This proposal will permanently stop up the 206 metre section shown as points A to B to C on the plan and provide a 160 metre direct alternative route between points A and C.
- 2.4 The current route passes through the activity centre and immediately adjacent to activity apparatus (climbing tower and zip wire). As such, the applicants feel that moving the path away will be beneficial, in terms of public safety, but also their own security and privacy.

3.0 CONSULTATIONS

- 3.1 Consultations have been carried out with Statutory Undertakers (i.e. utility companies), the Emergency Services, and other relevant bodies, including footpath societies.
- 3.2 Not all the consultees had responded at the time of writing this report. But of those that have responded, no objections have been received.
- 3.3 The Ramblers' Association and Peak and Northern Footpath Society have responded positively to the proposal to divert this part of the route.

3.4 Stocksbridge Town Council has been consulted, though at the time of writing no comments have been made.

3.6 If any negative comments relating to the application are received before the Planning and Highways Committee meeting, they will be reported verbally.

4.0 LEGAL IMPLICATIONS

4.1 The Director of Legal & Governance has been consulted and has advised that if the Council was minded to agree to this application it would be appropriate to process the diversion using the powers contained within Section 119 of the Highways Act 1980. These powers provide for a public footpath to be diverted if it is expedient in the interests of the landowner, lessee or occupier of land and if the Council believes that the proposed alternative will be substantially as convenient to the public as the existing path.

5.0 HIGHWAY IMPLICATIONS

5.1 The subject path STO\65 is part of the definitive public footpath network in the Stocksbridge area of Sheffield.

5.2 The proposed alternative route will be finished in crushed stone, pass through pleasant woodland, be 46 metres shorter in length and have a gradient and width similar to the existing course.

5.3 The proposed diversion should therefore not adversely affect the public's enjoyment of the area and will have no detrimental effect on the surrounding highway network and its users.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

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

7.0 ENVIRONMENTAL IMPLICATIONS

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

8.0 FINANCIAL IMPLICATIONS

- 8.1 All the costs of the Diversion Order process and the provision of the new path will be met by the applicant.
- 8.2 If the application is successful then the new path, once satisfactorily provided by the applicant, will be maintained by the Council's Public Rights of Way team, in lieu of the old path. The new path is 46m shorter; therefore there will be a slight overall saving to the Public Rights of Way maintenance budget.

9.0 CONCLUSION

- 9.1 Based on the above information, the proposed diversion of definitive public footpath STO\65, as shown on the plan included as Appendix A, is supported by Officers.

10.0 RECOMMENDATIONS

- 10.1 Raise no objections to the proposed diversion of definitive public footpath STO\65, as shown on the plan included as Appendix A, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.
- 10.2 Authority be given to the Director of Legal & Governance to
- a. take all necessary action to divert the footpath under the powers contained within Section 119 of the Highways Act 1980;
 - b. confirm the Order as an Unopposed Order, in the event of no objections

Paul Billington
Director Culture and Environment
2018

22nd May

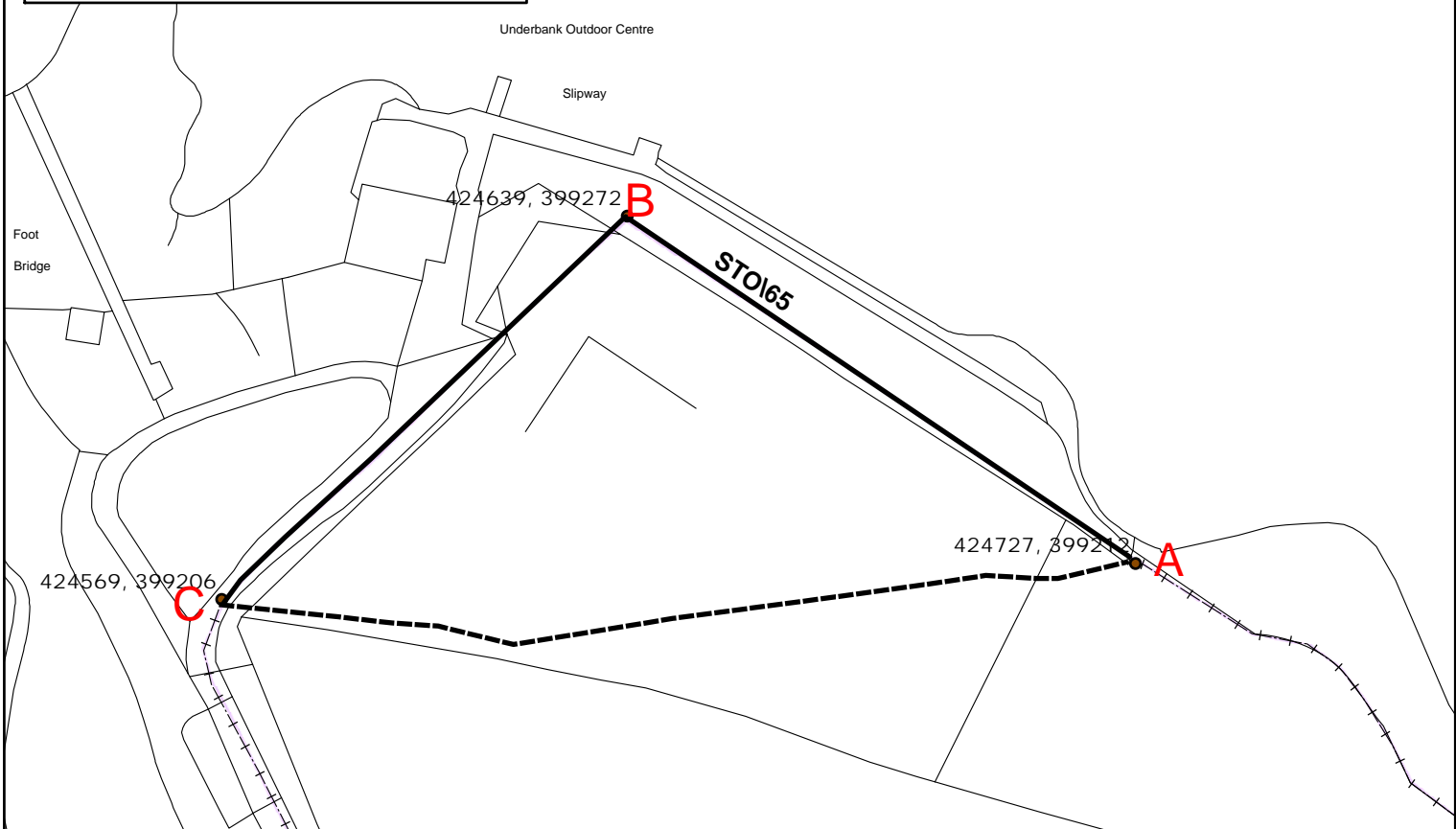


**PROPOSED DIVERSION OF FOOTPATH STO165
AT UNDERBANK OUTDOOR CENTRE,
STOCKSBRIDGE, SHEFFIELD S36**

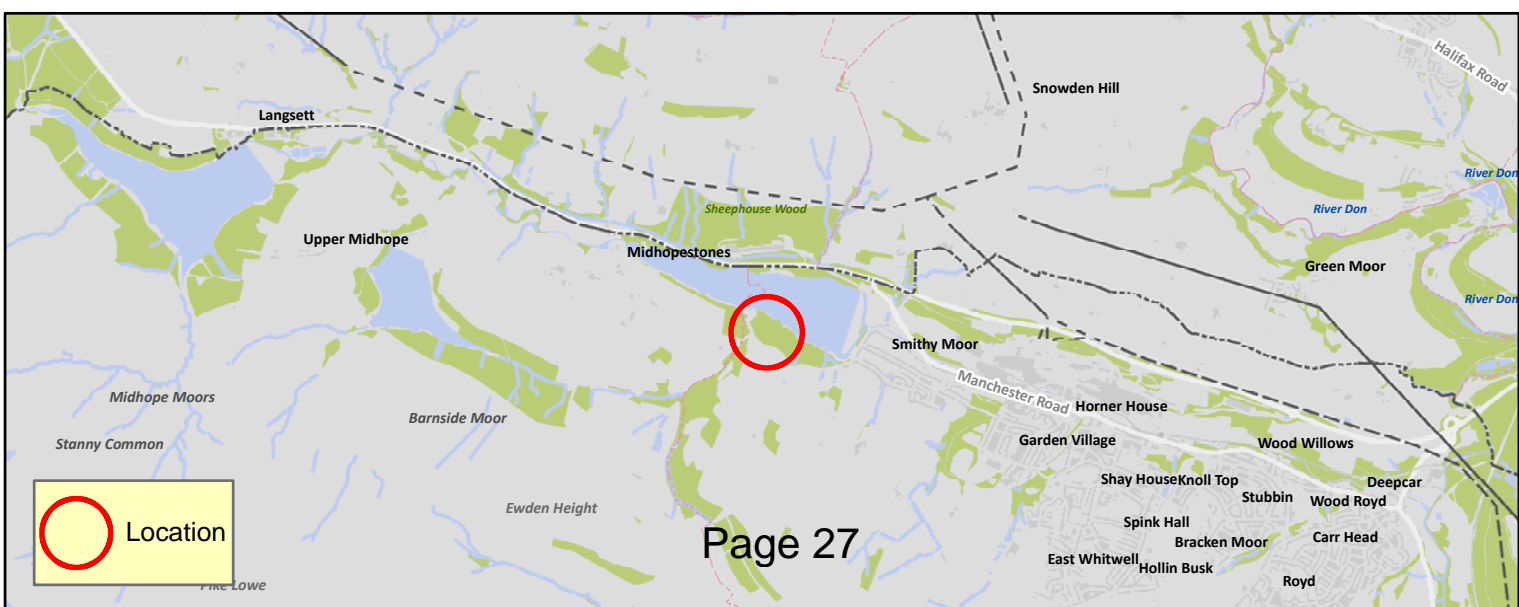
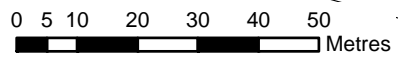
APPENDIX A

Scale: 1:1,250

KEY	
Footpath to be stopped up	
Footpath to be provided	
Unaffected footpath	



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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Culture and Environment

Date: 22nd May 2018

Subject:

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257, PROPOSED DIVERSION OF PART OF PUBLIC FOOTPATH SHE\1072 AT MILLHOUSES, SHEFFIELD

Author of Report: Mark Reeder 0114 2736125

Summary:

To seek authority to process the Public Path Diversion Order required to divert part of the public footpath at the former Bannerdale site, Millhouses, Sheffield 7 shown as a black line on the plan attached as Appendix A.

Reasons for Recommendations

The Highway Authority is satisfied that the proposed diversion of the footpath is necessary to enable the approved Development to be carried out. Based on all of the above information, the application is supported by Officers.

Recommendations:

Members raise no objections to the proposed diversion of part of footpath SHE\1072, as shown on the plan included as Appendix A, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.

Authority be given to the Director of Legal and Governance to;

- a) take all necessary action to divert part of the footpath by order under the powers contained within Section 257 of the Town and Country Planning Act 1990
 - b) confirm the order as an unopposed order, in the event of no objections being received, or any objections received being resolved and withdrawn prior to the order being confirmed.
-

Background Papers:

Category of Report: OPEN

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DIRECTOR OF CULTURE AND ENVIRONMENT

REPORT TO PLANNING
AND HIGHWAYS COMMITTEE
22nd May 2018

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257, PROPOSED DIVERSION OF PART OF PUBLIC FOOTPATH SHE\1072 AT MILLHOUSES, SHEFFIELD

1.0 PURPOSE

- 1.1 To seek authority to process the Public Path Diversion Order required to divert part of the public footpath at the former Bannerdale site, Millhouses, Sheffield 7 shown as a black line on the plan attached as Appendix A.

2.0 BACKGROUND

- 2.1 This application is made in conjunction with planning application 17/03068/FUL and 17/01012/REM which has been granted conditionally for the erection of 62 dwellinghouses.
- 2.2 In order to enable the approved development to be carried out, it is necessary to re-route part of the public footpath which runs through the site. To be done legally, a Public Path Diversion Order must first be made and confirmed.

3.0 CONSULTATIONS

- 3.1 Consultations have been carried out with Statutory Undertakers (i.e. utility companies), the Emergency Services, and other relevant bodies, including footpath societies.
- 3.2 Not all the consultees had responded at the time of writing this report. Of those that have responded no objections have been received.
- 3.3 If any negative comments relating to the application are received before the Planning and Highways Committee meeting, they will be reported verbally.

4.0 LEGAL IMPLICATIONS

- 4.1 The Director of Legal and Governance has been consulted and has advised that, if the Council is satisfied that the Footpath needs diverting to enable the approved Development to be carried out, it would be appropriate to process the diversion using the powers contained within Section 257 of the Town and Country Planning Act 1990.

5.0 HIGHWAY IMPLICATIONS

- 5.1 SHE\1072 is a public footpath that commences on the north side of Abbeydale Road, approximately 140 metres south west of the entrance to the Tesco superstore. The path meanders around the western perimeter of Windsor House (900 Abbeydale Road) before heading north across the former Bannerdale Centre then joining footpath SHE\448 just north of the pedestrian entrance to Holt House Grove.
- 5.2 The re-aligned route, shown as a broken black-line on the plan, will link through a new cul-de-sac, shown shaded grey on the plan, providing a pedestrian through route that connects to the unaffected parts of footpath SHE\1072.
- 5.3 Therefore the diversion of the footpath should not adversely affect the public's enjoyment of the area and will have no detrimental effect on the surrounding highway network and its users.
- 5.4 The new section of path and cul-de-sac will be adopted, maintained by Streets Ahead, and constructed in accordance with Local Authority specification.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

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

7.0 ENVIRONMENTAL IMPLICATIONS

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

8.0 FINANCIAL IMPLICATIONS

- 8.1 All costs accruing to the Council (Highway Maintenance Division) in association with this proposal will be met by the Applicant (including commuted sums for future maintenance if applicable).
- 8.2 Therefore there will be no increase in liability on the Highway Maintenance revenue budget.

9.0 CONCLUSION

- 9.1 The Highway Authority is satisfied that the proposed diversion of the footpath is necessary to enable the approved Development to be carried out. Based on all of the above information, the application is supported by Officers.

10.0 RECOMMENDATIONS

- 10.1 Members raise no objections to the proposed diversion of part of footpath SHE\1072, as shown on the plan included as Appendix A, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.
- 10.2 Authority be given to the Director of Legal and Governance to;
- a. take all necessary action to divert part of the footpath by order under the powers contained within Section 257 of the Town and Country Planning Act 1990
 - b. confirm the order as an unopposed order, in the event of no objections being received, or any objections received being resolved and withdrawn prior to the order being confirmed.

Paul Billington
Director Culture and Environment

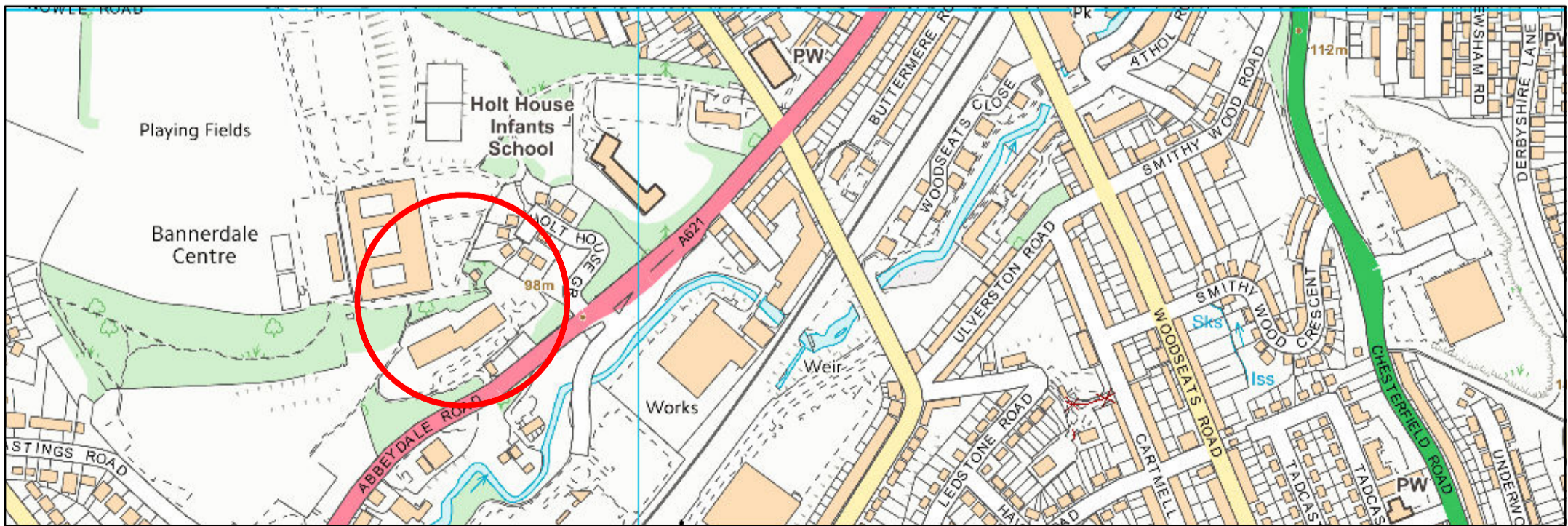
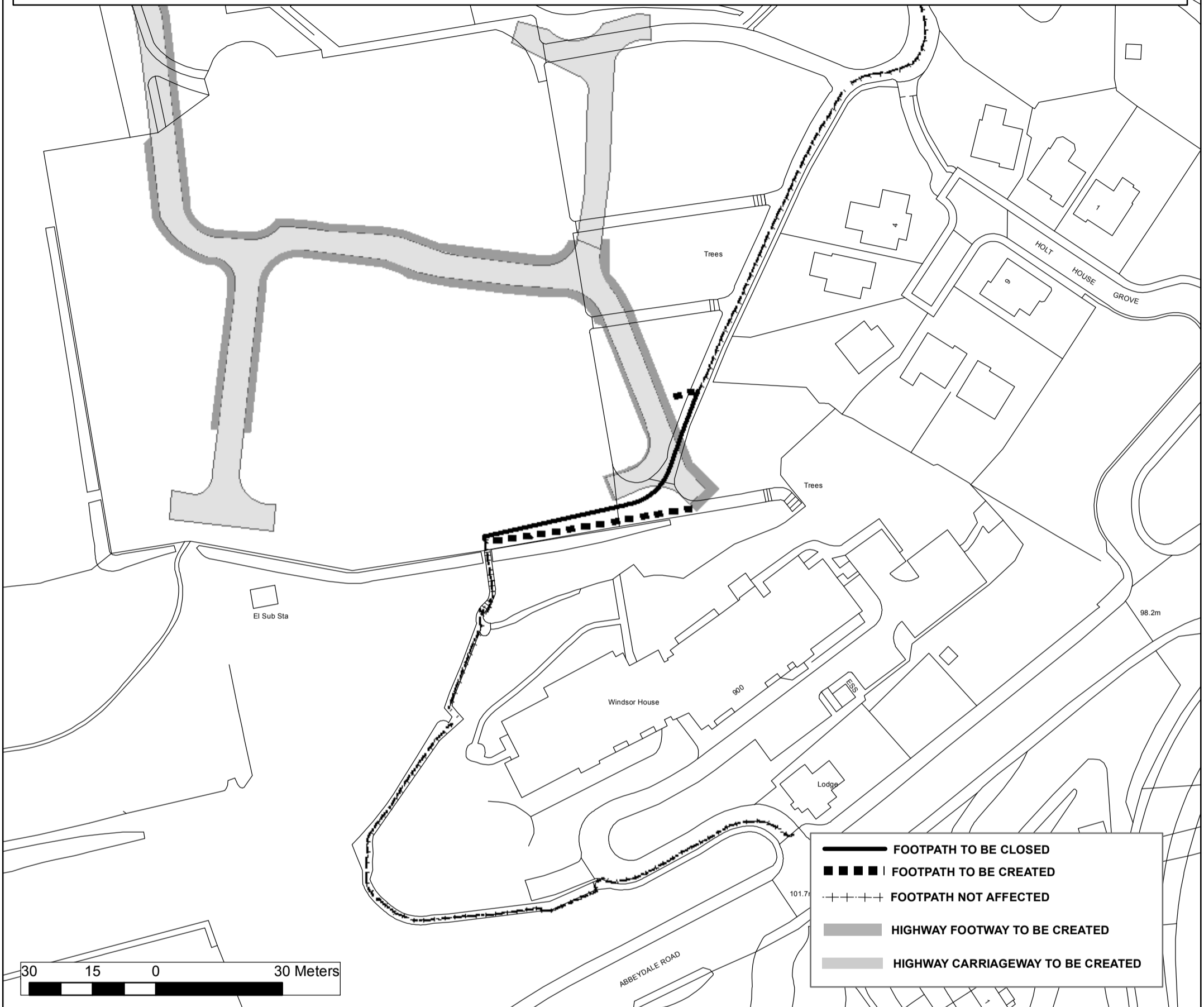
22nd May 2018

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Highway Records
 Highway Maintenance Division
 Culture and Environment
 Howden House
 Union Street
 Sheffield
 S1 2SH

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257
 PROPOSED DIVERSION OF FOOTPATH SHE/1072
 AT MILLHOUSES, SHEFFIELD 7.**



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SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Director of City Growth Department

Date: 22/05/2018

Subject: Applications under various acts/regulations

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

Summary:

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

Recommendations:

Background Papers:
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.

Category of Report: OPEN

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Case Number	18/00613/FUL (Formerly PP-06517549)
Application Type	Full Planning Application
Proposal	Erection of a new Energy Centre for Sheffield University (amended location)
Location	Land Within Curtilage Of University Of Sheffield Bolsover Street Sheffield S3 7HF
Date Received	12/02/2018
Team	City Centre and East
Applicant/Agent	HLM Architects
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

NEC-HLM-XX-00-DR-A-0001 Rev P8 Proposed Ground Floor Plan;
NEC-HLM-XX-ZZ-DR-A-0010 Rev P6 Proposed First and Second Floor Plans;
NEC-HLM-XX-RF-DR-A-0001 Rev P6 Proposed Roof Plan;
NEC-HLM-XX-XX-DR-A-00201 Rev P3 Proposed Sections; and
NEC-HLM-XX-XX-DR-A-0032 Rev P5 Proposed Elevations Sheet 2 received on 12/2/2018.

NEC-HLM-XX-XX-DR-A-0031 Rev P6 Proposed Elevations Sheet 1; and
NEC-HLM-XX-XX-DR-A-0033 Rev P7 Proposed Elevations Sheet 3 received on 25/4/2018

Reason: In order to define the permission.

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

3. No development shall commence until details of the means of ingress and egress for vehicles engaged in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the arrangements for restricting the vehicles to the approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.

Reason: In the interests of protecting the free and safe flow of traffic on the public highway it is essential that this condition is complied with before any works on site commence.

4. No development shall commence until full details of the proposed surface water drainage design, including calculations and appropriate model results, have been submitted to and approved by the Local Planning Authority. This shall include the arrangements and details for surface water infrastructure management for the life time of the development. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. The scheme should be achieved by sustainable drainage methods whereby the management of water quantity and quality are provided. Should the design not include sustainable methods evidence must be provided to show why these methods are not feasible for this site. The surface water drainage scheme and its management shall be implemented in accordance with the approved details. No part of a phase shall be brought into use until the drainage works approved for that part have been completed.

Reason: In the interests of sustainable development and given that drainage works are one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences in order to ensure that the proposed drainage system will be fit for purpose.

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

5. 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.

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

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

Windows, including reveals
Doors
External wall construction
Railings
Flues

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

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

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

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

8. Before the regular, normal use of the New Energy Centre is commenced, Validation Testing of the sound attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall:

- a) Be carried out in accordance with an approved method statement, clearly identifying relevant noise sensitive receptor positions, in terms of location, separation distance and elevation.
- b) Demonstrate, by calculation and/or measurement, that the specified noise emission level criterion has been achieved at designated noise sensitive receptor locations. In the event that the specified noise level has not been achieved at any agreed receptor location then, notwithstanding any sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise level and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the regular, normal use of the New Energy Centre commencing. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use commencing and shall thereafter be retained.

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

9. Other than the proposals hereby approved, 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, including acoustic emissions data, have first been submitted to and

approved in writing by the Local Planning Authority. Once installed such plant or equipment shall not be altered.

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

Other Compliance Conditions

10. The total noise emission level from on-site sources directly associated with the operation of the New Energy Centre hereby permitted shall comply with the noise criteria specified in the NVM Ltd Noise Report ref. RJ234702a; 17/03/2017. The validation criterion of a total plant noise rating level of LAeq 40dB, free field, ground-only reflecting plane, at the position of nearby dwelling's bedroom window vicinities during night-time hours of 2300 to 0700 hours shall be applied. A zero rating principle shall be adopted as the basis for the specification and design of all plant and equipment, with an objective of no clearly audible tones, intermittency or other perceivable characteristics.

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

11. The development hereby approved shall be constructed in accordance with the scheme of works/recommendations set out in the Sustainability Statement (by Nifes Consulting Group). Thereafter the scheme of works shall be retained in use and maintained for the lifetime of the development.

Reason: 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.

12. Surface water discharge from the completed development site shall be restricted to a maximum flow rate of 5 litres per second.

Reason: In order to mitigate against the risk of flooding.

13. The proposed 3 no. extract flues will terminate a minimum of 2 metres above the roof of the adjacent Chemistry Building.

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

Attention is Drawn to the Following Directives:

1. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

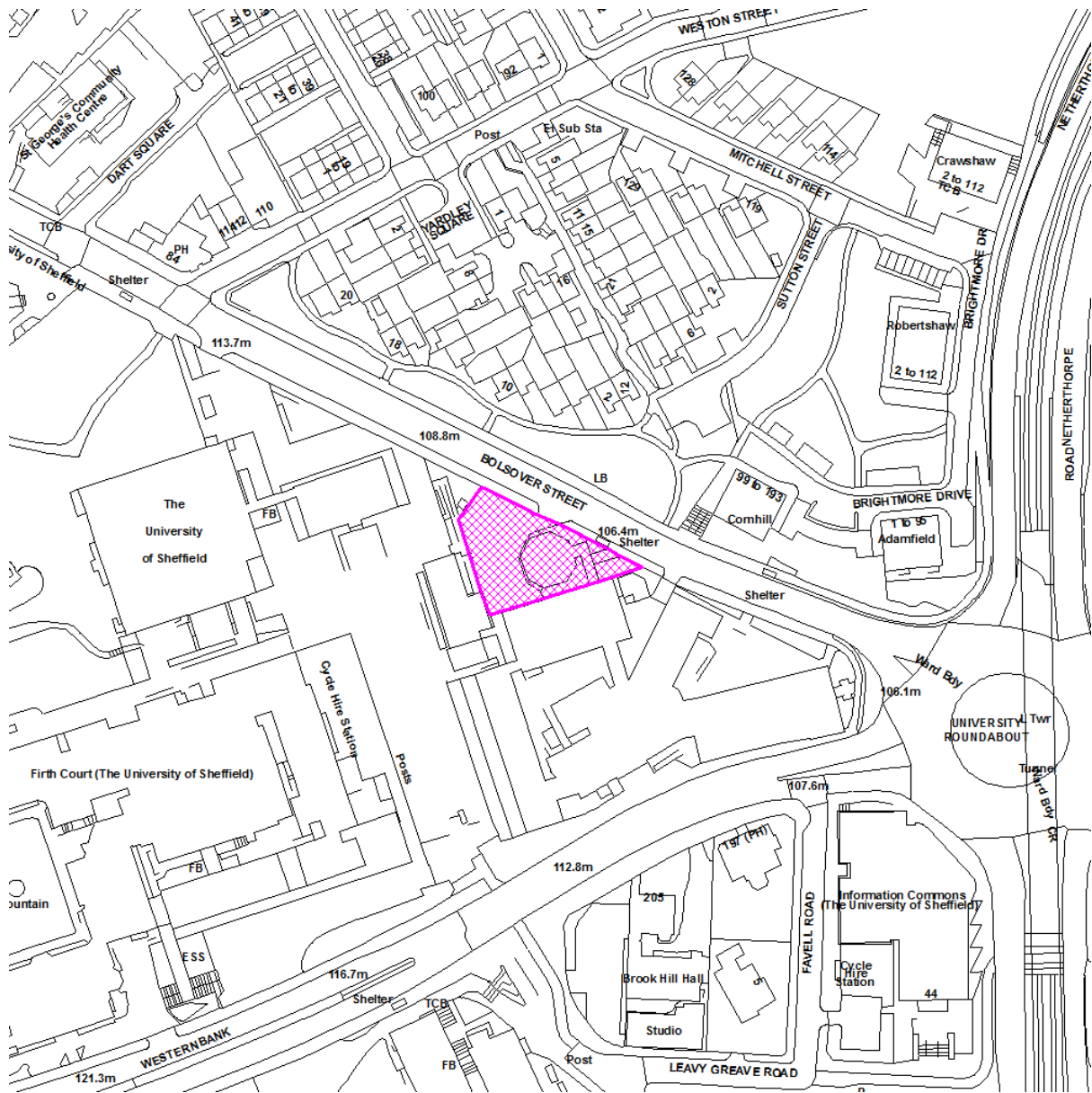
Telephone: 0114 273 6677

Email: highways@sheffield.gov.uk

They will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.

2. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.
3. The developer is advised that in the event that any un-natural ground or unexpected contamination is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority.
4. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
5. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

Site Location



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LOCATION AND PROPOSAL

The application site is located on the south side of Bolsover Street adjacent to the University of Sheffield's Chemistry Building. To the west, and raised above the application site, is the grade II* listed Arts Tower. To the north east, on the opposite side of Bolsover Street, are two thirteen storey apartment blocks, while land to the north is occupied by a row of two storey semi-detached dwellinghouses set back from the highway by a minimum of 10 metres (a minimum of 35 metres from the application site). The site is level but Bolsover Street rises from east to west such that, at its western end, the site sits approximately 2 metres below the level of Bolsover Street.

The site is used as a service yard to the Department of Chemistry and Printing Services and was previously part occupied by a single storey lecture theatre which was connected to the neighbouring seven storey Chemistry Building by a single storey link block. Both the lecture theatre and the link block were demolished earlier this year to make way for the current proposals (17/04611/DPN).

Planning permission is sought for the erection of a new energy centre for the University of Sheffield. The application states that the energy centre is required due to the number of failures in the district heating supply to this site, which has resulted in the loss of heating to the Western Bank campus and, critically, to the research areas of the site. Extended periods of heating or power loss could result in the University's research license agreement being revoked and many years of research being lost.

Some of the recent failures have lasted many weeks and, as a contingency measure, the University has had to provide emergency provision in the form of containerised oil-fired boiler units hired from a local supplier. However, in order to deliver a more resilient service, the University has determined that a new energy supply must be provided in the form of a locally generated and distributed facility.

RELEVANT PLANNING HISTORY

17/04611/DPN:

In December 2017 it was determined that prior approval was not required for the demolition of a lecture theatre, glass connecting link and steps or for the subsequent restoration of the site.

15/02336/PREAPP:

Pre-application advice for a new Energy Centre to provide electricity and heating to the University of Sheffield Western Bank main campus

SUMMARY OF REPRESENTATIONS

8 representations were made in relation to the proposed development, though three of those were from the same person. All representations either object to or raise the following concerns:

- The proposed noise levels will exceed 40dB both day and night and neighbours should not be expected to cope with this level of noise.
- The initial neighbour notification letter was misleading and suggested that the site was located on Brook Hill, but the main frontage is on Bolsover Street.
- Noise and dust from the building will adversely affect existing health conditions and the enjoyment of our home. We will be unable to leave our bedroom window open at night.
- Existing parking problems will be made worse by contractors parking on-street.
- If granted, the building should be sound-proofed so as to not disturb us at night or when we are in our garden.

PLANNING ASSESSMENT

The site lies within a designated Institution: Education Area as defined in the Unitary Development Plan (UDP). Policy CF7 (Development in Institution: Education Areas) describes education uses as the preferred use of land. The accompanying text explains that the range of acceptable uses is also intended to provide a flexible framework for ancillary uses. The proposed energy centre will allow the University to continue their research, and other functions, and will remove the potential of a damaging energy failure. For this reason the proposals are considered to be acceptable in land use terms.

Design and Heritage Issues

Policy CF8 of the UDP (Conditions on Development in Institution Areas) states that new development should be well designed and of a scale and nature appropriate to the site.

The requirement for good quality design is also embodied in policy CS74 of the Core Strategy (Design Principles), which expects high quality development that respects, takes advantage of and enhances the distinctive features of the city, and in policy BE5 of the UDP (Building Design and Siting), which encourages original architecture, but states that new buildings should complement the scale, form and architectural style of surrounding buildings.

The NPPF also advises that good design is a key aspect of sustainable development and should contribute positively to making places better for people (para. 56).

Bolsover Street is an important route into the city centre and to the University, particularly for pedestrians. However the application site, historically on the edge of the campus, caters for a range of back-of-house functions – servicing, storage and parking. The development of the energy centre provides the opportunity to transform the quality of this area.

At pre-application stage it was suggested that the building's unique role demands a suitable response; a striking piece of high quality architecture whose form celebrates its function. The design team considered various responses, inspired by the mechanical and electrical equipment the building will house. In the end they based

the design concept on the power transformer – which often incorporates a series of vertical fins for heat dissipation.

The resulting four storey building comprises of a series of simple, clean shapes, each defined by a concrete rib and clad to the front, either in corten panels or tightly aligned corten fins on a perforated aluminium mesh which will allow glimpses of the plant within.

It is considered that the scale and simple, contemporary form of the proposed energy centre, which is inspired by the transformer but also reflects the function of the structure, sits comfortably against the boxy and understated mid-twentieth century University building's which neighbour the site to the south and east. The strong verticality of the proposed front elevation is considered to reflect the vertical emphasis on the façade of the concrete and glass clad Chemistry Building to the immediate rear while the choice of materials – largely concrete and corten - is felt to be both appropriate and bold enough to add a sense of the processes involved inside the energy centre.

In addition to having a prominent position on Bolsover Street, the site effects the setting of the grade II* listed Arts Tower to the west. Paragraph 132 of the National Planning Policy Framework (NPPF) notes that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.'

A similar duty is required by Section 66 of the Planning (Listed Building & Conservation Areas) Act 1990, which states that that the local planning authority shall have 'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Policy BE19 of the UDP (Development Affecting Listed Buildings) expects proposals for development within the curtilage of a building or affecting its setting, to preserve the character and appearance of the building and its setting.

The Arts Tower sits at the end of a long forecourt (currently a car park) and adjacent to the Western Bank Library – the two buildings were the result of an architectural competition to design a masterplan for the University campus at Western Bank, won by London firm Gollins Melvin Ward & Partners in 1953. To the east, the setting of the Tower is enhanced by a dramatic level change and the design of the cyclopaedian concrete retaining wall. The dominance of the Tower over the surrounding area is most impressive from Bolsover Street.

The service area at the lower level between the Chemistry Building and the Arts Tower is utilitarian in character and low in scale and quality. The proposed energy centre is located at the south-eastern end of the service area, on the site of the former lecture theatre. In this position it is considered that the proposed development will remain subservient to both the Arts Tower and cyclopaedian wall and, while initially forming part of the foreground as you approach the Arts Tower from Brook Hill, views of the energy centre will be fleeting and so have little impact

on the Tower's setting, while general landscape improvements around the proposed energy centre will go some way to improving the quality of the remaining service area. The energy centre will not be seen in principle views of the Arts Tower from Western Bank or Weston Park.

Historic England were consulted but, on the basis of the information submitted, they did not wish to offer any comments.

It is considered that the proposed development will make a positive visual contribution to Bolsover Street but that it will not cause harm to the setting of the grade II* listed Arts Tower. Consequently, it is considered that the proposed development complies with the requirements of Policy BE19 of the UDP as well as guidance within the NPPF and the Planning (Listed Building and Conservation Areas) Act.

Amenity Issues

Policy CF8 of the UDP (Conditions on Development in Institution Areas) states that new development should not cause residents to suffer from unacceptable living conditions. In this case the proposed energy generation and distribution facility, which will use Combined Heat and Power (CHP) technology alongside a back-up diesel generator, has the potential to generate noise which could impact on the amenities of the occupants of nearby houses if not appropriately attenuated.

A noise report was submitted with the application which sought, having undertaken an environmental noise survey, to define the prevailing noise climate at the nearest noise sensitive receptors and to confirm that the target noise criterion of LAeq 40dB total plant rating noise level (the noise level previously agreed with the Environmental Protection Service and as outlined in BS 8233 Guidance on Sound insulation and Noise Reduction for Buildings), with no tonality, can be achieved.

There was some concern that the original submission lacked sufficient data, in relation to the sound emissions from plant, in order to assess the actual impact of the proposed energy centre, but it is also understood that there is some uncertainty at this stage of the project regarding the detailed specification of plant as the scheme has yet to go out to tender and appropriate suppliers have yet to be identified.

Following further discussions, the Environmental Protection Service (EPS) are satisfied that the target noise criterion of LAeq 40dB total plant rating noise level can be achieved (current worst case background noise at night time was recorded as LA90 46dB) and the applicant is willing for this stringent noise criterion to be imposed by way of a condition. It was also agreed that, in the event that verification testing on commissioning of the energy centre proved noise levels to exceed the criterion, the applicant would undertake to upgrade mitigation in order to achieve the required acoustic performance.

In addition to noise, the proposals raise potential air quality concerns. The energy centre will house one gas fired CHP engine, two gas fired hot water boilers and one standby diesel generator. One of the boilers will have dual-fuel firing capability, but

the option to fire on oil is for emergency purposes only (in the event of catastrophic failure).

The CHP engine will be operated on a continuous basis to supply part of the University's electrical demand and to provide space heating and domestic hot water in some areas. The boilers are to be used intermittently to supplement the site heating and hot water load, with only one boiler in use at any one time. New flues will be required for each piece of plant (3 in total), which will run up the north facing elevation of the adjoining Chemistry Building.

The whole of Sheffield's urban area is designated as an Air Quality Management Area (AQMA), with concern focusing on NO₂ levels. Modelling has been carried out to determine both the maximum annual and hourly ground level pollutant concentrations of NO₂, as well as identifying the areas around the site where the environmental impact is most significant.

The modelling results indicate that the background air quality resulting from any of the pollutants emitted from the engine and boilers is fairly low and well below the national air quality standards (NAQS). The problem in this particular instance is that the existing air quality around the site of the proposed energy centre is poor and already exceeds the NAQS long term NO₂ concentration limit of 40 Jg/m³ in several locations.

It should be noted, however, that taken in isolation, the maximum concentration figures can be a little misleading as a guide to the impact of the proposed plant and that the extent of the impact needs also to be considered. Pollutant contour maps clearly indicate that only a few localised areas to the east of the energy centre suffer any appreciable detrimental impact. Further analysis demonstrates that emissions hotspots are caused by the presence of the Chemistry Building (exhaust gas downwash from the air flow passing over the building) and that were this building not present, the plant's impact on air quality would be negligible.

The Council's Air Quality Officer is satisfied, based on the evidence submitted, that provided the proposed flues terminate at least 2 metres above the height of the adjacent Chemistry Building, the impact of the development on local air quality will be near neutral.

Sustainability

Policy CS63 of the Core Strategy (Responses to Climate Change) gives priority to developments that increase energy efficiency, reduce energy consumption and carbon emissions, and that generate renewable energy.

Similarly policy CS64 (Climate Change, Resources and Sustainable Design of Developments) requires all new buildings to be energy efficient and to use resources sustainably, while policy CS65 (Renewable Energy and Carbon Reduction) seeks to secure the generation of energy from renewable sources, with 10% of predicted energy needs provided from decentralised and renewable or low carbon energy.

The need for the proposed energy centre is driven by the failures of the district heating supply and the particularly sensitive requirements of the site's research facilities. As previously described, extended periods of heating or power loss could result in the University's research license agreement being revoked and many years of research being lost.

The submitted Sustainability Statement describes the key factors in determining the nature of the proposed energy centre – reliability of operation, resilience in the event of failure, legislative compliance (based on Home Office requirements) and economic viability. Initially a combination of diesel generators and gas-fired boiler plant was considered, but further investigation determined that Combined Heat and Power (CHP) technology could be used, in combination with a back-up diesel generator. CHP is a decentralised, efficient process which generates both heat and electricity, unlike conventional power generation where heat is often wasted, and can reduce carbon emissions by up to 30%. CHP can also reduce costs and increase fuel supply security. The use of CHP is consistent with the aims of the Core Strategy and is therefore supported.

Highway Issues

Policy CF8 of the UDP (Conditions on Development in Institution Areas) states that new development should be adequately served by transport facilities and provide safe access to the highway network.

The site lies in close proximity to Brook Hill roundabout, on Sheffield's inner ring road and so is easily accessible. As the existing vehicular access will remain in use, and vehicles will continue to be able to enter and leave the site in a forward gear, the proposed development does not raise any highway safety concerns.

RESPONSE TO REPRESENTATIONS

It was acknowledged that the original neighbour notification letter was misleading as it described the site as 'within the curtilage of the University of Sheffield Dainton Building, Brook Hill' and while technically correct, new letters were sent out with the site address defined as land 'within the curtilage of The University of Sheffield, Bolsover Street.'

SUMMARY AND RECOMMENDATION

The proposed energy centre will provide the University's Western Bank campus with more sustainable and, critically, more reliable heat and power with near negligible impact on air quality and, subject to conditions limiting noise output, no harmful impact on residential amenities.

The proposed energy centre is considered to be appropriately sited, within a service area on the edge of the campus, where access is good and where the striking, contemporary design of the building, whose form celebrates its function, will have a positive impact on the street scene. It is considered that the development will not harm the setting of the neighbouring grade II* listed Arts Tower.

It is therefore recommended that Members grant planning permission subject to the listed conditions.

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Case Number	18/00386/FUL (Formerly PP-06697015)
Application Type	Full Planning Application
Proposal	Demolition of existing building and erection of 7-storey (plus basement) mixed use development comprising 63 no. student bedrooms in 13 clusters over 6 storeys with commercial use on ground/lower ground floor and cycle storage
Location	90 Trippet Lane/8 Bailey Lane Sheffield S1 4EL
Date Received	26/01/2018
Team	City Centre and East
Applicant/Agent	DLP Planning Ltd
Recommendation	Refuse

Refuse for the following reason(s):

- 1 The Local Planning Authority considers that the proposed design of the development by reason of its height, massing and elevational treatment is out of keeping with the character of the City Centre Conservation Area and would appear as an incongruous and dominant feature which does not reflect the height and topography of the immediate area. It would therefore be injurious to the visual amenities of the Conservation Area and street scene. This would be contrary to Policies BE5 and BE16 of the Unitary Development Plan and Policy CS74 of the Core Strategy.

Attention is Drawn to the Following Directives:

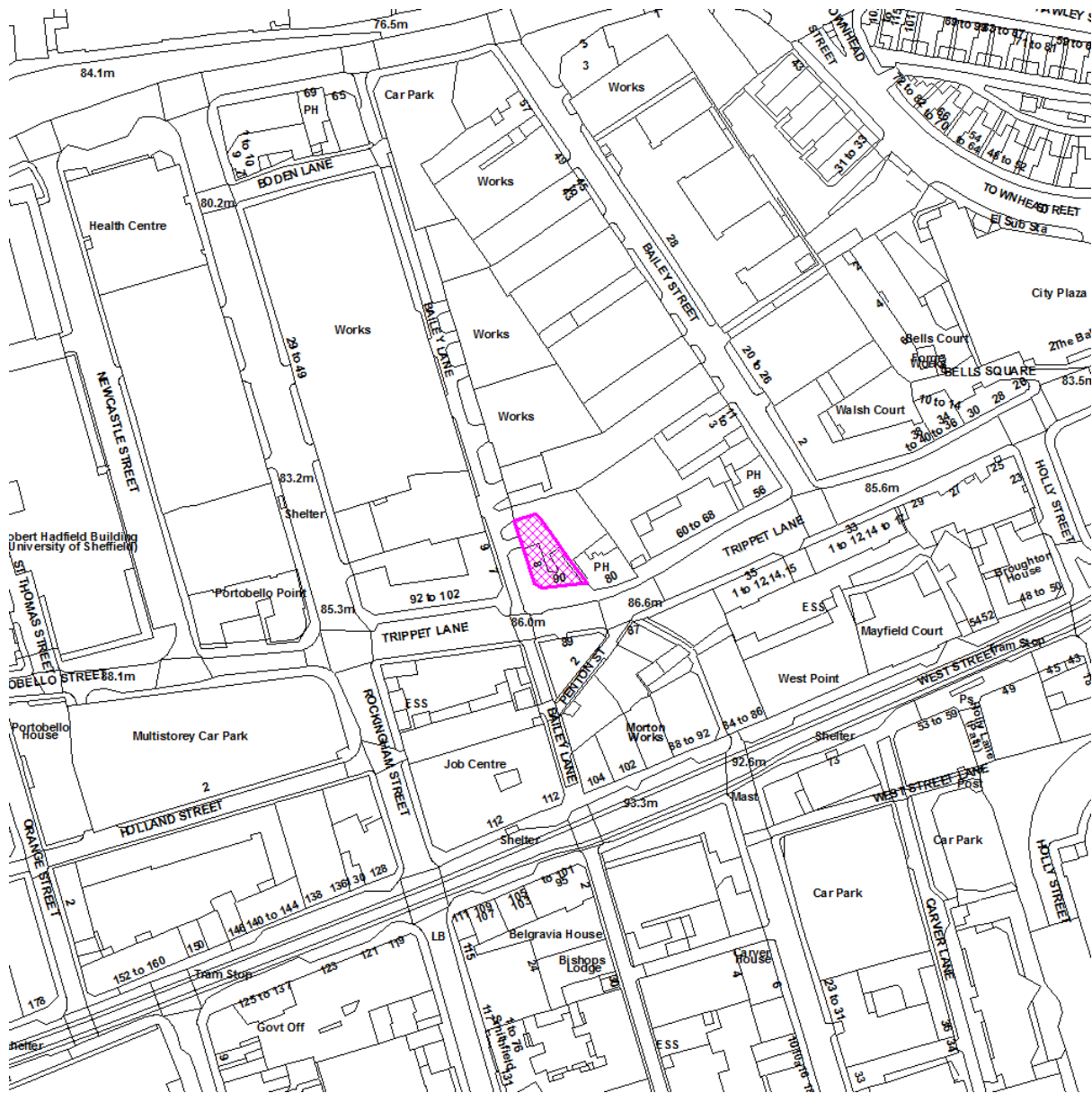
1. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:

(07) 010 rev PL2 Proposed Basement Plan
(07) 011 rev PL4 Proposed Ground Floor Plan
(07) 012 rev PL4 Proposed first floor plan
(07) 013 rev PL4 proposed second floor plan
(07) 014 rev PL4 Proposed third floor plan
(07)015 rev PL4 Proposed fourth floor plan
(07) 016 rev PL4 Proposed fifth floor plan
(07) 017 rev PL2 Proposed sixth floor plan
(07) 019 rev PL1 Proposed roof plan

- (08) 003 rev PL1 Proposed Bailey Lane Elevation
- (08) 004 rev PL1 Proposed Bailey Lane Elev 100
- (08) 005 rev PL2 Proposed Trippet Lane elev
- (08) 006 rev PL1 Proposed Rear Elev
- (08) 007 rev PL2 Proposed Car Park North Elev
- (08) 008 rev PL2 Proposed Car Park/North Elev 1

2. Despite the Local Planning Authority trying to work with the applicant in a positive and proactive manner it was not possible to reach an agreed solution in negotiations.

Site Location



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LOCATION AND PROPOSAL

The application relates to a site at the corner of Trippet Lane and Bailey Lane. The site is currently occupied by a vacant two storey brick building which fronts onto Trippet Lane. There is a vehicular access to the site from Bailey Lane.

The area surrounding the application site is characterised by a mix of commercial and residential uses in buildings of various heights and architectural styles.

To the east of the site is 'The Grapes', which is a traditional public house, constructed in brick and render, with a number of original architectural features. Facing the site, across Trippet Lane, is the Trippet Lane Lounge Bar, which is a two storey brick building painted white. There are several blocks of student accommodation along Trippet Lane, of various heights, some of which are related to the height and massing of West Street, which rises up behind Trippet Lane, rather than related to Trippet Lane itself.

Across Bailey Lane, to No. 92-1012 Trippet Lane, the site is occupied by a two storey brick office block, which occupies the perimeter of this site.

To Bailey Lane, the surrounding buildings are predominantly one or two storeys, constructed of brick and reflect the industrial and commercial use which has historically characterised this area.

The site is located within the City Centre Conservation Area and is within an area designated as a Fringe Industry and Business Area in the Unitary Development Plan.

This application seeks consent for the demolition of the existing building on the site, and the erection of a seven storey building (plus a basement) which will result in a mixed use development comprising 63 student bedrooms in 13 clusters, which will occupy the upper 6 storeys, whilst a commercial use is proposed for the ground floor. To the basement of the site there will be storage for the commercial space, plant rooms, cycle storage, refuse storage and a pedestrian access point. Pedestrian access will also be provided from Trippet Lane.

RELEVANT PLANNING HISTORY

05/04621/FUL:

Demolition of building and erection of three storey office block with basement parking

Granted Conditionally 28.02.2006

08/04928/FUL:

Two-storey/first floor rear/side extension to offices and alterations to form flat roof (In accordance with amended plans received on 10.11.08)

Granted Conditionally 20.11.2008

13/01000/FUL:

Refurbishment and first-floor extension to building to form additional office accommodation
Granted Conditionally 23.05.2013

SUMMARY OF REPRESENTATIONS

There has been one letter of representation made regarding this application.

This representation raises concern at the loss of light to the residential accommodation element of 'The Grapes' Public House. It is stated that the development will block out light to the side and some of the rear windows. It is also stated that the development will disrupt the business of the adjacent public house and the access to the car park will be disrupted.

PLANNING ASSESSMENT

Demolition

There is no objection in principle to the demolition of the existing building on site subject to a suitable replacement scheme.

Policy Issues

The National Planning Policy Framework (NPPF) provides the framework for planning policy and development within England. The overarching principle is to ensure that sustainable development occurs and the local policies cited in this report are all considered to be in accordance with the relevant paragraphs of the NPPF.

The site is in a historic Fringe Industry and Business Area as defined in the adopted Sheffield UDP. Policy IB6 of the UDP identifies preferred, acceptable and unacceptable uses in the policy area. Business (B1), General Industry (B2) and Warehousing (B8) are identified as preferred uses in the policy area, however residential uses may also be considered acceptable uses where the better environment of the policy area allows, where living condition would be acceptable for residents and housing would not hinder industrial and business development.

Section a) within Policy IB9: Conditions on Development in Industry and Business Areas within the UDP states that new development should not lead to a concentration of uses which would prejudice the dominance of industry and business in the area.

Whilst B1/B2/B8 uses are preferred in the UDP, B2 and B8 uses are no longer preferred as a result of the Core Strategy policy CS17g. This policy now promotes a mix of uses within the area; specifically an academic focus for the University of Sheffield, with complimentary retail and business uses. This was reflected in the draft City Policies and Sites that proposed Business Areas where employment uses should be dominant and housing limited. The proposed development does not specifically help to deliver this policy aim.

The current balance of uses is analysed in the Background Report on Economic Prosperity and the City Region. Paragraphs 7.166 and 7.167 state that office uses are dominant in the area and residential uses account for 28% of existing floor space. The proposal to provide a small amount of employment floor space in this development is welcomed.

Furthermore, the proposal will help to achieve the objective of Core Strategy policy CS24 which seeks to maximise the use of previously developed land for new housing. Core Strategy policy CS27 also seeks further expansion of city centre living and CS26 aims to ensure efficient use of land for new housing and sets a minimum recommended density of 70 dwellings per hectare in the City Centre. In light of the above the principle of the development is considered to accord with adopted UDP and Core Strategy policy.

To the ground floor a commercial unit is proposed. The applicant seeks consent for use classes A1/A2/A3/A4/A5 in order to allow for flexibility in marketing to future occupiers. All these uses are considered to be acceptable in principle, within the city centre location. It is noted that the A1 retail use would technically need to pass the sequential test, but as it is likely to serve the existing and new residents in the locality, and given its overall size, at 82m², it is not considered that it will have an adverse effect on the vitality and viability of the city centre. It is therefore considered to be acceptable in principle.

Shared Housing Dominance

Policy CS41 'Creating Mixed Communities' seeks to encourage a mix of housing that will meet a range of needs. Part c) encourages student housing to be within the City Centre and areas directly to the north-west and south of the city centre. Part (d) of the policy seeks to limit the amount of purpose built student accommodation where a community is already imbalanced by a concentration of such uses or where the development would create an imbalance. The objectives of Part (d) of the policy will be achieved by limiting the amount of student housing where more than 20% of residences within 200 metres of the site are shared housing.

The proposal conforms with part c) of CS41 by providing student accommodation within the City Centre. An assessment has been undertaken which demonstrates that the current density of shared housing within 200m of the application site is currently, and including extant permissions, at 15.4% and that after considering the application the concentration will be 16.1%. The scheme is therefore considered to be acceptable with regards the aims of Policy CS41.

As the scheme is proposing only 13 cluster flats, it is not considered that part A of CS41, which requires a mix of units in large scale developments, applies in this instance.

Design

The site is located in the City Centre Conservation Area and in accordance with Policy BE16 new development must preserve and enhance the character and appearance of the Conservation Area.

Policy CS74 of the CS, which relates to design principles, advises that high-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods. Policy CS74 also advises that any new development should respect the topography of the City, views and vistas and the townscape and landscape character of the particular area with their associated scale, layout, form and building style and materials.

Policy BE5 of the Adopted UDP relates to building design and siting and advises that good design and the use of good quality materials will be expected in all new developments, with new buildings expected to complement the scale form and architectural style of surrounding buildings. It seeks to achieve original architecture and a design on a human scale and for large scale developments materials should be varied and the overall mass of development broken down.

There is a readily apparent character within the Conservation Area of two storeys to this section of Trippet Lane, and the proposed development does not reflect this character.

There have been considerable discussions during both the pre application and the application process regarding the height of the proposed development. The location within the Conservation Area, and the scale and nature of surrounding buildings means that your officers strongly believes that the maximum height of this building should be 5 storeys, with reductions in height to the Bailey Lane elevations, reflecting the falling topography. This approach would reflect the overriding character of the Conservation Area whilst recognising the need to achieve a suitable density of development and efficient use of land. It is considered that any height greater than this would be completely at odds with this character and would be harmful to the character and appearance of the Conservation Area.

It is noted that there are other residential buildings along Trippet Lane which are of a height greater than 5 storeys. It is considered however, that each of these applications were determined on their merits at that time, and based upon the individual site circumstances. For example, those properties at the opposite side of Trippet Lane, facing the subject site, are considered to be capable of taking a greater development height as they are set against a backdrop of the properties to West Street. The topography of the area means that West Street is set at a much higher level than Trippet Lane - and this context and setting means that the height and massing is not dominant within the street scene or Conservation Area.

The modelling shown in the supporting submissions clearly demonstrates how the height to this side of Trippet Lane is not characterised by buildings which are 7/8 storeys in height. Indeed, the height proposed appears particularly incongruous, and when viewed against the characterful and two storey building, The Grapes. The height and massing is considered to be particularly unacceptable within the street scene and Conservation Area.

The topography of Bailey Lane, and the height of the buildings which rise up this hillside at 1-2 storeys means that the massing of the proposed development would also be particularly dominant when viewed from Bailey Lane. It is accepted that the

character of this Bailey Lane area may change over time, as industrial/commercial uses may choose to move out, but there are no extant permissions which directly justify this rationale. The adjacent buildings to No.92-102 Trippet Lane and to Bailey Lane are low rise and therefore the proposed development would appear dominant and incongruous in relation to these properties, the topography of the area and ultimately the character and appearance of the Conservation Area.

Notwithstanding the comments in respect of height, massing and context – it is considered relevant to note that the general approach in design terms – i.e. a strong back of footpath development with a grid like façade to the main elevations and the use of brick, glass and cladding as materials is acceptable in principle.

However, the elevational approach and the height and massing means that the overall visual impact of the proposal, for the aforementioned reasons, is unacceptable and harmful to the character and appearance of the Conservation Area and the aims of Policies BE5, BE16 of the Unitary Development Plan and CS74 of the Core Strategy.

Highways Issues

In policy terms, Policy IB9 of the UDP advises that new development in industry and business areas will be permitted provided that it would be adequately served by public transport and provides safe access to the highway network and appropriate off-street parking.

The site is located within a very sustainable location in that it lies in close proximity to the city centre shopping and leisure areas and high frequency bus and tram routes and stops. As such no on-site parking is proposed.

Policy CS61 'Pedestrian Environment in the City Centre' seeks to create a high quality environment through improved landscaping design materials and street furniture, as such improvements to the footways adjoining the development sites in accordance with the Urban Design Compendium (UDC) secondary palette standard.

With regard to servicing it is considered that the site is serviceable in principle. Cycle storage is shown on the plans, and it considered that this could be improved in terms of layout and security to improve the likely use of the space, and therefore it is recommended that the final details of this be secured by condition. In light of the above the proposal is not considered to give rise to any unacceptable highways implications and therefore complies with policy IB9, subject to conditions. .

Noise and Amenity Issues

Policy IB9 of the Adopted Unitary Development Plan relates to conditions on development in Industry and Business Areas and advises that new development within such areas will be permitted provided that it would not cause housing to suffer from unacceptable living conditions (IB9b) and is well designed with buildings of a scale and nature appropriate to the site (IB9c).

The primary issues to consider are the living conditions of future residents, and those of existing residential accommodation, adjacent to the site.

The site is located in a busy area of the city centre with relatively high background noise levels. There are public houses adjacent and facing the site.

A Noise Impact Assessment has been submitted with the application and it is considered that the findings of this are acceptable. It is noted that the report references the provision of alternative ventilation, but there is no confirmation that this will be installed. This could be secured by condition, and specified in the validation report. It is therefore considered that the amenity of future residents on respect of noise can be secured through appropriate conditions and therefore satisfies Policy IB9 in this respect.

It is not considered that the residential element of the proposal will affect the amenity of the neighbouring properties.

In terms of the commercial element to the ground floor, the agent has confirmed that consent is sought for use classes A1/A2/A3/A4/A5. Whilst in principle this is considered to be acceptable, it is considered appropriate that conditions are applied in order to secure the amenity of residents both within the development and to adjacent properties. It is recommended that conditions be applied which restrict the installation of any extraction or plant equipment. It is also considered that should the application be found acceptable that a number of conditions be applied including the restriction of opening hours, sound attenuation to the commercial units and restriction of amplified music in order to ensure the protection of residential amenity.

In terms of loss of amenity, in respect of light and overbearing to neighbouring sites, it is considered that the main impact will be to the adjacent property, 'The Grapes'. A representation has been received which refers to the impact on upper windows to the side elevation and some rear windows of 'The Grapes'. There is one upper floor window to the side of the Grapes, and a rear window to the main frontage element of the building. This window is already overshadowed to some degree by the off shot element of The Grapes. The window to the side does not readily appear to be a main habitable room from the site visit, although an internal assessment has not been undertaken. It is also noted that the 2005 consent saw an increase in height adjacent to these windows, and whilst the ultimate height will be greater in this instance, it is considered that the principle of impacting upon these windows has already been accepted. It is however, also considered that a reduction in the height of the proposed building for design reasons, would reduce the impact to these windows. This would be particularly beneficial to be the windows on the main rear elevation of the public house, which will be potentially affected by overshadowing as a result of the height and massing of the proposed structure.

Land Contamination

A Phase One desk top study has been submitted, and it is identified that further investigation regarding contamination is required for the site. It is therefore recommended that should permission be granted that a suite of land contamination

conditions be applied to the consent in order to secure further investigation and remediation as appropriate.

Sustainability Issues

Policy CS63, 64 and 65 of the Core Strategy set out the Council's Sustainability agenda.

Policy CS64 Climate Change, Resources and Sustainable Design of Development states that all new developments of 5 dwellings or more must achieve Code for Sustainable Homes Level 3 or BREEAM very Good as a minimum, however the Government has abandoned the Code for Sustainable Homes and as such there is no longer a requirement for new housing development to meet these standards.

Policy CS65 Renewable Energy and Carbon Reduction. Part A requires 10% of the development's energy needs to be provided from a decentralised low carbon or renewable resource. The applicant has expressed a commitment to this, and this could be secured by condition.

In relation to the other elements of the sustainability policies, the site is considered to be in a highly sustainable location close to public transport links and retail and leisure services. The development makes efficient use of a previously developed site and in accordance with Policy CC1 of the Climate Change and Sustainability SPD incorporates areas of green roof which offer drainage and water quality improvements as well as biodiversity and air quality enhancement and is considered to comply with the relevant sustainability policies. It is recommended that should permission be granted that this be secured by condition.

Mobility Housing

There is no current requirement beyond the Building Regulations to provide mobility housing within new developments.

Affordable Housing

The current affordable housing policy shows that on site provision or a financial contribution towards affordable housing will not be required in this part of the city centre.

Public Art

Policy BE12 encourages public art where it would be readily seen by the public and integral to the design of major developments. The applicant has indicated that there will be a space to the Bailey Street elevation to allow for the inclusion of this. This approach is desirable and details could be secured by planning condition.

Community Infrastructure Levy (CIL)

The site is located in the City Centre CIL charging area and will be subject to a charge of between £30 (student accommodation) or £50 (C3 and C4 uses) per square metre dependent on its use classification for the purposes of charging.

RESPONSE TO REPRESENTATIONS

Matters relating to loss of light to the neighbouring property have been considered within the main body of the report.

SUMMARY AND RECOMMENDATION

Whilst the principle of the development in terms of student clusters with commercial space to the ground floor is acceptable, the overall design, height and massing of the development is considered to be harmful to the character and appearance of the Conservation Area, and will appear as an incongruous and dominant feature which does not reflect the height and topography of the immediate area. The proposal is considered to be contrary to the aims of Policies BE5 and BE15 of the Unitary Development Plan and Policy CS74 of the Core Strategy. It is therefore recommended that the application is refused.

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Case Number	18/00272/FUL (Formerly PP-06676492)
Application Type	Full Planning Application
Proposal	Demolition of single-storey off shot/detached garage and erection of 2 no. semi-detached dwellinghouses (As amended plans).
Location	Curtilage Of 29 Florence Road Sheffield S8 0GE
Date Received	18/01/2018
Team	South
Applicant/Agent	7hills Architectural Design Ltd
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Site Plan, Block Plan and Street Scene Ref: Drg No 150_02 Rev A Scan Date 08.05.2018

Proposed Plans and Elevations Ref: Drg No 150_01 Rev A Scan Date 04.04.18

Reason: In order to define the permission.

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

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

3. 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.

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

4. 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.

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

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

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

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

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

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

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

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

accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

9. No development shall commence until detailed proposals for surface water disposal, including calculations have been submitted to and approved in writing by the Local Planning Authority. Surface water discharge from the completed development site shall be restricted to a maximum flow rate of QBar based on the area of the development. An additional allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided for the minimum 30 year return period storm with the 100 year return period storm plus climate change retained within the site.

Reason: In the interests of sustainable development and given that drainage works are one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences in order to ensure that the proposed drainage system will be fit for purpose.

Other Compliance Conditions

10. The new dwellings shall not be used unless all redundant accesses have been permanently stopped up and reinstated to kerb and footway, and any associated changes to adjacent waiting restrictions that are considered necessary by the Local Highway Authority including any Traffic Regulation Orders are implemented. The means of vehicular access shall be restricted solely to those access points indicated in the approved plans.

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

11. Surface water and foul drainage shall drain to separate systems.

Reason: To ensure satisfactory drainage arrangements.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Schedule 2, Part 1 (Classes A to H inclusive), Part 2 (Class A), or any Order revoking or re-enacting that Order, no extensions, porches, garages, ancillary curtilage buildings, swimming pools, enclosures, fences, walls or alterations which materially affect the external appearance of the dwellings shall be constructed without prior planning permission being obtained from the Local Planning Authority.

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

13. The new dwellings shall not be used unless the car parking accommodation for 3 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.

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

14. Before either of the new dwellings are occupied, the garage and off shot on the rear of No. 29 Florence Road shall be demolished and the ground made good for use as amenity space for occupiers of No. 29 Florence Road and the proposed two new dwellings.

Reason: In the interests of the amenities of occupiers of the proposed dwellings, bearing in mind the restricted size of the curtilage.

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

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

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

Telephone: 0114 273 6677

Email: highways@sheffield.gov.uk

They will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.

3. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website here:

<http://www.sheffield.gov.uk/home/roads-pavements/Address-management>

For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk.

Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

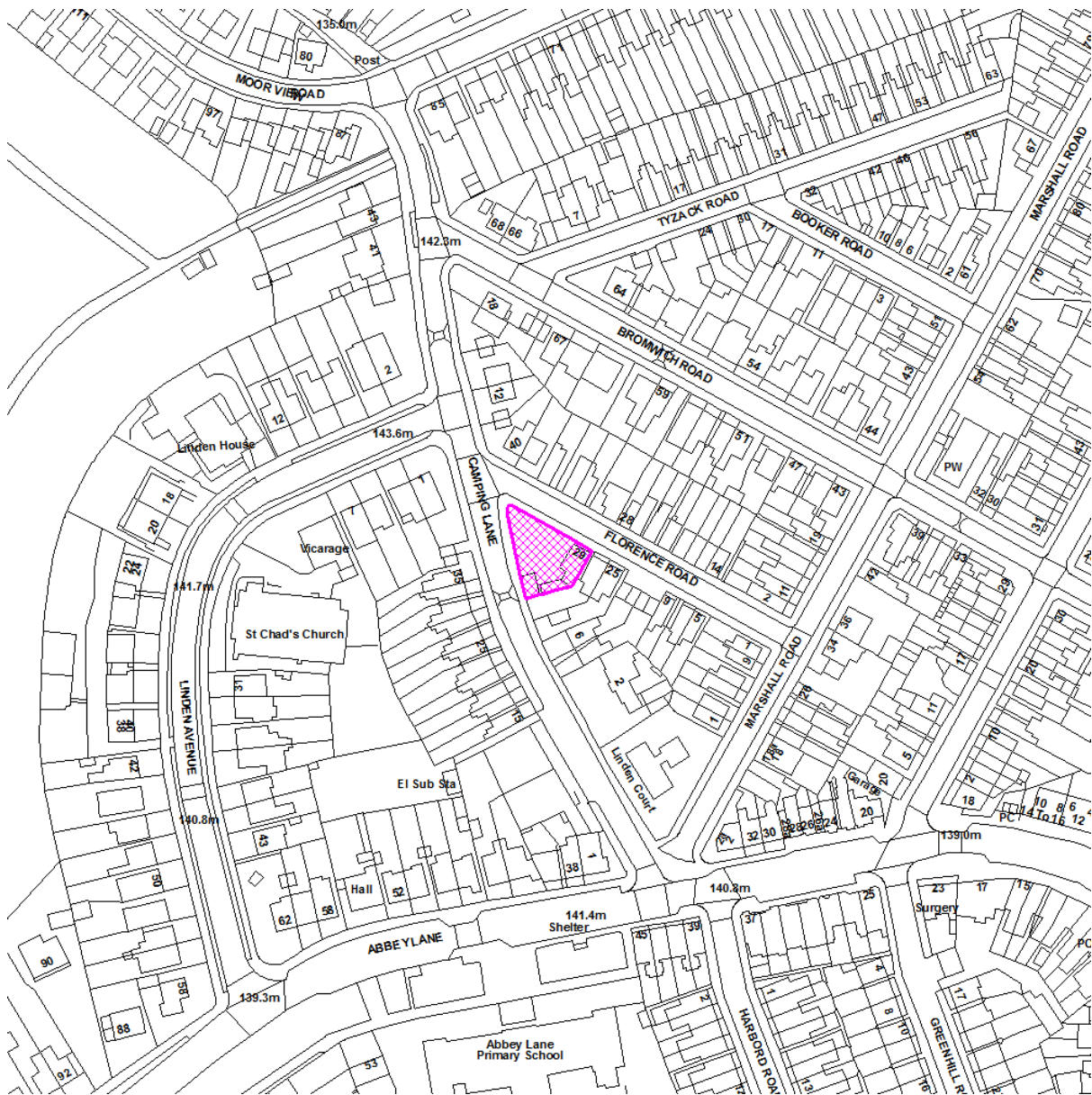
4. Section 80 (2) of the Building Act 1984 requires that any person carrying out demolition work shall notify the local authority of their intention to do so. This applies if any building or structure is to be demolished in part or whole. (There are some exceptions to this including an internal part of an occupied building, a building with a cubic content of not more than 1750 cubic feet or where a greenhouse, conservatory, shed or pre-fabricated garage forms part of a larger building). Where demolition is proposed in City Centre and /or sensitive areas close to busy pedestrian routes, particular attention is drawn to the need to consult with Environmental Protection Services to agree suitable noise (including appropriate working hours) and dust suppression measures.

Form Dem 1 (Notice of Intention to Demolish) is available from Building Control, Howden House, 1 Union Street, Sheffield S1 2SH. Tel (0114) 2734170

Environmental Protection Services can be contacted at Development Services, Howden House, 1 Union Street, Sheffield, S1 2SH. Tel (0114) 2734651

5. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.
6. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process, or a draft Liability Notice will be sent if the liable parties have not been assumed using Form 1: Assumption of Liability.

Site Location



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LOCATION AND PROPOSAL

The application site relates to a parcel of land which is currently part of an established garden serving 29 Florence Road, and is positioned between Florence Road and Camping Lane.

The site lies within a Housing Area as defined in the Unitary Development Plan (UDP). The surrounding area is characterised by a mixture of building styles and designs, which are predominantly in residential use.

Planning permission is sought for the erection of 2 No. two storey three bedrooomed dwelling houses, with additional accommodation in the roof space, to be positioned adjacent to the existing dwelling at No. 29 fronting onto Florence Road.

RELEVANT PLANNING HISTORY

Planning permission was granted in 2005 for the 'Alterations and extensions to No. 29 and erection of a dwelling house within the curtilage' under application 05/02339/OUT.

SUMMARY OF REPRESENTATIONS

10 representations of objection from members of the public have been received following neighbour notification.

Issues raised:

- This is an overdevelopment of the site, the plot was never intended to have further housing on it and the area should be retained as garden space or off road parking.
- The proposed 3 bedroom dwellings are likely to attract families but having such small gardens makes them not family/child friendly.
- Florence Road already has a parking problem, from existing residents, people visiting the local school, and visitors to the local shops which are close by. It is difficult and sometimes impossible for the bin lorry, fire engines or ambulance to fit down the street which is double parked.
- There are not enough parking spaces on site for 3 houses, with Florence Road being a small narrow road that cannot take any increase in cars.
- At present, No. 29 has 3 off road parking spaces with a ratio of 1:3. Council guidelines require that outside of the city centre, a 2-3 bedroom dwelling should have 2 parking spaces, and therefore 6 spaces should be provided as part of this development. This proposal does not provide sufficient off street parking.
- The provision of the off road parking removes the ability for cars to park on the highway in this location.
- It would be better to only have 1 new dwelling and have 4 off street parking spaces provided, with ample amenity space.
- The parking for the new dwellings should be accessed from Camping Lane where there is already a dropped kerb and this would just need to be enlarged. It would also mean the green utilities box would not need to be moved.
- Construction vehicles/skips should be parked considerately during construction works to ensure neighbours can access driveways.

- The existing house at No. 29 is currently being re-rendered and having new windows inserted where it is intended to demolish the off-shot building, therefore it is unlikely that this part of the building will be demolished to provide amenity space.
- It is intended to replace the existing boundary wall at the rear of No. 27 with a 1.8 metre high timber fence, this is not acceptable to the owners of No. 27 who want the 3 metre high brick wall to be retained.
- The construction works are already being a nuisance to neighbouring properties, and further damage may occur to neighbouring properties.
- 23 healthy trees have been chopped down, and the roof tiles have already been removed from the garage.
- Increasing the number of parking spaces from 2 to 3 will further reduce the amount of on street parking along Florence Road with a wider/longer drop kerb.

PLANNING ASSESSMENT

The main issues to be considered are whether the principle of the development is acceptable in land use policy terms, the design of the proposal and its impact on the surrounding street scene, the effect on the living conditions of future and existing occupiers and whether suitable highways access and off-street parking is provided.

- Land Use Policy

The application site falls within a Housing Area, and the principle of redeveloping the site for housing (Use Class C3) is in line with the preferred use identified within UDP policy H10 'Development in Housing Areas'.

Policy CS23 of the Core Strategy 'Locations for New Housing' states that new housing development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure. In the period 2008/09 to 2020/21, the main focus will be on suitable, sustainably located, sites within, or adjoining the main urban area of Sheffield.

Core Strategy Policy CS24 'Maximising use of Previously Developed Land for New Housing' seeks ensure that priority is given to developments on previously developed sites and that no more than 12% of dwellings should be constructed on greenfield land in the period up to 2025/26. It also states that such development should only occur on small sites within urban areas, where it can be justified on sustainability grounds.

The site is small within an existing urban area and sustainably close to regular bus routes and within walking distance of local schools and services. As a former residential garden, this parcel of land is classed as a greenfield site however, the latest data taken in 2016/17 demonstrates an average since 2004/5 of just under 5% of completions have been carried out on greenfield sites, and therefore in this context, the development of this small urban greenfield site for new housing complies with the aims of policies CS23 and CS24.

Paragraph 49 of the National Planning Policy Framework (NPPF) stipulates that housing applications should be considered in the context of the presumption in favour of sustainable development and, that relevant policies for the supply of

housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Based upon the most current information available, a deliverable supply of housing land over the coming 5 years cannot be demonstrated. The Local Planning Authority has identified a 4.5 year of supply, which is a shortfall of 1,185 dwellings, as detailed in the SHLAA Interim Position Paper 2017. The issue of a shortage in housing land availability is a material consideration which supports the principle of residential development at this site and the proposal would provide a small but helpful contribution to the local supply of housing land, in a sustainable location.

- Density of Development

Policy CS26 'Efficient Use of Housing Land and Accessibility' of the Core Strategy requires housing developments to make efficient use of land, but that it should be in keeping with the character of the area. In this location, near to high frequency bus routes in the urban area, the policy identifies that a density of 40-60 dwellings per hectare would be appropriate.

This proposal for 2 dwellings on a site which is approximately 0.031 hectares would represent approximately 64.5 dwellings per hectare. Densities outside of the appropriate ranges will be allowed whereby they achieve good design and reflect the character of an area.

The proposed dwellings front directly onto Florence Road, having a similar position and presence to the immediate neighbours at No's 29 and 27 Florence Road which maintains the character of the area.

The width of each new dwelling is approximately 5.6 metres wide, with the plots extending back to meet Camping Lane. Within the surrounding context, there is a mixture of house styles and designs, which vary in width, but this proposal is not dissimilar to those found in the immediate area, reflecting the context and density of the area. The acceptability of the design of the dwellings is covered in depth in the Design Section below.

Accordingly the proposal complies to the principles of Policy CS26 of the Core Strategy.

- Design Issues

It is important to consider the impact on the character of the area. The Core Strategy policy CS74 'Design Principles' requires development to enhance distinctive features of the area, which is backed up through UDP policies H14 'Conditions on Development in Housing Areas' and BE5 'Building and Design Siting' which expect good quality design in keeping with the scale and character of the surrounding area.

Chapter 7 of the NPPF requires good design, whereby paragraph 56 states that good design is a key aspect of sustainable development and should contribute positively for making places better for people. Paragraph 65 requires that planning permission should not be refused 'for buildings that promote high levels of

sustainability because of concerns about incompatibility with an existing townscape if those concerns have been mitigated by good design', and at paragraph 60 that planning decisions should not attempt to impose architectural styles or particular tastes.

The surrounding area is characterised by a mixture of building styles and designs. There are semi-detached, detached and traditional terrace properties with stone, red brick and render visible in the immediate area. Properties along Florence Road are all positioned at the back edge of the footpath or very close, with the majority of properties along Camping Lane also close to the back edge of the footpath.

This application proposes 2 two storey semi-detached buildings, with additional roof space accommodation facilitated by dormer windows which sit in a similar position to the immediate neighbours at No's 27 and 29 Florence Road, which in turn follows the line of the existing dwelling along this side of the road. The footprint of each building is considered appropriate and reflects the urban grain of the surrounding area. The proposed dwellings are designed to have two storey front elevations reflecting the surrounding area, with an additional storey proposed within the pitched roof space which is served by a dormer window on the front and rear of each proposed dwelling.

Amended plans have been received showing the removal of the originally proposed single storey off-shot which has resulted in Plot 2 becoming slightly wider to mirror the width of Plot 1, and provision of a third parking space. Materials are detailed as red brick work for the elevations with artificial stone quoins, window heads and cills, under a tiled roof. Windows are proposed as white upvc.

Overall, the buildings are well designed and are considered to sit comfortably within the street scene. Subject to conditions ensuring satisfactory building materials are used, a good quality scheme can be achieved and the proposals will comply with Policies BE5, H14, and CS74 and the NPPF Chapter 7.

- Living Conditions

Policy H14 'Conditions on Development in Housing Areas' part (c) and (d) requires that new development in housing areas should not cause harm to the amenities of existing residents. Paragraph 17 of the NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. These are further supported by Supplementary Planning Guidance 'Designing House Extensions' (SPG) which whilst strictly relevant to house extensions, does lay out good practice detailed guidelines and principles for new build structures and their relationship to existing houses.

Neighbouring Occupiers

The closest neighbouring properties are No. 29 Florence Road which is the existing dwelling on the site, No. 27 which is adjacent, No's 30-36 Florence Road directly opposite and the properties along the opposite side of Camping Lane.

The guidelines found in the adopted Supplementary Planning Guidance on Designing House Extensions are not strictly applicable in this instance as they relate more directly to house extensions. However they do suggest a number of detailed guidelines relating to overbearing and overshadowing, privacy and overlooking, and appropriate garden sizes. These guidelines include that two storey dwellings which face directly towards each other should be a minimum of 21 metres, and that rear garden lengths should be at least 10 metres, to ensure that privacy is retained. Two storey buildings should not be placed closer than 12 metres from a ground floor main habitable window. These guidelines are reflected in the South Yorkshire Residential Design Guide (SYRDG), which Sheffield considers Best Practice Guidance, but which is not adopted as Supplementary Planning Guidance.

No. 27 Florence Road sits adjacent to the existing house on the site, No. 29. The location of the 2 dwellings is separated from no.27 by the presence of no.29, and as such the erection of the new dwellings will not themselves create any adverse privacy/overshadowing issues. It is intended to demolish some of the off-shot and the existing garage serving No. 29 which is close to or on the boundary with No. 27, and to replace the existing 3 metre high brick wall with a 2 metre high timber fence. The loss of the garage and off shot will not impact on the amenities of occupiers of No. 27 in principle, and will be less overbearing on occupiers of No. 27. The removal of the boundary wall is acceptable and there are no fundamental planning grounds for it to be retained. A 2 metre high timber fence is proposed to be erected along this boundary which provides an appropriate level of screening to prevent adverse overlooking created.

The houses directly opposite at 30-36 Florence Road are all located at the back edge of the footpath. Habitable windows are proposed in the front of the proposed new dwellings which overlook the highway, and mirror the existing scenario found between the existing properties along Florence Road. It is reasonable to assume that windows which are located in the front of a property and are positioned at the back edge of the footpath cannot be expected to have the same level of privacy as those on the rear of a property, and therefore whilst the distance between 30-36 Florence Road and the proposed dwellings is approximately 12 metres away which is significantly less than the recommended 21 metres for first floor facing windows, in this scenario, it is acceptable. There is approximately 12 metres between the windows in the front of No's 30-36 which complies with the recommended 12 metres found in the SPG, in regard to overbearing.

Therefore, it is not considered that the proposal will create any significant loss of privacy, or overshadowing or overbearing to occupiers of those properties on the opposite side of Florence Road.

Properties to the rear along the other side of Camping Lane are in excess of 21 metres away from the proposed new dwellings, and as such will not experience any adverse overbearing, overshadowing or overlooking from the development.

All other properties are sufficient distance away from the proposal so that they are not adversely affected by the physical form of the development.

Future Occupiers

The proposed dwellings are considered to provide a good outlook from main habitable rooms, providing a quality living accommodation for future occupants. Windows on the rear of the existing dwelling at No. 29 Florence Road will not experience any unacceptable overbearing, or overlooking.

There will be a loss of amenity space afforded to occupiers of 29 Florence Road. It is proposed to demolish the existing off-shot and detached garage and retain 62 square metres of rear garden space. 51 square metres is to be provided for Plot 1 and 64 square metres for Plot 2. This does comply with the guidelines in the SPG which require minimum garden size of 50 square metres for a two or more bedroomed house.

The SYRDG does identify that for 3+ bedroom dwellings 60 square metres of private garden should be provided. There is therefore a minor shortfall in the garden provision for Plot 1 relative to the SYRDG. However the garden areas provided do all accord with SPG guidelines. There will be an element of mutual overlooking created from windows being positioned close to the boundaries in Plots 1 and 2, coupled with the angle of the boundaries. This is a scenario which does occur within the existing urban grain of the area, and is not considered to be at a level which would create significant levels of overlooking. Furthermore, the orientation of the gardens are such that they will provide useful, useable amenity space with good sunlight provision, and therefore the amenity space provided is considered acceptable.

It is considered that the proposed development would not adversely impact on the amenities of existing occupiers to an unacceptable level, or on occupiers of the proposed new dwellings. Accordingly, the proposal complies with UDP policy H14 and paragraph 17 of the NPPF.

Highways Considerations:

Policy H14 'Conditions of Development in Housing Areas' (part d) requires a development to provide safe access to the highway network and provide appropriate off-street parking and not endanger pedestrians.

Paragraph 17 of the NPPF seeks to focus development in sustainable locations and make the fullest possible use of public transport, walking and cycling, focussing significant development in locations which are or can be made sustainable. Paragraph 32 requires that safe and suitable access to a site can be achieved for all people, and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of developments are severe.

The existing house at 29 Florence Road has off-street car parking and a garage located to the rear, which is accessed off Camping Lane. The majority of properties along Florence Road have no off-street parking provision, there are 4 single garages with parking to the front a few doors down, but it is not clear which specific properties these serve, and the odd property has a single off-street parking space.

Properties along the other side of Camping Lane rely on on-street parking, with the exception of No. 35 Camping Lane and 1 Linden Avenue which are directly to the rear of the proposed new dwellings and have a garage with parking in front.

This application seeks to demolish the garage and remove the off-street car parking area at the rear of No. 29 to provide amenity space to future occupiers of the development.

Amended plans have been received showing 3 off street parking spaces adjacent to Plot 2 (an increase from the 2 originally proposed) which are accessed from Florence Road and will serve the existing dwelling and the 2 new dwellings.

The Council's parking guidelines set out maximum standards in accordance with Core Strategy Policy CS53 'Management of Demand for Travel', and for a 2-3 bedroom dwelling outside of the city centre 2 spaces are required as a maximum. 1 space is being provided per dwelling within this development, and therefore there is a shortfall in the maximum provision.

It is considered in this case that the site is in a very sustainable location close to the shopping area which provides a wide range of facilities including schools and doctors, and within close proximity to high frequency public transport. Therefore whilst providing only 1 space dwelling is not ideal, it is not considered that any additional on-street parking would be to a severe level that would justify refusal of the application on highways grounds. As such the development is in accordance with UDP Policy H14 (d) and the NPPF.

Landscaping/Ecology

Policy GE15 - 'Trees and Woodlands' within the UDP states that trees and woodlands will be encouraged and protected. Representations state that 23 mature conifer trees have been recently removed from the site, prior to the submission of this application. These trees were not protected, nor were they a species of any significant public amenity value. Their removal did not require any permission and therefore it is not a material planning consideration in this instance.

Replacement tree planting and other vegetation will be provided and secured through an appropriate planning condition.

Flood Risk and Drainage

The site does not fall within a high or medium risk flood zone that would affect the principle of the development, and as such does not require a Flood Risk Assessment to be carried out.

Policy CS67 'Flood Risk Management' of the Core Strategy states that the extent and impact of flooding should be reduced. In this instance, the areas of hardstanding should be constructed from a porous material, which would restrict surface water run-off, and this can be controlled through a relevant condition to any approval to ensure any alterations are to a minimum.

Community Infrastructure Levy (CIL)

CIL has now been formally introduced; it applies to all new floor space and places a levy on all new development. The money raised will be put towards essential infrastructure needed across the city as a result of new development which could provide transport movements, school places, open space etc. The application site lies within CIL Charging Zone 4 with the charge for this development being £50 per square metre.

RESPONSE TO REPRESENTATIONS

The majority of issues raised through the representations are discussed in the above report. Those which are not, are addressed in the section below.

- Issues relating to noise and disturbance are an unavoidable consequence of construction. A development of this scale will need to adhere to separate Environmental Protection legislation.
- Issues relating to damage to neighbouring properties is a civil matter between interested parties and is not covered under planning legislation.

SUMMARY AND RECOMMENDATION

The principle of erecting two dwellings on the site is considered acceptable in land use policy terms. The amendments secured to the proposal have resulted in a development that is considered to have an acceptable impact upon the character of the immediate street scene and wider area, and which would avoid any severe implications in highway safety terms, and does not have a detrimental impact on the amenities of occupiers of neighbouring properties.

The proposal would represent efficient use of land, in a sustainable location and would provide two additional housing units which would make a small contribution to the city's housing stock.

Therefore, the proposals comply with the applicable policies and guidance outlined above and it is recommended that planning permission is granted subject to conditions.

Case Number	18/00028/CHU (Formerly PP-06631348)
Application Type	Planning Application for Change of Use
Proposal	Change of use from A1 (retail shop) to A4 (drinking establishment) and provision of outdoor seating/smoking area.
Location	BAL Fashions And Knitwear 16 Exchange Street Sheffield S2 5TS
Date Received	04/01/2018
Team	City Centre and East
Applicant/Agent	Mr Steven MacKay
Recommendation	Grant Conditionally

Time Limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Site location plan received 21st February 2018
Floor Plans received 1st February 2018

Reason: In order to define the permission.

Pre-Commencement Condition(s)

3. Before the commercial use hereby permitted commences, the applicant shall submit for written approval by the Local Planning Authority a Noise Management Plan giving details of operational procedures to protect the occupiers of nearby dwellings from noise in external areas and dispersion. The use shall thereafter be operated in accordance with the approved Noise Management Plan.

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

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

4. No live music or amplified sound shall be played within the building unless a scheme of sound attenuation works has been installed and thereafter retained. Such scheme of works shall:

- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.
- b) Be capable of restricting noise breakout from the building to the street to levels not exceeding the prevailing ambient noise level by more than 3dB when measured;
 - (i) as a 15 minute LAeq, and;
 - (ii) at any one third octave band centre frequency as an 15 minute LZeq.

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

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

5. No amplified sound shall be played within the building except through an in-house amplified sound system fitted with a sound limiter, the design and settings of which shall have received the prior written approval of the Local Planning Authority.

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

6. Prior to the installation of any commercial kitchen fume extraction system full details shall first have been submitted to and approved in writing by the Local Planning Authority. These details shall be in accordance with Defra document; Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust Systems and shall include:

- a) Plans showing the location of the fume extract terminating and including a low resistance cowl
 - b) Acoustic emissions data.
 - c) Details of any filters or other odour abatement equipment.
 - d) Details of the systems required cleaning and maintenance schedule.
- The approved equipment shall then be installed, operated, retained and maintained in accordance with the approved details.

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

7. Before the use of the development is commenced, Validation Testing of the sound attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall:

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

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

8. 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, including acoustic emissions data, have first been submitted to and approved in writing by the Local Planning Authority. Once installed such plant or equipment shall not be altered.

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

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

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

10. The outside area shall not be used unless full details of the removable screens which will mark out the area have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the approved details.

The screens shall be removed when the building is not in operation

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

Other Compliance Conditions

10. No customer shall be permitted to be on the premises outside the following times: 08:00 to 23:30 hours on Mondays to Thursdays, 08:00 to 00:30 (the following day) hours on Fridays and Saturdays and 10:00 to 23:00 hours on Sundays and Public Holidays.

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

11. Commercial deliveries to and collections from the building shall be carried out only between the hours of 08:00 to 21:00 on Mondays to Saturdays and between the hours of 10:00 to 20:00 on Sundays and Public Holidays.

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

12. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried on only between the hours of 08:00 to 22:00 Mondays to Saturdays and between the hours of 10:00 to 20:00 on Sundays and Public Holidays.

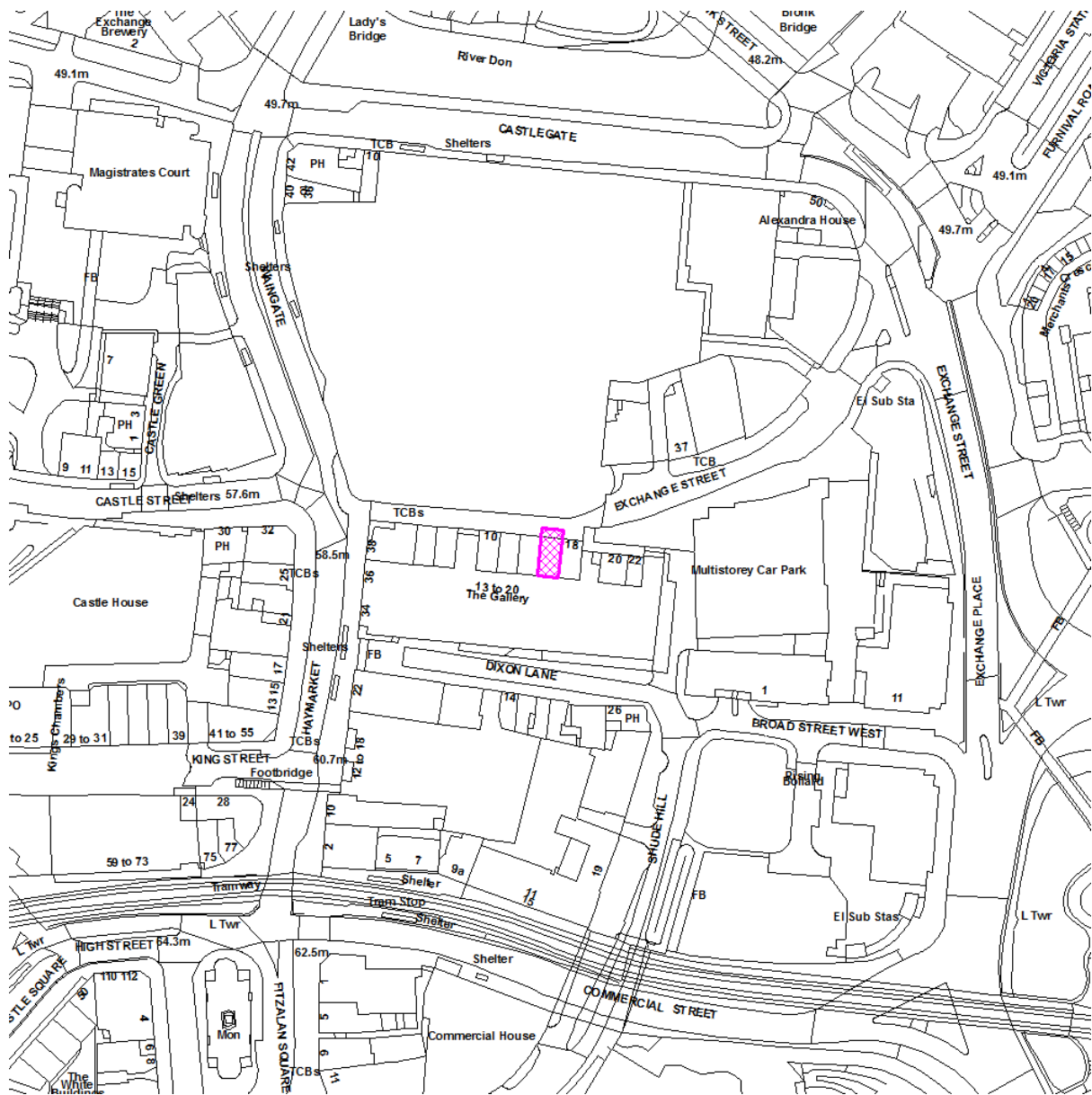
Reason: In the interests of the amenities of the locality and occupiers of adjoining property.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. Plant and equipment shall be designed to ensure that the total LAeq plant noise rating level (including any character correction for tonality or impulsive noise) does not exceed the LA90 background noise level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.
3. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
4. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, 5th Floor (North), Howden House, 1 Union Street,

Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at
epsadmin@sheffield.gov.uk.

Site Location



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LOCATION AND PROPOSAL

The application relates to a former A1 retail unit located on Exchange Street. The three storey retail unit (including a basement) which is located to the northern side of the Galleries building faces onto the now cleared site of Castle Market. Exchange Street is a pedestrianised thoroughfare linking Haymarket with Castlegate and Victoria Quays.

Planning permission is sought to change the use of the building from A1 (retail) to an A4 (drinking establishment). The application seeks approval to use the building 24/7 with the pavement area to the front of the building utilised as an external seating/smoking area.

BACKGROUND

Although there is no planning history for the application premises, no 16 Exchange Street along with 12, and 20/22 Exchange Street have since early 2017 been operating as late night bars and nightclubs under a series of Temporary Events Notices (TEN's) granted by the Licensing Authority. Although no planning permission was sought for any of the three units prior to the uses commencing, Environmental Protection officers have previously recommended that the operators make modifications to their buildings to prevent the outbreak of amplified sound which has the potential to cause disturbance to local residents. On this recommendation and with an indication that the premises would only be used on limited weekends throughout the year it was not previously considered expedient to take Enforcement Action to secure a cessation of the uses. Environmental Protection have confirmed that although the operators of no. 12 Exchange Street have carried out acceptable remedial works to their building to prevent noise outbreak, no's 16 and 20/22 are continuing to cause problems in respect of noise disturbance to local residents and Environmental Protection have received a significant number of public nuisance and Statutory noise nuisance complaints.

This application has been submitted by the operators of no. 16 to regularise their use of the building. Planning applications have been requested from the other two operators.

The former Market Tavern public house is located to the other side of Exchange Street. The public house is currently unused but has an established use as an A4 drinking establishment. The public house could reopen without further planning approval.

SUMMARY OF REPRESENTATIONS

12 letters of objection have been received from residents and owners of property within the Warehouse at Victoria Quays, including a letter from the Warehouse Management Company. The letters raise concern that:

- As there are no natural or other barriers between the Warehouse and Exchange Street, noise and disturbance is a major issue for residents with loud music during the small hours. The loud bassline music can be heard with

windows closed and during warmer months with windows open it is more intrusive. The noise prevents residents being able to sleep, impacting on health and the ability to work the following day. The letters consider that the establishment should be closed so that local residents can sleep at night

- This is a peaceful location in the heart of Sheffield which since the closure of the Castle Market has become more residential in nature. The proposal will change the ambiance of the surrounding area. Whilst this will bring life to the area, it will not add value as it will only be used for late night entertainment purposes and be dangerous due to proximity of busy roads and the canal, where people have drowned due to excessive drink. Cafes, restaurants and shops are welcome but loud music until the early hours of the morning is not.
- The Warehouse is located within 150m of the application site. Residents suffer from additional noise from rowdy behaviour of people leaving the premises drunk, street drinking, anti-social behaviour and a constant flow of mini cabs within the area during the early morning hours.
- If permission is granted with restrictions such as opening hours, volume of music, use of pavement space etc, then in all probability these restrictions would be flouted
- There are enough establishments serving alcohol in the City Centre. Granting permission will encourage similar establishments to set up. There are several hotels within quarter of a mile. The anti-social behaviour and noise which the use will generate will give visitors a negative view of Sheffield and lead to a reduction in property values.

South Yorkshire Police

SYP comment that if the council is minded to approve the application a severe reduction in hours would be desirable thereby minimising noise disruption to local residents during the night time period.

One letter of support has been received from the operator of one of the neighbouring businesses on Exchange Street. The letter indicates that the proposal will help with the regeneration of the area attracting new people to the area and that the noise concerns of local residents are unfounded. The letter states that there have been no notable incidences of anti-social behaviour that can be attributed to the new businesses on Exchange Street.

PLANNING ASSESSMENT

Land Use Policy

The application site falls within the Central Shopping Area as defined by the Unitary Development Plan. UDP Policy S3 'Development in the Central Shopping Area' lists food and drink outlets as a preferred use of land within this policy area.

Policy CS17 of Core Strategy is also of relevance. This relates to the City Centre Quarters and describes the Castlegate area as an area for a mix of uses including offices, housing, hotels and leisure facilities which link the Heart of the City with Victoria Quays

The proposed use for the building as a drinking establishment complies with policies S3 and CS17 and is therefore considered acceptable in principle subject to compliance with other policy requirements.

Amenity Issues

UDP Policy S10 'Conditions on Development in Shopping Areas' permits change of use providing that it would not cause residents or visitors to suffer from unacceptable living conditions, including air pollution, noise, other nuisance or risk to health or safety.

16 Exchange Street is located in a mixed commercial and residential area of the City Centre with relatively low background noise levels throughout the late evening and early hours of the morning. The predominant noise source is road traffic on Exchange Place and Park Square roundabout. There are a significant number of commercial (A1-A5) uses in close proximity to the application site and the residential accommodation within the Warehouse is located approx. 150m away.

There is the potential for disamenity to both neighbouring residential and commercial premises arising from the use due to factors including noise, odour and anti-social behaviour which require consideration.

The existing fabric to the building and lack of sound insulation measures is currently inadequate to satisfy the requirements of the council in respect of noise breakout of amplified sound and has resulted in a significant number of Statutory Noise complaints. Environmental Health are of the opinion that remedial works could be undertaken to improve both the fabric of the building and sound insulation to ensure that the building could be used as intended without unacceptable noise breakout. In this respect should members be minded to approve the application conditions would be added requiring a scheme of sound attenuation works to be installed and thereafter retained.

Whilst the above condition would prevent noise breakout from amplified sound within the building, the long opening hours which have been requested raise concerns about the potential for noise disturbance from patrons outside the premises including people's voices talking, laughing, shouting, consuming alcohol and/or smoking. Vehicles/taxis arriving, parking and departing may also intensify noise levels causing more disturbances to local residents especially in the early hours of the morning. In this respect it is recommended that strict opening hours are imposed on the use to ensure that no customer is permitted to be on the premises outside of the following times: 08.00 to 23.30 hours on Mondays to Thursdays, 08.00 to 00.30 hours (the following day) on Fridays and Saturday and 10.00 to 23.00 hours on Sundays and Public Holidays. This would be largely in line with the opening hours of other drinking establishments within the City Centre. The applicant has been advised of these recommended opening hours.

It is also recommended that the applicant be required to provide full details to address potential noise disturbance of patrons in external areas in a standalone Noise Management Plan. It would be expected that such a noise management plan would address how customer activities and noise are monitored, examine the applicant's smoking and/or consuming alcohol policy, require staff training in relation to noise awareness, provision of CCTV, relevant signage, setting up good relationships with responsible taxi operators etc. A condition is recommended to achieve this.

The applicant has indicated that there will be no cooking on site. Should this change it is recommended that full details of a fume extraction system and /or any other external plant should be approved prior to installation.

With the above safeguards in place it is considered that the use of the building as a drinking establishment will not cause significant disamenity to local residents to an extent which would justify a refusal of the application.

It is noted that the application property is one of three late night drinking establishments which are currently operating without planning approval on Exchange Street. When planning applications are submitted for the other two units to regularise their uses similar conditions will be imposed in the interests of the amenities of local residents.

Highways

Policy S10 'Conditions on Development in Shopping Areas' requires new development to be adequately served by transport facilities, provide safe access to the highway network, appropriate off street parking and not endanger pedestrians.

The site located within the city centre, in a sustainable location which is well served by public transport. There are no highway implications with the application.

Disabled access

UDP policy BE7 'Design of Buildings Used by the Public' requires that the access to existing buildings and their surroundings be improved as opportunities arise to enable all users to move around with equal ease and for the provision of facilities for people with disabilities.

The ground floor of the three storey unit has level access with stepped internal access to the basement and first floor of the building. The submitted plans show the provision of an accessible toilet on the ground floor unit. In this respect the change of use raises no access concerns.

Design

No external alterations are proposed to the building .As the proposal involves the use of the pavement to the front of the building as an outdoor seating/smoking area it will be necessary for the applicant to mark out the area to ensure the use doesn't

extend to the front of neighbouring units. Full details of the proposed removal screens which will be used will be conditioned for subsequent approval.

Other issues

There is no change to bin storage arrangements from the previous retail use. Waste/recycling bins are stored in the basement of the Gallery building with other Gallery tenant's bins and accessed via an existing service road.

Regeneration of Castlegate

Castlegate has experienced a long period of decline due to the progressive relocation of large retail occupiers mainly to the Moor, yet the quarter remains a key gateway to the city centre particularly for the riverside hotel and business district, contains the hidden remains of the Sheffield Castle and river Sheaf and has a large stock of vacant good quality buildings.

A regeneration strategy has recently been developed by the Council with the broadly based Castlegate Partnership which sets out a new role for the quarter as a key regional location for Tech and Creative sector start-ups. This is set out in the Castlegate section of the draft City Centre Plan and is being initiated through the Council's £800,000 Castlegate Kickstart Programme.

A key part of the strategy is the encouragement of low-cost business start-ups using the many vacant retail spaces under the ReNew Sheffield initiative. One of the early opportunities for this approach is the former 'Galleries' shops on Exchange Street which the Council has brokered a licencing arrangement to the arts and workspace organisation CADS. The proposed change of use of 16 Exchange Street to a drinking establishment is one of a number of start-ups coming from this initiative.

The current lack of activity on Exchange Street is not representative of its character over the many previous decades. At the time the Victoria Quays apartments were first occupied Exchange St was home to two pubs featuring music rooms (Market Tavern and Alexandra) as well as the busy indoor and outdoor markets. Until 2008 Exchange St/Place was also part of the Inner Ring Road, a very heavily trafficked thoroughfare throughout the day and night. The current lack of activity particularly at night, is a major detractor to footfall and investment in Castlegate and a situation which should not be regarded as desirable in itself.

SUMMARY & RECOMMENDATION

This is an application for a change of use from a previously vacant ground floor retail unit (Class A1) to a drinking establishment (Use Class A4). The building together with two other premises on Exchange Street has been operating under Temporary Event Notices since the beginning of 2017. The uses have generated complaints from local residents who are concerned about noise, general disturbance and anti-social behaviour especially in the early hours of the morning.

Environmental Protection Officers consider that with the installation of appropriate sound attenuation, noise breakout from the building can be reduced to acceptable

levels. This together with strict opening hours which would prevent the building being used into the early hours of the building will ensure that the use does not continue to impact on local residents.

In this respect the proposal is considered to be in compliance with approved policy and is recommended for approval subject to the listed conditions.

Case Number	17/05237/FUL
Application Type	Full Planning Application
Proposal	Erection of a detached outbuilding for use as a cattery
Location	28A School Green Lane Sheffield S10 4GQ
Date Received	21/12/2017
Team	West and North
Applicant/Agent	Mr James Ansell & Miss Amy Wakefield
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Proposed Block Plan: Ref SH78 Number 05 Rev A received 21st December 2018

Proposed Plans and Elevations received 21st December 2018

Environmental Noise Survey: Report No.REG/6944/A received 21st December 2018

Noise Management Plan received 14th March 2018

Reason: In order to define the permission.

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

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

Other Compliance Conditions

3. No customer shall be permitted to be on the premises outside the following times: 0900 hours to 1730 hours Mondays to Saturdays. For the avoidance of doubt no customer shall be permitted on the premises on any Sunday or any Public Holiday.

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

4. The cattery shall not be used, sold or let separately from the property at 28A School Green Lane, Sheffield, S10 4GQ.

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

5. The building shall be used for the purposes of the boarding of cats only and shall not be used for the boarding of any other animals without the prior written consent of the Local Planning Authority.

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

6. No more than 12 cats shall be accommodated within the cattery at any one time.

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

7. No pressure water cleaning in connection with the cattery business shall take place.

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

8. No external lighting shall be installed within the rear garden of the site unless details of such lighting, including the intensity of illumination, have been first submitted to, and approved in writing by, the Local Planning Authority. Thereafter the external lighting that is installed shall accord with the approved details.

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

9. The waste bin shall only be stored in the location shown on the plan shown on page 12 of the Noise Management Plan received 14th March 2018.

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

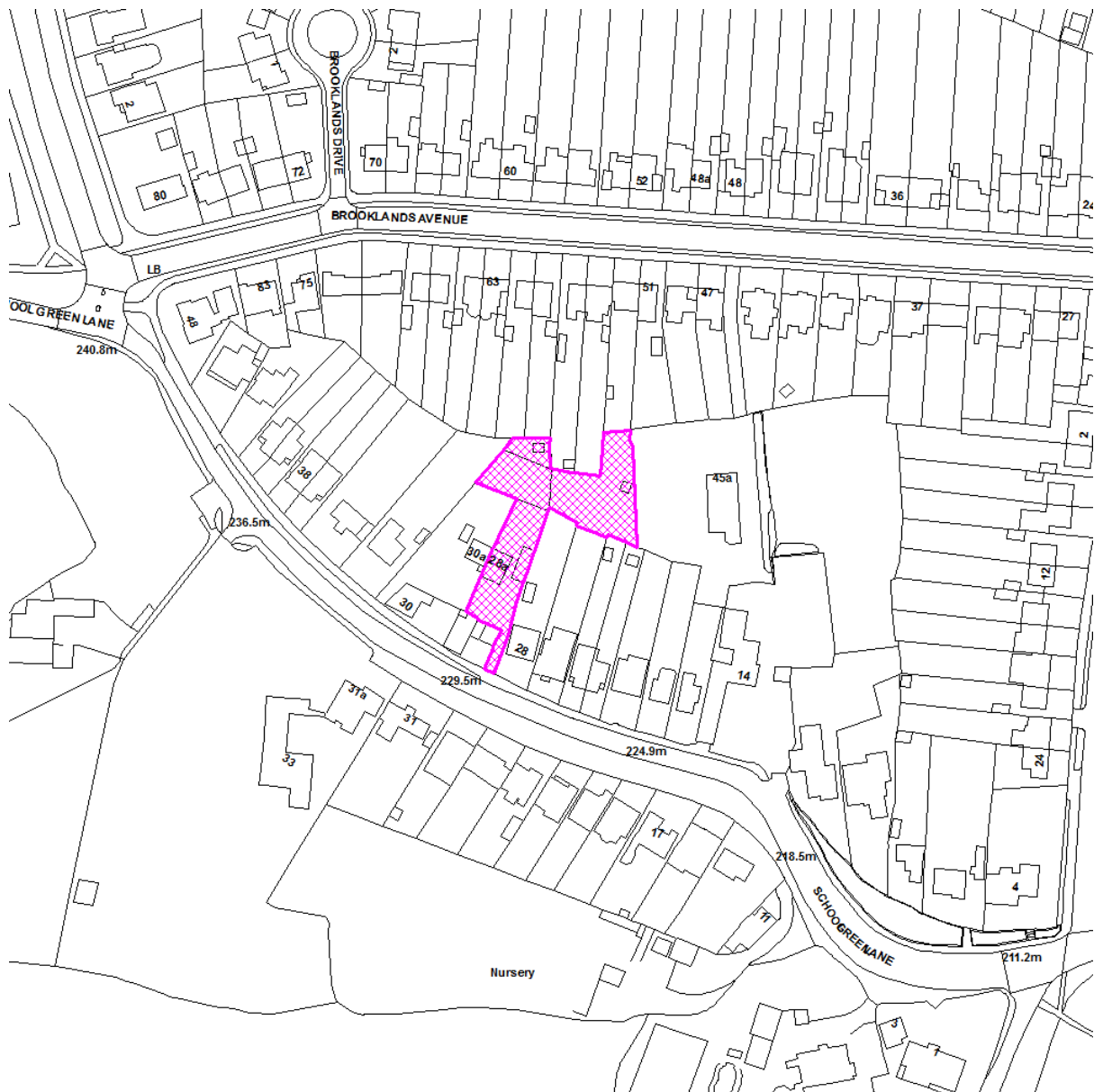
10. Amplified sound or music shall only be played within the enclosed areas of the cattery building and shall not be played at above background levels, nor shall loudspeakers be fixed externally nor directed to broadcast sound on the site at any time.

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

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. Asbestos containing materials may be present within the soils and we would therefore recommend due caution during any earthworks for this development. Should you encounter any asbestos containing materials during excavations, the handling and fate of such shall be in accordance with all current legislation and guidance

Site Location



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LOCATION AND PROPOSAL

The application site relates to a semi-detached dwellinghouse that is located off School Green Lane, accessed via a shared driveway. The property is setback from the established building line of the street and is located to the rear of a stone outbuilding which forms ancillary accommodation to a Grade II Listed dwellinghouse (No.30) on School Green Lane. The property has a large rear garden which is effectively in two forms. The main garden land runs parallel with the gardens of No.30a and No.28 School Green Lane, however there is a section of garden area beyond which runs from the rear of No.30a up to the rear garden of No.22 School Green Lane. This garden area also backs onto the rear gardens of a number of properties located on Brooklands Avenue. Land to the front of the property (behind the ancillary building mentioned above) has been excavated to form a larger parking area and the house also benefits from a detached garage to the side. This parking area was granted planning permission under reference 17/04368/FUL in connection with the existing residential use.

This planning application seeks full planning permission for the erection of a detached outbuilding for use as a cattery.

The applicants are proposing to utilise the Longcroft Luxury Cat Hotel franchise. This company has a number of catteries around the country. The submission states that the business provides low-key, high quality, niche service for cat owners and their catteries are designed to cater for small numbers of cats.

The building is to be located at the top end of the rear garden and would be sited mainly to the rear of the rear boundary of the attached neighbour (No.30a).

The submitted plans indicate that the building would be rectangular in footprint with a shallow mono-pitched roof. The footprint of the building would be 9.33metres by 4.34 metres. The maximum height would be 2.4 metres with the eaves being 2.1 metres.

The building would have 6 pens, housing up to 12 cats, though only cats from the same household would be housed within the same pen. Each pen has a 'sleeping area' and an 'exercise' area, though the cats are at all times enclosed and would not be allowed to roam outdoors. The application submission states that the opening hours would be from 0900 hours until 1730 hours and no staff are to be employed. The owners living within the property would run the business.

RELEVANT PLANNING HISTORY

17/04368/FUL - Excavation of front garden to provide an off-street parking area including the erection of retaining walls and access steps –
This application was for additional parking provision for to the front of the house to serve the dwelling. It was subsequently granted conditionally

SUMMARY OF REPRESENTATIONS

Immediate neighbours were notified of the planning application by letter. Two site notices were also displayed on 2nd February 2018, one on School Green Lane and the other on Brooklands Avenue to give wider publicity.

An immediate neighbour to the application site who lives on Brooklands Avenue informed the Council that they had not received a notification letter. An apology was made to the neighbour, a site visit was undertaken at their property and it was confirmed that their written comments would be taken into consideration as part of the application process.

49 letters of representation have been submitted in total. Only one round of formal notification has been undertaken, however 41 letters were originally submitted and a further 8 letters were submitted following the submission of a further noise report. The comments will be separated into two rounds for clarity.

First round

Councillor Sue Alston:

- Local Councillors have been approached about this application from several concerned residents.
- The proposal raises concerns about a business that requires access, mostly by car, to a residential property set behind other residential properties.
- Vehicles accessing the car park would have a negative impact upon residents at No.30A and No.28.
- Should customer park on the road, it should be noted that the lane is narrow.
- If the application is agreed, clear guidance about opening hours should be included in conditions.
- There are concerns over possible future expansion of the business and if agreed, conditions should restrict to boarding of cats only.

35 letters of objection received which are summarised below:

Use

- There are several catteries within a couple of miles of each other and there this one is unnecessary.
- Other catteries are in rural locations, not residential areas.
- School Green Lane is a quiet residential area with no business requiring visiting traffic.
- The business will significantly change the character of the area.
- The business to house 6 cats could lead to expansion.
- It sets a precedent for other similar commercial activities in the area.
- The opening hours will be more like a 24/7 operation because of the activities of the cats and attendant services.
- The applicant's supporting statement contends that there is additional needs for a cattery, however as the applicants have not yet moved into the property, hardly qualifies them to assess the community's needs.

Impact upon neighbours

- Impact upon neighbouring privacy and security
- Cats are not quiet animals and will make constant noise, causing reaction from two very noisy neighbouring dogs.
- Noise from cats, notably when they are not familiar with other cats would be apparent to neighbouring gardens and properties.
- It is understood the building will be soundproofed, but what about when the cats are outside.
- Noise from cats will be intermittent, likely at night and would be tonal. Noise doesn't need to be loud in decibel to be annoying.
- The cats and their smell, would cause agitation to neighbouring dogs.
- Noise from vehicle movements and pedestrians accessing the site, notably to No.28.
- The neighbourhood is currently quiet and peaceful, noise from cats, delivery vehicles or cleaning by pressure washers will be very noticeable and disturbing.
- Concerns that cat waste will have strong and unpleasant smells and storage of waste will attract vermin.
- There have been rat infestations in local gardens last year.
- The use will increase number of visitors, increasing both pedestrian and vehicular movements and thus increasing emissions.
- Users of the drive, both pedestrian and vehicles would pass in front of a bedroom window of neighbouring bungalow and would be in proximity to a bathroom window, kitchen window and conservatory.
- Customers could visit the premises outside of agreed hours to collect their cat.
- The submitted fact sheet does not take into account cat owners wishing to inspect the premises prior to leaving their cat and thus will add to potential visits, neither does it consider that cats often have shorter stays.
- The fact sheet does not take into account passing trade or 'pampering sessions' as advertised by the franchise either.
- The fact sheet does not take into account deliveries or collection of waste.
- The fact sheet states none of the existing Longcroft catteries have received a complaint from a local authority or neighbour – contacted neighbours stated that when a house is for sale, the seller has to specify whether there is a dispute with a neighbour and thus this would affect the saleability of the house.
- The Summer House is on a site of a WWII Anderson Shelter and the area around contains asbestos. Disturbing this would lead to health risks.
- Customers when viewing the premises will be able to overlook neighbouring gardens.
- Jet washing of pens, car doors slamming and car alarms will create unacceptable noise for neighbours.
- Concerns over security, as a cat hotel gives burglars an excuse for being on a driveway and an opportunity to steal.
- Boutique cat hotels are commonly used by more affluent cat owners, sometimes having pedigree cats. This would increase potential for theft and

crime, therefore CCTV and floodlighting would be required and most probably razor wire on the fencing.

- Badgers are known to damage fences and will be attracted to the site.
- Foxes shriek as a mating call.
- Whilst the applicant state they will maintain cleanliness, the potential for vermin which could harm neighbours should not be risked.
- Cat urine is pungent; wind will exacerbate smells to houses on Brooklands Avenue.
- The methodology of the acoustic report is out of date and is to address industrial/commercial noise.
- Whilst odour can be controlled by good management, concerns what systems in place to address potential concerns, which would be awkward to deal with retrospectively.
- Concerns that other cats will be attracted to the area, increasing noise and odour concerns.
- Comings and goings above a normal domestic use.
- Noise from customers visiting, vehicle movements, day to day management e.g. cleaning.
- No.30A's main seating area is to the front, adjacent to parking area, and therefore will be disturbed by raised voices, engine noise and emissions.
- The proposed cattery building is up to the northern boundary of No.30A's and will be more centrally opposite than the applicant's own property.
- The noise survey is relevant to Welwyn Garden City, which does not reflect this area.
- Neighbours are already concerned, anxious at the proposal.

Animal Welfare:

- Concerns that neighbouring bonfires and fireworks will cause distress to the cats.
- Anxiety caused from badgers and foxes attracted to the site.

Design and character of area

- Concerns over signage to street frontage.
- The use will be adverse to the character of the area.

Highways issues

- Additional visitors creating parking problems and road safety issues given there are no visibility splays on the vehicular access adjoining School Green Lane.
- The driveway is shared with No.28.
- The recently excavated area to increase the parking provision will increase usage of the driveway.
- The applicants, nor the neighbours at No.28 can prevent customers using the shared access or parking in front of the property.
- Limited visibility when exiting the driveway, restricted by boundary walls, raising concerns to potential injury or harm to pedestrians.

- Reference made to Northern Ireland Development Control Advice Note 15.
- The intensification of the use of the access is inevitable.
- The applicant's assertion indicates a 42.85% intensification of use of the access and the fact sheet from the franchise indicates an 85.71% intensification of use. The experience of neighbours to existing catteries would suggest this to be considerably more.
- Customers and drivers delivering goods will use the car park to the front, and will be unfamiliar with the narrow and dangerous access onto School Green Lane.
- School Green Lane is used by many pedestrians, notably those going to visit Forge Dam.
- There is only one footpath on School Green Lane, and the shared drive crosses this footpath.
- Vehicles rely on pedestrians seeing cars leaving the shared driveway.
- School Green Lane is heavily used at peak times and vehicles travel at speed down the road.
- There is no guarantee that staff will not be employed or that supplies will be delivered to the property in the future, adding the vehicular movements and road safety concerns.
- There is limited on-street parking and customers will likely park on the road rather than enter through the narrow shared driveway.
- On-street parking would affect highway safety.
- Disabled neighbour has encountered two 'close-shaves' with vehicles emerging unexpectedly from the drive.
- If two cars meet on this driveway and need to reverse, danger to pedestrians would increase.
- There is no obvious numbering indicating the location of the property.
- The walls to the front of the drive are not owned by the applicant and therefore signage cannot be placed to the front of the driveway. Lack of signage will exacerbate hazards, with potential customers being unable to easily locate the site.
- On-street parking is limited, potential customers may block driveways causing antagonism.
- On-street parking would impede and obstruct the view of emerging traffic.
- It's fair to say 50% of customers would travel down School Green Lane – to enter in this direction, one would have to conduct a goose-neck manoeuvre, meaning one would drive on the other side of the road for a short period.
- It is only a matter of time before an accident occurs, should that be the death of a child, then it would be on the conscience of all involved in granting the application.

Miscellaneous

- The fact sheet provided by the application contradicts the submission from the Longcroft Group with regard to number of visits anticipated.
- Neighbour has written to neighbours of other Longcroft Group. One neighbour responded with concern over smell and vermin. The neighbour reported smell of urine and noise from power washing. Few complaints over noise at night.

- Neighbours to existing Longcroft Catteries state the fact sheet submitted with regards to visits per week is massively understated.
- Supporting comments are from people not from the local area, whom will not be aware of the road safety problems.
- There is a covenant on the land that states no business, work or industry must take place on these premises.
- The application is no surprise, previous application (17/04368/FUL) for extension to parking area was a forerunner, in an attempt to obtain planning permission by stealth.
- Estate Agent has advised that a minimum of 10% will be taken off house prices in the local area.
- Unreasonable that an incoming resident can ride roughshod over the character of an established residential area.
- The proposers of the cattery are already directors of a pet business.
- Other than personal business benefit, there is no community benefit to this project, only loss.
- Trees have been felled in anticipation.
- Concerns whom will police the matter if conditions or opening hours aren't adhered to.

Procedural matters

- Objection to not receiving a notification letter informing of the planning application.
- The applicant's submission is little short of bullying.
- Concerns that consultee comments have been submitted prior to a number of the objections being received, meaning not sufficient time to review the objection comments before offering advice.

6 letters of support:

- Sheffield is in need of such a cattery, which offers a luxurious service.
- Never been satisfied with the current catteries in Sheffield.
- It would make a huge difference if Longcroft Cat Hotel were available in local area.
- The cattery would offer grooming and administer medications as required by certain cats, something which other catteries often overlook.
- The cattery would offer a high level of love and care.

Following the submission of further information with regards to the noise assessment, 7 letters of objections and 1 neutral have subsequently been received.

These are summarised as follows:

Highways:

- Heavy Vehicles in excess of 7.5 tonnes would be likely to visit the cattery to remove waste. This would be in direct conflict with the Council's Policy to

restrict heavy goods vehicles using the Mayfield Valley under a Traffic Regulation Order.

- Heavy vehicles would be unable to negotiate the driveway, meaning waste would have to be pulled past No.28, whilst the vehicle obstructs the narrow roadway outside.
- Signage would not appear against the roadway, as it would have to be on the applicant's land, meaning traffic problems as customers attempt to find the location of the cattery.
- Longcroft specify that the site is accessed by a driveway, deflecting the fact that the access is a shared driveway.
- School Green Lane is a quiet residential neighbourhood, some distance away from airports, stations and motorways. The site is a garden corridor and the location does not fit with the established criteria of the Longcroft chain.
- The local speed limit is 30mph, but this does not negate the risk to pedestrians and road users from vehicles using the shared driveway.

Character of area:

- The pink sign would affect the setting of the Grade II Listed School House adjacent.

Residential Amenity:

- The modifications to the original building spec may be for the guests comfort, keeping noise out, rather than for containment of noise.
- The noise levels cited are assumptive only.
- The procedures for night-time management of noise and lighting will neither eliminate nor minimise noise breakout.
- The trees and shrubs have been removed, therefore no buffering in place.
- Music is to be played to the cats all day and the pens are open, therefore noise cannot be controlled in this way.
- Concerns over odour and noise from the cattery – pressure washers
- The original report cannot be relied upon and therefore subsequent reports cannot be relied upon.
- BS 8233:2014 does not provide guidance on assessing effects of changes in the external noise levels to occupants of an existing building.
- BS 8233:2014 excludes noise from domestic animals.
- Residents could rightly expect much lower levels than 50dB and 55dB specified. BS 8233:2014 is the wrong approach; BS 4142:2014 is the relevant guidance.
- BS 4142:2014 measures the affected areas before and after development and if the difference is +1-dB then it is an indicator of significant impact. In Welwyn City, the use was existing.
- The report for Welwyn City is not relevant as the context is different - the site is located near airports etc and the assumption that if the area is noisy, a cattery will not make a difference. School Green Lane is a quiet residential area.
- The fact cats cannot see another will not prevent them being aware of others, they can smell.

- Cats in the open areas will see birds and thus the sound mitigation measures will be avoided by the cats, causing noise nuisance.
- The roof insulation will only mitigate night-time noise, when cats are locked away.
- The noise report fails to consider that neighbours enjoy their garden areas.
- The acoustic qualifications of the author of the Noise Report are not provided.
- Meowing is going to be intermittent and if the applicant wishes to argue that it will not be tonal, then a 1/3 octave band analysis should be provided to demonstrate.
- The LAFmax readings from the Welwyn report are indicative of a nuisance (91 dB, daytime). This would be being generated 5m from the closest garden. This is almost certain to cause substantial and material interference with the enjoyment of property
- The application is causing distress amongst locals who have lived in the area for many years.
- The cattery will attract vermin and exude odour.
- Concerns over cats wandering into neighbouring gardens.
- Concerns over customers overlooking neighbouring gardens.

Ecology

- Local wildlife would no longer remain in their habitats in gardens if cats are in proximity.

Animal Welfare:

- The double glazing will not prevent noise from fireworks etc which will cause distress to cats.

Other Matters:

- Explanation is required as to why modifications to the original design spec of 2010 are required.
- Page 4 of the Noise Report incorrectly shows the site on the opposite side of the road.
- Government announced (19/03/2018) further and enhance support to Neighbourhood Planning, giving local people a greater say in the development of their area.
- Neighbour has reiterated concerns that neighbour was excluded from neighbour notification.

Councillor Cliff Woodcraft has stated that further to comments made by Cllr Alston, the applicant needs to demonstrate that issues of noise, smell and hygiene will be properly assessed for a cattery in proximity to other dwellings.

PLANNING ASSESSMENT

National Planning Policy Framework (NPPF)

The National Planning Policy Framework attaches great importance to the design of the built environment and emphasises its role in contributing positively to making places better for people, whilst not attempting to impose architectural styles or particular tastes.

Local Plan Policies

The Sheffield Local Plan includes the Core Strategy and the saved policies and proposals map of the Unitary Development Plan (UDP). The UDP Proposals Map identifies the site as being within a Housing Area. UDP Policy H10 specifies that housing is the preferred use and also specifies a number of acceptable uses within housing areas. Catteries are not within a defined use class and therefore such a use is to be determined on its merits.

UDP Policy H14 relates to conditions on development in Housing Areas including matters of design, amenity and highway safety.

Also relevant are the following policies with regards to design are the following UDP policies:

- Policy BE5 'Building Design and Siting' also provides design guidance stating good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions.

The following Core Strategy Policies are applicable:

- Policy CS74 'Design Principles' requires development to respect and take advantage of unique design characteristics within the local Neighbourhood.

Use

Catteries are not within a defined use class and therefore are not listed within the 'acceptable uses' under UDP Policy H10. The proposal is therefore assessed on its own merits.

The property would retain its residential use and would become a mixed use, with the cattery building being located within the rear garden.

Siting and location of building

The proposed cattery building would be located within the rear garden, predominantly being located to the rear of the rear boundary of No.30a and mainly to the rear garden of No.59 Brooklands Avenue.

The building is to be constructed from uPVC with glass panels and would have a polycarbonate roof. Low level energy lamps with diffusers are proposed offering low night light in sleeping areas and low energy lamps in the safety corridor. It is stated that the lighting is switched off in the evening times. The building would also include a wooden pergola to the exterior of the building, allowing for plants and seasonal hanging baskets.

The building would be set away from neighbouring boundary lines and would be relatively low in height at 2.4 metres at the highest point. Members should note that the building would not be visible from the street and it should also be noted that Part 1, Class E of the General Permitted Development Order (GPDO) allows the erection of outbuildings within residential gardens, providing that they are incidental to the enjoyment of the dwellinghouse.

Ultimately the proposed use is not ancillary to the residential use, however members should note that a similar outbuilding could be constructed in the location shown using current permitted development rights. Nevertheless, the building as submitted would not be visible from the street and would not be dissimilar to an ancillary outbuilding in a residential area. The proposed building is considered acceptable from a design perspective.

Residential Amenity

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

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

The building would be set away from all boundary lines, being located approx. 5 metres away from the rear boundary of No.30a and approx. 9 metres away from the rear boundary of No.59 Brooklands Avenue. The nearest point would be the corner of the proposed building being approx. 3.8 metres from the boundary with No.61 Brooklands Avenue. It is not considered that the building would be significantly overbearing or overshadowing to neighbouring properties or gardens given its relatively low height and the separation to all neighbouring boundary lines. Members should also note that a similar building could be constructed under Part 1 Class E of the GPDO.

Ultimately, it is the proposed use of the building which could have the potential to impact neighbouring properties. The potential impact to neighbouring property can be broken down into the following categories:

- Hours of Use
- Privacy
- Noise nuisance
- Odour & smells
- Waste Collection

Hours of use & movements

The submission states that working hours of 9am – 5:30pm are the standard operating hours for the business and that customers would arrive having booked a prior appointment. The submission also states that the business does not permit visits on a Sunday or any Bank Holiday. It goes on to state that there will be no dedicated deliveries to the site in respect of the business, as supplies are bought

during domestic shopping trips. A dedicated waste carrier would however visit the property once a week or fortnightly to collect waste.

The submission states that the average stay for a cat is ten days, though customers are known to leave their cats for longer periods. It is also stated that customers use Longcroft Hotels about 4 times a year.

The movements of customers to and from the cattery will ultimately vary, depending on the requirements of the customers and therefore customer movements will differ over time.

The submitted drawings show that the cattery building would have 6 pens capable of housing up to 12 cats (2 per pen). The cattery business states that their requirements specify that cats within the same pen would have to be from the same household and this is also a requirement of an Animal Boarding License. Should all the pens be full, this would mean usually 2 vehicular/customer movements per pen, one to drop the cats at the premises and another vehicular/pedestrian movement for collection. Ultimately, these movements will occur periodically and there will be a turnover of customers at different times. It would be unlikely that there would be a turnover of customers all at once and the submission states that bookings are taken via prior appointment which would limit the occurrence of customers attending concurrently. Members should also note that although the applicant submission states that no one would arrive without an appointment, there would be the potential for passing visitors to drop in to enquire to view the cattery. It is however considered that these instances would be likely to be low in occurrence.

Furthermore, in addition to the customers visiting the premises to drop off or collect their cats, appointments may also be made by prospective customers to view and assess the cattery prior to leaving their cats in care at the premises. In an instance when the cattery is full, then vehicle/pedestrian movements would be greater than that mentioned above should the applicants allow appointments to be made for viewings from prospective customers. Given that these viewings would also be via an appointment system, this would limit the propensity of customers attending concurrently.

The application submission states that in their experience at their other catteries that vehicular movements are on average of one car per day stopping for ten minutes at a time. This is in an instance when each pen is in use. Ultimately, this is only an average figure and customer movements will vary at different times of the year and at different times of the day.

Vehicular movements are not uncommon for a domestic property, with people driving to and from the workplace, friends and family visiting and vehicular movements for leisure purposes etc. Given the small number of cats to be housed within the cattery, it is not considered that the associated vehicular/pedestrian movements would be significantly dissimilar from a domestic use in this instance. Ultimately, there may be times when customer visits are above the average figure mentioned and there will be other times when there are no customer visits. A condition can be attached restricting opening times to those specified to limit any disamenity to neighbouring properties.

It is considered that the vehicular movements associated with the use would not be significantly different from that associated with friends and families visiting owners of a dwellinghouse.

No members of staff are proposed, as one of the owners is to run the business.

Ultimately, the hours of use specified are in relation to customer movements. Members should note that the general management and use of the site would also be undertaken outside of these hours. Assessment is therefore required in relation to potential harm to neighbouring premises over the whole period of the business. This will be discussed in the following sections.

Privacy

It is noted that there are concerns that customers visiting the premises will be able to look directly into neighbouring gardens and will be walking/driving in close proximity to neighbouring windows of No.28.

As discussed, it is considered that most movements will occur by vehicle, however if a customer parks on-street they will inevitably walk past No.28. It should be noted that customers would ultimately travel past these windows, however this will be only for short periods of time and would not be dissimilar to the occupants or visitors accessing the property as current. Ultimately, the propensity for people to visit the property would increase, however it is not considered that this would be to such a degree that would be significantly more harmful to No.28 than currently occurs in this instance.

Furthermore, the rear garden is significantly large. The existing boundary fencing and planting around the boundary lines would screen views directly into neighbouring gardens. The building is single-storey and would be located away from boundary lines, thus reducing the potential for overlooking. It was not evident during the site visit that direct overlooking to neighbouring gardens was possible. It should also be noted that there is a building on the rear boundary adjacent to the boundary with No.59 Brooklands Avenue which would also aid in screening. It is not considered that customers attending the site would have a direct view into neighbouring garden areas and it should also be noted that they are only likely to attend for a short period of time in the day. A condition is recommended to be imposed restricting the opening times to those specified, to ensure that customers are not attending the property at all hours of the day.

Noise

A noise report has been submitted with the planning application. Following consideration by Environmental Protection Services (EPS), further details to supplement the original noise report were submitted.

The submission states that the materials used in the construction of the building are very effective in noise reduction and would exceed all Chartered Institute of Environmental Health (CIEH) Guidelines.

The noise report submitted was with regards to an established Longcroft Luxury Cat Hotel site. The author of the report states that the measured ambient sound levels compared to the prevailing background noise levels and levels measured within the cattery building, at this reference site, can be used to determine the likely effect of a typical LLCH at other sites. The description of the fabrication of the building to be constructed at the application site matches the building within the noise report, however the subsequent report confirms that the specification of the proposed building includes greater insulation which offers better sound reduction.

Environmental Protection Services (EPS) have confirmed that based on the findings and calculations in the report that the worst-case noise level created by the cattery should be no more than 58dB (A) measured at 1m from the cattery. EPS have confirmed that this is satisfactory and it is agreed at how the 58dBA was arrived at.

The applicant submitted a further report as they needed to demonstrate how this noise level will impact on the proposed location. The first noise report also identified that the noise had no tonal characteristics and therefore stated that this aspect did not need to be taken into consideration. It was considered that the applicant needed to demonstrate the suitability of the proposal in relation to the surrounding area and therefore the subsequent report was submitted.

The subsequent report assessed the proposed building in relation to neighbouring properties. The nearest property would be No.30a which is approx. 21.15 metres away.

The report states that based on the data within the originally submitted noise report, that 'a noise sensitive receiver located 21.15 metres from the cat hotel building (this measurement being the distance from the proposed cat hotel building to the nearest property) namely 30a with a 1.8 metre fence would be expected to experience noise levels from the cat hotel of approximately 34 dB lower than the estimated levels at 1 metre. In other words, the Rating Level at this location would be unlikely to exceed 24 dB, LAeq,1 hour during the day or 19 dB, LAeq, 15 minutes at night.'

'In this case, BS 4142 would conclude the cat hotel to have a low noise impact provided the background noise level at the assessment location was no less than 24 dB, LA90 during the day and 19 dB, LA90 at night. This is likely to be the case in most urban or suburban locations as well as many rural areas in the UK such as the site location specified.'

Given that the above is in relation to the nearest neighbour, it is considered that noise to other neighbours would be of a lesser extent.

Environmental Protection Services have reviewed both submitted noise reports and have confirmed that they are satisfied that the noise levels shown would not give rise to significant harm to neighbouring property.

Further to the noise reports, the application submission states that a number of specification improvements will be applied to the building:

- Improved insulation to each ceiling cavity
- Adding substantial thickness to the roof – Reflective polycarbonate roof.
- Outer ends of safety corridor will be fitted with insulated board to the bottom and to the top comprises argon-filled double glazing instead of an open mesh.
- The front door and sidelights are to be manufactured using argon-filled double glazing instead of an open mesh.
- Entire front outer corridor to comprise argon-filled double glazing rather than an open mesh.

Further to the above, cats would never share a pen (unless from the same household) and are not allowed outside of the building to roam free. The double glazing to the building will aid in reducing outbreak of noise and it has been confirmed that partitions between the ‘exercise’ area of the pens would be obscurely glazed to the lower half, preventing cats from seeing each other. The exercise area leads to a wide safety corridor which is one third double glazed at the bottom.

The findings of the report are considered satisfactory in terms of noise in relation to neighbouring properties and the measures stated above will aid in reducing noise outbreak further. Cats are generally quiet animals, though it is noted that they may be able to smell other cats in other pens, despite not being able to see them. It is considered that the measures stated above will reduce the potential for noise outbreak. It is however not considered that the noise would be so harmful or constant that that would be harmful to neighbouring living conditions. It is also noted that the building would be inset from all boundary lines and the existing boundary treatment of timber fencings, hedges and trees will aid in acting as a buffer to potential noise to neighbours.

The applicants have stated that music will be played to the cats to aid in creating a calming atmosphere for the cat. It is recommended that a condition be attached ensuring that the music is only permitted within the enclosed ‘sleeping’ area and not the exercise area.

Odour, Waste Collection and Hygiene

The information submitted specifies that there would never be any sluicing, run off or surface water created. Hosing of floors is not necessary, ensuring no additional drainage is required, as the building would be vacuumed and wiped by cloth. The building would be built of uPVC framed glass and polycarbonate roofing, meaning they are easily cleaned and thus are not a material which would absorb cat odours. All cats are required to be fully vaccinated and proof is required prior to staying. Licensing requirements also require the pens to be cleaned at least daily. The requirements of the license will also ensure that the potential for odour will be limited.

The submission also confirmed that the cat litter used would neutralise smells and that waste would be triple bagged and stored in a closed bin, separate from household waste. The waste would be collected weekly or fortnightly by a trade waste carrier. It should also be noted that the waste produced by a maximum of 12 cats is not going to be significant and will be removed frequently. It is considered that the measures in place to limit odours and store waste would be acceptable. Environmental Protection Services have no objection in this respect. It should also

be noted that the requirements of an Animal Boarding license would limit the potential for odour concerns.

Further to the above, the location for the bin has been shown on a plan. The bin is to be located between the dwellinghouse and the garage. This is considered an appropriate location, away from all neighbouring boundary lines, which again would reduce the potential for smells to drift to neighbouring properties.

It is noted that concerns have been raised with regards to rat infestations in the locality. The cattery building is totally enclosed and would be cleaned daily in line with the licensing requirements and thus would reduce the likelihood of vermin in the area. The proposed bin arrangements specified above would also reduce the likelihood of vermin being attracted to the area.

It is considered that the proposed cleaning, waste storage and collection proposals are satisfactory and that there would be no significant odours from the premises which would be harmful to neighbouring living conditions.

Land Contamination

Concerns have been raised with regards to asbestos within and close to the site, notably with regards to an Anderson Shelter. The location of the cattery building is set away and located in front of the Anderson Shelter and therefore is unlikely to affect this building. Furthermore, the siting of this building would not require any excavation works.

Environmental Protection Services have noted that given the location of the cattery building and that they have no evidence at hand to corroborate the concerns with regards to asbestos, that they advise attaching an advisory note stating that if asbestos is encountered that it shall be handled in accordance with all current legislation and guidance.

Security

It is noted that concerns have been raised with regards to potential theft and crime due to the potential location of a cattery. There is no evidence to hand to suggest that such a use would increase the potential for crime.

Highways

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

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

The property has recently excavated the front lawn to provide additional parking for the dwellinghouse. The house also benefits from a detached garage.

Access into the site is via a shared driveway from School Green Lane. School Green Lane is narrow with a pavement on only one side of the street. On-street parking means that traffic traversing the road has to sometimes wait for oncoming vehicles given the narrow width. This was experienced during site visits to the property.

It can be ascertained that customers to the site are most likely to access the property by vehicle. The hardstanding to the front of the property would allow for approx. 4 parking spaces and there is also on-street parking available. The submission states that on average there would be one movement a day with regards to the business. This does not include domestic trips.

The number of vehicles to the site, as discussed previously, would not be dissimilar to a domestic use and the submission states that customers would attend having booked an appointment. As stated previously, given the booking system and the number of cats to be housed at any one time at the property, it is considered that the parking provision is acceptable in this instance.

Members should note that the access into the site is very narrow and has limited visibility in terms of exiting the property, given the stone walls either side, both of which are not in the ownership of the applicant. Nevertheless, the access ultimately exists and is currently utilised by both No.28A and the neighbour at No.28, as their garage is located to the rear of their house. It is not considered that the vehicle movements associated with the proposed use would be significantly different from that associated with the residential use. It is acknowledged that members of the public are concerned with intensification of the use of this access. Ultimately the due care of a driver is required for a driver traversing this access, however this can be stated in many instances across the city. Whilst it is noted that the access is not ideal, members should note that the access can be utilised by the two properties and visitors to both these properties and that it is not considered that the vehicular movements would be significantly increased.

Highways Officers have reviewed the proposal and have no objection to the application.

Ecology & Animal Welfare

The cats are to be located in a secure building and at no times would be allowed to roam free. The location of the cats within the building is unlikely to have any impact to local wildlife.

It is noted that reference has been made to the cats' welfare from neighbouring fireworks, mainly during Bonfire Night. This is only during a few nights of the year and occurs across the whole city

RESPONSE TO REPRESENTATIONS

- House prices and saleability of property is not a material planning consideration.

- Any restrictive covenants on the land are separate from the planning application. This would require separate legal advice.
- The application is assessed on its merits, regardless of whether other catteries are in rural locations.
- Consultee comment received. Planning Officer asked for both to review comments in light of significant number of objections and relevant comments for their role.
- It is noted that a number of trees have been felled. Permission is not required. The site is not within a conservation area and they are not subject to Tree Preservation Orders.
- The permission will need to be carried out in accordance with approved plans and conditions. Failure to do so may result in enforcement action.

SUMMARY AND RECOMMENDATION

The proposed development is considered acceptable with regards to the small scale use, design and impact to residential occupiers and with respect to impact upon highway safety.

For the reasons given in the report and having regard to all other matters raised, it is considered that the development accords with UDP Policies H10, H14 (a) BE5 and Core Strategy CS74, and the National Planning Policy Framework. It is therefore recommended for approval subject to the conditions listed

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Case Number	17/04664/FUL (Formerly PP-06474789)
Application Type	Full Planning Application
Proposal	Erection of a dwellinghouse (Amended Plans received 28th February 2018)
Location	Curtilage Of 26 Rangeley Road Sheffield S6 5DW
Date Received	14/11/2017
Team	West and North
Applicant/Agent	Thread Architects Ltd
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Drawing 093 P00 Rev A Site Plans
Drawing 093 P01 Rev A Site Layout / Roof Plan
Drawing 093 P02 Rev A Ground Floor Plan
Drawing 093 P03 Rev A First and Second Floor Plans
Drawing 093 P04 Rev A Front Elevation in Context of Streetscene
Drawing 093 P05 Rev A Elevations
Drawing 093 P06 Rev A Elevations showing neighbouring properties

Reason: In order to define the permission.

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

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

3. 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.

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

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

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

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

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

6. The development shall not be used unless details have been submitted to and approved in writing by the Local Planning Authority, showing how surface water will be prevented from spilling onto the public highway. Once agreed, the measures shall be put into place prior to the use of the use of the dwellinghouse commencing, and shall thereafter be retained.

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

Other Compliance Conditions

7. The bathroom and staircase windows on the elevation of the proposed dwellinghouse facing east towards No.18 Rangeley Road shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of the window shall at any time be glazed with clear glass.

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

8. The flat roof area of the dwellinghouse hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Reason: In the interests of the amenities of occupiers of adjoining property

9. Construction and demolition works that are audible at the site boundary shall only take place between 0730 hours and 1800 hours on Monday to Fridays, and between 0800 hours and 1300 hours on Saturdays, and not at any time on Sundays and Public Holidays.

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

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. You should apply for permission, quoting your planning permission reference number, by contacting:

Ms D Jones
Highways Development Management
Highways Maintenance Division
Howden House, 1 Union Street
Sheffield
S1 2SH

Tel: (0114) 273 6136
Email: dawn.jones@sheffield.gov.uk

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 formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

You should contact the S278 Officer for details of how to progress the S278 Agreement:

Mr J Burdett
Highways Development Management
Highways Maintenance Division
Howden House, 1 Union Street
Sheffield
S1 2SH

Tel: (0114) 273 6349
Email: james.burdett@sheffield.gov.uk

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:-

Highway Co-Ordination
Sheffield City Council
Town Hall
Sheffield
S1 2HH

Telephone: 0114 273 6677
Email: highways@sheffield.gov.uk

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.

Where the notice is required as part of S278 or S38 works, the notice will be submitted by Highways Development Management.

4. The applicant is advised that Sheffield City Council, as Highway Authority, require that drives/vehicular access points be designed to prevent loose gravel or chippings from being carried onto the footway or carriageway, and that they drain away from the footway or carriageway, to prevent damage or injury.
5. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

Telephone: 0114 273 6677
Email: highways@sheffield.gov.uk

They will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.

6. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website here:

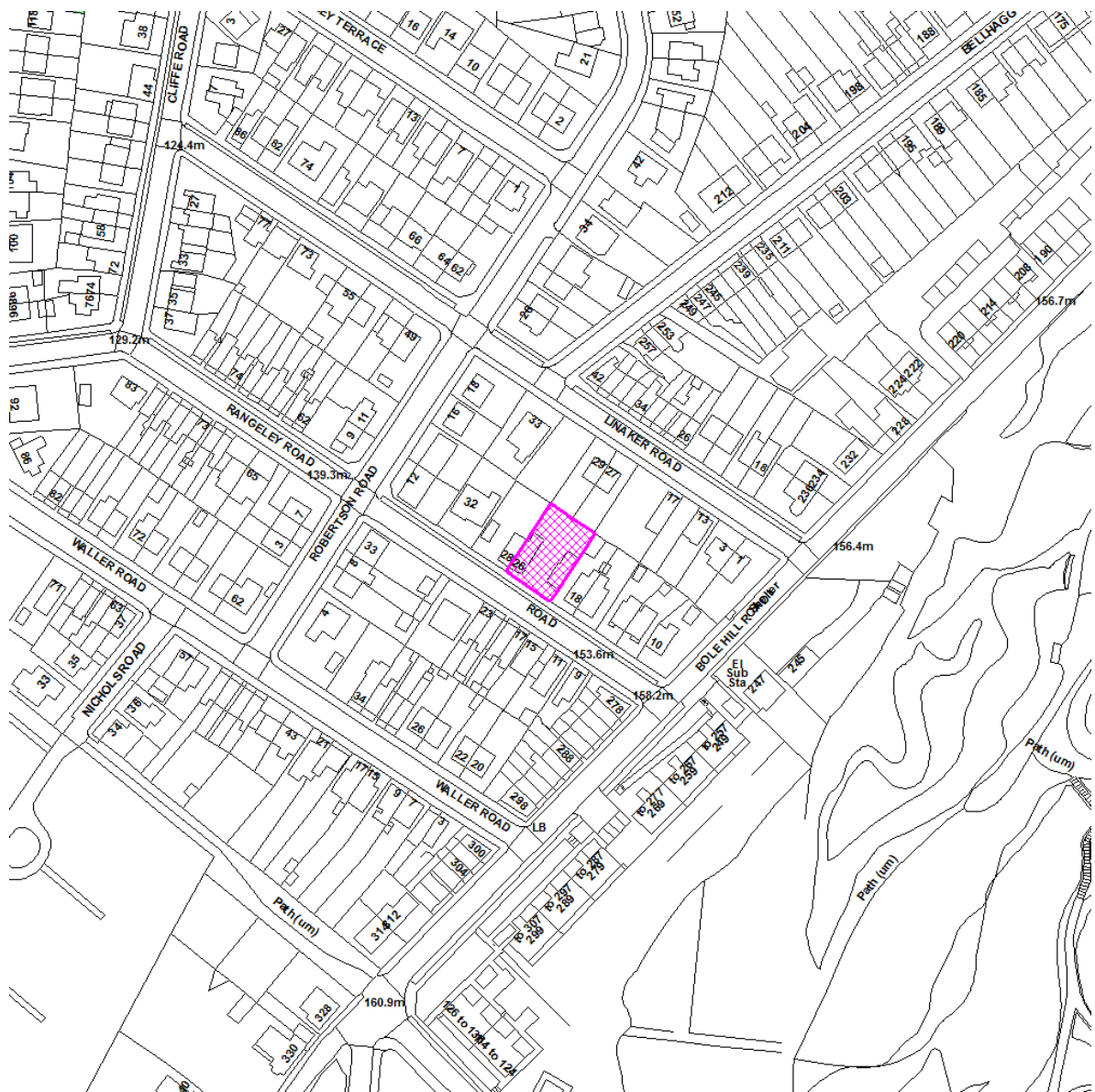
<http://www.sheffield.gov.uk/home/roads-pavements/Address-management>

For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk.

Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

7. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
8. The developer is advised that in the event that any un-natural ground or unexpected contamination is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority.
9. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process, or a draft Liability Notice will be sent if the liable parties have not been assumed using Form 1: Assumption of Liability.
10. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

Site Location



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LOCATION AND PROPOSAL

The application relates to land to the eastern side of 26 Rangeley Road and is currently occupied by a single garage. Rangeley Road slopes steeply up to the east, such that the neighbouring property (No.18) is at a higher level.

Planning permission is sought for the erection of a 3 bedrooled dwellinghouse. This would provide living accommodation over 3 floors (the upper floor being within the roof space). The existing driveway would be utilised for the new property and a new access created onto Rangeley Road adjacent to No.26 to provide parking for the host property.

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area.

RELEVANT PLANNING HISTORY

In 2011 outline planning permission was refused for the erection of a dwellinghouse on this site (application 11/00769/OUT refers) and later an application for a bungalow was also refused (application 11/02767/OUT refers). These applications were both in outline with all matters reserved.

The applications were both refused as neighbouring properties to the development site (both No.26 and No.18) had habitable room windows on the side elevation that would be directly affected by the proposed development.

REPRESENTATIONS

9 representations have been received objecting to the proposed development. This includes representations from Cllr Neale Gibson, Cllr Ben Curran and Cllr Olivia Blake. Councillors raise concerns of overlooking and loss of light as well as parking provision and offer support to the objections of local residents.

Paul Bloomfield MP has also asked that due consideration be given to local objections in light of the previous refusals.

Representations from local residents raise the following issues:

- Few properties along Rangeley Road have off-street parking and so most people park on street. The development would increase demand for on-street parking, causing damage to verges.
- The development would be harmful to the character and appearance of the area, removing a scenic space between two period properties.
- The development would remove views of the Rivelin Valley. This would be contrary to Core Strategy Policy CS74.
- The development would result in loss of light and outlook to No.18 Rangeley Road, this property having main habitable room windows on the side

elevation overlooking the site (both at ground floor and upper floor levels). The development would be within 4m of these windows. As part of this representation a report from a charter surveyor has been submitted which concludes that, should the development go ahead, 'light levels in the corresponding rooms and areas will subsequently fall below adequate levels of natural light'.

- If allowed the occupiers of neighbouring property would have to turn on electric lights for longer, thereby increasing electricity and heating bills.
- No.26 Rangeley Road could become a House in Multiple Occupation; thereby further increasing parking pressures.
- Prolonged building work will create noise, dust and disruption to residents and may restrict access to neighbouring property.
- The proposed driveway for No.26 would involve excavations which may affect foundations.
- The development would result in overlooking to neighbouring dwellings and the proposed green roof area, when accessed would result in overlooking to neighbouring properties and gardens.

Amended plans were received on 28th February 2018, as well as a light survey which was commissioned by the applicant. Neighbours were re-consulted and a further 6 responses were received.

This included a representation from Paul Bloomfield MP, Cllr Neale Gibson and 4 neighbours.

These re-iterated previous concerns.

PLANNING ASSESSMENT

The site is currently within the ownership of No.26 Rangeley Road and forms garden land with a garage on part of the site.

The proposed dwellinghouse would be two storeys in height with additional living space provided within the roof. Off-street parking for a single car would be provided to the front/ side of the new property (on a driveway) and a new driveway for No.26 would be created along the side of this property.

The site is identified on the Sheffield Unitary Development Plan (UDP) Proposals Map as being within a Housing Area.

UDP Policy H10 sets out that in principle housing is the preferred use, subject to compliance with other Development Plan Policies.

Policy H14 sets out that within Housing Areas new development will be permitted provided new buildings would be in scale and character with the site and the site

would not be overdeveloped or deprive residents of light, privacy or security and it would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

Core Strategy CS26 sets out appropriate density ranges, to protect character and support the development of sustainable, balanced communities. For this location an appropriate range would be 30 – 50 dwellings per hectare.

The density of the proposed development would equate to around 49 dwellings per hectare and the plans show that the proposed property would have a plot size commensurate with that of neighbouring properties. In terms of density the development would accord with policy CS26.

Impact upon Street Scene

Rangeley Road is steeply sloping and has a mixture of property styles, building materials and ages. The site is currently occupied by a detached garage and garden land to the side of No.26.

The proposed dwellinghouse would have a coursed natural stone finish to the front elevation and brick to the sides and rear (which is similar to other properties in the area). The development would follow the building line along the street, lining through with No.26 and slightly in front of No.18.

In terms of height the proposed development would be of a similar scale to neighbouring properties and would be at a similar level to No.26 and set down from No.18.

Windows would be of a similar style and alignment to windows on neighbouring properties and would pick up on architectural details such as stone heads and cills to windows and eaves detailing.

The street scene is quite varied with properties of varying ages and building styles. It is considered that the proposed development would not have an adverse impact upon the character and appearance of the area and would be in keeping with the street scene. A refusal of the application on the grounds of the impact the development would have upon the character and appearance of the area cannot be justified.

Effect Upon Neighbours

The proposed development would be positioned between No.26 and 18 Rangeley Road. Both of these properties have main habitable room windows which face onto the site. In the case of No.26, this property is within the ownership of the applicant and, if needed additional windows could be inserted into the rear elevation or alterations made to No.26 to ensure that occupiers of this property are afforded adequate living conditions in terms of light and outlook. The applicant has confirmed that the windows which would be affected in their property are secondary windows (kitchen and dining room). The property has an open plan layout and so these rooms also receive a lot of light from windows on the rear.

With regard to No.18 Rangeley Road, this property is at a higher level but does have main habitable room windows on the side elevation. These serve a dining room on the ground floor and a bedroom on the first floor and are the sole windows for these rooms.

The applicant has tried to minimise overshadowing and loss of light to these windows, through the setting back of the upper floor to the rear and by pulling the proposed dwellinghouse as far as possible from the boundary. The applicant has also commissioned a light survey which demonstrates that the rooms would not be so badly deprived of light to warrant a refusal of the application.

It is acknowledged that the development would restrict the outlook from the affected windows, at present the occupier of No.18 has far reaching views across the valley, however, the right to a view is not a planning consideration. Due to the set-back nature of the upper floors of the proposed property windows in the side of No.18 would still be afforded a view over the flat roofed element of the new dwellinghouse and it is considered that, on balance the outlook from windows on the side of No.18 would be adequate. It is considered that a refusal of the application on the basis of overshadowing, loss of light and loss of outlook cannot be justified.

Main windows on the proposed dwellinghouse would face onto the street or towards properties to the rear on Linaker Road with a distance of around 25m between the upper floors of these properties. It is considered that the development would not give rise to unacceptable levels of overlooking to neighbouring properties to the rear.

Windows on the side elevation facing No.18 would be to the staircase and a bathroom and so could be obscure glazed to prevent overlooking in this direction. To the other side elevation (facing No.26) a secondary high level window is proposed. As No.26 would be at a slightly lower level overlooking in this direction would not occur either.

Across the street a separation distance of around 15m would be provided. This is commensurate with existing separation distances across the street and so it is considered that a refusal of the application on the grounds of overlooking across the street cannot be substantiated.

To the rear of the proposed property a flat roofed single-storey projection is proposed. This would have a green roof with a low parapet wall. The roof is not intended to be used a garden / for sitting out purposes and the plans do not show any access to this roof (in the form of a door). The applicant has indicated that occasional access would be required for maintenance purposes and, if the application were to be supported this would be made a condition of any consent.

It is considered that, on balance the development would not be detrimental to the living conditions of occupiers of neighbouring property and the application complies with UDP Policy H14.

Highways

The proposed dwelling house would have a single parking space to the front and No.26 would have a driveway to the side, which could accommodate a couple of cars.

The development would raise no highway safety concerns.

CIL

The Council has adopted a CIL (further details are available on the Council's website). The development falls within an area where the CIL charge is currently £30 per square metre; however the applicant has indicated that they will be claiming self-build relief.

RESPONSE TO REPRESENTATIONS

Issues of parking and highway safety, overlooking and overshadowing have been considered above.

Issues of loss of view, stability of foundations and noise and disturbance / access during building works are not planning considerations.

RECOMMENDATION

It is considered that the proposal development would not be harmful to the character and appearance of the area, and the proposal would not result in an overdevelopment of the site, being of an appropriate density. Both the new property and No.26 would have sufficient parking and the development raises no highway safety concerns.

The development would not give rise to unacceptable levels of overlooking to neighbouring property to the front, side or rear.

Careful consideration has been given as to whether the development would result in unreasonable levels of overshadowing and loss of light to neighbouring property, in particular No.18 Rangeley Road which has main habitable room windows on the side elevation which are the only source of light to these rooms. It is considered that on balance the applicant has demonstrated that the proposed dwellinghouse would not result in unacceptable levels of overshadowing or loss of light. The view from the affected windows would be restricted; however there would still be adequate outlook from No.18.

It is considered that the development would comply with UDP Policy H10 and H14 as well as Core Strategy Policy CS26 and the National Planning Policy Framework.

It is recommended that the application be granted with conditions.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 22 May 2018

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Marie Robinson 0114 2734218

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

DEVELOPMENT SERVICES

REPORT TO PLANNING &
HIGHWAYS COMMITTEE
22 MAY 2018

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) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for application to allow removal of condition relating to materials used for shared surfaces/private drives (Application under section 73 to remove condition no. 18); relating to planning permission 16/04208/FUL at land at junction with Fretson Road, Queen Mary Road, Sheffield, S2 1PA (Case No 17/00798/FUL)

(ii) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for application under Sec 73 to remove condition 21, provision of shared pedestrian/cycle path imposed by planning approval no. 15/00158/OUT at Cowmouth Farm, 33 Hemsworth Road, Sheffield, S8 8LJ (Case No 17/04771/FUL)

(iii) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) at site outside 1 Suffolk Road, Sheffield, S2 4AG (Case No 17/02962/TEL)

(iv) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) at site at pavement outside 47 Hereford Street, Sheffield, S1 4PP (Case No 17/02273/TEL)

(v) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) at site at pavement outside 23 Furnival Gate, Sheffield, S1 4QR (Case No 17/02275/TEL)

(vi) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) at site at pavement outside 45 Division Street, Sheffield, S1 4GE (Case No 17/02270/TEL)
(vii) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) at site at pavement outside 30 The Moor, Sheffield, S1 4PA (Case No 17/02276/TEL)
(viii) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) at site at pavement outside 31-35 The Moor, Sheffield, S1 4PA (Case No 17/02961/TEL)
(ix) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) at site at pavement outside 451 Ecclesall Road, SHEFFIELD, S11 8HW (Case No 17/02957/TEL)
(x) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) at site at pavement outside 463 Ecclesall Road, SHEFFIELD, S11 8HW (Case No 17/02267/TEL)
(xi) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) at site outside 45 West Street, City Centre, Sheffield, S1 4EQ (Case No 17/03086/TEL)
(xii) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) at site at pavement opposite Atkinson's Multi-storey Car Park, Charter Row, Sheffield, S1 4HR (Case No 17/02268/TEL)

(xiii) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) at site at pavement outside 30-34 High Street, Sheffield, S1 2GA (Case No 17/02272/TEL)

(xiv) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) at site at pavement outside 14 - 18 High Street, Sheffield, S1 2GA (Case No 17/02958/TEL)

(xv) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) at site at pavement outside 50 High Street, Sheffield, S1 2GA (Case No 17/02959/TEL)

(xvi) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) at site at pavement outside 2 Fargate, Sheffield, S1 2HE (Case No 17/02271/TEL)

(xvii) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) site at pavement outside Crucible Theatre, Arundel Gate, Sheffield, S1 2PN (Case No 17/02960/TEL)

(xviii) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) at site at pavement outside I Haymarket, Sheffield, S1 2AW (Case No 17/02278/TEL)

(ixx) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) site at pavement at junction of Charles Street/Arundel Gate, Sheffield, S1 2PN (Case No 17/02277/TEL)

(xx) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) at site at pavement outside 210-214 West Bar, City Centre, Sheffield, S1 4EU (Case No 17/02269/TEL)

3.0 APPEALS DECISIONS - DISMISSED

(i) To report an appeal against the delegated decision of the Council to refuse planning consent for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) adjacent to the Town Hall, Surrey Street, Sheffield, S1 2LG (Case No 17/03097/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the site is in the City Centre Conservation Area and adjacent to the Grade 1 listed Town Hall, as well as close to the listed police box on Surrey Street. He concluded that the proposed kiosk would be overly dominant and increase clutter, detracting from the setting and significance of heritage assets and harm the character and appearance of the conservation area. The proposal would be in conflict with both the UDP and the Core Strategy.

(ii) An appeal against the delegated decision of the Council to refuse planning consent for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) outside Stone The Crows, 19 - 21 Barker's Pool, Sheffield, S1 2HB (Case No 17/03071/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the site is in the City Centre Conservation Area. He concluded that the kiosk would add further street clutter which already has its share of street furniture. He felt that the bulk and height of the structure would be markedly different to the slender furniture in the environs and would be viewed as incongruous in this context and harm the character and appearance of the Conservation Area. The proposal would be in conflict with both the UDP and the Core Strategy.

(iii) An appeal against the delegated decision of the Council to refuse planning consent for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) adjacent to Castle House, Angel Street, Sheffield, S3 8LN (Case No 17/03067/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the site is outside the Grade 2 listed Castle House and in an areas which includes coordinated street furniture. The proposed kiosk would create additional street clutter, appear dominant and undermine the existing coherence of the street furniture as well as the setting of the listed building. The proposal would be in conflict with both the UDP and the Core Strategy.

(iv) An appeal against the delegated decision of the Council to refuse planning consent for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) outside 2-4 Fitzalan Square, Flat Street, Sheffield, S1 2AY (Case No 17/03084/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that this is a busy area of the city and close to a number of listed buildings including the statue of King Edward VII, the White Building and the former Head Post Office. The scale of the kiosk in terms of bulk and height would be different to the slender coordinated street furniture and would be an incongruous addition which would create street clutter and detract from the street scene as well as harming the setting of listed buildings. The proposal would be in conflict with both the UDP and the Core Strategy.

(v) An appeal against the delegated decision of the Council to refuse planning consent for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) pavement outside The Moor Car Park, Eyre Street, Sheffield, S1 4QY (Case No 17/03095/TEL) has been dismissed.

Officer Comment:-

The Inspector noted the coherent design of the existing street furniture in the area as a result of improved public realm works. He concluded that the kiosk would be at variance with the existing public realm and would undermine the orderliness of the street scene resulting in clutter and a visually dominant and incongruous feature. The proposal would be in conflict with both the UDP and the Core Strategy.

(vi) An appeal against the delegated decision of the Council to refuse planning consent for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) pavement Outside 48 Howard Street, Sheffield, S1 2LW (Case No 17/03093/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the proposed kiosk would be on the 'Gold Route' in the City Centre which is a highly coordinated public realm scheme. He concluded that the kiosk would be at variance with the existing public realm and would undermine the orderliness of the street scene resulting in clutter and a visually dominant and incongruous feature. The proposal would be in conflict with both the UDP and the Core Strategy.

(vi) An appeal against the delegated decision of the Council to refuse planning consent for retention of 1x internally illuminated fascia sign to front elevation of building. We issued a split decision so the appeal is only about the fascia sign at The Common Room, 127 - 129 Devonshire Street, Sheffield, S3 7SB (Case No 17/02818/ADV) has been dismissed.

Officer Comment:-

The Inspector concluded that the fascia sign was bulky and highly incongruent in scale/ Its depth is visually disruptive and architecturally jarring to the façade of The Forum, the adjacent listed building and the street scene generally. It also crowds the first floor windows directly above, creating an unbalanced façade. He felt that the signage caused significant harm to the visual amenity of the area and to the setting of the adjacent listed building and dismissed the appeal.

(vii) An appeal against the delegated decision of the Council to refuse planning consent for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) pavement outside 2 Leopold Street, Sheffield, S1 2GY (Case No 17/03090/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the site is in the City Centre Conservation Area and adjacent to the Grade 2 listed former Education Offices, as well as close to the listed K6 phone box. He concluded that the proposed kiosk would be highly incongruent and wholly unacceptable in this sensitive location. It would be overly dominant and increase clutter, detracting from the setting and significance of heritage assets and harm the character and appearance of the conservation area. The proposal would be in conflict with both the UDP and the Core Strategy.

(viii) An appeal against the delegated decision of the Council to refuse planning consent for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) pavement outside Town Hall, Pinstone Street, Sheffield, S1 2HN (Case No 17/03091/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the site is in the City Centre Conservation Area and adjacent to the Grade 1 listed Town Hall, as well as close to the listed police box on Surrey Street. He concluded that the proposed kiosk would be highly incongruous and alien and wholly unacceptable in such a sensitive area. It would increase clutter, detracting from the setting and significance of heritage assets and harm the character and appearance of the conservation area. The proposal would be in conflict with both the UDP and the Core Strategy.

(viii) An appeal against the delegated decision of the Council to refuse planning consent for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) pavement Outside Bow House, West Street, City Centre, Sheffield, S1 4EP (Case No

17/03087/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the site is in the City Centre Conservation Area and adjacent to the Grade 2 listed former Education Offices, as well as close to the listed K6 phone box. He concluded that the proposed kiosk would be highly incongruent and wholly unacceptable in this sensitive location. It would be overly dominant and increase clutter, detracting from the setting and significance of heritage assets and harm the character and appearance of the conservation area. The proposal would be in conflict with both the UDP and the Core Strategy.

(ix) An appeal against the delegated decision of the Council to refuse planning consent for alterations to attic to form two studio flats (Additional to the 8 flats granted under 16/01228/FUL) (Re-submission of 17/00726/FUL) 272 And 274 Glossop Road, Sheffield. S10 2HS (Case No 17/03468/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the impact of the proposals on the character and appearance of the host building and the surrounding area. He concluded that the design of the proposed development and alteration to the roof line would not be sympathetic to the overall character of the terrace of properties and would unbalance the broadly symmetrical appearance. He considered the cumulative impact of the proposed addition or further balconies would result in additional clutter which would be detrimental. He dismissed the appeals as causing material harm, contrary to UDP and Core Strategy policies.

(x) An appeal against the delegated decision of the Council to refuse planning consent for demolition of existing garage and erection of a dwellinghouse 126 Ranby Road, Sheffield, S11 7AL (Case No 17/02872/FUL) has been dismissed.

Officer Comment:-

The Inspector noted 3 key issues in terms of impact on:-

- Character and appearance of the area;
- Living conditions of future occupants (outdoor amenity space); and
- Highway safety and parking.

In terms of character, he noted the predominantly two storey terraced nature of Ranby Road and agreed with officers that the single and two storey stepped nature of the proposed house, and its narrow proportioned windows would be at odds with local character, and given it covered a large proportion of the plot would be overdevelopment in conflict with UDP policies BE5, H14, Core Strategy Policy CS74 and the NPPF.

He noted the absence of outdoor amenity space and although the appellant argued it was within easy walking distance of a large park, and aimed at a student or young professional market where large areas of outdoor space are not needed, he considered this to represent poor living conditions and was

again in conflict with H14, CS74 and the NPPF.

He noted the high levels of on street parking and that the proposal would create additional demand as well as removing off street parking for the host property. Although he accepted the appellants argument that by removing access to the off street space, an additional on street space was created he felt the new proposal would still create additional demand, including from visitors, to the detriment of highway safety, in conflict with policy H14.

For the above reasons the appeal was dismissed.

4.0 APPEALS DECISIONS - ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) adjacent To 38, Haymarket, Sheffield, S1 2AW (Case No 17/03099/TEL) has been allowed.

Officer Comment:-

The Inspector concluded that the kiosk would be located in a busy commercial area where other similar features are common, such that it would be well assimilated. Whilst increasing the number of structures he felt that this location would not result in an incongruous or jarring feature. He therefore concluded that the proposal did not conflict with UDP or Core Strategy policies.

5.0 CIL APPEALS DECISIONS - DISMISSED

(i) To report that an CIL appeal (Regulation 118) against the decision of the Council to deem commencement for demolition of existing social club building and erection of 10 no. dwellings with associated landscaping and 20 parking spaces at Stocksbridge Club and Institute, New Road, Stocksbridge, Sheffield, S36 2EJ (Case No 15/04551/FUL) has been dismissed and the surcharge upheld.

Officer Comment:-

The inspector considered that the appellant does not refute that demolition works commenced on that date, but argues it was only carried out to enable construction of retaining wall structures to be carried out in relation to planning permission 11/03643/FUL. He contends that he did not intend to commence works on the CIL chargeable development.

However, the description of the development granted by the relevant planning permission clearly includes 'Demolition of existing social club building...'. Section 56 (2) of the Town and Country Planning Act 1990 explains that development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out. Section 56 (4) gives examples of what 'material operation' means and including in section 56 (4) (aa) "any work of demolition of a building".

CIL Reg 7(2) explains that development is to be treated as commencing on the earliest date on which any material operation begins to be carried out on the relevant land. As the appellant does not dispute that demolition works were carried out, the inspector was satisfied that the Council issued a Demand Notice with the correct deemed commencement date. As no Commencement Notice was submitted, the Council was entitled to impose a surcharge in accordance with Reg 83. In these circumstances, the appeal fails accordingly.

For the reasons given above, the appeal is dismissed and the CIL surcharge upheld.

6.0 RECOMMENDATIONS

That the report be noted

Rob Murfin
Chief Planning Officer

22 May 2018