

Planning and Highways Committee

Tuesday 12 April 2022 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 Peter Price (Chair), Tony Damms, Roger Davison, Peter Garbutt, Brian Holmshaw, Dianne Hurst, Bob McCann, Zahira Naz, Chris Rosling-Josephs, Andrew Sangar, Garry Weatherall, Richard Williams and Alan Woodcock

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 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 Abby Hodgetts on telephone no. 0114 273 5033 or by emailing abby.hodgetts@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
12 APRIL 2022**

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 5 - 8)
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 9 - 12)
Minutes of the meeting of the Committee held on 1st March 2022.
- 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. Applications Under Various Acts/Regulations** (Pages 13 - 14)
Report of the Director of City Growth Service
- 7a. Application No. 21/04709/FUL - 16 Collegiate Crescent, Sheffield, S10 2BA** (Pages 15 - 26)
- 7b. Application No. 21/02633/FUL - 322 Abbeydale Road, Sheffield, S7 1FN** (Pages 27 - 40)
- 8. Record of Planning Appeal Submissions and Decisions** (Pages 41 - 46)
Report of the Director of City Growth Service.
- 9. Date of Next Meeting**
The next meeting of the Committee will be held on 3rd May 2022.

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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 March 2022

PRESENT: Councillors Dianne Hurst (Chair), Peter Price, Tony Damms, Roger Davison, Brian Holmshaw, Bob McCann, Zahira Naz, Chris Rosling-Josephs, Andrew Sangar, Garry Weatherall, Richard Williams, Alan Woodcock and Bernard Little (Substitute Member)

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Peter Garbutt. Councillor Bernard Little acted as substitute.

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 No declarations were made.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the meeting of the Committee held on 8th February 2022 were approved as a correct record.

5. SITE VISIT

5.1 **RESOLVED:** That the Chief Planning Officer, in liaison with a Co-Chair, be authorised to make any arrangements for a site visit, in connection with any planning applications requiring a visit by Members, prior to the next meeting of the Committee.

6. TREE PRESERVATION ORDER NO. 446, 15 BRINCLIFFE GARDENS, S11 9BG

6.1 Vanessa Lyons (Community Tree Officer) attended the meeting and presented the report.

6.2 The Officer informed Committee that a Section 211 notice for removal of 2 trees

had been received with the intention of removing trees in the Conservation Area. In order to further protect the trees, a Tree Preservation Order was therefore served. One objection had been received which the officer had responded to.

- 6.3 Bill Anderson and Gary Grayson attended the meeting and spoke against the Tree Preservation Order.
- 6.4 Members discussed the need for a Tree Preservation Order, taking into account the impact on the streetscene and Conservation Area.
- 6.5 **RESOLVED:** That Tree Preservation Order No. 446 be confirmed unmodified.

7. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

7a. APPLICATION NO. 21/04810/FUL - LAND AT REAR OF 14-16 OLDFIELD AVENUE, OLDFIELD GROVE, SHEFFIELD, S6 6DR

- 7a.1 Corrections to the report were included within the supplementary report circulated and summarised at the meeting.
- 7a.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.
- 7a.3 Stewart Smallwood attended the meeting and spoke in support of the application.
- 7a.4 Members felt that the addition of a condition to require swift boxes would help towards the developments biodiversity net gain.
- 7a.5 The Committee considered the report and recommended conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted including the additional condition and also had regard to representations made during the meeting.
- 7a.6 **RESOLVED:** That (1) an additional condition requiring swift boxes be added, the final wording to be agreed with the Co-Chairs; and

(2) an application for planning permission be GRANTED, conditionally, for the reasons set out in the report and supplementary report including the additional condition for the demolition of existing single storey garage/storage building and erection of 3x dwellinghouses with parking and landscaping (Resubmission of 21/02982/FUL) at Land At Rear Of 14-16 Oldfield Avenue, Oldfield Grove, Sheffield, S6 6DR (Application No. 21/04810/FUL).

7b. APPLICATION NO. 21/02633/FUL - 322 ABBEYDALE ROAD, SHEFFIELD, S7 1FN

- 7b.1 A report correction, an amended condition and deleted conditions were included within the supplementary report circulated and summarised at the meeting.
- 7b.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.
- 7b.3 Nicole Jewitt attended the meeting and spoke in support of the application.
- 7b.4 The Committee considered the report and recommended conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted and also had regard to representations made during the meeting.
- 7b.5 **RESOLVED:** That an application for planning permission for the Retention of lean-to timber framed covered seating area at side of building (retrospective application) at 322 Abbeydale Road Sheffield S7 1FN (Application No. 21/02633/FUL) be DEFERRED, to enable further investigation by officers in conjunction with Environmental Protection into whether music can be played within the structure.

7c. APPLICATION NO. 20/00406/FUL - GARAGE SITE BETWEEN 31 AND 37, MEERSBROOK ROAD, SHEFFIELD, S8 9HU

- 7c.1 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.
- 7c.2 A discussion took place regarding whether condition 11 should be strengthened to ensure that the materials used should reflect the immediately adjacent buildings.
- 7c.3 The Committee considered the report and recommended conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report and the amended condition, now submitted and also had regard to representations made during the meeting.
- 7c.4 **RESOLVED:** That (1) condition 11 be amended to ensure that the materials used should reflect the immediately adjacent buildings, the final wording of the condition to be agreed with the Co-Chairs; and
- (2) an application for planning permission be GRANTED, conditionally, for the reasons set out in the report, including the revised condition, for the demolition of 14 garages and subsequent erection of a three/four-storey apartment block (accommodating 4 x 1-bedroomed apartments) with associated parking and landscaping works (Resubmission of planning permission 19/01164/FUL) at

Garage Site Between 31 And 37 Meersbrook Road, Sheffield, S8 9HU
(Application No. 20/00406/FUL).

8. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 8.1 The Committee received and noted a report of the Chief Planning Officer detailing new planning appeals received and an enforcement appeal received by the Secretary of State.

9. DATE OF NEXT MEETING

- 9.1 It was noted that the next meeting of the Planning and Highways Committee would be held on Tuesday 22nd March 2022 at 2pm.



SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Director of City Growth Department

Date: 12/04/2022

Subject: Applications under various acts/regulations

Author of Report: Chris Heeley

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	21/04709/FUL (Formerly PP-10356165)
Application Type	Full Planning Application
Proposal	Change of use to residential institution (Use Class C2)
Location	16 Collegiate Crescent Sheffield S10 2BA
Date Received	05/11/2021
Team	South
Applicant/Agent	Architectural Design Consultant
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:

Existing/Proposed Floor Plans (No reference), published 02.12.2021.

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. Prior to the installation of any commercial kitchen fume extraction system full details, including a scheme of works to protect the occupiers of adjacent dwellings from odour and noise, shall first have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

a) Drawings showing the location of the external flue ducting and termination, which should include a low resistance cowl.

b) Acoustic emissions data for the system.

c) Details of any filters or other odour abatement equipment.

d) Details of the system's 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.

4. 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

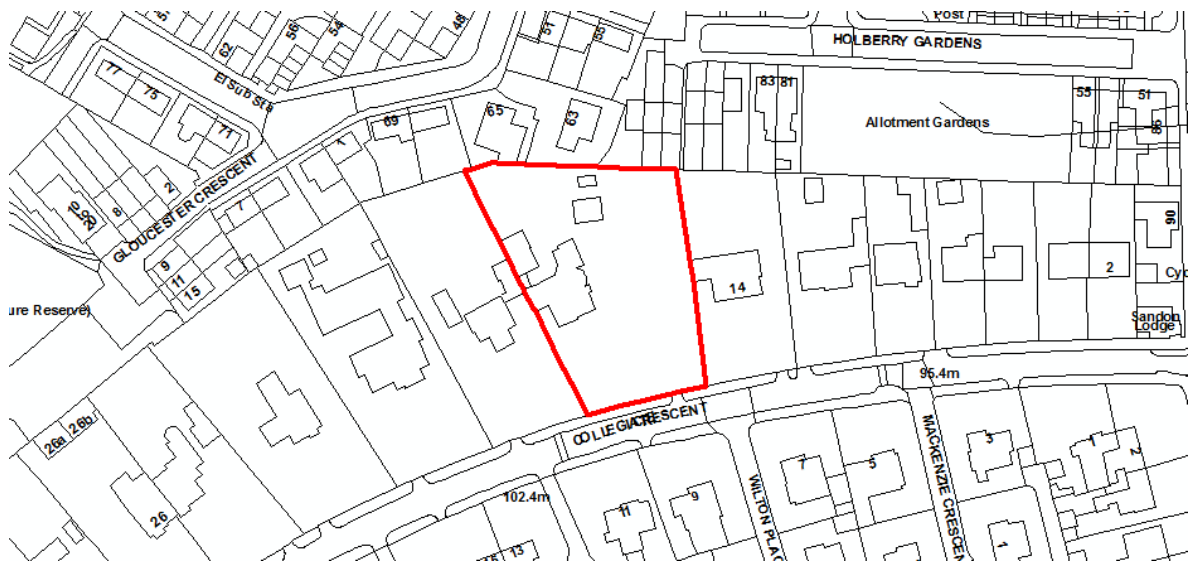
5. Commercial deliveries to and collections from the building shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays.

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. The applicant is advised that any plant and equipment should be designed to ensure that the total LAr plant noise rating level (i.e. total plant noise LAeq plus any character correction for tonality, impulsive noise, etc.) does not exceed the LA90 background sound level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.
3. With the site being located in the Broomhall Conservation Area, the applicant is hereby advised that any increase in parking provision should be carefully considered, may require planning permission, and should not be situated at the front of the building, as this would be considered to have a detrimental impact on the character of the site and its contribution to the special character of the Conservation Area. The applicant should therefore contact this office before carrying out such works.

Site Location



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LOCATION AND SITE CONTEXT

This application relates to a detached Victorian villa-style building in current use as a dwellinghouse (Use Class C3). The application site is located on the northern side of Collegiate crescent, where its immediate neighbours are dwellings of a similar size and character, and it is situated within the Broomhall Conservation Area, and within the 'Nether Edge and Broomhall Housing Area' as defined by Sheffield's Unitary Development Plan (UDP).

No. 16 Collegiate Crescent is a large property set over two/three storeys with habitable rooms in the roof space. The building itself is set well back from the highway beyond a large lawned front garden, part of the curtilage of the dwelling. A stone wall topped with a hedgerow forms the front boundary of the site, which is also denoted by several mature trees. Access is via a driveway from the south-eastern corner of the site, which opens out to an area of hard standing at the eastern side of the property, and at the rear. Some of the hard standing to the side of the dwelling is allocated for car parking. The rear-most portion of the site beyond the rear of the building is in use as a garden area. Within the site boundary, the dwelling itself is situated tight to the western side, along the shared boundary with no. 18. The original dwelling has pitched roofs, gable features, bay windows and tall chimneys, and is faced in coursed stone with slate roof tiles. At the rear is a more modern two-storey extension with a flat roof. As the property is set quite far back from the highway and screened by mature vegetation, the original dwelling is somewhat screened from the highway, whilst the more modern rear extension is even less visible, offering a good degree of seclusion in what is an otherwise suburban residential setting.

PROPOSAL

The application proposes to change the use of no. 16 Collegiate Crescent from a dwellinghouse (Use Class C3) to a residential institution, falling under the remit of Use Class C2. As the application has progressed, more information has been provided about the type of residential institution which is proposed by the applicants: a residential care setting for young adults with autism and learning disabilities. There are no proposed alterations or extensions to either the internal spaces of the building or any of the external areas of the site. Therefore, the planning assessment to follow will focus solely on the proposed change of use.

RELEVANT PLANNING HISTORY

The majority of the planning history available for this site relates to consent for the pruning or removal of trees. There have been two other permissions of note:

- Reference: 78/01529/FUL – Extensions to form 3 study bedrooms – Granted Conditionally: 11.10.1978.
- Reference: 84/01182/FUL – Erection of a building to be used for the purpose of a warden's bungalow – Granted Conditionally: 12.09.1984.

SUMMARY OF REPRESENTATIONS

Following initial neighbour consultation by letter on 3rd December 2021 and wider notification via a site notice, sixteen objections were received, with some addresses having commented more than once. Neighbours and interested parties were again notified by letter that further detail on the proposed use had been received from the applicants on 16th March. Subsequently, an additional eight objections have been received.

One letter of support was received from the Commissioning Manager at Sheffield City Council, highlighting that although the applicants would be developing at their own risk, there is an identified need for this type of accommodation – for people with learning disabilities and autistic people – within the S10 area where they can take advantage of easy access to parks and other local amenities, as well as good public transport links.

A significant proportion of the objections received related to a perceived lack of information, clarity and details about the proposed use of the site, such as the type of residential care service that the applicants intend to provide. Officers considered that minimum levels of information had been met, but in response to comments discussed neighbours' concerns with the applicants and subsequently received statements giving greater detail on the proposed service at this address, which were made publicly available.

The concerns raised relating to planning matters are summarised below:

- Residents of the area have long wanted and campaigned for greater residential uses, not commercial or institutional uses.
- Neighbouring properties to the site include an office (no. 12), a HMO (no. 14) and a care home (no. 20). Number 18 is a family house. Allowing this proposal would reinforce the non-residential character of this part of Collegiate Crescent.
- This proposal will erode and undermine the residential character of the Broomhall Conservation Area.
- Concerns that the proposal could increase parking and traffic issues/pressure on Collegiate Crescent, and would necessitate more car parking on site, and deliveries to the site, which would be considered inappropriate.
- The comings and goings of staff would be detrimental to neighbouring amenity.
- Potential for impact on a nearby badger set, a protected species.
- Institutional use leads to a loss of a sense of community and of immediate neighbours.
- Approving this application will allow for further inappropriate development.
- Some uses within the proposed use class (C2) are suitable here, but others are not, and so inappropriate future development must be prevented.
- If the Council is satisfied that the proposal is appropriate, it is requested that the permission is made personal to the applicant to ensure that another operator does not occupy the property in the future for a different use within the C2 class without first seeking planning permission.
- The loss of another family residence would mean existing young families in this part of Collegiate Crescent would feel further distanced from a local community and neighbours.
- It is estimated that the number of employees at sites in this part of Collegiate Crescent could out-number existing residents if this change of use goes ahead.
- One representation raised issues with the applicants' handling of previous planning applications for another site on Ryegate Road and the impacts of this site (now in use as a C2 residential institution) on parking there.
- A representation detailed recent incidences of anti-social behaviour at an unconnected property on Collegiate Crescent.

Most of these concerns will be addressed within the planning assessment below. Those that cannot be addressed within the main assessment will be responded to under a separate section.

Some comments received related to matters that cannot be taken as material planning considerations in the assessment of this planning application, such as:

- There has been no effective consultation with adjacent properties.

- Whether it could impact upon existing traffic speeding issues on Collegiate Crescent.
- Complaints about the extent of neighbour consultation by letter and why certain addresses did not receive notification, and that the deadline for responses was within a bank holiday period between Christmas and New Year.
- If a change of use were granted, based on the proposed 15 bedrooms, would this level of occupancy be safe, i.e., would there be adequate means of escape, as no alterations are proposed.
- Concerns about safety, crime and anti-social behaviour arising from the proposed use class.
- Suggestions that the Broomhall Conservation Area appraisal is in need of review.
- A request for confirmation that the applicant has undertaken exhaustive searches to identify other suitable properties with reasons given for why they are not suitable, and also to identify why this building has been chosen, when there are empty social housing units nearby.
- The applicants' supporting statement says they run residences for up to eight people, but this property has fifteen bedrooms – are they qualified to run the proposed service?
- One comment suggests that officers should not have encouraged the applicants to improve the submission and should not be proceeding without impact assessments.

PLANNING ASSESSMENT

Policy context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. Sheffield City Council's development plan is comprised of the Core Strategy (adopted 2009) and the saved policies of the Unitary Development Plan (adopted 1998). The National Planning Policy Framework (the NPPF, revised July 2021) is also a material consideration.

Paragraph 213 of the NPPF states that existing policies in a development plan should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF and that due weight should be given to existing policies in a development plan, according to their degree of consistency with the NPPF.

It is considered that the main issues relevant to this application are:

- The principle of the development – land use policy;
- Highway matters; and
- Residential amenity.

Land Use Considerations

The NPPF makes a presumption in favour of sustainable development at paragraph 11 and confirms the role of the planning system in contributing to the achievement of overarching social, economic, and environmental objectives. The application site is situated within a residential area as defined in the UDP, as well as being in the Broomhall Conservation Area. The most relevant local planning policies to be considered in relation to the application are UDP policies: H8 ("Housing for People in Need of Care"), H11 ("Development in Housing Areas in Nether Edge and Broomhall") and H14 ("Conditions on Development in Housing Areas"). Policy H11 outlines the uses that are acceptable in the Nether Edge and Broomhall housing areas, whilst policy H14 lists the various conditions for development in such areas. Policy H8 relates to housing

for people in need of care and outlines the factors that would make proposals for such housing acceptable.

These three policies are considered to align with the NPPF. As a result, policies H11 and H14 can be afforded significant weight. Meanwhile, policy H8 can be afforded only moderate weight, due to it seeking to locate housing for people in need of care within easy reach of a shopping centre and public transport, rather than more widely, although its aims do broadly align with the NPPF's aim to bring forward greater quantities of housing to meet a range of needs.

Policy H11 - Development in Housing Areas in Nether Edge and Broomhall – states that housing (C3) uses are preferred within these areas, but residential institutions (C2 uses) can be acceptable provided they comply with the requirements of policy H14. This is consistent with NPPF paragraph 60 which recognises the importance of addressing the needs of groups with specific housing requirements.

Policy H14 says that non-housing uses (uses not within class C3) must occupy only a small area and not lead to a concentration of uses that would threaten the residential character of a housing area. They must be on a scale consistent with the residential character of the area; meet primarily local needs or occupy an existing building set in its own grounds. In this case the application relates to a single dwelling to which no internal or external alterations or extensions are proposed. Therefore, the scale of the proposed use is expected to be similar in scale as it could be in its present use class.

Officers' inspection of the immediate vicinity of the site demonstrates that over 50% of units would remain in residential use if this application was granted permission. This, therefore, does not represent an over-concentration of non-residential (C3) uses and it is not considered that the proposal would threaten the residential character of the area. As such, it would be in line with UDP policy H14.

Some public comments have alluded to the inappropriateness of commercial uses on Collegiate Crescent, and so it is worth stressing that institutions within use class C2 are fundamentally not commercial enterprises. Other comments made clear an opposition to services within use class C2 that are perceived to carry more risk to nearby property owners, such as residences for those recovering from substance misuse or for ex-offenders, with the implication that such services generate crime, anti-social behaviour and weaken community cohesion. By definition, all uses within class C2 are still 'residential', although of course the type of residence differs from C3 dwellinghouses.

C2 residential institutions provide vital accommodation and support for potentially vulnerable and often disadvantaged groups of people within our society and local communities. To assume that occupants (and staff) of any proposed residential institution would not wish to integrate into their local neighbourhood and community is dangerous and concerning. As such, they cannot be considered separate to, and detracting from, a residential community, and for officers to take such an approach within the planning process, based on assumptions of risk, would be discriminatory and prejudiced.

It has also been asserted in public comments that some other properties in the vicinity of the application site are already in uses other than C3 dwellinghouses, and to approve this change would lead to a further concentration of inappropriate uses that should be halted, before a perceived tipping point is reached with consequences for residents. UDP Policy H11 makes clear that C2 residential institutions are not incompatible with housing areas but warns against a concentration of other such uses. Whilst it is acknowledged that Collegiate Crescent as existing hosts planning units in other use classes, the majority of sites remain in C3 use. The proposal under consideration would not demonstrably tip the balance away from housing use, but would provide wider public

benefits in terms of meeting a specific group's housing needs. Each planning application is considered on its own merits, and so if this application were to be granted permission, it would not be considered to set a precedent for other changes of use in this locality.

Due to the supported nature of the accommodation as proposed, there is likely to be a small increase in visitors to the site – the applicants anticipate three or four visitors per week for a service of this size, from residents' family members, for example. Again, as the proposal is for a residence that involves elements of care, the applicants also expect there would be five or six staff on site per day, and one member of 'waking night staff' each night. In such a large property with extensive grounds, the addition of this number of staff and occasional visitors could not be considered to significantly alter the character of the use from C3 residential.

Policy H8 – 'Housing for people in need of care' – includes that which is purpose-built or conversions exclusively for specific groups of people, consisting of grouped self-contained accommodation or a shared house with resident or visiting caring support. The latter part of this definition is considered to apply to this proposal. The intention of the policy is to ensure that residents have a good quality environment. It states that supportive accommodation will be permitted provided it would:

- Be within easy reach of a shopping centre and public transport; and
- Be suitable for people with disabilities;
- Provide a reasonable and attractive area of accessible private open space or be immediately next to an area of public open space; and
- Not involve extensions which would remove essential open space.

In this case the site is approximately 500 metres from the Local Shopping Centre on Broomhall Street, and a similar distance away from bus routes and other local facilities on Ecclesall Road. The house has at least five bedrooms located on the ground floor meaning there is scope to accommodate people with certain physical disabilities for whom the upper floors would be unsuitable.

The property has substantial private open space, both at the front and rear, with the front garden area remaining relatively private due to the mature trees and vegetation around the front boundary of the site and the highway. The proposals do not include any extensions that would remove essential open space. Therefore, the proposal complies with all elements of policy H8.

No alterations are proposed to the exterior of the building, and accordingly, the change of use would ensure that the residential character of the area is preserved. It is not considered that the proposal would lead to a concentration of uses that would threaten the residential character of the locality. Therefore, there is no objection in principle to the development in land use policy terms.

Amenity, Noise and Pollution Considerations

Policy H14 states, amongst other things, that any proposal should not be harmful to the amenities of current and/or future occupants of the site and the wider area.

UDP Policy H14 outlines that for non-housing uses (i.e., uses falling outside of the C3 use class) change of use will be permitted provided that it would not lead to air pollution, noise, smell, excessive traffic levels or other nuisance or risk to health and safety for people living nearby. It further states that sites should not be over-developed or deprive residents of light, privacy, or security. This is consistent with NPPF paragraph 185 which states that developments should take into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment.

The applicants have implied through the submitted floor plans that no internal alterations or changes to the layout of rooms are proposed. However, alterations could be made in the future without the requirement for planning permission. As has been noted in comments, following a grant of permission for a change of use to class C2, there are a variety of types of residential care setting that could be implemented without the need for further planning permission. As a result, officers from the Environmental Protection service highlighted that for uses within class C2 there could be a need for larger-scale kitchen facilities, and that a property of this size could accommodate such an increase in kitchen activity, which may lead to a need for external plant, such as fume extraction systems, that can then cause noise and odour impacts for neighbours if not installed to certain specifications.

The neighbouring property at no. 18 Collegiate Crescent is in close proximity, and so although no such cooking requirements have been stated within the application, it is considered appropriate to control the potential need for such equipment in the future through conditions to be attached to any forthcoming planning permission. These conditions would require the prior approval of the full details of any external plant, whether for ventilation or fume extraction systems, in respect of the size, position, acoustic and odour emissions.

In association with the odour and plant noise impacts that a large-scale kitchen can bring, frequent deliveries and collections may also impact upon the amenity of neighbours, particularly regarding noise levels. Therefore, to follow on from the conditions mentioned above, a condition is also recommended to limit the hours of servicing (for deliveries of food, collections of waste, etc.) to prevent noise disturbance to neighbouring properties at unsociable hours.

Some representations received relate to a fear that the change of use will lead to an increase in anti-social behaviour and perhaps crime. Recent events involving anti-social behaviour at and around another site on Collegiate Crescent have been brought to officers' attention. It is acknowledged that these events are disruptive for residents and impact upon the high standards of amenity this area can offer. However, the incidences took place at a site which is unconnected to the site of the planning application in question, and which is unconnected to these proposals in terms of the nature of the use of the property. Therefore, it would be inappropriate to allow these events to prejudice the outcome of this application.

Highways Considerations

UDP policy H14 states that a change of use can be permitted provided that it would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians. The primary consideration in this regard is to judge how different the traffic and parking generated by the proposed use will be from that of the existing authorised use as a C3 dwellinghouse, and whether this will have any significant safety or amenity impacts for neighbours.

The application site is located within a residential area dominated by similar house types, with the vast majority benefiting from off-street car parking provision. The site includes a generous area of hardstanding at the eastern and southern sides of the property, not all of which is currently in use for parking but at present it is estimated that there is provision for at least six vehicles. It is also estimated that with some reorganisation, if necessary, a small number of additional parking spaces could be accommodated, to provide for the numbers of staff anticipated on site at any one time, as well as occasional visitors. With the site being located in the Broomhall Conservation Area, the applicant is hereby advised that any increase in parking provision should be carefully considered, may require planning permission, and should not be situated at the

front of the building, as this would be considered to have a detrimental impact on the character of the site and its contribution to the special character of the Conservation Area.

Given the generous curtilage of this property and the existing parking it incorporates, it is not considered that the change of use will add to pressures for on-street parking on Collegiate Crescent. From the information provided in relation to the type of use and the structuring of staff presence on site, as well as anticipated visitors, it is not considered that there will be a significant intensification of use or of vehicle movements to and from the site. Therefore, highways impacts are extremely limited and considered acceptable.

Conservation Area Considerations

UDP Policy BE16 states that in Conservation Areas permission will only be given for proposals which contain sufficient information to enable their impact on the Area to be judged acceptable and which would preserve or enhance the character or appearance of the Conservation Area. Paragraphs 199 to 202 of the NPPF seek to protect and enhance conservation areas, therefore it is considered that policy BE16 is in accordance with the NPPF and can be offered substantial weight.

Acknowledging that the Broomhall Conservation Area is predominantly residential in character, it is important that any proposed change of use preserves this character in light of both local and national policy. As no external alterations or extensions are proposed, and the new use would remain of a broadly residential nature, it is not considered that the proposed change of use would have a significant impact on the overall character of the Broomhall Conservation Area, and so it is considered acceptable from this perspective.

RESPONSE TO REPRESENTATIONS

It is considered that most of the material planning matters raised in comments have been responded to in the planning assessment above. Other matters that have not yet been addressed are returned to here.

Conditions

It has been suggested that if planning permission is forthcoming, it should be limited by condition to the current applicant. Such a condition would not be considered necessary given the policy assessments above, nor would it be proportionate to the grouping of use classes as laid out in national legislation.

Protected species

As has been shown above, the proposed change of use would not result in a significant increase in the intensity of use of the site, and as no extensions are proposed, it has not been necessary to consider the impact on landscape, wildlife, or any protected species at the site, such as badgers, which neighbours have seen around the site.

Consultation

For applications of this scale, Sheffield City Council's approach to neighbour consultation is to notify by letter all addresses that share a boundary with the application site, or which directly face a site across a highway. For development within a conservation area, it is SCC policy to erect a site notice in pursuit of wider notification. These steps were followed in this instance.

Building safety

Concerns relating to means of escape for occupants of a site are dealt with by Building Regulations inspectors and are not material planning considerations.

Alternative options/locations

Comments in respect of the expertise of the applicants are not relevant to a planning assessment. It would also not be appropriate for a Local Planning Authority to request confirmation that the applicant has undertaken searches to identify other suitable properties and identify why this site is chosen. Rather, officers must rely on local and national planning policy alone to determine the acceptability of a proposal of this nature.

The quality of the application submission

It has been suggested that officers should not have encouraged the applicants to improve the submission and should not be proceeding without impacts assessments. Impact assessments are not required from the applicant for an application of this type, however, it is officers' duty to carry out assessments of impacts, as discussed in this report.

Officers encouraged the applicants to provide additional information in response to neighbours' concerns and in the interests of transparency. It is common for such requests to be made of any applicants during the planning process as issues or gaps in knowledge emerge. To not proceed on this basis would leave neighbours' questions unanswered and would also not represent proactive service or a good level of customer engagement.

Other sites under the applicants' management

Each planning application has to be considered on its individual merits and events at another location, harmful or not, and even if under the management of the same charity behind this application, cannot be assumed to repeat themselves at the location which is under consideration now.

SUMMARY AND RECOMMENDATION

This application is considered acceptable in principle as it is for a small residential care service which would be appropriately located within a residential area, close to local shops, services and public transport. Whilst the proposal is for a residential institution, the character of the use would be similar to that of a dwellinghouse. The key difference relates to the presence of staff at the site and possibly a small increase in the number of vehicle movements due to shift patterns and visitors. Although the size of the property, and the scale of kitchen facilities it could feasibly provide for uses that fall within the proposed C2 class could have the potential to cause additional nuisance, it is considered that such impacts can be controlled via planning conditions.

It is not considered that the proposal will give rise to significant safety or amenity concerns such that this could justify refusing planning permission, especially when taking into account the social benefits of the proposed residential care setting that would be forthcoming. There is a clear need for facilities of this type throughout the city and the proposal aligns with the NPPF requirement to meet the differing housing needs of the community. As such this benefit should be given weight in determining this application.

It is considered that the proposal complies with UDP policies H8, H11 and H14, and is also consistent with the aims of the NPPF at paragraphs 11 and 60. It is therefore recommended that planning permission is granted conditionally.

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Case Number	21/02633/FUL (Formerly PP-09916653)
Application Type	Full Planning Application
Proposal	Retention of lean-to timber framed covered seating area at side of building (retrospective application)
Location	322 Abbeydale Road Sheffield S7 1FN
Date Received	07/06/2021
Team	South
Applicant/Agent	Ms Nicola Jewitt
Recommendation	Grant Conditionally

Time limit for Commencement of Development

1. The structure shall be removed on or before 30 September 2023.

Reason: The design of the structure is not of an acceptable quality and its permanent retention would be harmful to visual amenity.

Approved/Refused Plan(s)

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

Ground Floor Site Plan (published 7 June 2021)
Location Plan (published 28 February 2022)
Photograph dated 21 December 2021 (published 17.02.2022).

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. The extension shall not be used by customers, patrons or visitors of the business between the following times:

21:00 hours and 09:00 hours (the following day)

Reason: In the interests of protecting the amenities of nearby local residents.

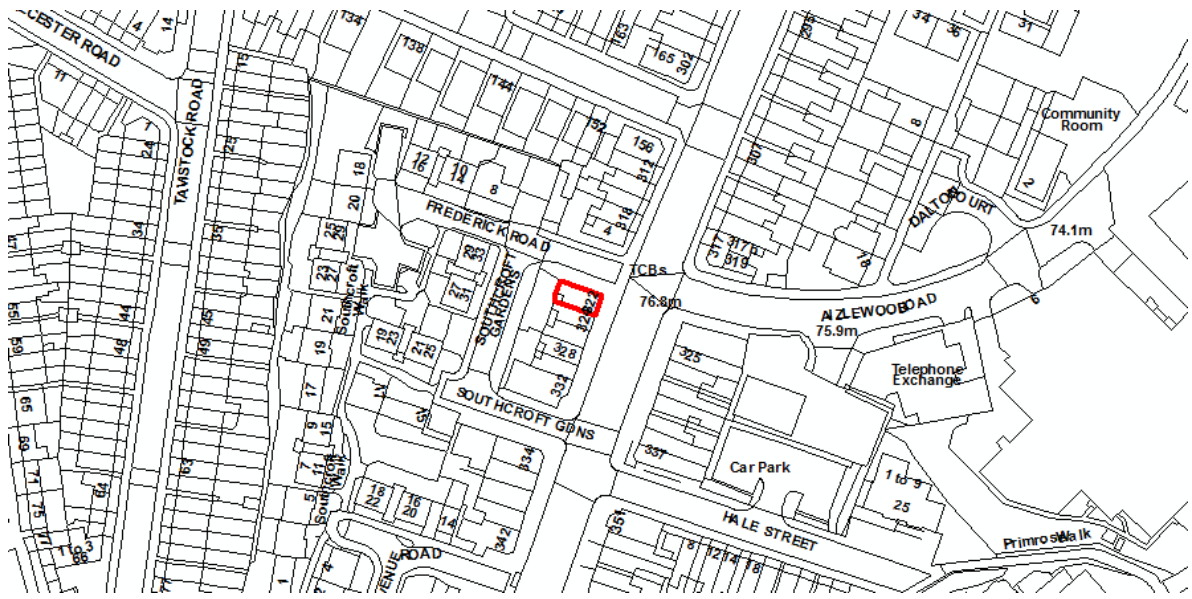
4. No loudspeakers shall be fixed within or externally to the extension nor directed to broadcast sound inside the extension at any time.

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 would welcome pre-application discussions to determine the most appropriate form and design for a permanent structure in this location. You are advised to enter into such discussions as soon as possible given that the existing structure must be removed within 18 months. Rather than refusing the application, which it is recognised might cause a significant impact on the business, the Local Planning Authority wish to engage with the applicant to secure an alternative proposal that is more sympathetically designed and built of more appropriate materials.
2. The applicant is advised that the assessment of this planning application has been made on the basis that the bar element of the business is ancillary to the main business which is a cafe/restaurant and retail sales shop (Use Class E). If there is an intensification of the bar aspect of the business such that it becomes a primary activity of the business, then the use of the premises would be classed as sui-generis and would therefore, subsequently require a planning application for change of use.
3. 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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INTRODUCTION

Members will recall that this proposal was presented to the Committee on 1st March 2022 but was deferred to enable further consideration to be given by officers to the implications of enabling the applicant to play music through loudspeakers within the external shelter. Condition 6 as previously recommended within the main agenda report for the 1st March Committee had prohibited fixed loudspeakers for the playing of music. Members requested that officers consider whether it was feasible to allow the playing of music with appropriate controls.

This updated report therefore presents the findings of that consideration and a subsequent recommendation.

PROPOSAL

This application relates to an existing commercial property located on Abbeydale Road at its junction with Frederick Street. The application is seeking retrospective consent for a single-storey side extension to an existing café/retail shop business (Use Class E). The applicant is applying to keep the extension permanently.

The property (known as “Coles Corner”) is an end terrace shop unit located within a short shopping parade of 6 units fronting Abbeydale Road. The shop/café/ business operates the ground floor accommodation and there is a separate unconnected residential flat above. The immediate area is best characterised as having mainly commercial premises fronting Abbeydale Road with housing areas behind. Many of the shops in this parade of 6 units have residential accommodation above.

When originally submitted, the application was for a change of use to a sui-generis use on the basis that a significant bar element operated alongside the retail shop/café use of the business. However, the applicant has now clarified to officers that the use does not include a bar as such and any alcohol consumption is ancillary to the café/shop use. On this basis, the bar element was removed from the application description and permission for a change of use was no longer necessary. If the bar element of the business were to expand and become a significant element of the business, then an application for change of use would be required and the applicant has been made aware of this. This is because a ‘drinking establishment’ falls outside Use Class E (and is sui generis).

The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 3) Order 2021) relates to temporary structures for food and drink businesses, and their potential to be Permitted Development (i.e. not requiring planning permission). This legislation was originally implemented in the early stages of the covid pandemic to allow businesses to operate in a ventilated environment and provide flexibility. Initially a temporary arrangement, with a sunset clause, this has now been made permanent. However, it has limitations, most notably that the structure must be a moveable structure (e.g. gazebo), but also in relation to height and footprint.

For clarity, the structure as erected does not constitute Permitted Development

under this provision and does require a full planning permission.

The extension as built sits on the Frederick Road frontage and is approximately 12.2 metres long by approximately 2.0 metres wide. It has an eaves height of approximately 2.1 metres and an overall height of approximately 2.75 metres. The main structure is timber framed and the roof is a clear/translucent polycarbonate profiled sheeting.

Although not shown on the submitted application photographs and plans, the extension has been altered since originally constructed and now incorporates filled-in panels between the supporting posts. The filled-in panels are made of a mixture of materials and these include:- tarpaulin, vertical and horizontal timber slats, clear plastic sheeting capable of being rolled-up, as well as several doors that allow access into the extension. In addition to the more permanent elements of the extension there are also several moveable landscaped planter boxes. The whole side extension structure is fixed on to a new slightly raised concrete base which was introduced to create a level platform (due to the sloping gradient of the side forecourt area). The structure also incorporates some external decorative lights.

There is no direct access for customers to walk from the side extension into the main shop premises. The only access from the main premises into the extension is via the existing kitchen area (for staff only).

It is noted that some of the planters (which are moveable) are positioned on part of the public footpath.

One of the side infill panels and the front facing panel of the extension incorporates some of the menu details. The business has a premises licence to sell alcohol.

The submitted plan shows that the external space is used mainly for dining purposes with the internal area used predominantly for retail purposes. The plans show that the side extension is capable of accommodating 4 tables with seating for approximately 16 covers.

Although the materials are relatively lightweight in nature, the extension is intended to be a permanent feature of the building.

RELEVANT PLANNING HISTORY

There is planning history dating back to the 1980s but only the following applications are considered to be relevant to the current proposal:

85/02327/FUL – Application for use of rear ground floor of building for the sale of hot food for consumption off the premises. This application was refused in January 1986.

87/01271/FUL – Application for use of premises for the sale of takeaway hot food. This application was refused in July 1987.

19/04316/A3PN – Use of retail unit (Use Class A1) as gift shop/café (Use Class

A3). This application was refused as it was retrospective (so did not qualify for a prior approval)

21/00175/ENCHU – Enforcement Matter – It was alleged that the shop was operating as a sui-generis use (bar), with tables and chairs outside. This led to this current application being submitted.

SUMMARY OF REPRESENTATIONS

This application has resulted in 41 representations being received from 38 different properties (this includes a letter of support from Cllr Alison Teal). All the representations received were in response to the original proposal which included the change of use element.

Of the 41 representations received 26 are in support of the proposal and 13 have raised objections. There are also 2 neutral representations in respect of the proposal. The comments have been summarised and are listed below:

Comments made by Cllr Alison Teal:

- Cllr Teal is saddened to see conflict between neighbours.
- As part of a summer event relating to music trails in which Coles Corner participated, there was some loud music performed at this venue and it did generate some loud noise for local residents and, as a consequence, local residents are worried that this could be repeated again in the future and more regularly.
- The business owners are extremely conscientious about being good neighbours and have no wish to inconvenience or disregard the rights of residents in the area.
- There are lots of supportive comments here with the application to illustrate what a highly valued business “Coles Corner” is to the community.
- The outdoor framed seating area has created an important addition to the amenity space.
- Cllr Teal would like to see the proposed extension approved.

Other Comments in Support

- The site was previously an eyesore (graffiti and litter etc.), the applicant has worked hard to improve and tidy up the appearance of the property.
- The works done have created a wonderful outdoor café space.
- The extension enhances this part of Abbeydale Road. It's a major asset to the streetscape and is to be applauded for its pleasing appearance.
- The outdoor seating area is small and enclosed.
- It's a trendy place for clientele to go for a quiet drink rather than go to other bigger bars in the area.
- This is not a big rowdy drinking establishment.
- Lots of events take place here such as world food eating days.
- Abbeydale Road has been run down for many years, but its now going through a popular transformation with nice independent food and drink establishments.

- Coles Corner sources locally produced products and provides employment for local people.
- The works undertaken at Coles Corner are commendable, those works brighten up this part of the road and makes it more attractive to visitors. It's become a vibrant hub for locals.
- Coles Corner showcases the very best in small, independent businesses.
- The external lean-to extension enables a modest number of people to safely enjoy each other's company.
- Supporting local independent businesses will be beneficial to the economy in general.
- The construction of the temporary outdoor seating area is an improvement to the street-scene.
- The outdoor seating area is essential in reducing the effects of Covid.
- The development is entirely within the applicant's own land and will not have an impact on footpaths or roads in the area.
- There's a brick wall at the rear of the site and this wall partially creates a physical screen from nearby properties on Southcroft Gardens.
- The plants that have been used in the planting beds are beautiful and help to make Abbeydale Road a nicer place to live.
- Drug dealers and youth gangs used to hang out here, they no longer do.
- The business provides an inclusive environment with something for people of all ages and communities which you can't get elsewhere on Abbeydale Road.
- The themed days at the café provide the opportunity to experience the music and food of other cultures.
- Coles Corner creates a positive atmosphere and attracts visitors that also go on to use some of the other shops and businesses in the locality.
- It was lovely to see Coles Corner as part of the 'Music Trail' in the city, where live music was enjoyed by many local people.

Comments in Objection to the Proposal

- The premises generate a lot of traffic which often leads to local residents and visitors being unable to park their cars near to their homes.
- There is loud amplified music regularly played at the café which has a direct impact for local residents.
- There are quite often large crowds of people standing outside which leads to noise issues and people staring at local residents (making them feel uncomfortable).
- When they are busy, the café often set-up tables and chairs on the public road. Do the owners of the business have a licence to serve food and drink outdoors and do they have a licence to set up tables on the public road??
- There are lots of people supporting this local business but, most of them are not local residents.
- The views of local residents should be considered.
- There are already too many bars in the area.
- The area already has problems with traffic congestion, and this will just add to the problem.
- Having music blaring away and people pouring out onto the street at 11pm is unfair to local residents. The music is often very loud.

- Music being played outside on the street is an issue, other bars don't have loud music playing outside.
- Why can't the building just remain as a café with normal operating times?
- The owner of the business won't allow people to park on her side of Frederick Road and she regularly asks people to move their cars if they are parked near the side extension.
- There is still too much noise after customers leave the building, some customers have been seen urinating on nearby walls.
- The submitted photographs and images of the extension are not accurate, they don't accurately show what's there now.
- Over time (from when it first opened) the premises is being used more as an outdoor bar venue with live and very loud music. This is also now attracting large groups of people on to Abbeydale Road and Frederick Road.
- Local residents are mainly working families with school-aged children and vulnerable elderly people, the proposed late night opening hours will lead to further problems.
- The activities at the premises should be limited to the indoor area only.

Neutral comments:

- There's no objection to the indoor activity being used between 09:00 hours to 23:00 hours but the outdoor seating area should have restrictions that control the operating times that it is used. The outdoor seating area should not be used by customers after 9pm and all the tables and chairs should be cleared away by 9:15 pm.
- The filling of the bins and arrangements for the disposal and collection of bottles and other waste should also be limited to social hours, again, to prevent disturbance for local residents. Other recent decisions for food and drink establishments have had these similar conditions imposed.

PLANNING ASSESSMENT

Policy Context

The Council's development plan comprises the Core Strategy (CS) which was adopted in 2009 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998. The National Planning Policy Framework revised in 2021 (NPPF) is also a material consideration.

The Council's Development Plan (UDP and Core Strategy) predates the NPPF; the development plan does however remain the starting point for decision making and its policies should not simply be considered out-of-date if adopted or made prior to the publication of the Framework, as is the case in Sheffield.

The key principle of the NPPF is the pursuit of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.

Paragraph 81 of the NPPF also seeks to ensure that the right conditions are

created for businesses to invest, expand and adapt which ultimately could lead to jobs being created and economic growth. This assessment will have due regard to these overarching principles.

Key Issues

The main issues to be considered in this application are:

- Acceptability of the development in land use policy terms.
- Impact on the Character and Appearance of the Area.
- Impact of the proposal on the living conditions/residential amenities.
- Highway Issues.

The site is identified on the Sheffield Unitary Development Plan (UDP) as being within a Local Shopping Policy Area and as such UDP Policies S7 and S10 are applicable. It is also considered in this instance that UDP Policy BE5 'Building Design & Siting' and Core Strategy Policy CS74 'Design Principles' are also relevant.

Use

UDP Policy S7 states that the preferred use in District and Local Shopping Centres is retail (A1), however A3 uses (food and drink outlets) are also acceptable. At the time the UDP was published, Use Class A3 would have included cafes/restaurants. However, recent changes to the Use Classes Order have resulted in Use Class A being revoked. A cafe/restaurant along with retail use would formerly have been Class A3 and Class A1 respectively but the uses both now fall under Use Class E. In respect of the bar element, it is understood from the applicant that this is an ancillary rather than primary aspect of the business, and it is not the case that customers visit the premises purely for the purposes of drinking in any significant quantity. With this being the case, the use would not be classed as a sui-generis drinking establishment. The applicant has been made aware that if the bar function is a primary activity and accounts for a significant proportion of the sales, then the use would trip into the sui-generis category and planning permission for a change of use would be required.

On this basis therefore, the use of the main premises is not being considered under this application as the operation as now defined would fall under Use Class E, which is already the authorised use of the premises. This application therefore solely relates to the construction of the single-storey side extension which has already been undertaken and is therefore retrospective.

Impact on the Character and Appearance of the Area

The premises are located within a Local Shopping Policy Area and is also adjacent to a Housing Policy Area as defined by the UDP. Abbeydale Road is also a major

arterial road into and out of the city. Because the property is also located on a corner plot, any alterations on the side are visually prominent, particularly when travelling south, away from the City Centre.

The extension is already constructed and is located on the side elevation of the premises fronting onto Frederick Road, where it is seen in conjunction with both the busy commercial environment of Abbeydale Road, and the residential nature of Frederick Road. The applicant has applied for the extension to remain permanently.

The extension itself is built using lightweight materials (polycarbonate sheeting, tarpaulin and timber frame and slats). The extension also has two entrance doors on the Frederick Road elevation. One allows access for staff and the other is intended for customers. The two entrance doors are different in colour and type and generally add to the uncoordinated array of materials that have been used to infill the side panels between the supporting timber posts, creating a somewhat cluttered appearance.

It is noted that none of the objections received relate to the design and form of the structure, and that some representations support its retention, feeling that it enhances the appearance of the area. However, for the reasons given below, officers do not share this view.

Given the very prominent corner position of the structure; ad hoc nature of the differing facing materials and the overall general design of the extension, it is considered that the extension displays a very temporary appearance and results in an adverse visual impact on the character of both the street-scene and host property. It is considered that the structure lacks any coordination, longevity or integrity in terms of facing materials.

Despite its poor overall appearance, the extension does provide additional space for the business and it is recognised that the extension enabled the business to operate through key stages of the covid pandemic where separation space between customers and good ventilation was needed. There are many such structures along Abbeydale Road all of which are under review in respect of their status (authorised or otherwise) and officers are in dialogue with the business owners to advise of appropriate steps to either secure permission retrospectively for the structure where acceptable, or seek improvement or removal/replacement where not.

It is also acknowledged that the extension is on the side/gable elevation of the building and therefore, it does not in this instance cut across any significant architectural features.

However, it is considered that the overall design and choice of somewhat random facing materials of temporary appearance has in this instance, resulted in a structure that detrimentally affects the character of the building and the street-scene, further exacerbated by the property's location on a prominent corner junction in close proximity to residential property of a domestic scale.

As such it is considered that the extension fails to satisfy UDP policy S10(d) which requires new developments in shopping areas to be well-designed and of a scale and nature appropriate to the site. For the same reasons outlined above, the proposal would also be contrary to Policy CS74 of the Sheffield Core Strategy and UDP Policy BE5, which both require new developments to be well-designed (including the use of good quality materials) and to respect townscape character, views and vistas, building styles and materials. Policy CS74 also states that new developments should contribute to place-making, be of a high quality and should help to transform the character of physical environments that have become run down and are lacking in distinctiveness. These policies can be afforded substantial weight as they broadly align with paragraph 130 of the NPPF which states that decisions should ensure that developments add to the overall quality of the area, not just for the short term but over the lifetime of the development; and developments should be visually attractive as a result of good architecture.

Impact on Residential Amenity

UDP policy S10(b) requires development not to cause residents to suffer from unacceptable living conditions, including air pollution, noise, or other nuisance or risk to health or safety. This aligns with Paragraph 130 of the NPPF which states that developments should result in a high standard of amenity; and Paragraph 185 which states that developments should avoid noise giving rise to significant adverse impacts on health and quality of life.

Whilst the principle of the café/shop use is established, there is still a potential issue of noise nuisance being generated within the extension impacting upon residents living on Frederick Road, Southcroft Gardens or in the flat above the shop particularly given the flimsy construction. This would potentially be a more significant problem in the summer months when windows tend to be open and customers might prefer to sit or stand outside the café/shop.

It is considered that the lightweight structure and the partially open frontage design of the extension is less-likely to insulate neighbours from noise than a brick or block-built structure. This presents issues in terms of hours of use and activity undertaken within the structure.

In terms of hours of use of the structure, in areas such as Ecclesall Road and Abbeydale Road where external seating is a common feature, conditions imposed upon planning permissions relating to those areas have required customers to cease using the external area after 9pm. Although the structure has elements of cover this is not considered sufficient to eradicate noise and a 9pm limit on the use of the area is considered appropriate here.

In addition, as part of the recommendation to the Committee meeting on 1st March 2022 officers had recommended a condition be imposed to prevent loudspeakers being fixed within this area. Following deferral of the decision at that meeting officers have re-considered this matter as requested.

To have unrestricted playing of music through loudspeakers in the structure would not be acceptable owing to the significant harm, loss of amenity and nuisance this

would generate for nearby residents and potentially businesses too. Officers therefore considered whether it was possible to construct a planning condition that would enable the playing of some music at low levels in a manner that would not cause nuisance to neighbours.

Given the nature of the location, there is at busy times traffic noise generated on Abbeydale Road, including larger vehicles (buses, HGV's). This presents complexities in establishing ambient noise levels as they are likely to vary significantly throughout the day. In turn this makes establishing an appropriate noise level for any amplified music difficult and likely to require different noise levels being set at different times of the day in order to a) avoid disturbance and b) be audible to customers.

Whilst this may be technically possible to achieve, it would require noise surveys to be undertaken and would likely require items such as sound limiters to be incorporated. There would be a substantial additional cost to the applicant in this and it would present significant difficulties in effective monitoring and enforcement.

It is worth noting here that a nearby premises 335-337 Abbeydale Road (approx. 50m away at the junction of Hale Street) recently received planning permission for use as a bar, and in resolving planning conditions related to noise, the applicant's approved sound attenuation scheme, based on a recent noise survey, requires folding doors which lead to an external terrace to be closed when music is played internally within the building, as appropriate noise levels could not be achieved. This has the effect of prohibiting external music. The environment and relationship to noise sensitive properties for that property are almost identical to the situation at this application property.

It is therefore likely that if a condition were imposed that allowed music to be played externally following a noise survey, it would lead to a situation where noise levels could not be demonstrated to be acceptable externally once the necessary noise surveys had been undertaken. This would not therefore be a reasonable condition.

In addition, to allow external amplification of sound would directly conflict with consistently applied planning (and Licensing) conditions preventing such to venues with external areas in similar locations and would also conflict with the Premises Licence for this site.

The applicant has referred to The Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) (Amendment) Regulations 2020 and a noise limit of 85dB(A) which is stated within the Regulations as a maximum noise level for the playing of music within a public house, restaurant, café or bar, and feels that this represents justification for acceptance of a similar noise level to be allowed within the external structure.

In response, these Regulations were brought in as a response to the covid pandemic and were the same Regulations that required the wearing of face coverings, limited group sizes to six, prevented singing in groups of more than six, and prevented dancing. Officers understand the purpose of the of 85dB(A) limit

was to minimise the need for raised voices owing to the generation of airborne virus particles when doing so to avoid the spread of the virus. It does not represent a blanket assessment of the impact of that particular noise level on amenity or nuisance.

For these reasons, it is officers view that it is correct to prevent music being played externally through loudspeakers within the external shelter in order to protect neighbouring residents and businesses.

This does not prevent music being played internally, as happens at present.

Therefore after giving consideration to Members request made in deferral of the item at the 1st March meeting, it is officers view that the previously recommended condition remains appropriate.

Highway Issues

There are no significant highway safety issues associated with the application to retain the shelter that would prevent it being supported.

The planters which are situated on the highway can easily be removed if required and this is a matter for the Council as Highway Authority rather than being central to the determination of this application.

RECOMMENDATION

Taking all of the matters raised into account, it is considered that the side extension as built owing to its use of uncoordinated materials of a temporary nature has a detrimental impact upon the character and appearance of the host property and the surrounding area.

As such it is considered that the development in its current form is contrary to Policies S10 and BE5 of the Sheffield Unitary Development Plan; Policy CS74 of the Sheffield Core Strategy and Paragraph 130 of the NPPF (which all relate to design).

It is however recognised that the covid pandemic resulted in many shops and particularly food and drink premises erecting both temporary and permanent structures on their forecourts to enable businesses to continue to function. This is particularly evident in Sheffield along the Abbeydale Road corridor, where there are many unauthorised structures, and where officers are currently in the process of establishing their status and engaging with the business owners in order to secure acceptable outcomes.

As such, a sensitive approach to the determination of this case is considered appropriate with any decision acknowledging the potential impact on the business at what is a difficult time.

For this reason, rather than recommending refusal of the application, officers

consider that a temporary consent of 18 months can be supported. The structure is not considered to be of an acceptable design quality to be in place for longer than 18 months in such a prominent location, but that time period could be utilised by the applicant to consider the business needs, come forward with a revised proposal which addresses the design concerns highlighted above and gives sufficient time to obtain consent for a replacement structure which meets the aims of the design policies in the development plan and the NPPF. This is considered to be a proportionate approach which allows the business to keep trading in their current manner, whilst seeking a more permanent and well-designed replacement side extension / enclosure.

It is on this basis that officers recommend that the application be approved for a temporary time period of 18 months subject to the listed conditions.



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 12 April 2022

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Abby Hartley

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

1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND
DECISIONS

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

2.0 NEW APPEALS RECEIVED

(i) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the erection of 1no. double-sided freestanding internally illuminated 48-sheet digital LED advertising unit at Martin Lee Car Sales, The Steelworks, 2 Livesey Street, Sheffield, S6 2DB (Case No:- 21/05258/HOARD).
(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the erection of 20m EE/H3G phase 7 streetworks pole on root foundation and associated ancillary works (Application for determination if approval required for siting and appearance) at Crosspool District Youth Sports Trust, Coldwell Lane, Sheffield, S10 5TJ (Case No:- 21/04964/TEL).
(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for 1x internally illuminated digital advertising screen at Wicker Specials, 66 - 68 Wicker, Sheffield, S3 8JD (Case No:- 21/04734/HOARD).
(iv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the erection of front and rear dormers to roof, erection of single-storey rear extension and single-storey side porch to dwellinghouse at 380 Gleadless Road, Sheffield, S2 3AJ (Case No:- 21/04677/FUL).
(v) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the alterations to roof to form additional living accommodation, alterations to include raising the ridge height, hip to gable roof and erection of rear dormer extension with Juliette balcony (resubmission of planning application 21/01982/FUL) at 25 Huntley Road, Sheffield, S11 7PA (Case No:- 21/04664/FUL).
(vi) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the

erection of single-storey rear extension and alterations to roof to include formation of front and rear dormer extensions to dwellinghouse (resubmission of planning application 20/02897/FUL) at 67 South View Road, Sheffield, S7 1DB (Case No:- 21/04483/FUL).

(vii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for 1 x internally illuminated digital advertising screen at land between Vicarage Road and Newhall Road, Attercliffe Road, Sheffield, S9 3RF (Case No:- 21/04438/ADV).

(viii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the erection of first floor rear balcony to dwellinghouse at 58 Brooklands Crescent, Sheffield, S10 4GG (Case No:- 21/03788/FUL).

(ix) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the demolition of existing outbuilding and erection of 2 x 4 bed detached dwellings, detached garages, associated amenity space, parking and access (Re-submission of 20/00569/FUL) at land and buildings adjacent The Old Barn, 29 South Street, Mosborough, Sheffield, S20 5DE (Case No:- 20/03765/FUL).

3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the Committee decision of the Council to refuse planning permission for the erection of 20.0m monopole on root foundation with associated equipment cabinets and ancillary works (Application for determination if approval required for siting and appearance) at land adjacent Fulwood Bowling & Tennis Club Ltd, Chorley Road, Sheffield, S10 3RL (Case No:- 21/03647/TEL) has been dismissed.

Officer Comment:-

The main issue was the effect of the proposal on the character and appearance of an area with an overwhelmingly residential and suburban character.

The Inspector concluded that, due to its height, the proposed mast would appear vastly out of scale with its low level residential surroundings and would consequently appear as a prominent and incongruous addition to the streetscene. The Inspector also concluded that the harm identified would not be outweighed by the need for the installation.

(ii) To report that an appeal against the Committee decision of the Council to refuse planning permission for the erection of two dwellings with associated access, parking and landscaping at land between 94 and 98 Wheel Lane, Grenoside, Sheffield, S35 8RN (Case No:- 20/02057/FUL) has been

dismissed.

Officer Comment:-

The main issues were the effect of the proposed development on the character and appearance of the area and the amenities of neighbouring residents.

In relation to the first issue the Inspector found that, in the context of residential development comprising almost exclusively of bungalows, the proposed two storey dwellings would be alien features in the street scene that would be seriously uncomplimentary to the prevailing form of built development on Wheel Lane and would not represent good design or be sustainable development.

In relation to the second issue and taking into account the three-dimensional mass of House One and its proximity to the rear garden of 98 Wheel Lane, the Inspector found that the proposed development would be prominent in and would dominate the garden area of this property as well as the outlook from a conservatory at the rear of the property. To a lesser degree the Inspector found that the proposed development would be a prominent and unacceptable feature in the outlook from the rear garden area of 94 Wheel Lane.

The Inspector concluded that the proposed development would have a significant adverse effect on the character and appearance of the area and would adversely affect the amenities of neighbouring residents.

4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the demolition of existing outbuilding (former shelter) and erection of single-storey building to provide home office and storeroom, erection of single-storey flat roofed building (part subterranean) to provide garden store and garage for two vehicles with provision of associated soft landscaping (resubmission of application 20/01220/FUL) at The Hall, The Old Mayfield School, David Lane, Sheffield, S10 4PH (Case No:- 21/03066/FUL) has been allowed.

Officer Comment:-

The main issue was whether the proposed scheme would be inappropriate development in the Green Belt.

Paragraph 149 of the National Planning Policy Framework (NPPF) states that the construction of new buildings is inappropriate in the Green Belt except where, amongst other things, c) it is the extension or alteration of a building

provided that it does not result in disproportionate additions over and above the size of the original building, and g) it is the limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.

The proposed development comprises two elements. The Inspector found that the first element, the demolition of the former shelter and erection of a single storey building to provide home office and storeroom, is in the same position as the building permitted under a previous consent and is marginally smaller in volume so would not undermine the openness of the Green Belt when compared against the development already permitted. This element of the proposed scheme is not therefore inappropriate development in the Green Belt.

The Inspector found that the second element, the erection of a part subterranean single storey flat roofed building to provide garden store and a garage for two vehicles, would not undermine the openness of the Green Belt in visual terms due to the site circumstances. He also found that, as a matter of planning judgement, the additional above ground level built form of the proposed garage and garden store building would not result in a material loss of spatial openness, concluding that the proposed scheme complies with Green Belt policy in the NPPF and with Sheffield Unitary Development Plan policies GE1 and GE3.

5.0 CIL APPEALS DECISIONS

Nothing to report.

6.0 NEW ENFORCEMENT APPEALS

(i) An appeal has been submitted to the Secretary of State against the Enforcement Notice served in respect of the breach of planning control as alleged in the notice which is the unauthorised erection of a single-storey rear extension and dormer windows to dwellinghouse at 42 Woodseats House Road, Sheffield, S8 8QF (Planning Inspectorate ref: APP/J4423/C/22/3294743).

7.0 ENFORCEMENT APPEALS DISMISSED

(i) To report that an appeal against the Enforcement Notice issued by the Council for unauthorised use of land for the storage of plant, machinery, equipment, fencing, building material, shipping containers and waste, and other miscellaneous items and materials, and the construction of a hard surface footings/foundations on the land at land between 94 and 98 Wheel Lane, Grenoside, Sheffield, S35 8RN (Planning Inspectorate Ref APP/J4423/C/21/3279433) has been dismissed.

Officer Comment:-

An appeal was made under ground (g) that the time given to comply with the notice was too short. The appellant stated that the time period should be extended until the appeal against the refused planning application has been determined.

Given that an appeal was made against the issue of the enforcement notice and the planning application (Case No. 20/02057/FUL). The compliance with the requirements of the notice is put into abeyance until the date of the issue of the appeal decision. Given that both appeals were held and determined at the same time. The Inspector concluded that there is no reason, to extend the compliance period.

The appeal was dismissed, and the enforcement notice was upheld.

8.0 ENFORCEMENT APPEALS ALLOWED

Nothing to report.

9.0 RECOMMENDATIONS

That the report be noted.

Michael Johnson
Head of Planning

12 April 2022