

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To the Planning and Highways Committee
Date Of Meeting: 07/10/2014

LIST OF PLANNING APPLICATIONS FOR DECISION OR INFORMATION

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

Case Number	14/02765/FUL (Formerly PP-03502021)
Application Type	Full Planning Application
Proposal	Use of (Class A1(Shops)) building as a public house (Class A4 (Drinking Establishments))
Location	623 Ecclesall Road Sheffield S11 8PT
Date Received	25/07/2014
Team	South
Applicant/Agent	Mr Chris Sinclair
Recommendation	Grant Conditionally

Subject to:

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

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

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

As received by the Local Planning Authority on 25th July 2014

Reason: In order to define the permission.

- 3 The use hereby approved shall not be commenced unless sound insulation measures have been implemented to the floor/ceiling between the A4 use and the residential accommodation above, details of which shall have been submitted to and approved in writing by the Local Planning Authority prior to installation. Thereafter the approved sound insulation measures shall be retained.

Reason: In the interests of the amenity of occupiers of the first floor flat

- 4 No customer shall be permitted to be on the premises outside the following times: 12:00 and 2300 on Mondays to Sundays.

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

- 5 No serving, waiting or consumption of drinks shall occur in the forecourt area outside the following times: 12:00 and 21:00 on Mondays to Sundays

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

- 6 Site servicing shall be carried out from Ecclesall Road, between 0800 hours and 1900 hours Mondays to Fridays and between 0800 hours and 1400 hours on Saturdays, with no servicing on Sundays or Bank Holidays.

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

- 7 No external movement, sorting or removal of waste materials, skips or bins shall take place from 1900 hours until 0900 hours (on the following day) Mondays to Saturdays or at any time on Sundays and Bank Holidays.

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

- 8 No amplified sound or live music shall be played either within or without the premises nor shall loudspeakers be fixed at any time outside the building.

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

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

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

- 10 Any opening windows/shutters facing the rear yard shall be kept closed between 2000 hours and 0700 hours and shall not at any time be opened otherwise without the prior written approval of the Local Planning Authority.

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

- 11 Fire exit doors shall only be used as an emergency exit and shall not at any other time be left standing open.

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

- 12 No activity by staff members including smoking breaks shall occur in the rear courtyard area between 2100 hours and 0700 hours Monday to Saturday and between 2100 hours and 0900 hours on Sundays and Public Holidays.

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

- 13 There shall be no storage of crates, bottles or waste receptacles on the forecourt area at any time.

Reason: In the interests of the amenity of the locality

- 14 The development shall not be brought into use until a Flood Plan, including a detailed evacuation procedure and safe exit routes to land within Flood Zone 1 in the event of flooding, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure safe evacuation procedures are in place in the event of flooding.

Attention is drawn to the following directives:

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

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

Site Location



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LOCATION AND PROPOSAL

The application relates to the ground floor of a mid-terrace property in a parade of commercial buildings.

The building is two storeys in height and features residential accommodation at first floor level and in the roof space.

The ground floor was most recently in use as an E cigarette shop (Use Class A1)

The character of Ecclesall Road at this point is mixed. The south side of the road is predominantly commercial in nature and is allocated as a District Shopping Centre (DSC) in the Unitary Development Plan. The north side is residential and is allocated as a Housing Area.

To the rear of the site are residential properties fronting Neill Road, these lying in an allocated Housing Area.

It is proposed to change the use of the ground floor unit to Use Class A4 (drinking establishments). The ground floor is on a split level and a small bar (2.25 metres by 1.55 metres) would be located on the lower of the two floor areas. The total seating area of the unit is approximately 50 square metres. Toilets would be located to the rear of the unit.

The intended use is for a micro-pub serving a variety of bottled ales, ciders, wine, tea and coffee. A traditional cellar with cask ales does not form part of the operation.

Proposed hours of use are 12:00-23:00 on all days

RELEVANT PLANNING HISTORY

Permission was refused for a change of use to a restaurant in 1995 (95/00920/FUL)

SUMMARY OF REPRESENTATIONS

There have been 31 representations regarding this application, 21 in support and 10 objecting.

OBJECTIONS

Objections to the proposal include representations from:

Cllr Nikki Bond

The Botanical Area Community Association (BACA).

The Broomhall Park Association (BPA)

Points raised by Cllr Bond on behalf of local residents:

'The location, opposite the Alms Houses is a very pleasant area of the city with a mix of commercial, residents and students,...the noise from the pub is likely to disturb local residents...and severely affect their quality of life.'

Points raised by BACA

Whilst the Applicants intentions may be for a quiet establishment there is no guarantee that subsequent owners will be the same

There are already too many food and drink uses on Ecclesall Road

The internal steps create a barrier to the disabled and the toilets appear inadequate

Fire protection standards may be inadequate

Noise will be transmitted to the upstairs flat

Cellars where beer is stored lie within a flood risk area electrical systems should be designed accordingly

The outside area should not be available for drinking

Closing hours should not exceed 23:00

In store facilities for moving barrels and crates around seem constricted.

No more applications for food and drink uses should be considered on Ecclesall Road

Points raised by the BPA

There are already sufficient food/drink outlets on Ecclesall Road and the number of such uses is becoming overwhelming

An alternative location should be found for the pub.

If the application is granted consent conditions on hours of use and that there be no music played should be strongly enforced.

Points raised by Sharrow Vale Community Association

The area is becoming overrun by food/drink outlets on Ecclesall Road to the detriment of the balance of uses.

The proposal will introduce another noise source (including taxi idling/pollution etc.) to add to existing nuisance.

The proposal will adversely impact on street car parking

Further anti-social behaviour/littering will arise.

Additional matters raised by other objectors.

Nearby residential property would suffer from additional noise and nuisance including bottles being put out at the rear of the premises late at night and customers spilling out onto the pavements to drink.

Noise would be transmitted through the ceiling to the flat above to the detriment of residential amenity.

There is no level access to the unit's w.c.

The number of toilets is inadequate.

There should be an acoustic lobby to prevent noise break out.

There should be an investigation into whether the floor structure can cope with the number of customers likely to be present in the building at one time.

This particular section of Ecclesall Road is already overburdened with A3 premises leading to noise, and excessive taxi traffic

The proposal would lead to additional parking problems on Ecclesall Road

Ecclesall Road will end up like West Street

Whilst appreciating the intent of the Applicant there may be regulatory 'creep' with subsequent operators/owners.

The proposal will lead to littering and anti-social behaviour

SUPPORT

Representations supporting the application (including a representative of the local branch of the Campaign for Real Ale) make the following points:

Comments from CAMRA are as follows:

The micro pub concept includes no keg beer but rather real ales, ciders along with soft drinks, tea and coffee. The emphasis is on convivial conversation. There is no traditional cellar so deliveries are commensurate with a small shop.

Other representations:

I live in the BACA area but their representative does not speak for me. Small pubs are in short supply in the locality and this will add vitality and choice

The proposal should not be tarred with the same brush as larger 'chain' pubs in terms of creation of noise and disturbance.

There are no places for discerning drinkers and this would be an excellent

addition.

An independent enterprise that is worthy of support founded on a love of quality ales rather than mass produced lager.

It would be nice to drink in an establishment where one didn't have to shout over the sound of a DJ or piped music

An enterprise such as this provides further support for Sheffield's burgeoning micro-brewery industry with associated job creation and economic benefits.

This would help to bolster the 'artisan' feel of the locality rather than the large chain pubs.

This will be icing on the cake for Sheffield's real ale drinkers 'I will have a new local'

Having visited a similar establishment in Chesterfield I am excited at the prospect of this micro-pub.

The Applicant has previously acquired a public house in Dronfield with a poor reputation and transformed it into a respectable venue.

The premises do not seem viable as a retail outlet and this seems a worthy alternative.

Retail is being catered for increasingly by the internet and retail in places such as Ecclesall Road is therefore failing.

At a time when 10 pubs a week are closing in the UK this would be a welcome addition and offers more diversity in terms of drinking venue.

Sheffield is the European capital for micro-breweries and this should be supported.

PLANNING ASSESSMENT

Policy Issues

The site lies within an allocated District Shopping Area and therefore the following Unitary Development Plan (UDP) policies apply:

Policy S7 does not refer specifically to Use Class A4 as this class was created post the publication of the Unitary Development Plan. However it does state that Food and Drink outlets are an acceptable use in a Shopping Area subject to the provisions of Policy S10.

Policy S10 states that such a use will be permitted provided that it does not lead to a concentration of uses which would prejudice the dominance of the preferred use (retail) and would not cause occupiers of nearby residential property to suffer unacceptable living conditions.

Core Strategy Policy CS34 'District Centres' states:

District Centres will be encouraged in fulfilling their role of providing for everyday needs with a range of retail, leisure and community facilities, appropriate in scale and function to the role of the centre. They may also include concentrations of specific shops or services in response to the market in their particular area.

Dominance

This change of use would not represent a significant shift in the balance between retail and non-retail properties within the Shopping Area as a whole. The most recent survey data indicates that 99 of the 170 units in the Centre are occupied by retail users (58%). (Surveyed at May 2014) This is well in excess of the 50% required by Policy S10.

As such the proposal is satisfactory when tested against Policy S10.

A more localised assessment of the centre indicates a more balanced situation though A1 uses are still marginally dominant.

It must be emphasized that there is currently no policy basis for a refusal of permission based on localized concentrations of non-retail uses because the emerging Policy C4 in the current un-adopted draft local plan can be given very limited weight. It would be difficult to argue that a discrete length of frontage that retains approximately 50% in retail use would harm the vitality and viability of the District Shopping Centre as a whole and evidence of such harm would need to be demonstrated.

Also worthy of consideration is the fact that many food and drink outlets on Ecclesall Road remain open through the day and do not therefore result in 'dead' frontage, as would occur for example with many hot food take-aways. Instead they contribute to the general bustle and activity which forms part of the character of this particular District Shopping Centre.

It is considered that the weight of adopted policy should prevail. The overall retail offer of 58% within the DSC is far from marginal and even were the more localised situation to be taken in isolation it is not felt that this would damage the viability and vitality of the DSC, particularly given the very small size of the unit in question.

Given all of the above it is not considered that a robust case for refusal can be constructed, and that the key consideration in this case must be the requirements of Policies S10 (a) and CS34. These are the only policies that carry the full weight of adoption and it is considered that the proposal is acceptable in respect of these policies.

Environmental Considerations and Residential Amenity

The nearest residential properties from the application site are the flat above No. 623 itself and other adjacent commercial properties on Ecclesall Road and dwellings to the rear on Neill Road.

Any likely impact upon residential amenities will therefore be measured primarily against these properties.

Ecclesall Road is one Sheffield's busiest main roads and therefore generates a considerable amount of ambient noise immediately adjacent the site and the flats above.

In the context of this background noise, it is not considered reasonable to expect that residents fronting this major road should enjoy the same level of amenity that might be afforded in a solely residential area.

It is not considered that the use will impact on residents to the rear of the premises as arrivals and departures at the front of the unit will be masked by the mass of the building itself.

The application is for a specific A4 use this being a micro pub. The Applicants Design and Access Statement indicates a use that 'does not propose the need for amplified music, televisions, and therefore minimises the possibility of noise concerns and anti-social behaviour since the establishment is not attractive to groups of youths or binge drinkers'

It further states that the target patronage is indicated as being the more mature and discerning drinker and welcoming the loud and poorly behaved fraternity would be counterproductive since it would discourage the type of users the business hopes to attract.

Whilst accepting these statements at face value the Local Planning Authority can only consider the application in terms of its proposed land use as once granted the aspirations of the current applicant may not be replicated by subsequent owners/occupiers.

This being said, the absence of a requirement for the usual paraphernalia of many modern drinking establishments in terms of music, television or live entertainment for example, can be conditioned as part of any permission and it would not be unreasonable to assume that these conditions combined with the very limited size of the unit would discourage subsequent use by a more generic type 'chain' public house.

Several drinking establishments on Ecclesall Road feature forecourt areas where drinking occurs though those that have been the subject of planning control are limited by hours of operation conditions. Should permission be granted here a condition should be added to ensure consistency with other recent planning permissions limiting outside use to 21:00 hours.

The proposal's modus operandi does not involve a traditional cellar with keg beers and it is expected that deliveries of bottled beers would replicate the pattern of a typical shop. However, given that a future user may not operate in the same way it is considered prudent to add conditions relating to operations (such as door opening to the rear of the premises/bottle sorting etc. in external areas etc.) should permission be granted.

Therefore subject to appropriate hours of opening, (the Applicant has

requested hours consistent with other food/drink units recently granted permission), it is not considered that the proposal would lead to significant disturbance on nearby residential streets. Such hours should be limited to 12:00-23:00 for the internal spaces and 12:00-21:00 (Monday to Saturday) for the forecourt area.

Notwithstanding the above, since the intention is to create an A4 use immediately below an existing flat that will be rented independently of the unit it is also considered necessary to attach a condition requiring sound attenuation at ceiling/floor level between the uses.

Overall the proposal, subject to conditions, is considered acceptable in the light of Policy S10 (b).

Accessibility

Level access to the unit is present at the front entrance. However the stepped nature of the interior means that there would be no level access to the toilets for disabled customers. However, given the very limited size of the unit it would be impractical to insist on the provision of an internal ramp. Hence, whilst it is unfortunate that level/ramped access cannot be provided to the rear of the unit in this case, the inability to make the provision is not considered a reason for refusal.

Flood Risk

A Flood Risk Assessment has been submitted with the application. The site lies within Flood Zone 2 and is defined as a more vulnerable use in Table 2 of the Environment Agency guidance. However, as the application is for a change of use there is no requirement to satisfy sequential and exception tests. There is no proposed change to the finished floor levels within the unit and the change of use itself will not result in an increased risk of flooding elsewhere. However, a condition should be added to any permission seeking an appropriate evacuation plan.

Highway Issues

The site does not have any significant facilities for dedicated off-street parking for customers. There is some on-street parking available but, given the limited size of the proposal, and the likelihood that clientele will largely arrive on foot, it is not felt that the use would introduce a significant intensification, over and above existing, in terms of trip generation and on-street parking so as to justify a reason for refusal.

Response to representations

Matters relating to retail dominance, noise and disturbance and accessibility have been addressed in the main body of the report.

Matters such as controlling specific anti-social behaviour are not material planning considerations.

The Local Planning Authority cannot introduce a moratorium on

applications for change of use. Neither can it require an Applicant to seek an alternative location for the proposal.

Comments from representations in support of the application which refer directly to the specific use within Use Class A4 have been noted but any decision on the application can only consider the Use Class itself.

Current retail purchasing patterns and the viability of high street retail within DSC's are not considered relevant in consideration of this application.

The ability or otherwise to move goods within the unit is not a material planning consideration.

Matters relating to internal structure and fire resilience are not material planning considerations.

SUMMARY AND RECOMMENDATION

This is an application for a change of use of a vacant unit with established A1 use into an A4 use. It is considered that, subject to conditions, the introduction of this use would not give rise to disamenity to nearby residents in terms of noise and disturbance and the proposal would not adversely affect the vitality and viability of the Shopping Area as a whole or within the immediate locality. It is therefore recommended that the proposal is granted subject to conditions.

Case Number	14/02614/FUL (Formerly PP-03527330)
Application Type	Full Planning Application
Proposal	Change of use to seated outdoor coffee area (Use Class A3)
Location	245 Ecclesall Road Sheffield S11 8JE
Date Received	16/07/2014
Team	South
Applicant/Agent	SLA Design
Recommendation	Grant Conditionally

Subject to:

- 1 The use shall cease on or before 8th September 2016

Reason: In order to define the permission and because the permanent use of the site as an outdoor cafe would both undermine and prejudice the satisfactory regeneration of the site.

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

14/031 002 Rev A
14/031 003 Rev A

Reason: In order to define the permission.

- 3 No customer shall be permitted to be on the premises outside the following times: 10:00-21:00 on any day of the week

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

- 4 No deliveries to the cafe shall be carried out between the hours of 21:00-07:00 on Monday to Saturday or 21:00-09:00 hours on Sundays and Public Holidays

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

- 5 No movement, sorting or removal of waste bottles, materials or other articles, nor movement of skips or bins shall be carried on outside the building/s or within the site of the development (shown on the plan) between

2100 hours and 0700 hours (on the following day) Sundays to Fridays and between 2100 hours and 0900 hours (on the following day) on Saturdays and the day before a Public Holiday.

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

- 6 No amplified sound or live music shall be played either within or without the premises nor shall loudspeakers be fixed at any time outside the building.

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

- 7 No cooking equipment, such as deep fat fryers or griddles, requiring extraction plant or flue shall be brought into use at the site

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

- 8 No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof have first been submitted to and approved in writing by the Local Planning Authority, and once installed such plant or equipment should not be altered.

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

- 9 Within 28 days of the date of this permission a suitable receptacle for the disposal of litter shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

- 10 Within 28 days of the date of this permission a Flood Plan, including a detailed evacuation procedure and safe exit routes to land within Flood Zone 1 in the event of flooding, has been submitted to and approved in writing by the Local Planning Authority

Reason: To ensure safe evacuation procedures are in place in the event of flooding.

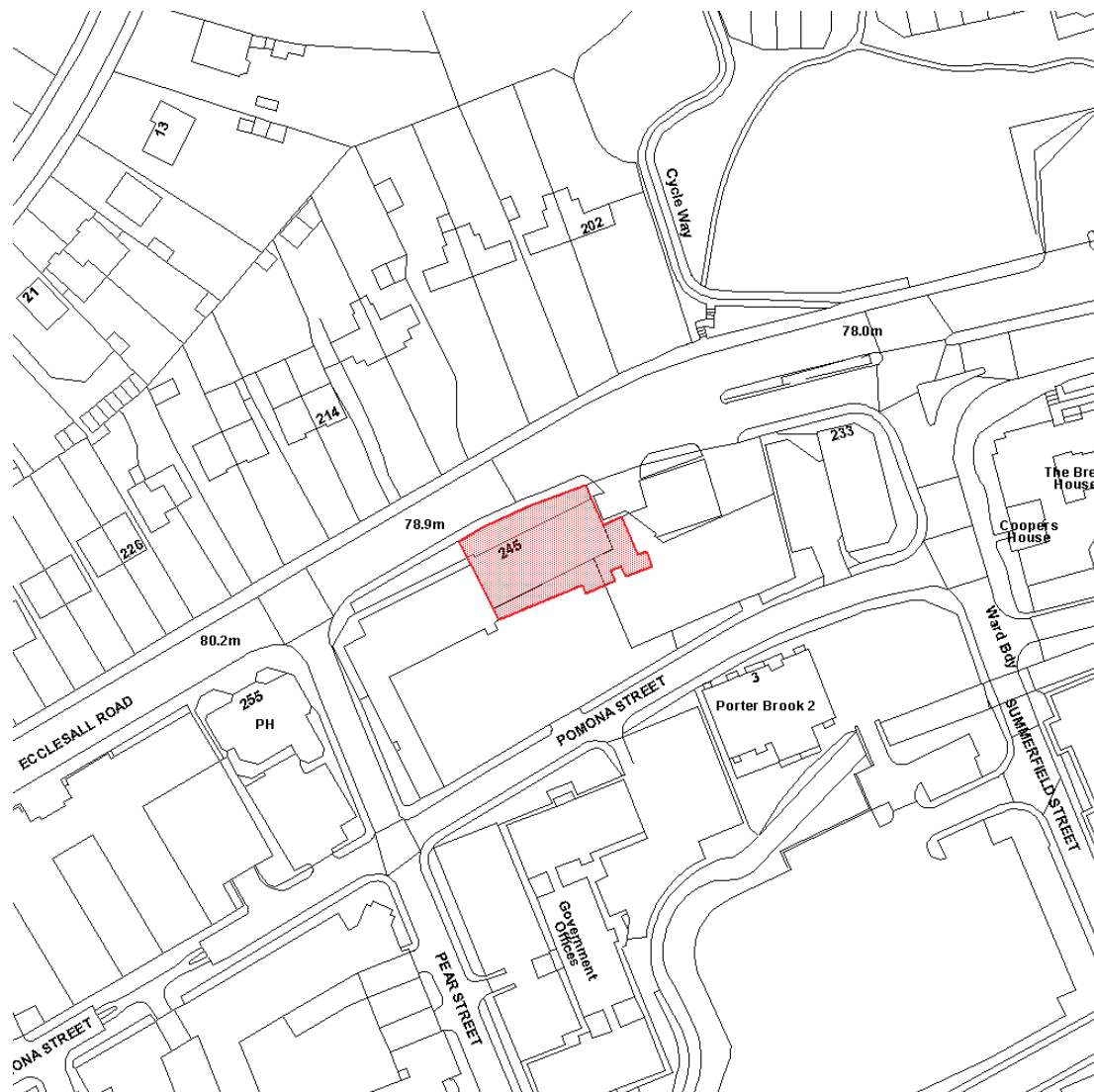
Attention is drawn to the following directives:

1. The Applicant is strongly advised to sign up to the Environment Agency Flood Warning helpline: <https://www.gov.uk/sign-up-for-flood-warnings>
2. The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

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

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

Site Location



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LOCATION AND PROPOSAL

The application relates to an open area of land which previously formed part of a car sales/garage forecourt. (Use Class Sui Generis)

The land lies adjacent the footway of Ecclesall Road under a large permanent canopy that previously served part of the garage forecourt area.

The character of Ecclesall Road at this point is mixed. The south side of the road is predominantly commercial/light industrial in nature and is allocated as a Fringe Industry and Business Area in the Unitary Development Plan. The north side is residential and is allocated as the Broomhall Housing Area.

The site is bounded to the north east by a car valeting business and to the south west by Champs Bar (on the opposite side of Pear Street). Dwellings are located approximately 35-40 metres to the north on Ecclesall Road itself. To the south the site adjoins a further hardstanding area (a continuation of the former vehicle sales use) which lies adjacent Pomona Street.

The proposal is for a temporary change the use of the land to Use Class A3 (café/restaurant) the permission being requested for two years. The proposal is for an outdoor seated coffee area. The proposal includes the use of part of an existing building on the site for food preparation and toilet facilities. The applicant's agent has indicated that shisha is offered as part of the café 'menu' but that this does not represent the primary function within the use.

It is noted that the representations set out below refer to shisha consumption however, as described, the proposals are considered to represent a class A3 use, and the application has been assessed as such. In the event that, in practice shisha consumption became the dominant function of the premises, this may represent a change of use that would need to be addressed at that point.

No preferred hours of use are indicated on the application forms but correspondence has been received from the Applicants Agent requesting opening hours of 10:00-21:00 each day.

The applicant's Design and Access Statement alludes to off-street parking being available on the adjacent site. However, this is clearly indicated as being outside the red line boundary.

RELEVANT PLANNING HISTORY

There is a wealth of planning history on the site but nothing that would be considered significant in the determination of this application.

SUMMARY OF REPRESENTATIONS

There have been 9 representations regarding the application, 7 being objections, one being neutral and one being in support

Representations objecting to this application include representations from:

Cllr Brian Webster

The Broomhall Park Association (BPA)

Points raised by Cllr Webster

The levels of background noise from traffic are very loud here. Will music be played and if so how will it be controlled?

There are residential properties immediately opposite on Ecclesall Road and music would carry across to houses on Victoria Road beyond.

The proposal would adversely impact on the amenity of nearby residents

The proposal is contrary to Core Strategy Policy CS74

The Applicants should withdraw the application and seek Officer advice as to whether a café is suitable on the site.

Points raised by the BPA

Trading has already commenced on the site, it is trading as a shisha bar and is closing well after midnight.

There is nothing to baffle the noise created on site

Many visitors are taxi drivers and this leads to engines left revving etc. creating additional noise and the police have been called on a number of occasions.

Conditions should be applied if permission is given controlling opening hours and external music sources.

Matters raised in other representations

The use has already commenced and is causing great concern with opening hours past midnight and music being played which is carrying to nearby residential properties

Visitor's cars are congregating/parking up on the kerb of Ecclesall Road

There is concern that a proposed 9 p.m. closing time could gradually be extended.

Additional littering in the locality could give rise to vermin.

The provision of external seating beyond the bamboo screen is an invitation for revellers to pause and create more noise.

In the winter months furniture may deteriorate and become an eyesore and prone to vandalism.

There are already sufficient food/drink outlets on Ecclesall Road and the number of such uses is becoming overwhelming

A closing time of 5 p.m. should be imposed

There is no provision for litter bins or waste collection.

Traffic noise does not tend to reach dwellings on the opposite side of Ecclesall Road but other types of noise such as music etc. do.

The proposal would lead to additional parking problems on Ecclesall Road

Support and Neutral comments

Support the proposal in principle but has concerns regarding noise, notably the generator to power the powered advertising display

PLANNING ASSESSMENT

Policy Issues

The site lies within an allocated Fringe Industry and Business Area (FIBA) and therefore the following Unitary Development Plan (UDP) policies apply:

Policy IB6 'Development in Fringe Industry and Business Areas' states that in Fringe Industry and Business Areas (FIBA's), food and drink uses (Class A3) will be acceptable.

Policy IB9 'Conditions on development in Business and Industrial Areas' states:

- (a) not lead to a concentration of uses which would prejudice the dominance of industry and business in the area
- (b) not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions;
- (f) be adequately served by transport facilities and provide safe access to the highway network and appropriate off-street parking

Dominance

This change of use would not represent a significant shift in the balance between industry/business use and alternative uses in this FIBA.

As such the proposal is satisfactory when tested against Policy IB9 (a).

Environmental Considerations and Residential Amenity

Visual amenity

In terms of impact on the visual amenity of the locality it is not considered that the proposal would have an adverse effect. The vacant site consisted of hardstanding which did not contribute to the street scene in a positive way and the introduction of tables/chairs and proposed planters should at least provide a level of visual interest.

The removal of the porta cabins from the scheme is considered a positive step and the use of existing permanent buildings is the preferred option.

Residential amenity

The nearest residential properties from the application site are those dwellings on Ecclesall Road and the flats located 45 metres to the south east on Pomona Street.

Any likely impact upon residential amenities should primarily be measured against the existing properties on Ecclesall Road.

Ecclesall Road is one Sheffield's busiest main roads and therefore generates a considerable amount of ambient noise immediately adjacent the site and the houses opposite.

The houses opposite do achieve a separation distance of approximately 45 metres to the proposal. The levels of ambient noise generated by traffic on Ecclesall Road at this location is considerable. However, previous experience with the former Pomona Public House (now Champs) indicates that amplified music and loud congregations of people in the very late evening/ night-time hours can cause significant disturbance and nuisance to these residents.

The proposed use is entirely outdoor and as such there is no prospect of mitigating for any sources of noise, be they from activity of customers or from amplified sources.

The relationship between the proposed use and that of the forecourt areas at Champs is therefore considered to be similar in implication, though the latter is a licensed premises and there is an expectation that uses involving alcohol tend to generate greater levels of noise.

Several drinking establishments on Ecclesall Road feature forecourt areas where drinking occurs and several of these have been granted conditional approval.

Should permission be granted here it is therefore considered that a condition should be added to ensure consistency with other recent planning permissions limiting outside use to 21:00 hours. The applicant is not seeking hours beyond this time despite anecdotal evidence suggesting that such a time limit has not been voluntarily adhered to since the use began trading (without permission having been granted).

As well as a consideration of operating hours themselves it is considered that if permission is granted then conditions relating to operation (deliveries/sorting of waste for example) also be added.

Finally, given that no mitigation of amplified noise sources can be achieved because of the outdoor nature of the proposal it is considered prudent to condition that no such sources be allowed.

Given the above it is considered that, subject to appropriate conditions, the proposal should not lead to significant disturbance at the nearest dwellings and the proposal will be acceptable with regard to Policy IB9 (b)

Littering

As the proposed use is for outdoor refreshment it is considered prudent that, should permission be granted, a condition be added requiring the provision of waste bins within the site.

Flood Risk

The site lies within Flood Zone 3. However, as the application is for a change of use there is no requirement to satisfy sequential and exception tests. There is no proposed change to the finished ground levels within the site and the change of use itself will not result in an increased risk of flooding elsewhere. However, a condition should be added to any permission seeking an appropriate evacuation plan and that the Applicant sign up to the Environment Agency's Flood Warning scheme.

Highway Issues

The site does not have any significant facilities for dedicated off-street parking for customers or staff. The supporting submissions with the application suggest that the adjacent site can be used but it is not felt that this can be given significant consideration as the site does not lie within the red line boundary and is therefore beyond the scope of this application.

There is some on-street parking available in the locality but in any event, given the nature of the proposed use and the highly sustainable location, it

is not considered that an absence of off-street parking provides sufficient justification for a reason for refusal.

Response to representations

Matters relating to noise and disturbance, littering, car parking and visual amenity have been dealt with in the main body of this report.

Matters relating to retail dominance do not arise as the site is located outside the adjacent District Shopping Area.

Matters such as controlling specific anti-social behaviour are not material planning considerations.

SUMMARY AND RECOMMENDATION

This is an application for a change of use of a vacant unit with established Sui Generis use into a temporary A3 use. It is considered that, subject to conditions, the introduction of this use would not give rise to disamenity to nearby residents in terms of noise and disturbance and the proposal would not adversely affect the viability of the Fringe Industry and Business Area. It is therefore recommended that the proposal is granted subject to conditions.

Case Number	14/02260/FUL (Formerly PP-03376984)
Application Type	Full Planning Application
Proposal	Single-storey rear extension to building
Location	Sunflower Childrens Centre 21 Carter Hall Road Sheffield S12 3HS
Date Received	24/06/2014
Team	City Centre and East
Applicant/Agent	Birkett Cole Lowe Architects
Recommendation	Grant Conditionally

Subject to:

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

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

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

Site Plan Ref 4007(0)01A received via email dated 22 September 2014.
Floor Plan Ref: 4007(0)02 received on 23 June 2014
Roof Plan Ref: 4007(0)04 received on 23 June 2014
Elevation Plan Ref: 4007(0)03 received on 23 June 2014

Reason: In order to define the permission.

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

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

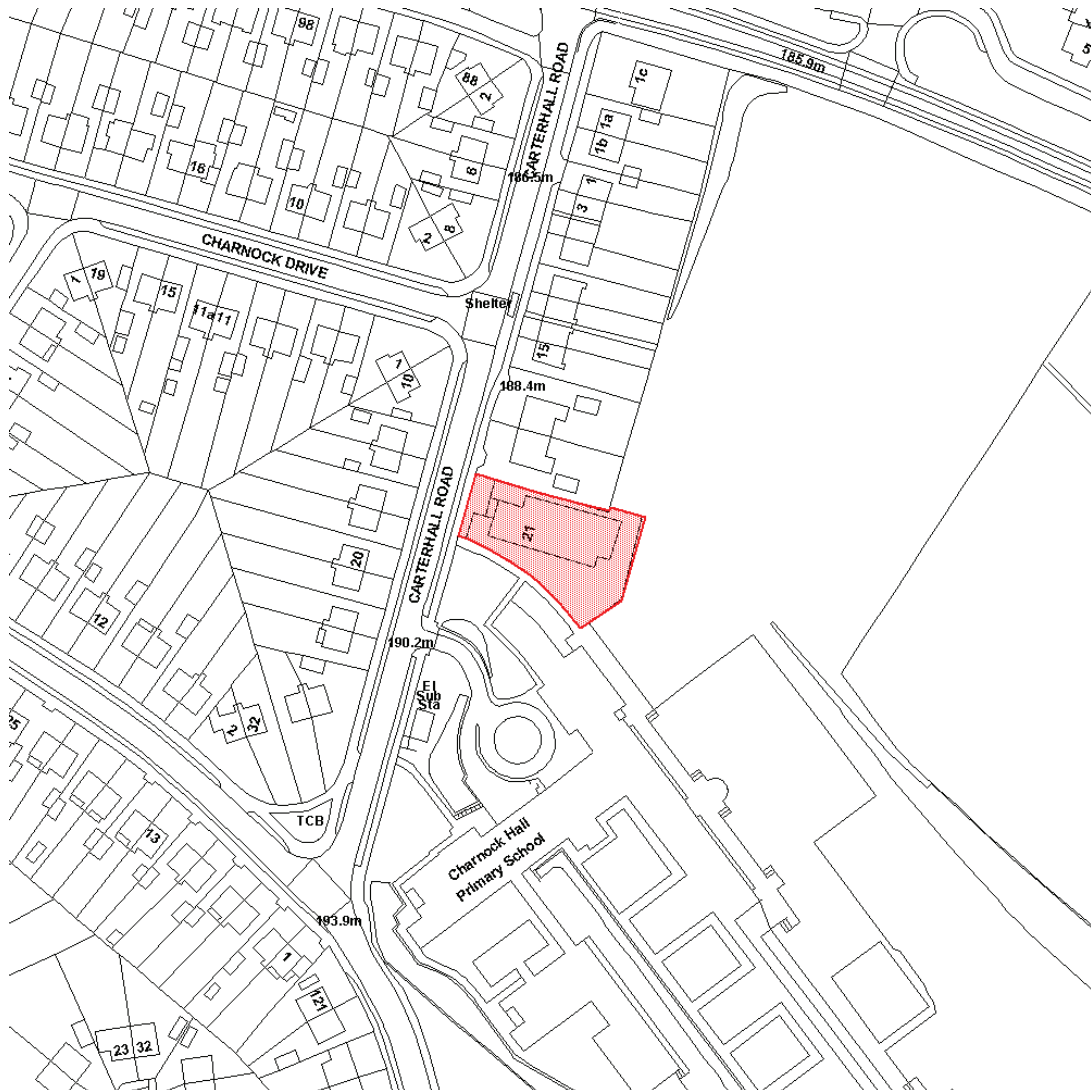
Attention is drawn to the following directives:

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

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

3. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.

Site Location



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LOCATION AND PROPOSAL

This application relates to an existing single storey flat roofed building used as a nursery/children's centre. The applicant is applying to erect a single storey extension on the east (rear) elevation in order to accommodate additional children. The extension will provide new inside and outside teaching space, a new kitchen and toilet facilities.

The requirement for the extra capacity arises as a result of a government initiative to provide additional nursery spaces for younger children from low income families. The applicant anticipates that this would result in an increase of forty children attending the facility at staggered times during a typical day.

In addition to the extension, the applicant also intends to relocate a paladin fence onto the Carter Hall Road frontage, in order to enclose an existing small area of hardstanding.

The nursery site and Charnock Hall School, which is set to the immediate south and east, are both located within the Green Belt, as defined by the adopted Sheffield Unitary Development Plan (UDP). Housing Areas are then set to the west and north of the application site and these define the principle character of the area, which is made up of two storey semi-detached houses. White Lane and the Supertram are set approximately 155 metres to the north.

RELEVANT PLANNING HISTORY

The original nursery building received planning permission on 10 May 2001 (reference 00/01283/FUL). There is no other relevant history for this site.

SUMMARY OF REPRESENTATIONS

13 representations have been received from local residents (several of these are multiple representations from the same address). These representations raise the following points:

- The current situation already sees notable congestion and parking issues in and around the children's centre and this proposal would only serve to exacerbate these issues. These problems occur all day long during the week and include people parking in front of driveways and on double yellow lines and zig zag lines.
- The increased number of vehicle movements could lead to a serious accident.
- The nursery only has three parking spaces so can't cope with the drop off and staff parking demands.
- The highway issues are made worse by the presence and demands of the neighbouring school, as well as commuters parking in order to use the tram stop. In addition, Carter Hall Road is used as a 'rat run'.

- It is not correct, as the applicant suggests, that parents on low incomes do not own cars.
- Cars already park on and ruin the grass verges. This will be exacerbated.
- The proposal would lead to increased litter, noise and pollution issues.
- The 20mph speed restriction placed on the area is not being adhered to.
- The children's centre was built in the wrong location. Originally it was intended to be to the south of the existing school where it would have caused fewer problems.

PLANNING ASSESSMENT

Policy and Green Belt issues

The application site is located entirely within the Green Belt and as such Policies GE1, GE2, GE3 & GE4 of the UDP, Policy CS71 of the Core Strategy (CS) and The National Planning Policy Framework (NPPF) regarding new development in the Green Belt apply.

All of the above policies seek to direct new development to previously developed sites in order to protect the Green Belt from unrestricted growth of the built-up area, prevent the merging of settlements and the encroachment of urban development into the countryside. One of the Key principles of Green Belt policy is to keep land permanently open with the policy position being very clear in terms of restricting growth of the built up area.

In particular the NPPF states that the extension or alteration of a building is not inappropriate provided that it does not result in a disproportionate addition over and above the size of the original building.

In this case the proposal is to be set within the confines of the existing nursery grounds and will be an extension to the existing building, rather than being isolated or a new free standing structure. As such, when viewed from the Green Belt it will clearly be seen in the context existing built form and its scale is clearly subservient to the original building.

Having regard to the above, and given the limited scale of the proposal, the principle of the development in the Green Belt is accepted in line with NPPF guidance.

Community Benefits

Policy CF1 (Provision of Community Facilities) within the UDP states that community facilities will be promoted, particularly when they are for the benefit of disadvantaged people and located close to public transport or within the communities they are intended to serve.

From a spatial perspective, the site is close to excellent public transport links and is set within the community it principally serves. The new capacity being created will also provide grant funded nursery places to low income families. As such the proposals are in accordance with the objectives of Policy CF1.

Highways

As identified within the letters of representation, there is notable pressure on the highways surrounding the site over and above what would normally be expected on such residential streets. These pressures have been witnessed by the Highways Officer on site and are mainly as a combination of the children's centre, Charnock Hall Primary School and the presence of the White Lane tram stop in close proximity, which encourages commuters to the area. This capacity issue is felt most acutely when the school and nursery experience their peak times in relation to drop off and pick up (at the start and end of the main school day).

Whilst the existing capacity problems are not questioned, the issue for consideration in this instance is how much additional pressure this proposed scheme would generate. In this regard, the applicant has provided some survey information that looks into how existing children arrive and depart from the centre on a typical Monday and Wednesday. This information shows staggered arrival and departure times, with clear peaks hours. On average just less than half of parents arrived by car, which is no surprise given the easy walking distance for some of the centre's users and the proximity of the Supertram. In addition, the information shows that roughly a third or more children will arrive and leave outside of peak times because of the staggered sessions.

In relation to the new capacity created, the applicant anticipates forty additional children attending at staggered times over the course of a typical day. Based on the survey information above this is estimated to result in twenty new movements for both pick up and drop off, twelve of which would take place during peak times. However, owing to the demographic the government grant is targeted at, it is deemed as reasonable to assume that the new users would have a lower than average car ownership. Given this, any new peak time demand on the highway created by the additional users would be nominal when compared to the current situation.

In relation to staff, the applicant has stated that two new jobs would be created and it is very likely these employees would be from the local area and would therefore walk to the centre. The likelihood of this is supported by the existing figures provided, which identify that only 7 staff out of the 28 employed currently drive to the centre. It would be of benefit to increase the existing parking spaces as there are only three currently, but given the tight nature of the site this is not feasible. Again, given the close proximity to the community and excellent public transport links, this minor increase in staff numbers will not create any additional undue pressure on the highway network.

On balance, whilst accepting that there is an existing strain on the network in this location during the school week and this is a negative aspect of this scheme, the proposals are not considered to be so significant as to warrant a refusal on

highways grounds, particularly when balancing the overall benefits of the proposal to the wider community in terms of the provision of additional nursery places. In reaching this judgement it is acknowledged that there will continue to be a capacity problem at peak times with or without this extension

Amenity

The only residents the proposal could impact from an amenity perspective reside in 19 Carter Hall Road, which adjoins the application site to the north. Given its limited scale, and as it is set at the bottom of this residential garden, the proposal creates no concerns from a shadowing and dominance standpoint when assessed against the current situation.

The small kitchen window on the north elevation will face onto the adjacent playing field, as will the windows in the rear elevation. Privacy is therefore not a concern.

The proposals are therefore considered to be acceptable from an amenity perspective.

Design

Policy CS74 of the CS, which relates to design principles, advises that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods.

The concept for the extension is to match it as closely as possible to the existing building. This is achieved by matching the existing form, fenestration and scale, which has been done successfully.

In relation to materials, the applicant wishes to use a buff brick, which is already evident on the less visible northern elevation. Although timber cladding is the principle material on the other three elevations, the increased use of the brick is not out of context with the area and ensures maintenance issues are minimised.

The relocated fence matches the existing fencing on site and a paladin design is seen as appropriate.

The proposed scheme is therefore supported from a design perspective.

RESPONSE TO REPRESENTATIONS

The majority of issues have been addressed in the above assessment and the following outstanding issues are assessed below:

- The proposal would lead to increased litter, noise and pollution issues.

There is no clear evidence that litter from the nursery is a problem in the area and this has been raised with the centre to ensure it is monitored.

Given this is an increase in numbers, rather than a new facility, and as the centre is not open in the evenings or at the weekend, noise is not seen as a significant issue.

As the new vehicle movements created are minimal there will be an insignificant impact on air pollution arising from this development.

- The 20mph speed restriction placed on the area is not being adhered to.

If this is the case then it is a matter for the police to enforce.

- The children's centre was built in the wrong location.

The location of the centre is already established and this application cannot alter that fact.

SUMMARY AND RECOMMENDATION

As this is an extension rather than a new free standing structure, it will clearly be seen in the context of existing built form. The principle of the development in the Green Belt is therefore acceptable when judged against the criteria in the NPPF.

In relation to design, both the extension and relocated fence will match the existing aesthetic on site in all regards and is therefore consistent with Policy CS74.

There is notable pressure on the highways surrounding the site mainly owing to a combination of the children's centre, Charnock Hall Primary School and the proximity of the White Lane tram stop, which attracts commuters to the area. This capacity issue is felt most acutely when the school and nursery experience their peak times in relation to drop off and pick up at the start and end of the school day. This is a negative aspect of this proposal.

In relation to the new capacity created, based on survey information and the demographic of the new users, any new peak time demand on the highway would be nominal when considered in the overall context of the existing situation.

Given the close proximity to the community and excellent public transport links a minor increase in staff numbers will not create any additional undue pressure on the highway network.

The extension will provide additional capacity in this community facility, targeted at low income families and as such will provide considerable benefits to the wider community in line with adopted planning policy.

It is accepted that there will be a degree of additional disruption to those residents who live in close proximity to the site due to additional vehicle movements. This negative aspect of the proposal must be weighed against the wider community benefits. In this case it is considered, on balance, that the positive impact of the provision of additional nursery places outweighs the negative impact of the additional highways movements, particularly when considering the very limited

scale of the proposal in the overall context of the existing nursery and school buildings.

The application is therefore recommended for conditional approval.

Case Number	14/02000/RG3 (Formerly PP-03415382)
Application Type	Application Submitted by the Council
Proposal	Demolition of parts of infant school buildings, alterations and extension to retained buildings and extension to provide additional classrooms, provision of multi use games area, car parking and external works (revised description) as amended 16.6.14 and 2.9.14
Location	Hallam Primary School Hallam Grange Crescent Sheffield S10 4BD
Date Received	03/06/2014
Team	West and North
Applicant/Agent	Sheffield City Council PLACE Capital Delivery Service
Recommendation	Grant Conditionally

Subject to:

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

Reason: In order to comply with the requirements of the Town and Country Planning Act.
- 2 The development must be carried out in complete accordance with the following approved documents:

drawing nos. AL(0)01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 14 and 15 received on 3.6.14; drawing nos. LL(9)01 Rev B, 03, 04, 05 and 06 received on 3.6.14; drawing nos. SCC-HLM2011-01, 02 and 03 received on 3.6.14; External works Site Clearance Works PLANNING drawing received on 3.6.14; and drawing nos. AL(0)16, 17 and 18 received on 16.6.14

Reason: In order to define the permission.
- 3 Notwithstanding the indication given on the submitted plans, before development commences or within an alternative timescale to be first approved in writing by the Local Planning Authority, details of the following matters shall be submitted to and approved in writing by the Local Planning Authority. Such matters shall thereafter be provided in accordance with the approved details and thereafter be retained.

- (i) siting/re-siting of the proposed car parking spaces and a timescale for their provision;
- (ii) alignment/re-alignment of the fence on/alongside the playing field.

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

- 4 Before development commences details of parking for a further 18 cars in addition to those shown on the submitted plans shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of temporary surfacing and boundary treatment of the additional parking area. The additional car parking shall be provided in accordance with the approved details before the classroom extension hereby approved is brought into use and shall thereafter be managed in accordance with the approved Travel Plan.

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

- 5 No development shall commence until full details of measures to protect the existing trees to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

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

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

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

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

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

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

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

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

- (i) windows and reveals
- (ii) doors
- (iii) eaves and verges
- (iv) brickwork detailing
- (v) canopies and roof to covered play area
- (vi) roof lights and ridge
- (vii) external grilles and vents
- (viii) rainwater goods
- (ix) roller shutters

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

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

- 10 Before the development is commenced, full details of the following matters shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

- (i) external lighting and means of preventing overspill of light;

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

- 11 Before development commences a report shall have been submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs of the of the completed development will be obtained from decentralised and renewable or low carbon energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources or additional energy efficiency measures shall have been installed before any part of the development is occupied and a post-installation report shall have been submitted to an approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

- 13 Before the development is commenced, full details of the proposed servicing arrangements and times (including for example delivery of school dinners) shall have been submitted to and approved in writing by the Local Planning Authority, and thereafter adhered to.

Reason: In the interests of pedestrian safety and the amenity of the locality.

- 14 Within 3 months of the classroom extension becoming occupied, a detailed Travel Plan(s), designed to: reduce the need for and impact of motor vehicles, including fleet operations; increase site accessibility; and to facilitate and encourage alternative travel modes, shall have been submitted to and approved in writing by the Local Planning Authority. Detailed Travel Plan(s) shall be developed in accordance with a previously approved Framework Travel Plan for the proposed development, where that exists.

The Travel Plan(s) shall include:

1. Clear and unambiguous objectives and modal split targets;
2. An implementation programme, with arrangements to review and report back on progress being achieved to the Local Planning Authority in accordance with the 'Monitoring Schedule' for written approval of actions consequently proposed,
3. Provision for the results and findings of the monitoring to be independently verified/validated to the satisfaction of the local planning authority.
4. Provisions that the verified/validated results will be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.

On occupation, the approved Travel Plan(s) shall thereafter be implemented, subject to any variations approved in writing by the Local Planning Authority.

Reason: In the interests of delivering sustainable forms of transport, in accordance with the Transport Policies in the adopted Unitary Development Plan for Sheffield (and/or Core Strategy).

- 15 Prior to any works commencing on site, full details of the following shall have been submitted to and approved in writing by the Local Planning Authority, and the construction works shall only be progressed in accordance with the approved details:

- (i) construction method statement;
- (ii) phasing of construction works;
- (iii) locations of any temporary classrooms;
- (iv) site safety and segregation;
- (v) access and any temporary site access for construction traffic;
- (vi) location of site compound, hoardings and temporary car parking arrangements for contractors;
- (vii) any displaced parking arrangements;
- (viii) haulage routes;
- (x) times when construction works and movement of construction traffic will be restricted.

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

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

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

- 17 The gradient of shared pedestrian/vehicular access shall not exceed 1:12 .

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

- 18 Prior to works starting on site, a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which agreed in writing with the Local Planning Authority. Any remedial works will have been completed to the satisfaction of the Local Planning Authority prior to full occupation of the development.

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

- 19 Notwithstanding the submitted plans, prior to the development becoming occupied, suitable and sufficient, secure and sheltered bicycle/motorcycle parking accommodation (plus storage/changing/shower facilities) shall have been provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority (ideally avoiding the use of "butterfly" systems which have a tendency to buckle wheels).

Thereafter the bicycle/motorcycle parking shall be retained/maintained for the sole purpose intended.

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

- 20 All vehicle and pedestrian areas within the site shall have been surfaced, sealed and drained to the satisfaction of the Local Planning Authority prior to occupation.

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

- 21 Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of 18 additional temporary car parking spaces (on temporary surfacing) within the site shall have been submitted to and approved in writing by the Local Planning Authority. Prior to occupation of the new school, the permanent car parking spaces as indicated on the approved plans shall have been provided, surfaced, drained and formally marked out to the satisfaction of the Local Planning Authority, along with the temporary car parking accommodation for 18 additional cars. The temporary car parking accommodation will hopefully be reviewed downwards via the Travel Plan and returned to open space.

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

- 22 The development shall not be begun until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the resurfacing/reconstruction of the footpaths crossing the site before the development is brought into use. The detailed materials specification shall have first been approved in writing by the Local Planning Authority.

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

- 23 Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, full construction details of the drop/collection car parking spaces at the Redmires Road layby, and of the pedestrian spur and gating arrangement and management onto Conduit Walk shall have been submitted to and approved in writing by the Local Planning Authority. Both facilities shall have been provided to the satisfaction of the Local Planning Authority prior to occupation of the extended school.

Reason: In the interests of pedestrian safety, to ensure satisfactory parking provision in the interests of traffic safety and the amenities of the locality and in the interests of delivering sustainable forms of transport, in accordance with the Transport Policies in the adopted Unitary Development Plan for Sheffield and Core Strategy.

24 Notwithstanding the information on the submitted plans, no development shall commence until revised details of the design and layout of the multi use games area, which shall comply with Sport England design guidance, have been submitted to and approved in writing by the Local Planning Authority. The multi use games area shall not be constructed other than substantially in accordance with the approved details before it is brought into use.

Reason: To ensure the development is fit for purpose and sustainable.

25 Prior to the development being brought into use, a Community use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved Scheme shall be implemented upon commencement of use of the development.

Reason: To ensure well managed safe community access to the sports facility.

26 Before the multi use games area is brought into use, details of the proposed hours of use of the multi use games area shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the multi use games area shall not be used other than in accordance with the approved details.

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

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

Reason: To ensure satisfactory drainage arrangements.

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

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

Attention is drawn to the following directives:

1. The applicant is advised that Sport England design guidance can be found at <http://www.sportengland.org/media/228585/artificial-surfaces-for-outdoor->

sports-2013.pdf and a model Community Use Scheme is available at www.sportengland.org

2. As the proposed development will involve the closing/diversion of a footpath(s) you are advised to contact the City Solicitor and Head of Administration, Town Hall, Sheffield, S1 2HH, as soon as possible with a view to the necessary authority being obtained for the closure/diversion of the footpath(s) under Section 257 of the Town and country Planning Act 1990.
3. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received a signed consent under the Highways Act 1980. An administration/inspection fee will be payable and a Bond required as part of the consent.

You should apply for a consent to: -

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

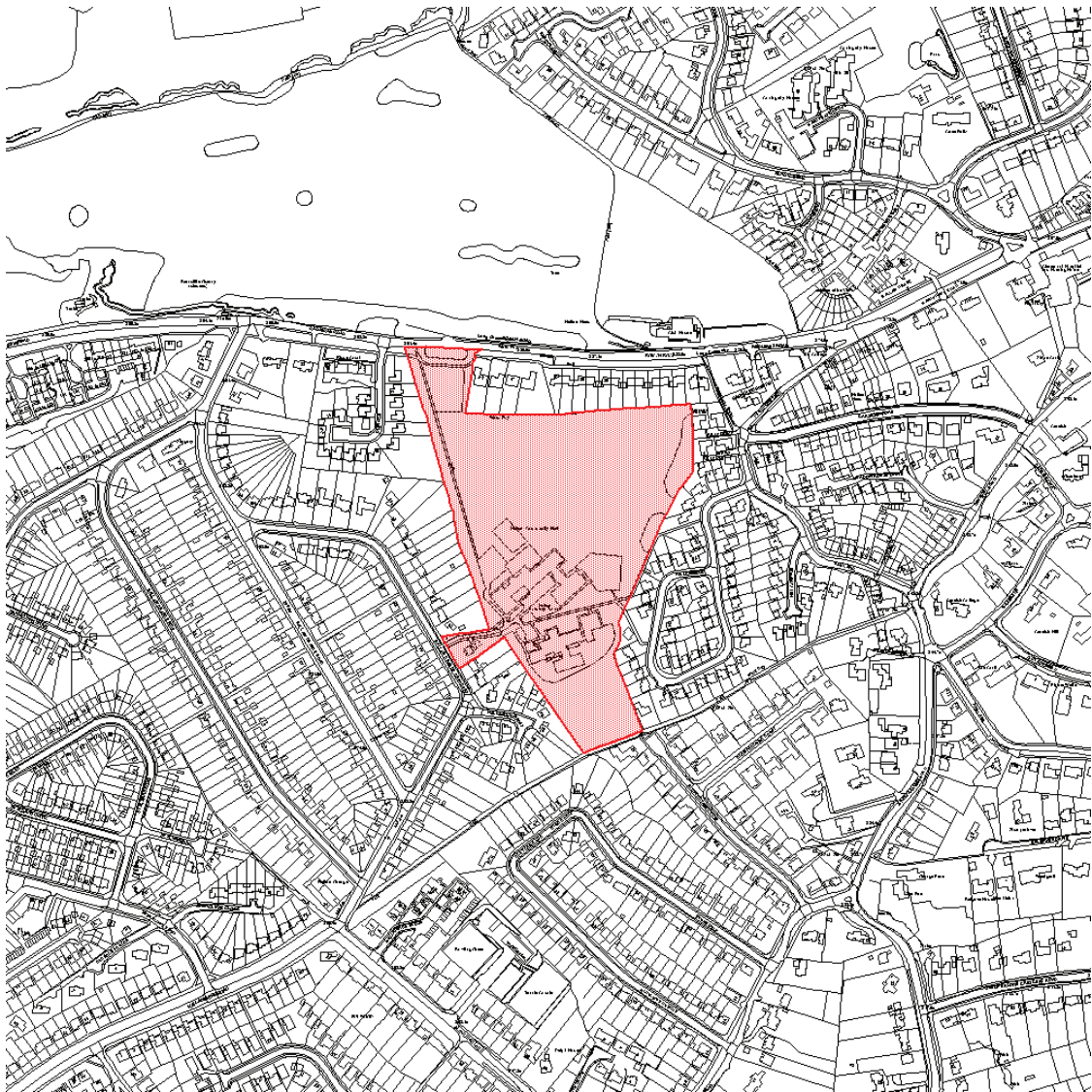
For the attention of Mr S Turner
Tel: (0114) 27 34383

4. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.
5. The applicant is advised that responsibility for the safe development and occupancy of the site rests with the developer. The Local Planning Authority has evaluated the risk assessment and remediation scheme on the basis of the information available to it, but there may be contamination within the land, which has not been discovered by the survey/assessment.
6. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at www.sheffield.gov.uk/planning or apply online at www.planningportal.gov.uk. The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.

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

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

Site Location



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LOCATION

Hallam Primary School and its grounds are located within a residential area on the south side of Redmires Road.

Most of the school grounds back onto the rear gardens of the surrounding residential properties. The main site access and the school caretaker's house have a short frontage to Hallam Grange Crescent. Part of the northern boundary of the site adjoins a small lay-by on Redmires Road and part of the southern boundary borders an unmade public footpath running between Hallam Grange Crescent and Tom Lane.

Two public footpaths also cross the site. One runs west-east through the site between Hallam Grange Crescent and Hillcote Close, and the other runs north-south inside its western boundary of the site up to Redmires Road.

The existing school comprises separate buildings for infants and juniors which are sited on either side of the public footpath running west-east through the site (the infant school building is on the south side of the public footpath and the junior school is on the north side).

Also within the school grounds is the Hallam Community Hall which is sited on the northwest side of the junior school building, and a children's centre which adjoins the infant school.

There are playing fields to the north side of the junior school and a grassed area to the south of the infant school.

PROPOSAL

The proposal seeks full planning permission for demolition of parts of the infant school buildings, for alterations and extension to the retained junior school buildings, for an extension to provide additional classrooms, and for the provision of a multi-use games area, car parking and external works.

The applicant has stated that the aim is to enable the primary school to be expanded from a 2 form entry to a 3 form entry school to cater for the population expansion in young people in the Hallam area requiring school provision.

The existing community hall and the children's centre would be retained.

The applicant has stated that the existing school is considerably oversized with duplicated accommodation in the two buildings and considers the condition and layout of the existing infant building to be poor. A large amount of the surplus accommodation in the current junior school is to be utilized for the expanded school.

The proposed demolition works involve demolition of the infant school building which runs along the south side of the public footpath and wraps around the retained children's centre.

The proposed alterations include rebuilding the southern wall and part of the return elevations of the retained children's centre following demolition of the adjoining infant school, and enhancing the main entrance into the junior school building with a new canopy and ramped access, provision of a secure lobby and minor extensions to provide an enlarged reception, waiting area and general office.

The proposed single-storey extension would be sited on the east side of the junior school on part of an existing playground. It would have a short link corridor between the existing two-storey classroom block and the proposed classroom block. The proposed extension would be approximately 46 metres long overall by 22 metres at its widest and would be approximately 7 metres high to the top of its main ridged roof. It would be faced in coloured composite panels and glazing on its north and south facing elevations, with brickwork gables and smaller windows in its east facing gable, and would have a dark grey ridged roof. A projecting canopy would run along most of its southern elevation.

New hard and soft play areas are proposed adjacent to the proposed extension including a covered play area.

The proposed multi-use games area would be sited immediately to the south of the retained children's centre which is on the south side of the public footpath. This multi-use games area would be 40 metres by 25 metres with 3 metre high perimeter fencing. A playground is proposed to the east of the multi use games area.

The external works include provision of a bin store close to the site entrance drive, hard and soft landscaping works, and adjustments to fencing and gates.

The proposal seeks to increase the parking provision at the existing small lay-by off Redmires Road to encourage more use for dropping-off on this non-residential road which is next to a public footpath running down into the site.

Additional car parking is proposed within the site for school staff, the community centre and for people with disabilities. The submitted application seeks to enlarge the main car park adjacent to the community hall from 20 to 35 spaces (including 2 spaces for people with disabilities). The small car park (6 parking spaces) on the south side of the public footpath is to be retained. 2 parking spaces for people with disabilities are proposed adjacent to the school entrance. External lighting is proposed to the car parking areas.

The applicant has stated that a new path would be provided to the southern boundary to encourage school users living on the south side of the school boundary to walk to school. A currently locked pedestrian gate would be unlocked at the start and finish of school.

The applicant has submitted additional information in support of the application including details of Community Consultation, a Green Travel Plan to supplement the school's travel plan, and temporary access works.

The applicant has stated that the pre-application community consultation undertaken included sending out a consultation newsletter in October 2013 to parents, carers and the local community, holding drop-in sessions at the school on 11 and 20 November 2013, holding meetings on 6 February and 10 April 2014 with invites to local residents, and a further drop-in session for parents on 19 May 2014.

RELEVANT PLANNING HISTORY

The school was first built during the mid-1960s with subsequent additions during the 1970s.

In 1973 and 1974 planning permission was granted for the erection of a community centre (application nos. 73/5508P and 74/1048P refer). In 1978 planning permission for an internal access road to the community hall was granted (application no. 77/6612P refers). Subsequently planning permission was granted for various extensions to the community centre in 1979, 1981, 1984 and 1995 (application nos. 78/7873P, 81/1212P, 84/3283P and 95/0229P refer).

Planning permissions were granted in 2004 for the construction of an access ramp and retention of access ramps to the infant building, and in 2008 for the siting of a timber pavilion on the eastern side of the infant school (application nos. 04/02279/FUL, 04/03853/FUL and 08/01042/FUL refer).

In 2010 planning permission was granted for a single-storey side extension to the infant school and construction of a canopy to enable the building to accommodate a Children's Centre as well as a new reception area for the school (application no. 09/03965/GR3 refers). In 2011 planning permission was granted to vary this permission to provide a fire escape and reduce the new parking spaces from 5 to 2 parking spaces (application no. 11/00670/RG3).

SUMMARY OF REPRESENTATIONS

The application has been re-publicised by letters of notification to all adjacent properties and by site notice.

27 representations of objection have been received relating to the following matters:

- additional primary places will not be where they are most needed resulting in more car journeys from Crosspool and Crookes, no alternative plans considered;
- inadequate consideration has been given to traffic management and traffic and parking implications of increase in staff and pupil numbers, neither road network nor other services infrastructure can adequately cope with current pressure caused by school;

- overdevelopment of the site;
- increase volume of traffic, the school's survey indicates around 150 to 200 cars descending on the vicinity of the school twice a day and 30 to 40 staff cars, how can it cope with 50% increase in size, oppose any expansion which does not include a transparent and clear cut plan to eliminate or at least minimise already serious traffic problem on surrounding streets;
- parking never a problem before school fence erected, since 2011 fence has cut off access to the old main staff car park of 25 spaces and community hall car park, resident's survey concludes under provision of parking spaces, routine parking on the road, small loss of green space would extend area for cars;
- roads around school already become congested at start and end of school day, blocking drives, inconsiderate and dangerous parking, larger service vehicles using access, speeding;
- create traffic problems on Hillcote Close and surrounding area, congestion on Pitchford Lane;
- cars frequently park illegally blocking footpaths on Hallam Grange Croft, use Hallam Grange Croft as a turning circle and drive out again after failing to find a parking space;
- Hallam Grange Crescent is a narrow road, already overcrowded, zigzags obscured by cars;
- nowhere for visitors, workmen, delivery drivers to park, access frequently blocked potentially to emergency vehicles;
- increased parking provision is inadequate, should ensure there is sufficient on-site parking for every member of staff, submitted travel plan shows 80% of staff drive to school, staff numbers are predicted to rise to 72, that is 57 staff driving to school yet travel plan suggests only 39 parking spaces, presumably other 18 will park on Hallam Grange Crescent;
- will be nowhere for parents to park increasing congestion on surrounding roads;
- more parents will hover near or at school gates whilst dropping children off causing hazard to pedestrians and other road users, blocking drives;
- traffic hazard especially for pedestrians;
- yellow lines on a bend in Hallam Grange Crescent have helped but are often ignored;
- travel plan is unenforceable, busy parents are not going to abandon their cars;
- hazardous situation can only get worse if plans are not revised to increase on-site parking and some enforceable measures are put in place to reduce traffic volume, there is not a comprehensive plan for parking;
- reopening a gate and allowing more layby parking will only have a modest effect, ensure retain gate to south;
- entirely possible to provide adequate onsite staff and visitor parking, spaces poorly marked out;
- providing another access road from the layby off Redmires Road should be considered;
- should consider permit parking during school times including Hallam Grange Crescent/Road/Rise, Hillcote Close/Drive/Rise;
- it would help if the gate to the school was not locked when staff were starting in the morning, school should undertake to promise no staff parking on adjacent streets allowing room from parents;
- no comments from Highway Dept;

- no information regarding security lights, current junior school lights cause light pollution and nuisance, affect clear sky astronomy;
- three metre high fence in close proximity to property and a footpath will impact on privacy;
- object to community use of multi use games area, would extend use beyond normal school hours and at weekends, increase traffic, cause light pollution, noise pollution, loss of privacy, increase disturbance, anti-social behaviour, litter, insufficient detail how this would operate and details of acoustic barriers and light and noise provisions;
- current open space is not available for community use so no justification for providing multi use games area on that basis, no evidence that a community facility is needed/wanted, how is applicant intending to address concerns of Sport England, disregard Sport England comments;
- site safety not followed during expansion of children's centre, how will building work be safely completed;
- conflict with village green application;
- many genuine concerns raised by residents at consultation meetings have not been taken on board or published;
- inadequate notification, properties not notified, close neighbour of school not notified, failed to follow code of practice.

8 neutral comments have been received but also raising concerns:

- appreciate it is necessary to expand Hallam Primary School;
- concerned over increase in traffic it will bring;
- already difficult to park during school drop off and pick up times, parents park on both sides of road, inconsiderate parents and teachers driving and parking remain and worsen every year;
- staff park on road due to inadequate parking places on the school premises, this will increase when school expands;
- suggest policing of the zigzag lines to stop parking;
- give consideration to slightly re-routing the temporary access road to eastern side of trees from the other end of lay-by on Redmires Road to give better separation between pedestrians and affect less trees and easier for large vehicles;
- parking on site is too few;
- footpath diversion and restring footpath access unclear;
- important committee are aware of application for a village green submitted three and a half years ago overlaps part of areas covered by planning application, village green application was lodged before present fence was erected, assess and confirm village green area before proceeding with this plan, if village green is accepted there will be implications for this plan as the school may not be able to build on the village green area, ensure village green application is not prejudiced;

A representation has been received from Councillor S Alston relating to:

- there is a need for more primary places in this area, expanding Hallam school is the most obvious and logical way to accommodate these children;
- should not proceed without plan to address traffic issues, this has been the major concern of residents on Hallam Grange Crescent and Hillcote Close;
- proposals do not allow for likely increase in staff cars, increase in places would result in some staff parking on the road, believe some staff park on the road as

they cannot exit/enter the school grounds during the day, parked cars near school entrance will add to difficulties faced by parents and nearby residents;

- increase in pupils will increase the traffic around all entrances at school start and finish times, especially as pupils may be coming from a larger geographical area, doubt measures of opening entrance onto Stumperlowe View and parking spaces on Redmires Road will be sufficient, many parents drop children off on way to work and is unlikely to change;
- green space around school should be made accessible and as open as possible particularly outside school hour, footpath through the site should not be lost.

A representation has been received from Councillor C Woodcraft relating to:

- while accepting that expansion of the school is the best feasible option for increasing school places in the area, concerns of residents have not been adequately addressed;
- inadequate provision for car parking for staff with their cars overflowing onto adjacent streets especially Hallam Grange Crescent, present shortfall of 23 parking spaces, this will increase to 29 when the school is expanded, there is space that can be used to create more parking spaces;
- timed barrier on school car park prevents part time staff using car park, eliminate barrier, make it so staff could come and go when children were not on the drive;
- a lot of parents drop their children off by car, already creates problems for residents of Hallam Grange Crescent and Hillcote Close as well as other roads nearby, likely to increase by 50% once school is expanded, opening gate to Stumperlowe View and increasing parking in Redmires Road layby will help but not adequately address this issue.

PLANNING ASSESSMENT

Commons Act 2006: Town and Village Green Application

Part of the school grounds is subject to a separate application under the Commons Act 2006 seeking to register the land as a town and village green. The application and its implications of this on the planning process are outlined here.

The application has been made to the Council under Section 15(1) of the Commons Act 2006 and in accordance with the Commons (Registration of Town or Village Greens)(Interim Arrangements)(England) Regulation 2007 seeking to include land described as Hallam Playing Field on the south side of Redmires Road immediately before The Ridge on the register of town and village greens. The town and village green application is currently under consideration by the Council as Registration Authority.

Town and village greens, once registered, are protected against injury or damage and interruption to their use or enjoyment as a place for exercise and recreation, and against encroachment on, or inclosure of, a green and interference with or occupation of the land unless it is with the aim of improving the enjoyment of the green.

In this instance, the current planning application site overlaps the whole of the site identified in the town and village green application. Whilst most of this area of overlap is outside the operational works proposed in the planning application, there are two areas of overlap where operational works are proposed and an area of overlap where temporary works are involved. Firstly, the proposed extended car park to the west side of the community centre, and secondly the fence line around part of the grassed sports pitches on the north side of the school buildings. The documents submitted with the planning application also include a phasing plan which shows a proposed temporary access road for construction vehicles running diagonally across the playing fields from the Redmires Road layby and an area for site storage.

The officer acting for Registration Authority has confirmed that the granting of conditional planning permission for the current school proposals would not prejudice the determination of the town and village green application.

The granting of planning permission does not override any legal rights that third parties have to the land. There are separate legal processes to resolve any such issues outside of this planning application process.

Development Plan

The Sheffield Local Plan includes the Core Strategy and the saved policies and proposals map of the Unitary Development Plan (UDP). The Sheffield Unitary Development Plan (UDP) was adopted in 1998 and the Core Strategy was adopted in 2009.

The UDP Proposals Map identifies the school buildings and land immediately around them as being within a Housing Area, and identifies the playing field to the north and east of the junior school and to the south of the infant school, and part of the hard surfaced playgrounds to the east of the school buildings as being an Open Space Area.

The Pre-Submissions version of the Draft City Policies and Sites Document and Draft Proposals Map are also a material consideration albeit with limited weight given that the documents are not to be submitted to the Secretary of State. The Draft Proposals Map maintains these general designations but with the Open Space designation encroaching closer to the north and east side of the junior school building.

The proposed demolitions, alterations, the extension to the entrance to the junior school building, external works around the school buildings and the proposed multi use games area are within the Housing Area designations. UDP Policy H10 states that within Housing Areas uses for community facilities and institutions which includes schools are acceptable uses in principle.

The proposed extension to the east of the junior school building would be within the Open Space Areas designated in both the UDP and on the Draft Proposals Map.

Part of the proposed car park, and the playground areas on the east side of the site, would extend into the Open Space Area designated in both the UDP and Draft Proposals Map.

Highway and Transportation Issues

Policy H14 of the UDP relating to conditions on development in Housing Areas includes matters of highway safety.

Pedestrian access to the school can currently be gained from the west, east and north side of the school grounds. From the west side pedestrians enter the school grounds off Hallam Grange Crescent alongside the main vehicular access to the site. From the east pedestrian access can be gained from Hillcote Crescent where the public footpath running west-east through the site splits into two to serve different parts of Hillcote Close. From the north pedestrian access can be gained from Redmires Road where the public footpath runs north-south alongside the school playing fields.

Vehicular access to the staff/visitor car parking is from Hallam Grange Crescent. Management of the vehicular access currently seeks to prohibit vehicular access into the school grounds at the beginning and end of the school day. This is enforced by a gate, the management of which is set out in the school's travel plan.

Bus service number 51 runs quite frequently at 10 minute intervals east and west along Redmires Road. Service number 83A runs at 20 minute intervals and approaches from the south along Fulwood Road, via Crimicar Lane, Hallamshire Road, Hallam Grange Crescent and Hallam Grange Road. The school catchment is well connected to buses.

The applicant has stated that as a result of the proposed development the pupil and staff numbers at the school would increase. The green travel plan submitted with the planning application states that there were 493 pupils and 50 staff in May 2014 and suggests school pupil numbers would rise from 528 in year 2014/15 to 630 in year 2020/21 (changing from a 2 form entry school to 3 form). The full-time staffing levels would rise from 45 to 67, staged over the next 7 years, and part-time staff would rise from 5 to 7 staff.

The proposed site layout indicates car parking provision for 39 cars which is an increase of 13 spaces on existing provision. In addition, parking spaces for use by people with disabilities would rise to 4 spaces from an existing provision of 1 space. The submission indicates bicycle parking would rise from 10 to 20 cycle parking spaces.

The current management prohibiting vehicular access into the school grounds at the beginning and end of the school day would remain in place for the expanded school.

The proposals include provision of an additional footpath connection/entrance proposed to the southern boundary of the site aimed at encouraging more walking and alleviating some of the congestion on Hallam Grange Crescent. This connection onto Conduit Walk subsequently connects with Tom Lane (to the east), Stumperlowe View (immediately to the south) and the bottom section of Hallam Grange Crescent near Slayleigh Lane (to the west). The management of the gated connection onto Conduit Walk would be set out in the school's travel plan.

The proposal seeks to formally mark out some car parking spaces on the layby on Redmires Road, which has a direct public footpath link to the school, to assist drop/collection by car.

The proposed temporary access works involve constructing a temporary access road from the lay-by off Redmires Road for use during construction of the proposed extension. Once this stage has been completed it is proposed that the demolition of the infant building and replacement external works will be accessed from Hallam Grange Crescent.

The documentation submitted with the planning application acknowledges that the roads outside the school, particularly Hallam Grange Crescent, can become busy with parents dropping off and collecting children at the beginning and end of school. This has been observed by the Council's highways officers. Residential driveways, verges and zig-zag markings at the school gates can become obstructed.

The representations received have raised these same issues, in addition to speeding traffic on Hallam Grange Road and on-street staff/visitor parking throughout the school day (backed up by a survey from one of the residents). Reference has been made to an unofficial one-way system aimed at alleviating conflicting vehicle movements however this is only sporadically operated. The common theme being amenity erosion caused by inconsiderate parents in cars, combined with poor driving behaviour creating highway safety concerns/danger for school children. The representations state that the proposed expansion can only worsen the existing situation, particularly the all day on-street parking, and dangers (vehicular conflict) posed to school children.

As with all planning applications of this type/scale, the Police personal injury database has been interrogated to discover if any clumps of accidents have been reported, or trends possibly involving school children that need to be mitigated against, or type of accident that would discourage officer support of the planning application. The area of the search covered the length of Redmires Road between Crimicar Lane and Carsick Hill Road, plus all the roads that are contained within the boundary formed by this portion of Redmires Road, Carsick Hill Road, Chorley Road, and Crimicar Lane.

In the most recent recorded 5 year period, there has been one reported injury accident (slight) which happened at the junction of Redmires Road and Hallam Grange Road. The accident happened on a week day (12/10/2010), within an hour of what might be considered school closing time (1620 hrs). The accident did not include any child casualties and there is nothing in the description to suggest that it

was school related. Police recorded contributory factors as failing to look properly and failing to judge the other persons path or speed.

The proposed parking levels in the submitted application comply with the Council's guidelines.

The framework travel plan offers an opportunity to improve matters. The 'hands up' staff survey revealed 80% of staff travel to site by car. The aim of the travel plan will be to reduce this percentage by encouraging more car share, public transport use, cycling and walking.

However, feedback from residents (supplemented by the survey mentioned above) suggests that the existing 26 space car park is inadequate to accommodate existing demand (by approximately 10 spaces). The submitted plans indicate an increased capacity of 39 spaces. On this basis, the proposed capacity is sufficient to satisfy the existing car parking demand identified above, but not an increase of approximately 50%.

A compromise between what is currently indicated on the submitted plans and what local residents have requested would be for an additional 18 spaces to be provided on site, on temporary surfacing but with a physical boundary such that it cannot overspill into the open space. As the travel plan becomes more effective, the temporary surfacing can be dug up and returned to open space, with the amount of car parking reducing (and the physical boundary drawn in). This initially increased amount of car parking provision will exceed Council Guidelines, but extenuating circumstance has been demonstrated by local residents. Endeavouring to maintain good neighbourliness, the Council's highway officer has recommended following this cause of action. A condition to secure this would be required.

With regard to matters of inconsiderate driver behaviour eroding local amenity and endangering school children, a review of the personal injury accidents for the past 5 years has revealed just one slight accident (which was non-school related), however this is not to say that there have not been near misses as these do not appear on police records. Inconvenience for local residents for short pulses of time at the beginning and end of the school day are commonplace across the country.

The framework travel plan offers an opportunity to influence an improvement. The 'hands up' pupil survey revealed 56% of pupils travel to school by car. Initiatives contained within the draft travel plan to reduce this percentage include: initiate and promote the idea of a walking bus; introduce 5 minute parking zone to encourage more parents that have to drive to park further away and reduce congestion; encourage car sharing; arrange poster campaign designed by pupils to be placed on the school's front; promote greater awareness of transport issues and the impact of private vehicles on the environment through curriculum based teaching and learning; advise new parents about the school's travel policies through the school prospectus and newsletters. The framework travel plan will need working up into more detail, with a designated on site co-ordinator responsible for promoting the plan. A condition to secure this is recommended.

Some of the public footpaths passing through and around the site present trip hazards to users, owing to uneven flagstone surfacing, or high kerb faces at vehicle crossings. The opportunity will be taken to resurface these paths and remove trip hazards. Some minor footpath diversion may also be required to the path that leads to Redmires Road.

The submitted documentation states that during construction of the proposed extension, construction traffic will use a temporarily constructed route from the layby on Redmires Road however during the subsequent demolition of the infant's building demolition traffic would use the main access of Hallam Grange Crescent.

Using the existing vehicular access from Hallam Grange Crescent for demolition traffic would, owing to restricted geometry, create amenity and safety issues that would need to be managed. The applicant has subsequently confirmed that all construction traffic including demolition vehicles will use Redmires Road access and not use Hallam Grange Crescent if this is considered appropriate.

In this instance, therefore conditions are recommended to mitigate the impact of construction and demolition traffic. The matters to be controlled by condition are to restrict the movement of plant during pupil arrival and departure times, to ensure the public highway and footways in the vicinity of the development site will remain free from construction associated debris throughout the process, and to require that before demolition/construction commences, a full construction method statement will need to have been submitted to and approved in writing by the Local Planning Authority dealing with issues such as construction site access, haulage routes, the phasing of works, the location of the site compound/cabins, contactors parking arrangements, displaced parking arrangements, time restrictions on the movement of construction traffic, and hoarding locations. Whilst an indicative phasing and site set-up has been submitted with the application, the specifics of the construction method statement cannot be agreed until the contractor has been appointed.

In light of the above, there are no highways objections to the granting of planning permission subject to appropriate conditions.

Demolitions

The infant school building was constructed in the early 1970's and is a single-storey steel framed building with brick walls and glazing and a flat roof.

The infant building has no merit as a heritage asset. The proposed demolition of the infant building is acceptable and would not harm the appearance of the streetscene or the surrounding locality.

The proposed rebuilding the southern wall of the retained children's centre following demolition of the adjoining infant school would ensure the external appearance of the children's centre is not harmed by the demolition works.

Impact on the Amenities of the Locality

UDP Policy BE5 seeks good design in new developments and Core Strategy Policy CS74 relating to design principles also expects high quality development respecting distinctive features and heritage including townscape and landscape character.

The footprint of the proposed extension would follow a similar alignment as the existing junior school buildings. The ridge line of the proposed extension would be slightly lower than the existing adjoining building.

The layout, massing, design and appearance of the proposed development is good and would not harm the appearance of the streetscene. The proposal complies with UDP Policy BE5 and Core Strategy Policy CS74.

The provision of the temporary access during construction works will require the removal and pruning of some trees. Elsewhere on the site three trees are proposed to be removed. A condition is recommended to ensure replacement tree planting is incorporated within a landscape scheme.

Sustainability

Core Strategy Policies CS63 to CS65 promote various sustainability issues.

The applicant has stated that the building should be to BREEAM 'very good' standard. Photovoltaic panels are proposed to be installed to achieve 10% renewables.

Conditions are recommended to secure the sustainable measures and compliance with Core Strategy Policies CS63 to CS65.

Impact on Open Space Provision

The relevant development plan policies relating to Open Space Areas are UDP Policy LR5 relating to development in open space areas and Core Strategy Policy CS47 relating to safeguarding open space.

Policies LR5 and CS47 both specify various criteria where development in open space areas will not be permitted including whether it would result in a quantitative shortage of either informal or formal open space in the local area, and whether the proposed development would harm sensitive environments or features within the site.

The proposed classroom extension and the proposed enlargement of the car park would result in the loss of open space (hard surfaced playground and grassed areas on the fringes of the playing fields) on those parts of the site.

New open space (hard surfaced playground, new landscaped areas, and the proposed multi-use games area) would be created following the demolition of the infant school building.

Overall there would be a net gain of approximately 600 sq metres of open space on the site although the character of the open space would change.

New line marking is proposed to the grass pitches on the north part of the site to demarcate two grass football pitches.

The proposal would not result in the loss of sensitive sites or features within the site, and would not overdevelop or harm the character of the open space area. It would not result in a quantitative shortage of open space.

Criteria (c) of Core Strategy Policy CS47 states that development will not be permitted where people in the local area would be denied easy or safe access to a local park or to a smaller informal open space that is valued or well used by people living or working in the local area. In this instance, the site is not a local park. The issue of rights of access to parts of the site is subject of a town and village green application referred to above. Should planning permission be granted, a condition is recommended to enable the adjustment of the alignment of the fencing and siting of the proposed car park to ensure it remains compatible with Policy CS47(c).

The proposal complies with UDP Policy LR5 and Core Strategy Policy CS47.

Impact on Playing Field Provision

Sport England have considered the application in light of their playing fields policy which aims to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area.

The proposed school extension and the proposed hard surfaced playground alongside it results in the loss of part of the playing field on the north side of the school.

In this instance, Sport England are mindful that there is sufficient playing field remaining to mark out pitches, that it has not been intensively marked out and there are areas where additional pitches and other sports could be marked out, that the multi-use games area will bring an area into sporting use which would be available when the playing field is unusable due to bad weather and subject to availability for community use will offer sporting opportunities to the wider community.

Sport England are satisfied that on this occasion there will be no harm to sport and recreation provision on the site and do not object subject to a conditions to secure appropriate design details of the multi-use games area, and community use of the playing field and multi-use games area.

Impact on the Amenities of Residents in the Locality

UDP Policy H14 of the UDP relating to conditions on development in Housing Areas also includes matters of amenity.

There are residential properties adjoining the site and in the immediate surrounding area.

The proposal will generate an increase in movements of pupils and staff to and from the site. The proposed car parking areas are alongside the rear garden boundaries of houses off Hallam Grange Crescent. The impact on highway safety of the movements of pedestrians and traffic generated by the proposal is considered above. These movements will also generate noise and disturbance from car engines and vocal noise.

It is considered that provision of suitable and sufficient on-site car parking and managing driver behaviour through the travel plan will help to reduce the impact and mitigate against effects of the increase in movements generated by the proposed development upon the living conditions of residents in the locality. The enlarged parking areas will not significantly harm the living conditions of nearby residents.

The siting of the proposed extension at the eastern side of the school will bring school buildings closer to the houses on Hillcote Close. The main windows on the proposed extension would face north and south with smaller windows in its east facing gable. At its nearest, there would be a separation of approximately 27 metres between the eastern end of the proposed extension and the rear gardens of houses off Hillcote Close. It is considered that this would retain sufficient separation to ensure that the proposed extension would not significantly overshadow, overbear or overlook the nearby residential properties.

The proposed multi-use games area would be sited approximately 14 to 22 metres from the rear garden boundaries of houses to the west off Hallam Grange Croft, and approximately 26 metres from the rear garden boundary of the nearest house to the east off Hillcote Close. The activities on the proposed multi-use games area would generate both impact and vocal noise during the school day and during any use out of school hours.

It is considered that the use of the proposed multi-use games area during school hours would not significantly harm the living conditions of nearby residents. A condition is recommended requiring details of any out-of-school hours of use of the multi-use games area to be submitted and approved in order to ensure that any evening and weekend use is restricted to appropriate times.

Overall, it is considered that there is sufficient separation between the proposed development and nearby residential properties to ensure that the proposed development would not significantly harm the living conditions of nearby residents.

The proposal complies with UDP Policy H14.

Ground Conditions

Part of the site lies within a Coal Mining Development High Risk Area. The applicant has submitted a statement in support of this application by a competent body which confirms that site investigations have been undertaken at the site to establish ground conditions.

The Coal Authority considers that the results of the site investigations undertaken are broadly sufficient for the purposes of the planning system and meet the requirements of the Government's planning guidance contained in the National Planning Policy Framework. The Coal Authority has no objections to the proposed development.

SUMMARY

There are no policy objections in principle to the proposed demolitions, alterations to buildings, the extension to the entrance to the junior school building, external works around the school buildings and the proposed multi use games area as these proposed works are within the UDP Housing Area designations.

The proposed extension to the east of the junior school building would be within the UDP Open Space Areas designation. The proposed classroom extension and the proposed enlargement of the car park would result in the loss of open space (hard surfaced playground and grassed areas on the fringes of the playing fields) on those parts of the site.

New open space (hard surfaced playground, new landscaped areas, and the proposed multi-use games area) would be created following the demolition of the infant school building.

Overall there would be a net gain of approximately 600 sq metres of open space on the site although the character of the open space would change.

Sport England are satisfied that on this occasion there will be no harm to sport and recreation provision on the site and do not object subject to a conditions to secure appropriate design details of the multi-use games area, and community use of the playing field and multi-use games area.

The documentation submitted with the planning application acknowledges that the roads outside the school, particularly Hallam Grange Crescent, can become busy with parents dropping off and collecting children at the beginning and end of school. This has been observed by the Council's highways officers. Residential driveways, verges and zig-zag markings at the school gates can become obstructed.

The representations received have raised these issues, in addition to speeding traffic on Hallam Grange Road and on-street staff/visitor parking throughout the school day (backed up by a survey from one of the residents).

The proposed parking levels in the submitted application comply with the Council's guidelines and the framework travel plan offers an opportunity to improve matters, however, feedback from residents suggests that the existing 26 space car park is inadequate to accommodate existing demand (by approximately 10 spaces).

A compromise between what is currently indicated on the submitted plans and what local residents have requested would be for an additional 18 spaces to be provided on site, on temporary surfacing but with a physical boundary such that it cannot overspill into the open space. As the travel plan becomes more effective, the temporary surfacing can be dug up and returned to open space, with the amount of car parking reducing (and the physical boundary drawn in). This initially increased amount of car parking provision will exceed Council Guidelines, but extenuating circumstance has been demonstrated by local residents.

The applicant has subsequently confirmed that all construction traffic including demolition vehicles will use Redmires Road access and not use Hallam Grange Crescent if this is considered appropriate.

In light of the above, there are no highways objections to the granting of planning permission subject to appropriate conditions.

It is considered that provision of suitable and sufficient on-site car parking and managing driver behaviour through the travel plan will help to reduce the impact and mitigate against effects of the increase in movements generated by the proposed development upon the living conditions of residents in the locality.

The enlarged parking areas will not significantly harm the living conditions of nearby residents. There would be sufficient separation to ensure that the proposed extension would not significantly overshadow, overbear or overlook the nearby residential properties.

The activities on the proposed multi-use games area would generate both impact and vocal noise during the school day and during any use out of school hours.

It is considered that the use of the proposed multi-use games area during school hours would not significantly harm the living conditions of nearby residents. A condition is recommended requiring details of any out-of-school hours of use of the multi-use games area to be submitted and approved in order to ensure that any evening and weekend use is restricted to appropriate times.

The layout, massing, design and appearance of the proposed development is good and would not harm the appearance of the streetscene.

Overall, it is considered that there is sufficient separation between the proposed development and nearby residential properties to ensure that the proposed development would not significantly harm the living conditions of nearby residents,

and there are no highways objections to the granting of planning permission subject to appropriate conditions.

The proposal complies with UDP Policies LR5, H10, H14, BE5 and Core Strategy Policies CS47 and CS74.

RECOMMENDATION

It is recommended that planning permission is granted subject to conditions.

Case Number 14/01031/CHU (Formerly PP-03270884)

Application Type Planning Application for Change of Use

Proposal Application to increase opening hours of cafe to between 0800 hours to 1800 hours Monday to Saturday and 0800 hours and 1700 hours on a Sunday and for 2 Microwave ovens, 1 safety fat frier and 1 griddle to be used in the cafe (Application under Section 73 to vary condition 3 (hours of use) and condition 6 (cooking equipment) as per planning permisison 13/02171/CHU - Use of dwellinghouse as a restaurant/cafe (Class A3) on the Ground Floor with a flat at first floor level) (Amended description)

Location Village News
176 - 178 Main Street
Grenoside
Sheffield
S35 8PR

Date Received 21/03/2014

Team West and North

Applicant/Agent Mr M Burgin

Recommendation Grant Conditionally

Subject to:

- 1 The development shall not be begun no later than 26 September 2016
- 2 The development must be carried out in complete accordance with the following approved documents:

Drawing No. P13:033:01 (Site Location Plan)
Drawing No. P13:033:08 (Proposed fence construction)
Drawing No. P13:033:09 (Proposed fence construction)
Drawing No. P14:034:02 Revision F (Existing and proposed Elevations/Plans)

Reason: In order to define the permission.

- 3 The building shall be used for the above-mentioned purpose only between 0800 hours and 1800 hours (Monday to Friday) and between 0900 hours and 1600 (Saturday, Sunday and Bank Holidays).

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

- 4 No deliveries to the café shall take place outside of the opening times as detailed in the preceding condition.

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

- 5 No movement, sorting or removal of waste bottles, materials or other articles, nor movement of skips or bins shall be carried on outside the building/s within the site of the development (shown on the plan) on Sundays or Public Holidays and between 19:00 hours and 08.30 hours on Monday to Saturday.

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

- 6 A scheme for the installation of equipment to control the emission of fumes and odours from the premises shall be submitted for written approval by the Local Planning Authority within 4 weeks from the date of this approval. These details shall include plans showing the location of the fume extract terminating a minimum of 1m above the eaves of the building and shall include a low resistance cowl, and all appliances to be used for the cooking of hot food.

The extraction system shall be installed within 4 weeks of the details being approved and thereafter retained.

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

- 7 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 without the prior written agreement of the Local Planning Authority.

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

- 8 The garden area to the rear of No.176 shall be used only as an amenity area for the first floor flat above No.176 and 178.

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

- 9 No external seating or tables shall be placed to the front of the café.

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

- 10 Prior to the commencement of development full details showing a level access into No.178 shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved details.

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

- 11 Access to the cafe hereby approved shall only be via No. 178 as indicated in drawing P13:033:03 Rev A.

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

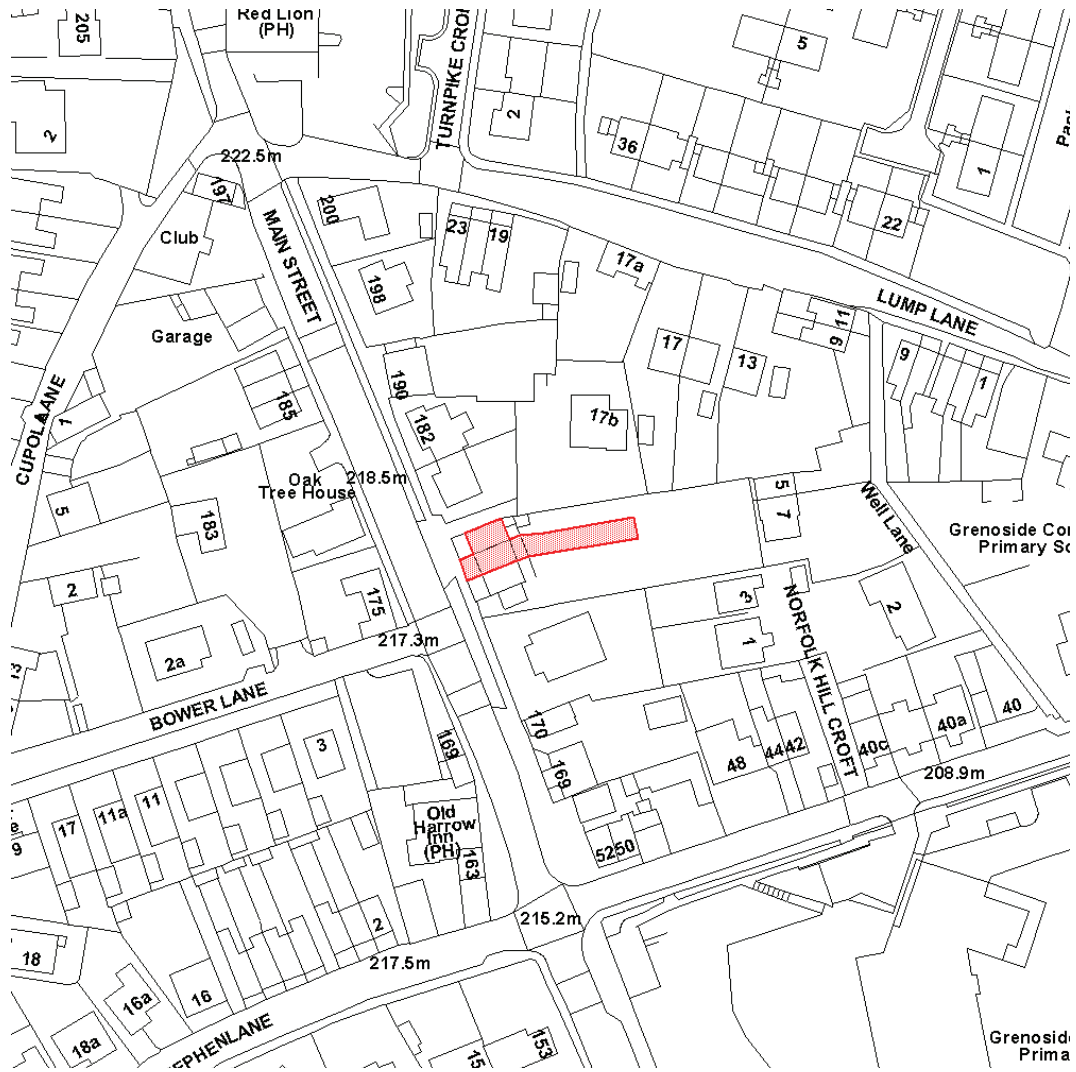
Attention is drawn to the following directives:

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

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

3. Information on the discharge and arrestment of kitchen fumes and odours is given in the Defra guidance document, 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems', 2005.

Site Location



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BACKGROUND

The application relates to 176-178 Main Street in Grenoside. Planning permission was granted in September 2013 to change the use of No. 176, a mid-terrace property from a dwellinghouse (C3) into a restaurant/café (Class A3) on the ground floor with a 2-bedroom flat above both 176-178 (Planning No. 13/02171/CHU refers). The approval was subject to 11 conditions; two of these being the subject of this application, namely 3 (Hours of use) and 6 (Cooking equipment limited to appliances which do not require fume extraction).

Condition 3 states that the café shall be used only between 0845 hours and 1800 hour (Monday to Friday) and between 0900 hours and 1600 hours on Saturdays and shall not be used on any Sunday or any Public Holiday.

Condition 6 states that prior to the commencement of development details of cooking equipment shall be submitted to and approved in writing. Such equipment shall be limited to appliances which do not require fume extraction such as a microwave, bain marie and standard oven. Thereafter the development shall be carried out in accordance with the approved details and any proposed alterations to the cooking equipment used shall be approved in writing by the Local Planning Authority.

The application has been submitted following a complaint being received that the café was operating outside the terms of three conditions (Nos. 3, 6 and 7). Following investigation of the complaints, the Council served a breach of condition notice on the applicant on the 28 March 2014. Although the date for compliance of the breach of notice has lapsed, it was agreed that the notice be held in abeyance pending a decision on the two applications under consideration at today's meeting, namely 14/01042/FUL and 14/01031/CHU.

LOCATION AND PROPOSAL

The application is a mid-terraced property which forms one of three traditional stone cottages located within the Grenoside Conservation Area. The property is within the same ownership as the adjoining unit No.178 which is in use as a newsagents/local convenience store (A1) at ground floor. Access to the café is taken through the adjoining shop only with no separate entrance from Main Street.

The surrounding area is predominantly residential but is interspersed with commercial units including public houses and small local shops. The site and surrounding area is designated as a Housing Area as identified in the adopted Sheffield Unitary Development Plan.

The applicant is seeking retrospective approval to vary Conditions 3 and 6 in order to increase opening hours of the café to between 0800 hours to 1800 hours (Monday to Saturday) and 0800 hours and 1700 hours on Sunday and Bank Holidays and allow the use of 1 safety fat fryer and one griddle for the cooking of hot food with external extraction system.

The application has been made under Section 73 of the T&CPA 1990 which allows applicants to vary conditions in order to make material amendments to approved schemes without the need to make a full planning application.

In addition to this Section 73 application, Members are informed that an application (Planning reference No. 14/01042/FUL) to reposition a refrigeration unit to the rear of the adjoining shop's single storey rear off-shot is also being reported to this Planning and Highways Committee.

RELEVANT PLANNING HISTORY

13/02171/CHU - Use of dwellinghouse as a restaurant/cafe (Class A3) on the Ground Floor with a flat at first floor level (as amended plans received 27/08/13) – Granted 26/09/13

11/03753/FUL – Retention of solar PV panels – Granted 2 February 2012

07/02518/FUL – Erection of detached dwellinghouse – Refused

03/04087/FUL – Single-storey rear extension to shop – Granted conditionally

SUMMARY OF REPRESENTATIONS

A petition with 200 signatures in support of the development was submitted as part of the application.

Thirty letters have been received from the residents of nineteen properties. The residents of six properties are in support and the residents of thirteen properties are opposed to the development. Representations have also been received from Ecclesfield Parish Council, Grenoside Conservation Society and Angela Smith MP.

A summary of all comments received are listed below:

Support

- The café is in the middle of the village and is an ideal meeting place for family and friends. It is a much needed service within the village community;
- The café will help to attract people from outside of the village, especially walkers and cyclists;
- Good for the local economy;
- Café is what is needed on Sundays with people wishing to go after the church service at St Marks;
- Have not experienced any problems with noise disturbance or parking in connection with the café;
- The café is an attractive and inviting place;
- The café is a good alternative to the village's local pubs.

Object

- The applicant operates the development with scant regard to planning and is in breach of several conditions
- Loss of amenity for amenity of neighbouring properties in terms of noise disturbance and odours/smells;
- Highway safety; parking in the area has significantly increased owing to the café and is often illegal;
- Inappropriate and unnecessary development within a Conservation Area;
- Only 1 or 2 of the people listed on the petition made in support of the application live near the site;
- Of concern is the applicant's future plans to open an outdoor area at the rear of the property, which will reduce privacy for neighbouring properties;
- Development will not enhance or preserve the character or appearance of the Conservation Area

Ecclesfield Parish Council is in full support of the objections raised. They comment that the applicant has breached several conditions imposed when the previous application was granted, residents have experienced problems with vehicles being illegally parked on double yellow lines close to their driveway and that they are concerned that the applicant may also apply for outdoor seating when there is a condition imposed stating that there should be no outdoor seating as it would cause a loss of privacy for neighbouring residents. Also, Ecclesfield Parish Council is also concerned with the large advertising signs that have been displayed outside the café and the fence/gates that has been erected to the side of the property 'blocking off' land that is not within the applicant's ownership, within which is a skip, all of which is not in-keeping within the Conservation Area.

Grenoside Conservation Society objects to the application. They comment that the permission for the café was granted with reasonable conditions to protect the environment of his neighbours and Grenoside Conservation Area. The increased opening hours will exacerbate the problems already occurring. This will mean that the café will become more antisocial with increased parking problems, increased noise from traffic, people movement, machinery noise (from the refrigeration unit) and cooking smells. There are already problems with customers parking on the pavement and on double yellow lines causing pedestrians to walk on the road.

Angela Smith MP has written in on behalf of a number of her constituents. She states that the café has been fitted with an extraction system to extract cooking smells from the kitchen, which is in contravention to the conditions imposed when planning permission was granted for the café. The same permission also states that no externally mounted plant or equipment for the heating, cooling or ventilation should be fitted to the building without the prior written agreement of the LPA. In addition to this, the café has also been opening longer than is permitted under its planning consent. By doing so, this has resulted in local people being subject to cooking smells from when the café opens until its closes in the evening.

The MP also makes comment on the applicant's proposal to use the area to the rear of the café as an outdoor seating area, which also would be in breach of planning.

PLANNING ASSESSMENT

Principle of Development

The use of the property's ground floor as a café/restaurant was approved in September 2013, under planning No. 13/02171/CHU. It is not for this application to revisit whether the use of the premises as a café (A3) is acceptable as this has been found acceptable.

Residential Amenity Issues

Policy H14 relates to development in Housing Areas. At Part k of this policy, it states that new development or change of use will be permitted provided that it would not lead to air pollution, noise or smell, excessive traffic levels or other nuisance for people living nearby.

The use as a café in close proximity to residential dwellings has the potential to cause noise and odour issues that would be detrimental to the enjoyment of neighbouring properties' residential amenity. In this instance there is an adjoining residential property at No.174, residential accommodation directly above the unit and several dwellings in the immediate locality, the closest being 180 Main Street and 17b Lump Lane.

When considering the merits of the earlier application to change the use of the premises into a café, officers considered it appropriate to restrict the hours of use and limit the type of cooking that could be carried out on the premises owing to the proximity of neighbouring properties. The hours of use were therefore restricted under Condition 3 to 0845 and 1800 hours (Monday to Friday) and 0900 and 1600 (Saturdays) with no opening on Sundays and Condition 6 limited cooking equipment to appliances which do not require fume extraction such as a microwave, bain marie and standard oven. Subject to these two conditions being attached, it was considered by officers that the proposed use would not result in any significant noise disturbance or odours that would be harmful to the residential amenity of neighbouring properties.

Although the conditions imposed by the LPA placed restrictions on the use, the conditions reflected closely to what the applicant was seeking in terms of the nature of the café and its opening hours. Despite this, the applicant has been operating the café breach of both conditions; opening outside the specified hours and cooking foods that require fume extraction. Once officers were made aware of the breaches, the applicant was advised to apply for planning permission to vary the two conditions to allow for extended opening times including Sunday opening and to allow the use of a safety fat fryer and cooking griddle and provision of new external fume extraction.

An assessment of the two conditions with regard to residential amenity is discussed below:-

Condition No. 3

As detailed above, the café has approval to open between the hours of 0845 and 1800 hours (Monday to Saturday) and 0900 and 1600 hours (Saturday). The applicant

is seeking approval to extend the opening times of the café to 0800 and 1830 hours (Monday to Saturday) with Sunday opening between 0800 and 1700 hours. From the above, the applicant is therefore seeking approval to increase the opening hours of the café by an additional 45-60 minutes in the morning (Monday to Saturday, an additional 2 hours later on a Saturday with new Sunday opening.

In officers' opinion, it is not considered that the proposal to increase the opening times of the café proposed for Mondays to Friday would unduly harm the residential amenity of neighbouring properties. Officers also support the applicant's proposal to allow the café to open on a Sunday and Bank Holidays, although it is recommended by Environmental Protection Services (EPS) that on these days, the hours are limited to 0900 to 1600 hours. Any increase in opening hours has the potential to cause disamenity to neighbouring properties. However, in this instance, it is considered that any increase activity within these hours is unlikely to generate any significant noise disturbance to the detriment of neighbouring properties' amenity. In coming to this view, officers have given significant weight to the fact that there is no restriction on opening times of the adjoining newsagent, the size of the café and importantly, the fact that access into the café is taken through the shop only. Any increase activity and noise that is solely related to the increase in the café's opening hours is likely to be minimal and not harmful to neighbouring properties' residential amenity.

Condition No. 6

The applicant is seeking approval to vary Condition No. 6 in order to allow a safety fat fryer and griddle with fume extraction to be used at the café. At present, odours from the use of the cafe are being dispersed by an extraction hood that terminates above the property's single storey rear off-shot. The type and location of the extraction is considered to be unsatisfactory and does not provide adequate dispersion of fumes and odours to avoid occupants of immediate neighbouring properties to be subject to some loss of amenity. The applicant has informed officers that he is currently cooking a wide range of hot foods but the termination point of his existing fume extract is currently at ground floor roof level which is below the windows of surrounding residential properties and is an unsuitable location for this type of cooking.

Following discussions with EPS, the applicant has agreed to install a new fume extraction system that would terminate a minimum of 1m above the eaves of the property.

EPS officers have confirmed that they are satisfied that the proposed fume extract system as shown in plan ref. P14-034:02 (March 2014) is located in a satisfactory position to achieve the adequate dispersion of fumes and odours. The termination point of the fume extract should be a minimum of 1m above the eaves of the property to meet EPS standard requirements for this type application. EPS are also satisfied that the proposed cooking of hot food at these premises could be carried out without causing nuisance/disamenity at nearby properties providing a suitable fume extraction and filtration system is installed.

Subject to a new fume extraction and filtration system being installed that terminates at a minimum of 1m above the eaves of the property, it is considered that any effect on the residential amenity of neighbouring properties from odours emanating from the

café would be minimal. Given that the café is already in use, should Members be minded to grant planning permission, it is recommended that the rewording of Condition 6 include a timeframe for when the extraction system should be installed on this building. Given the time that has already lapsed since the initial breach, it is recommended that details of the extraction system be provided within 4 weeks of the date of this decision and then installed on the building within 4 weeks from the details being approved.

Highway Issues

In the planning assessment of the previous application, officers were satisfied that the proposed development would not result in any significant impact on on-street parking that would be detrimental to highway safety.

While officers accept that no off-street parking is provided in connection with the use, the adjoining highway benefits from a relatively high level of on-street parking that can absorb any demand for on-street parking without result in any concerns over highway safety. On-street parking is available directly to the front of the site and to the north with restrictions only to the west side of Main Street by double yellow lines. Given the small scale nature of the café and the fact that there is a large residential population within walking distance of the café, any impact of the proposal to increase the café's opening hours, including Sunday opening is unlikely to materially increase parking problems in the area that would be detrimental to highway safety.

The concerns raised with regard to illegal parking are not a matter for this application and should be disregarded.

Effect on the character and appearance of the Conservation Area

UDP Policy BE16 relates to development in Conservation Areas. This policy details that in Conservation Areas, permission will only be given for development including change of use applications which contain sufficient information to enable their impact to be judged acceptable and preserve or enhance the character or appearance of the Conservation Area.

The only element of the development which would have any effect on the Conservation Area is the proposed extraction flue. The amended plans show that the proposed extraction flue would be fixed up against the rear elevation of the building and extend 1m above its eaves. The width of the ducting would be only 300mm at the point above the building's eaves and would be painted black.

Given the proposed siting of the flue to the rear of the building, any impact of the development on the character and appearance of Grenoside Conservation Area is likely to be minimal. It is considered therefore that the development would accord with UDP Policy BE16.

Other issues

Several concerns have been raised with the applicant's proposal to use part of the property's rear garden curtilage for outdoor seating in connection with the café. On the

issue of outdoor seating, officers are aware that the applicant has placed three tables with twelve chairs on the hardstanding immediately to the rear of the building. Despite being advised that planning permission would be required to provide outdoor seating the applicant has on occasion allowed customers to use this area. Following discussions with officers, the applicant has submitted an application seeking the provision of outdoor seating to the immediate rear of the café. As the planning merits of the outdoor seating is being considered under a separate application, any comments raised regarding the outdoor seating under this Section 73 application should be disregarded.

Other concerns raised by some of the complainants relate to the land to the side of No. 178. They are concerned that this land, which is not within the ownership of the applicant has been effectively 'claimed' by the applicant and has been enclosed by 1m high timber fence/gates at either end; one to Main Street and the other to the south western corner of a neighbouring property garden curtilage (17b Lump Lane). At the time of officers' site visit, this land was being used for storage by the applicant.

Members are advised that land ownership is not a material consideration for the purposes of planning control. While it is accepted that the applicant has erected 1m high timber gate/fencing at either end of the land, which in part has restricted access for the neighbour of 17b Lump Lane to Main Street, the gates are permitted by Class A (Part 2) of the Town and Country Planning (General Permitted Development) Order 1995 and do not require planning permission. The use of the land by the applicant for storage is not considered to have any adverse effect on the character or appearance of the Conservation Area.

SUMMARY AND RECOMMENDATION

The application relates to 176-178 Main Street in Grenoside. Planning permission was granted in September 2013 to change the use of the property from a dwellinghouse (C3) into a restaurant/café (Class A3). This was granted subject to eleven conditions, under planning reference No. 13/02171/CHU.

The applicant is seeking approval to vary two of these conditions (Nos. 3 and 6) to extend the café's opening hours between 0800 hours and 1800 hours Monday to Saturday and 0800 hours and 1700 hours on Sunday and Bank Holidays and also allow the use of 1 safety fat fryer and one griddle with external fume extraction.

It is considered that for the reasons outlined in the report, the proposal to increase the opening hours of the café is acceptable and would not unduly harm the residential amenity of neighbouring properties in terms of increased noise disturbance. Although the applicant is seeking to open longer opening hours on Sundays and Bank Holidays, the hours sought are considered unreasonable and instead, it is recommended that this be amended to between 0900 and 1600 hours.

It is also considered that the residents of neighbouring properties would not be unduly harmed by the proposal from unacceptable odours to allow the use of a safety fat fryer and one griddle at the café subject to the fume extraction system terminating 1m

above the eaves of the property and the use of a low resistance cowl, full details of which to be submitted for approval by the LPA.

For the reasons set out in the report, it is considered that the proposal would satisfy UDP. It is therefore recommended that the application be approved with Condition Nos. 3 and 6 be reworded as follows.

Condition No. 3

The building shall be used for the above-mentioned purpose only between 0800 hours and 1800 hours (Monday to Friday) and between 0900 hours and 1600 (Saturday, Sunday and Bank Holidays).

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

Condition No. 6

A scheme for the installation of equipment to control the emission of fumes and odours from the premises shall be submitted for written approval by the Local Planning Authority within 4 weeks from the date of this approval. These details shall include plans showing the location of the fume extract terminating a minimum of 1m above the eaves of the building and shall include a low resistance cowl, and all appliances to be used for the cooking of hot food.

The extraction system shall be installed within 4 weeks of the details being approved and thereafter retained.

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

As a consequence of amending Condition No. 6, Members are advised that Condition No. 2 (Schedule of drawings) will also need to be changed to account for the drawings received in connection with this application. The other eight conditions that were attached to the September 2013 approval continue to apply to the development and should again be attached to the new planning approval.

Case Number	14/01042/FUL (Formerly PP-03271328)
Application Type	Full Planning Application
Proposal	Relocation of existing refrigeration unit to rear elevation and enclosure in sound reduction enclosure (Amended description) (as per amended drawings received on 7 August 2014 and 4 September 2014)
Location	Village News 176 - 178 Main Street Grenoside Sheffield S35 8PR
Date Received	21/03/2014
Team	West and North
Applicant/Agent	Mr M Burgin
Recommendation	Grant Conditionally

Subject to:

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

Drawing No. P13:033:01 (Site Location Plan)
Drawing No. P13:033:08 (Proposed fence construction)
Drawing No. P13:033:09 (Proposed fence construction)
Drawing No. P14:034:02 Revision F (Existing and proposed Elevations/Plans)

In order to define the permission.

- 2 The work as detailed on amended drawing No. P14:034:02 Revision F (Existing and Proposed Elevations/Plans) shall be carried out within 4 weeks from the date of this decision unless an alternative timescale has been first agreed in writing by the Local Planning Authority.

Reason: In order to secure a reasonable timescale for work to be carried out in the interests of protecting the residential amenity of neighbouring properties.

- 3 The refrigeration unit shall only be operational during shop/café opening hours.

Reason: In the interests of protecting the residential amenity of neighbouring properties.

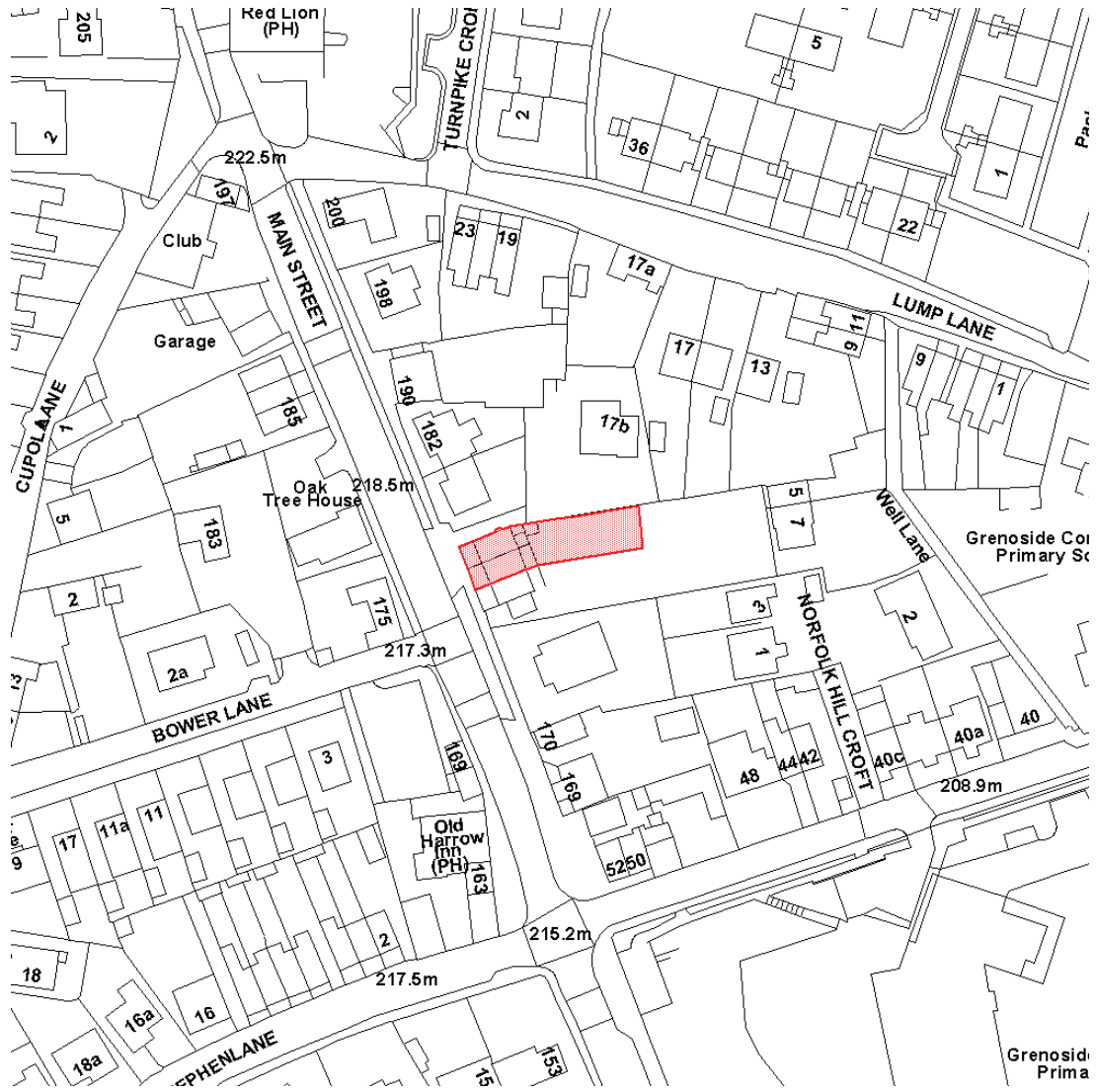
- 4 The refrigeration unit hereby approved shall be enclosed by a sound reduction enclosure within 4 weeks of the date of this decision, details of which shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter, the sound reduction enclosure shall be retained.

Reason: In the interests of protecting the residential amenity of neighbouring properties.

Attention is drawn to the following directives:

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

Site Location



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INTRODUCTION

Members will recall that this application was reported to the last Planning and Highways Committee (16/09/14), where it was resolved that the application should be deferred to allow the application to be considered alongside the application to vary Condition Nos. 3 (hours of use) and 6 (Cooking equipment) of planning approval No. 13/02171/CHU.

The Committee resolved that it would be better if both applications were heard at the same time because they are closely linked and it would allow a better understanding of the circumstances.

BACKGROUND

This application relates specifically to 178 Main Street in Grenoside. The building is occupied at ground floor by a shop/newsagent (A1) known as Village News. The applicant has been running the newsagent for over 12 years.

In March 2014, officers were informed that a new refrigeration unit had been erected along the side (northern) elevation of the property without the benefit of planning permission. Officers were informed of this together with information that the applicant was not complying with two other conditions (Nos. 3 and 6) imposed by planning approval No. 13/02171/CHU to change the adjoining premises (No. 176) from a dwellinghouse (C3) to a café (A3).

On account of the above, the Council served a breach of condition notice on the applicant on the 28 March 2014 relating to Condition Nos. 3 (opening hours), 6 (cooking equipment) and No. 7 (External mounted plant and equipment).

In response to the breaches of planning, the applicant decided to seek retrospective planning permission to retain the refrigeration unit and also seek approval under a Section 73 application to vary Conditions No. 3 (hours of use) and 6 (cooking equipment) of planning approval No. 13/02171/CHU.

Members are informed that an application seeking to vary Condition Nos. 3 and 6 is being considered under a separate application No. 14/01031/CHU.

LOCATION AND PROPOSAL

No. 178 Main Street is an end-terrace property; one of three traditional two-storey stone cottages located along the eastern side of Main Street. The surrounding area is predominantly residential but is interspersed with commercial units including public houses and small local shops. The site and surrounding area is designated as a Housing Area as identified in the adopted Sheffield Unitary Development Plan and also lies within Grenoside Conservation Area.

The neighbouring property (No. 176), also owned by the applicant, is a café and No. 174 is a dwellinghouse. To the north of the site is the southern property of a pair of semi-detached houses (No.180 Main Street) and to its north east is a large detached house (17b Lump Lane). A 2m high privet hedge runs along the southern boundary to No. 180 Main Street.

To the side of the property is a small rectangular strip of land. This land, measuring approximately 7m by 3m lies between the application property and No. 180 and provides a through route to 17b Lump Lane. Although this land has no registered owner, the applicant has enclosed it off at both ends by 1m high timber fencing and is currently using it for storage in connection with the shop and café.

The application seeks retrospective planning permission to retain the newsagent's refrigeration unit. The refrigeration unit is attached to the side (northern) elevation of the building and forms one of two units along the building's side wall. The unit is being used to provide refrigeration to one of the shop's fridges and was installed in the spring of this year without the benefit of planning permission. The unit is fixed to the side of the building's wall by brackets, some 1.5-1.75m above ground level and overhangs the adjoining strip of land outside the applicant's ownership.

RELEVANT PLANNING HISTORY

14/01031/CHU - Application to increase opening hours of cafe to between 0800 hours to 1800 hours Monday to Saturday and 0800 hours and 1700 hours on a Sunday and for 2 Microwave ovens, 1 safety fat fryer and 1 griddle to be used in the cafe (Application under Section 73 to vary condition 3 (hours of use) and condition 6 (cooking equipment) as per planning permission 13/02171/CHU - Use of dwellinghouse as a restaurant/cafe (Class A3) on the Ground Floor with a flat at first floor level) (Amended description) – Pending

13/02171/CHU - Use of dwellinghouse as a restaurant/cafe (Class A3) on the Ground Floor with a flat at first floor level (as amended plans received 27/08/13) – Granted 26/09/13

11/03753/FUL – Retention of solar PV panels – Granted 2 February 2012

07/02518/FUL – Erection of detached dwellinghouse – Refused

03/04087/FUL – Single-storey rear extension to shop – Granted conditionally

SUMMARY OF REPRESENTATIONS

There have been several letters of objection received in response to the two applications at Main Street; most of these relate specifically to the application to vary Condition Nos. 3 and 6 of planning approval No. 13/02171/CHU. The representations received in response to neighbour consultation that relate specifically to the retention of the refrigeration unit are summarised below:-

- (c) Unlawful development on land which does not constitute part of the applicant's property; and

(d) Noise disturbance.

Ecclesfield Parish Council considers that the neighbouring residents are still suffering from unacceptable noise levels from the refrigeration unit. They go on to state that the applicant is not adhering to the conditions previously imposed, and as such is affecting the quality of life of neighbouring residents. They recommend that the application be refused.

Grenoside Conservation Society states that the applicant has ignored several conditions set out in granting planning permission for the change of use to the detriment of neighbours and Grenoside Conservation Area. This includes installing an external air-conditioning unit in contravention of Condition No. 7.

Angela Smith MP has written in on behalf of a number of her constituents. With regard to this application, she states that a condition was attached to the planning approval for the café that states that no externally mounted plant or equipment for heating, cooling or ventilation be fitted to the building without the prior approval of the LPA. The external refrigeration unit has been fitted to the exterior of the building and protrudes over land which does not belong to the applicant. The unit is emitting unacceptably high levels of noise, affecting quality of life and causing the occupants difficulties sleeping.

PLANNING ASSESSMENT

The application should be assessed against the criteria set out in Policy H14 of the UDP. This policy relates to conditions that development in Housing Areas should be required to meet. Part (k) of this policy details that new development or change of use will be permitted provided that it does not lead to air pollution, noise, smell, excessive traffic levels or other nuisance. The reason behind the policy is to ensure that conditions placed on development do not lead to an unsatisfactory environment for people living nearby that could harm their residential amenity.

From representations received, it is considered that the main issue with this application relates specifically to noise disturbance. The representations have been received from the residents of 180 Main Street and 17b Lump Lane. These residents have commented that the new refrigeration unit emits unacceptably high levels of noise to the detriment of their residential amenity. From officers' site visit, it was noted that the refrigeration unit was clearly audible within its vicinity, which in officers' opinion was compounded by the general quietness of the street. Although the unit only operates intermittently throughout the day, due to its very close proximity to No. 180 Main Street, noise emanating from the unit is considered significant and harmful to the residential amenity of this neighbouring property. Even with sound-proof casing, the distance and height of the unit to this neighbouring property is still likely to impact on this property's residential amenity.

On account of officers' concerns, the applicant has agreed to re-locate the refrigeration unit to the rear of the building and box the unit within a sound-reduction enclosure. By doing so, officers are satisfied that the residential amenity of both No. 180 Main Street and 17b Lump Lane would not be unduly harmed from unacceptable noise disturbance emanating from the unit. Although it is accepted that moving the

unit to the rear of the building would bring it closer to No. 17b Lump Lane, the distance of the unit to this neighbouring property would be in excess of 13m. This separation distance together with the proposed sound reduction enclosure should mean that any noise emanating from the unit would be muted and dispersed and not such that would be harmful to this neighbouring property. Moreover, on the recommendation of the resident of 17b Lump Lane, the applicant has amended the scheme further by agreeing to lower the height of the unit on the rear wall so it not readily visible when viewed from this neighbouring property. Environmental Protection Service (EPS) have commented that they are satisfied with the proposal to re-locate the unit and do not consider that it would unduly harm the amenity of neighbouring properties.

Should Members be minded to grant planning permission, it is recommended that a condition be attached that requires the refrigeration unit to be moved to the rear of the building and boxed within a sound reducing casing within 4 weeks from the date of the decision. It is also recommended that a further condition be attached that permits the refrigeration unit only be operational during shop/café opening hours. The stock in the refrigeration unit is non-perishable so the condition is reasonable.

Subject to these condition being attached, it is considered that the application is acceptable and would be in general accordance with Policy H14 (k) of the UDP.

Other Issues

A number of concerns have been raised regarding the narrow strip of land to the side of the building that the applicant has enclosed off and is using it in connection with his business despite not being within his ownership.

While this is noted, Members are advised that land ownership is not a material consideration for the purposes of planning control. The applicant has fulfilled all the procedural requirements of the planning application by signing Certificate D on the application form and placing an advert in the Local Press to advertise that the development, as originally submitted, involved work on land not full within his ownership. The amended scheme has relocated the unit at the rear of the property on land within the applicant's ownership.

SUMMARY AND RECOMMENDATION

Retrospective planning permission is being sought to retain a refrigeration unit that has been installed to a commercial premises in Main Street, Grenoside. The refrigeration unit is being used by the applicant to refrigerate produce sold within the newsagent/shop.

The application has been amended on the advice of officers following concerns that noise emanating from the refrigeration unit causes significant noise disturbance to the detriment of neighbouring properties. The applicant has agreed to re-locate the unit to the rear of the building and enclose it in within a sound reduction enclosure. Subject to this being carried out within 6 weeks from the date of the decision, it is considered that the residential amenity of neighbouring properties would not be unduly harmed from unacceptable noise disturbance from the unit.

For the reasons set out in the report, it is considered that Policy H14 of the UDP is met. The application is therefore recommended for approval subject to the conditions listed within the report.

Case Number	14/00442/FUL
Application Type	Full Planning Application
Proposal	Erection of dwellinghouse and detached garage (As per amended drawings received on the 24 July 2014 and 4 September 2014)
Location	Curtilage Of The Croft 5 Stratford Road Sheffield S10 3LR
Date Received	31/01/2014
Team	West and North
Applicant/Agent	Surebay Properties
Recommendation	Grant Conditionally

Subject to:

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

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

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

- Drawing No SMP2/06 (Chimney Detail/Window heads and cills);

received on the 10 July 2014 from James Fielding;

- Drawing No SMP2/03A Revision B (Proposed Plans/Elevations);

received on the 24 July 2014 from James Fielding; and

- Drawing No. SMP104B (Proposed Site Plan and Tree Schedule);

- Drawing No. SMP/06B (Proposed Site Sections Sheet 1);

- Drawing No. SMP1/09 (Proposed Site Sections)

received by e-mail on the 4 September 2014

Reason: In order to define the permission.

- 3 Before the development is commenced, a sample stone panel showing the coursing and mortar mix shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenities of the surrounding area.

- 4 Before the commencement of development the details, specifications and finish of the new windows, including elevations and sections, shall be approved in writing by the Local Planning Authority. Drawings shall be of a minimum of 1:50 scale and shall include details of proposed section sizes at a minimum of 1:1 scale. (Details shall include: reveal depths). Thereafter the development shall be carried out in accordance with the approved details.

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

- 5 Planning permission is hereby granted for the use of 'Conservation style' rooflights only. No other type of rooflight shall be inserted within the roof slope of this building without first receiving the written express consent from the Local Planning Authority.

Reason: In the interests of visual amenities of the surrounding area.

- 6 A comprehensive and detailed hard and soft landscape scheme for the site, which shall include the planting of a minimum of six extra heavy standard trees shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that five year period shall be replaced unless otherwise approved by the Local Planning Authority.

Reason: In the interests of visual amenities of the surrounding area.

- 7 No development shall commence until full details of measures to protect the existing trees to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs.

Protection of trees shall be in accordance with BS 5837, 2005 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development unless otherwise approved.

Reason: In the interests of protecting on and off-site trees from damage during construction

- 8 There shall be no mechanical excavation within the Root Protection Area of Tree TA (*Cedrus atlantica* 'Glauca') as detailed on Weddle Landscape Design Drawing No. SRS 03. All excavation works within this area must be undertaken by hand when working within the root protection zone, any exposed roots cleanly cut with appropriate tools and all excavation carried out in accordance with an Excavation Methodology that shall first be submitted to and approved in writing by the Local Planning Authority. Mycorrhizal fungi shall be applied to the rooting zone of the trees post development.

Reason: In the interests of protecting on and off-site trees from damage during construction

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

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

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

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

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

Reason: In the interests of the amenities of occupiers of the adjacent property (No. 3 Stratford Road)

- 12 The ground floor toilet window on the rear elevation of the dwellinghouse facing No.3 Stratford Road shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and

no part of it shall at any time be glazed with clear glass without the prior approval of the Local Planning Authority.

Reason: In the interests of the amenities of occupiers of the adjacent property (No. 3 Stratford Road)

- 13 The development shall not be used unless 2.0 metres x 2.0 metres vehicle/pedestrian intervisibility splays have been provided on both sides of the means of access such that there is no obstruction to visibility greater than 600 mm above the level of the adjacent footway and such splays shall thereafter be retained.

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

- 14 The development shall not be used unless the sight line, as indicated on the approved plans, has been provided. When such sight line has been provided, thereafter the sight line shall be retained and no obstruction to the sight line shall be allowed within the sight line above a height of 1 metre.

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

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

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

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

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

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

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

Attention is drawn to the following directives:

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

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

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

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

Development Services
Howden House
1 Union Street
Sheffield S1 2SH

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

4. The applicant is advised that Sheffield City Council, as Highway Authority, require that drives/vehicular access points be designed to prevent loose gravel or chippings from being carried onto the footway or carriageway, and that they drain away from the footway or carriageway, to prevent damage or injury.
5. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677,

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

- By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk. Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

Site Location



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LOCATION AND PROPOSAL

The application relates to the lower garden curtilage of a large detached dwellinghouse in Ranmoor, known as The Croft. The Croft is 'sandwiched' between Stratford Road to its east and Tom Lane to its south-west. Vehicular access is taken from Stratford Road.

The application site is identified in the UDP as being within a Housing Area and lies within Ranmoor Conservation Area. The surrounding area is made up of predominately large detached properties of various architectural styles that sit within good sized garden plots.

The Croft itself is an attractive and imposing two/three storey dwellinghouse that is faced in a combination of coursed natural stone and rough cast render. The property is situated towards its northern boundary with its principal elevation facing southwards across its extensive garden.

The property sits within a very generous plot of some 0.33 hectares that provides the occupants with a very high level of amenity. Along its western and southern boundaries to Tom Lane is a 1.5m-2m high stone wall that forms an attractive border to this road. A number of mature trees are situated on site, which include several trees along its boundary to Tom Lane. The north-west boundary shared with No. 3 Stratford Road is lined by an approximate 5m high dense Cypress hedge that provides a very high level of natural screening from this neighbouring property. The site's ground level falls approximately 10m from north to south across its length.

Following officer's second site visit in July 2014, it was noted that a short section (approximately 6-8m in length) of the property's stone boundary wall to Tom Lane had been demolished.

The applicant is seeking full planning permission to sub-divide the garden plot and erect a 4-bedroomed detached dwellinghouse with double detached double garage on the lower part of the property's front garden. The area of the application site would be approximately 900 square metres. The dwellinghouse would be access would be taken from Tom Lane.

RELEVANT PLANNING HISTORY

13/02119/PREAPP – Pre-application advice. Erection of a detached dwellinghouse and garage

98/02786/FUL – Erection of swimming pool enclosure – Granted 17/09/98

12/02754/TCA – Removal and pruning of trees (Ranmoor Conservation Area) – Granted 11/10/12

SUMMARY OF REPRESENTATIONS

Fourteen letters have been received in response to neighbour notification. Seven of these letters have been received from the residents of No. 3 Stratford Road. A summary of all the comments raised are listed below:-

- Impact on trees. The development lies within the root protection area of several mature trees in the garden of No. 3 Stratford Road including a Category 'A' Blue Cedar. While the submitted tree survey and impact assessment being carried out in accordance with BS5837, the application provides few details and ignores the impact on adjacent trees situated at No. 3.
- The house would have an overbearing impact on No. 3 Stratford Road owing to the close proximity of the proposed house to the shared boundary;
- Overlooking Issues;
- Design Issues, scale and massing
- Excessive car parking provision;
- Harmful to the character and appearance of the surrounding area;
- Highway safety Issues ;
- Loss of trees along the frontage to Tom Lane;
- Harmful to the character and appearance of the Conservation Area.
- There appears to be discrepancies in the ground levels of the site with the height of No. 3 being approximately 1m lower than shown on the submitted drawings. If so, the height of the proposed house would be constructed 1m higher when viewed together with No. 3.
- The need for new housing is accepted but the proposal fails to answer any real social housing need.
- Does not appear to be adequate notification of the application.

Written representation has also been received from Ranmoor Society. They comment that while houses and gardens within the Ranmoor Conservation Area vary significantly in size, an important contribution to the character of Ranmoor is the presence of large properties with relatively extensive mature gardens. They consider that building additional houses within these larger gardens represents a significant degradation of this character and undermines the reason for Ranmoor having Conservation Area status. For this reason, they recommend that proposed development is refused.

PLANNING ASSESSMENT

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

- (i) The principle of development – Policy and Land Use
- (ii) Highway Issues
- (iii) Design Issues and the effect on the character and appearance of the Conservation Area.
- (iv) Effect on the residential amenity of neighbouring properties.
- (v) Landscaping Issues
- (vi) Other Issues

These are considered in turn below.

(i) Principle of Development - Policy and Land Use

The application site is situated in a Housing Area, where housing is the preferred use under Policy H10.

While the development would accord with Policy H10 of the UDP in terms of use, consideration should also be given to the development of a greenfield site, given that the application site currently forms part of the garden curtilage of The Croft. The relevant policy position with regard to the use of previously developed land for new housing is Core Strategy Policy CS24. This policy states that priority will be given to the development of previously developed sites and no more than 12% of dwelling completions will be on greenfield sites in the period between 2004/05 and 2025/26. It goes on to state that the development of greenfield sites may be acceptable on small sites within the existing urban areas and larger villages, where it can be justified on sustainability grounds.

With regard to this, the latest figures show that the Council is exceeding its target of achieving 88% of all development on previously developed land. The erection of a single dwellinghouse on this site is therefore unlikely to prejudice or undermine the Council's targets for the development of previously developed land across the city, while its location close to good public transport links can be justified on sustainability grounds.

Policy CS26 of the Core Strategy relates to the efficient use of housing land. In parts of the urban area that are not near Supertram stops or close to high frequency bus routes such as here, it details that the density should be in the order of 30-40 dwellings per hectare. However, the policy does allow allowances outside these ranges in instances where they achieve good design, reflect the character of an area or protect a sensitive area. In terms of this, while officers acknowledge that the proposed development would fall below this density range (averaging at 11 dwellings per hectare), given that the application site is situated within an area that is characterised by large houses that sit within generous garden plots, the proposal to erect a single house on this site can be justified.

The principle of erecting a single detached dwellinghouse is therefore accepted and would meet the terms of UDP Policy H10 and Core Strategy Policies CS24 and CS26.

(ii) Highway Issues

The application has been amended to address concerns raised by officers regarding the proposed access arrangements. The amended plans show the proposed access would be provided with 2m by 2m visibility splays either side of the site entrance to ensure safe egress onto Tom Lane. Officers are satisfied that suitable sight lines can be achieved from the site's vehicular access conducive with the speed of traffic on the road. Within the area of the visibility splay, the wall would be reduced to a height no greater than 600mm above ground level. To allow for the access, two holly trees would be removed.

Officers are also satisfied with the level of on-site parking provision with the plans showing parking for at least four vehicles, including two within the proposed double garage.

From a highway perspective, the development is considered to be acceptable.

(iii) Design Issues and the effect of the development on the character and appearance of the Conservation Area

UDP Policy H14 relates to conditions on development in Housing Areas. It details at Part (a) that new buildings and extensions are well designed and would be in scale and character with neighbouring buildings.

UDP Policy BE5 seeks to ensure good design and the use of good quality materials in all new and refurbished buildings and extensions. The principles that should be followed include encouraging original architecture where this does not detract from the scale, form and style of surrounding buildings, the use of special architectural treatment be given to corner sites and that designs should take advantage of the site's natural features.

Policy BE16 relates to development in Conservation Areas. This policy 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 amongst other things that development which preserves or enhances the character or appearance of the Conservation Area.

Core Strategy Policy CS74 sets out the design principles that would be expected in all new developments. It details that high quality development respect and take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods. At Part (c) it includes the townscape character of neighbourhoods with their associated scale, layout and built form, building styles and materials.

The proposed dwellinghouse would be erected on the site's lower garden with its principal elevation facing towards Tom Lane. It would be split-levelled to account for the site's sloping ground levels with accommodation taken over three floors to provide four bedrooms. Along with the proposed garage, the built form of the development would run parallel to the site's eastern boundary with a distance of 2.7m off this shared boundary. The house itself would be foremost rectangular in footprint with an external footprint of 13.1m by 9m and constructed with a dual aspect hipped roof due to the off-set form of the building. Features of the property's design include a two storey glazed conservatory along its southern elevation, full height bay windows, box dormer window along its southern roof slope stone heads and cills and feature chimney. It would be constructed in reclaimed natural stone with artificial stone heads and cills and reclaimed York stone roofing tiles. Windows would be aluminium.

The siting and design of the house has gone through protracted negotiations during the course of the application. These discussions have brought about changes to both the design and siting of the proposed dwellinghouse from the scheme first submitted

including a reduction in both the footprint of the dwellinghouse and its height. The original scheme submitted was considered to be overly large in terms of its footprint and unacceptable in design terms due to an unsuccessful mix of Edwardian pastiche mixed with modern elements.

These negotiations have resulted in a building of acceptable design quality that is considered to respond positively to the context of the site and its surroundings. In addition to the footprint and height of the house being reduced, the front dormer windows have been removed and the side conservatory although not reduced to one storey has been reduced significantly in height and scale. This element of the scheme is located in the least prominent area of the site and unlikely to appear prominent that would be harmful to the character of the area. The previous highly dominant double height bay windows were reduced significantly and a more proportionate and central entrance was introduced along with a reduction in height of the stairwell window.

The resultant scheme is now acceptable in design terms as a more logical and coherent amended design has been submitted that addresses all the previous design concerns. The simplified design is now appropriate for the site and locality in terms of its impact upon the Conservation Area. Subject to the imposition of conditions that should include a stone sample panel to be constructed on site and submission of materials, it is considered that the development is acceptable from a design perspective and would be in general accordance with development plan policy.

It is important that any future extensions to the dwellinghouse and outbuildings within the garden are strictly controlled in the interests of preserving the character of the Conservation Area. It is therefore recommended that a further condition be attached that removes the property's 'PD' rights.

(iv) Effect on the residential amenity of neighbouring properties.

Despite the concerns raised by the residents of No. 3 Stratford Road, it is not considered that the proposed dwellinghouse would impact on the residential amenity of this or other neighbouring properties. While it is accepted that the proposed dwellinghouse would be sited close to the shared boundary of this neighbouring property (2.7m), the separation distance of the proposed house to No. 3 is approximately 30m. This distance together with the 5m high Cupressus hedge that extends along the shared boundary should avoid the house appearing overbearing or imposing to the detriment of this neighbouring property. Although a concern has been raised that the proposed height of the house maybe an additional 1m higher than a survey carried out in connection with No. 3, even when taking into account this height differential, officers are satisfied that the proposed house would not appear overbearing given the distance between the two houses.

To avoid potential problems of overlooking between properties, the proposed dwellinghouse has been designed with no main windows along the property's rear elevation facing No. 3. With exception to a ground floor window that would provide light to a toilet, no windows are proposed along its rear elevation facing this neighbouring property. Accordingly, subject to this window being obscured glazed and a restriction imposed on new openings within the property's rear elevation, both

secured by condition, it is not considered that the development would result in any loss of privacy to the detriment of this or other neighbouring properties.

The siting and orientation of the house together with the separation distances between the house and neighbouring properties should therefore avoid any overlooking of neighbouring properties including the host property.

UDP Policy H14 (c), which seeks to protect the amenity of neighbouring properties' amenity from new development loss of light and privacy that sites are not over-developed or deprive residents of light or privacy, or that new development

(v) Landscaping Issues

The application commissioned Weddle Landscape Design to carry out a tree survey of the site. This tree survey shows that a total of six trees would be removed to accommodate the dwellinghouse, comprising two hollies, ornamental cherry, purple leaved plum at the proposed site entrance and a purple leaved plum and English oak in the area of the proposed house. Four of the trees scheduled to be removed have been classified as low quality (Category C) with the two hollies along the site frontage being of moderate category (Category B).

Owing to the quality of the trees scheduled for removal, officers are satisfied that the development would have little impact on the visual amenity of the surrounding area. While trees along the Tom Lane boundary would be felled to accommodate the proposed access, the trees are not of significant quality that would require them to be retained in the interests of visual amenity. It is recommended however that any grant of planning permission include a condition that requires the submission of a detailed landscaping scheme that includes the planting of 6 extra heavy standard trees as compensation for the trees that would be removed.

A concern has been raised that the proposed development would impact on trees outside the development site but within the garden curtilage of the neighbouring property (No. 3 Stratford Road), and in particular a 'Category A' Blue Cedar (TA) close to the neighbouring boundary. Weddle Landscape Design's Tree Protection Plan (TPP) shows the use of protective fencing along the length of the shared boundary and that while the new build will result in an approximate 9% encroachment into the Root Protection Area (RPA) of this Blue Cedar, Weddle Landscape recommend a 9% crown reduction of branches which overhang the site to compensate for this minor loss.

Although it is accepted that the proposed development would encroach into part of the RPA of the neighbouring property's Blue Cedar, the amount of which is not considered to be significant that would place this neighbouring tree at significant risk. It is advisable however that suitable mitigation measures be put in place that limits evasive works within the RPA. As such, it is recommended that conditions be attached to the grant of planning that seeks no mechanical digging within the RPA of the Blue Cedar and that the development be carried out in accordance with Weddle Landscape Design Tree Protection Plan (TPP). It is recommended that a further condition be attached that requires details of measures to protect the site's existing trees which should include a construction methodology statement and plan showing

accurate root protection areas and the location and details of protective fencing and signs.

Although concerns have been raised with regard to impact on trees, subject to the imposition of the aforementioned conditions, officers are generally satisfied that any effect on the site's existing trees including the Blue Cedar within the garden of the neighbouring property would not be put at any significant risk with any loss of trees compensated by further planting.

(vi) Other Issues

One of the complainants has raised concerns over the level of consultation of the application. On this, Members are advised that eleven properties were consulted on the application and a site notice posted along Tom Lane. This level of consultation is considered to be adequate and would meet the Council's statutory obligations on neighbour notification.

SUMMARY AND RECOMMENDATION

Full planning permission is being sought to erect a 4-bedroomed storey detached dwellinghouse with double detached garage within lower garden of a large detached dwellinghouse in Ranmoor.

The principle of erecting a house within part of the garden curtilage of The Croft is accepted under Policy H14 of the UDP and Policy CS24 of the Core Strategy and would not prejudice or undermine the Council's targets for the development of previously developed land across the city. Following revisions to the design of the house that have included reducing both the height and footprint of the building, officers are satisfied that the development represents an appropriate form of development and would preserve the character and appearance of Ranmoor Conservation Area. While the development would remove part of the garden curtilage of The Croft, this property would still benefit from an extensive garden curtilage in excess of 0.22 hectares, which in officers' opinion would be commensurate to the size of the house.

It is considered that the proposal would not impact on highway safety or result in the residential amenity of neighbouring properties being unduly harmed. Although the development involves the loss of trees and minor encroachment into the RPA of a tree outside the development site, officers remain satisfied that the loss of these trees can be suitably compensated by further tree planting or place the neighbouring tree at significant risk.

For the reasons given in the report and having regard to all other matters raised, it is considered that the development accords with UDP Policies H14 (a) BE5 and BE16 and Core Strategy CS24 and CS74 and is recommended for approval subject to the conditions listed.

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