

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To the Planning and Highways Committee
Date Of Meeting: 14/04/2015

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	15/00251/FUL
Application Type	Full Planning Application
Proposal	Provision of 2 No. artificial grass pitches with associated fencing and lighting, drainage improvements to 1 No. natural grass pitch, erection of pavillion building including changing facilities, club room and education space, associated car parking accommodation and vehicular access
Location	Graves Tennis And Leisure Centre Bochum Parkway Sheffield S8 8JR
Date Received	23/01/2015
Team	South
Applicant/Agent	JUMP 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:

The drawings and information dated, 23 January 2015, 27 January 2015, 19th March 2015 and the amended site plan dated 27 March 2015.

Reason: In order to define the permission.

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

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

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

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

- 5 The soft landscaped areas shall be managed and maintained for a period of 5 years from the date of implementation and any plant failures within that period shall be replaced in accordance with the approved details.

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

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

Reason: To ensure that the local planning authority can confirm when the maintenance periods specified in associated conditions/condition have commenced.

- 7 Before any hard surfaced areas are constructed, full details of all those hard surfaced areas within the site shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall provide for the use of porous materials, or for surface water to run off from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse. Thereafter the hard surfacing shall be implemented in accordance with approved details.

Reason: In order to control surface water run off from the site and mitigate against the risk of flooding.

- 8 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.

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

a)been carried out; or

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

Highway Improvements:

Bochum Parkway (site ingress and egress)

Bochum Parkway (provision of footway/cycleway and associated signage along the site frontage to connect with the existing cycleway at Dyche Lane)

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

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

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

- 11 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.

- 12 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.

- 13 There shall be no gates or barriers erected at the means of access to the site.

Reason: To ensure access is available at all times.

- 14 The development shall not be used unless the cycle parking accommodation for 16 as shown on the approved plans has been provided in accordance with those plans and, thereafter, such cycle parking accommodation shall be retained.

Reason: In the interests of delivering sustainable forms of transport, in accordance with Unitary Development Plan for Sheffield (and/or Core Strategy) Policies T10 and CS55

- 15 Prior to the occupation of any part of the development, 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:

- Clear and unambiguous objectives and modal split targets;
- 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,
- Provision for the results and findings of the monitoring to be independently verified/validated to the satisfaction of the local planning authority.
- 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 Unitary Development Plan for Sheffield and Core Strategy Policies

- 16 Prior to any works commencing on site a dilapidation survey of the adjoining highways shall be carried out in conjunction with the LPA.

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

- 17 Further intrusive investigation, as recommended in the Geotechnical and Geoenvironmental Report (ref: 35224, Issue 1, dated 25/10/14), and as is additionally required by the Environmental Protection Service to fully characterise the site, shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004)

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

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

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

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

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

- 20 Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development or any part thereof shall not be brought in to use until the Validation Report has

been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

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

- 21 The development shall not be used for the purposes hereby permitted unless the measures for noise mitigation, including the proposed acoustic barrier, has been installed and thereafter retained. Prior to installation full details of the proposed acoustic barrier shall have been submitted and approved in writing by the Local Planning Authority.

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

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

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

- 23 The sports pitches shall be used for the above-mentioned purpose only between 0800 hours and 22:00 hours on any day.

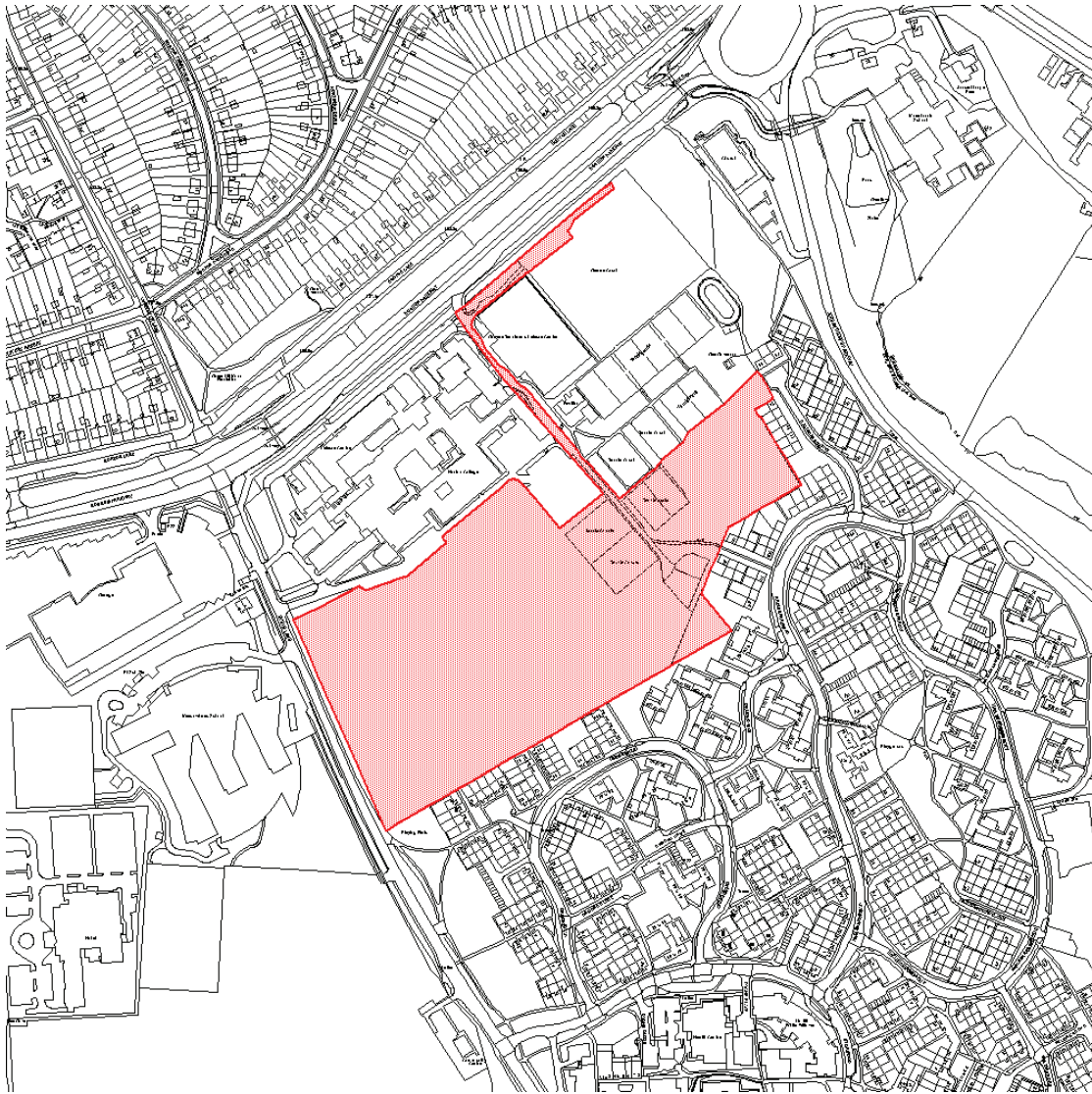
Reason: In the interests of the amenities of the locality and occupiers of adjoining property.

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.

Site Location



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INTRODUCTION

A report was released in 2014 from the Football Association (FA) which outlined the falling involvement of English players at the top level of the game. The report outlined how this should be redressed. It recommended that core football hubs should be created which include high quality all weather facilities which can be optimised by local communities and which will help improve English grassroots football.

Sheffield City Council is currently in the process of re-vamping various leisure facilities and this application has coincided with improvement works which are to be carried out to the Graves Tennis and Leisure Centre in the near future. Permission for such alterations to the original leisure centre has already been approved earlier this year. The provision of additional all weather pitches is hoped to deliver affordable facilities which will be self-sustaining in the future.

LOCATION AND PROPOSAL

This application seeks permission to develop part of the playing fields which are to the rear of Graves Tennis and Leisure Centre. The proposal involves the provision of all-weather football pitches, a sports pavilion and associated car parking.

The approximate 6.68 hectare site is located approximately 7 km due south of the city centre. The site is accessed from a dual carriageway (Bochum Parkway) which is a main arterial road which links the site with the A61 and the A57/A630. These road links provide access to the M1.

The site is mostly surrounded by residential properties, although the Norton College site is located to the north of the site. To the northeast of the site there is the main Graves leisure complex which also comprises external multi- purpose courts. Some of the courts are floodlit.

The site is fairly level although there is a natural fall in the land across the site. The land falls away slightly from near the main leisure centre to the south.

The site is accessed from one entrance point off Bochum Parkway and there is currently an area which is used for car parking between this site and the Norton College site. The site is not secure and can be accessed by footpaths from the residential properties which are sited to the south.

The dual carriageway is a significant barrier between the main leisure centre/ ancillary fields and the properties on Norton Road. An underpass is situated to the north of the site and this provides a pedestrian link to the site from these residential properties to the north.

The sports fields are currently accessed via the main leisure centre. However, an arrangement for vehicles has been made which uses the access from Bochum Parkway. The access road leads to car parking spaces which are in between Norton College and the leisure centre. The access off Bochum Parkway is an entrance only and, to exit the site, the current system leads traffic out around the college site and onto Dyche Lane.

The subject property is set within an area which is designated as Open Space within the Local Planning Authority's main planning policy document, the Unitary Development Plan. This area is surrounded by defined Housing Areas; however, the college site to the southwest is designated as a Business: Institution: Leisure Area.

PLANNING HISTORY

A planning application was submitted in 2008 (08/01860/FUL) which granted consent for extensions and upgrades of the existing tennis and leisure centre. The application also included a fitness centre, swimming pool and ancillary residential accommodation and car parking. The 2008 scheme was never implemented and the permission has since lapsed.

The most relevant planning history is application 14/00709/FUL which was granted permission earlier this year. The application sought permission to extend and alter the existing leisure complex including the construction of a 25 metre swimming pool, additional tennis courts, gymnastics and gymnasium facilities and a National Centre for Sports and Exercise Medicine.

SUMMARY OF REPRESENTATIONS

The application was advertised in accordance with national guidance and in line with the Local Planning Authority's statement of community involvement. The immediate surrounding neighbouring properties were notified of the proposal and site notices were posted around the site.

When the application was amended in March 2015, those who had raised comments initially were re-notified.

Various bodies have also been consulted with regards to the proposal and notably, Sport England has commented on the proposal. The comments support the proposal and have been submitted on behalf of various sports bodies, such as the FA.

Ten representations have been received in connection with this application. Five representations object to the proposal whilst the remaining five support it. The letters of objection raise various material planning concerns and these can be summarised as:

The proposal would create noise and light pollution, given the close proximity to the neighbouring residential properties;

It isn't clear what the design of the fence is and the height/ topography of the pitches would increase the potential for noise and lighting issues;

The opening times would mean that there is no respite from noise and disturbance;

The proposal would be a great loss to the community as the fields will no longer be able to be used for a variety of sports;

The proposal will have an effect on how the site is drained and have a potential for flooding;

The comments also state that the remaining areas of landscaping will be left to grow to a wilderness. The fields, similar to now, are maintained by the leisure centre and there is no information to suggest that this would be otherwise. This concern is an ongoing issue for the leisure centre and it is not directly linked to this planning application. The future maintenance of the site is the duty of the applicant, as it is now, and it is not the role of the Local Planning Authority to secure future routine maintenance programmes for application sites.

One of the representations also makes a recommendation to move the pitches further away from the residential properties by turning them 90 degrees. This issue is discussed further in the subsequent report and amended drawings have been received showing this.

The representations which support the proposal can be summarised as stating:

The proposal will help grassroots football and benefit a wide range of local football clubs;

There are not enough all weather facilities like this in Sheffield;

It will enhance fields which are under used at present and provide high quality sports provisions;

Responses to Amended Submission

The amended plans which were submitted in October 2014 were advertised and local residents, who initially raised concerns, were sent further notification letters stating that the proposal had been amended. Additional site notices were also posted at various locations around the site.

One representation has been received in connection with the amended plans. It still outlines concerns with the opening times and how the site will be managed and drained, but it welcomes the amended siting of the pitches.

PLANNING ASSESSMENT

Policy Issues

The site which forms this application is currently open sports fields accessed from a road which runs in between the existing Graves Leisure Centre and the old Norton College site. The site is ancillary to the main leisure centre. The entire site is designated as an Open Space Area within the Local Planning Authority's main planning policy document, the Unitary Development Plan. As this policy document is currently being superseded by the Sheffield Development Framework, Core Strategy policies are also relevant to this planning assessment.

The main local planning policies are shown below and these are considered to be in line with the national policy document, the National Planning Policy Framework (NPPF).

BE5 Building Design and Siting

BE7 Design of Buildings Used by the Public

BE9 Design for Vehicles

BE10 Design of Streets, Pedestrian Routes, Cycleways and Public Spaces

BE12 Public Art

CS47 Safeguarding Open Space

CS53 Management of Demand for Travel

CS54 Pedestrian Routes

CS55 Cycling Routes

CS63 Responses to Climate Change

CS64 Climate Change, Resources and Sustainable Design of Developments

CS65 Renewable Energy and Carbon Reduction

CS66 Air Quality

CS74 Design Principles

The National Planning Policy Framework (NPPF) has been fully adopted. The NPPF is a material consideration to be taken into account in determining all planning applications.

It is important to acknowledge that the key message that can be taken from the NPPF is a 'presumption in favour of sustainable development'. The document summarises delivering sustainable development as planning for prosperity (economic role), for people (social role), and for places (environmental role).

The Government strongly emphasises the planning systems role of promoting healthy communities. It states that in order to deliver social, recreational and cultural facilities, plans should ensure that established facilities are able to be developed and modernised in a way that is sustainable, and retained for the benefit of the community.

The NPPF states that open spaces and opportunities for sport and recreation can make an important contribution to health and wellbeing of communities. It stresses that open spaces should not be built on unless the loss of space resulting from the proposed development would be replaced by equivalent or better provisions. It further states that development should only be for alternative sports and recreational provisions, the need for which clearly outweighs the loss.

The local planning policy CS47 is in line with the NPPF. The proposal seeks to enhance an area of ancillary sports fields which will increase the functionality of the leisure centre and the wider sports facilities. Although this proposal incorporates further car parking on an area which is currently open space, the car parking is ancillary development that would enable the open space to be more widely used by the local communities. The proposal is considered to be an enhancement of the site which can only be a positive way to utilise the existing open space and it is not, therefore, considered that the proposal would result in a loss of recreation space that would be unacceptable under the criteria laid out in both local and national planning policies.

Sport England has been consulted with regards to the use of an existing pitch for development and concludes that there is a strong strategic need for the proposed all-weather games pitches (AGP's) to justify the loss of the grass playing fields. The comments fully support the proposal and state that it is acceptable under exemption E5 which allows the loss of open spaces where there is sufficient benefit to the development of sport.

The programme to improve the city's leisure facilities has come about as a result of improvements which are necessary to the existing facilities and from a push by the FA. The alterations proposed would serve a community base which is not sufficiently served by existing facilities. The alterations are required to ensure that these benefits can be provided to the community.

The proposed site has been chosen, together with another site in the north of the city. These sites have been chosen due to the requirements of community needs. It has, therefore, been considered that these locations offer best value to a wide range of community groups.

The proposal seeks to enhance the existing facilities and the areas of open space within the site. The needs of the community facilities, and their enhancement, are given great weight in accordance with the NPPF and local policies LR5 and CS47. The quality of the proposed development, which will enhance and sustain the leisure centre facilities, is also given significant weight. The presumption in favour of development should be an influencing factor here and it is considered that, on balance, there is no loss of recreational space that would be to the detriment of the functionality of the existing open space provisions. Accordingly, the principle of the development is considered to be acceptable in terms of local and national planning policies.

Sustainability Issues

The proposed development of the site is to be assessed against Core Strategy policies CS64, CS65 and CS67. These policies are concerned with the sustainability of a proposal and the impact of the proposal on climate change. They are in line with the guidance provided in the NPPF.

Policy CS64 would require the development to meet BREEAM 'very good' standards. The proposal would incorporate sustainable measures such as improvements to the drainage of the site and the shell of the building's envelope is

to have high u-values. The leisure centre and this aspect of the wider site comprise functional buildings which limit how the proposal can score on the BREEAM scales. Accordingly, the proposal will not be able to fully achieve the aims of BREEAM. Although it will not strictly achieve this standard, it has tried to accommodate as many of the sustainable credentials outlined in BREEAM as possible. On balance, it is considered that the proposal could not be refused permission on this ground alone.

CS65 requires the provision of a minimum of 10% of a development's predicted energy needs to be from decentralised and renewable or low carbon energy. The proposed building would include the provision of highly efficient technologies, but the incorporation of renewables on this site is not considered to be viable. The proposal only just exceeds the 500 square metres in floor space which is the threshold for these policy requirements. The nature of the building is one where the demand for energy is in peaks; these are during shower periods when the hot water is at its highest demand. To store and provide energy for hot water during these peaks would require an area approximately 2.5 times that of the size of the pavilion. As such, this would mean that the development would have to compromise even more of the open space. The site is linked to the leisure centre and some energy will therefore be obtained from renewable sources. It is therefore considered that although the proposal cannot strictly comply with this policy, due to the size and nature of the building, the proposal is acceptable as it has sought to do all it can to provide the highest quality building envelope to reduce the overall energy requirements of the facilities.

Guideline CC1 of the Climate Change Supplementary Planning Document requires developments of this scale to incorporate a green roof which covers at least 80% of the total roof area. The policy states that this is only where it is compatible with other design and conservation considerations, and where viable. The proposed size of the football pavilion is not excessive in size and the design has been governed by funding issues. The cost implications of a green roof on this scheme have been considered to be too great and not therefore viable. The facilities are key to the provision of good quality sporting facilities which will enhance and benefit the wider community. Whilst it is regrettable that a green roof cannot be provided, it is considered that the proposal could not be refused on this ground alone. The design, although not strictly in accordance with guideline CC1, is considered to be acceptable and the wider community benefits and viability of the scheme are given significant weight here to justify the lack of a green roof.

Flood Risk Management and Sustainable Drainage of Surface Water

The site is over 1 hectare in size and part of the wider leisure facilities. Accordingly, a flood risk assessment was required to be submitted with the planning application. Risk assessments, should be in line with guidance given by the Environment Agency, which seek to outline the potential of surface water run-off and the implications for flooding in the wider area.

The proposal seeks permission to develop a part of the site which is currently playing fields. The application has been accompanied by a geotechnical data and the flood risks for the leisure facilities as a whole have very recently been assessed

due to the onsite works associated with the sister planning application which relates to the wider leisure centre site.

Policy CS67 of the Core Strategy states that development should significantly limit surface water run-off and promote sustainable drainage systems where feasible and practicable.

Although the car parking introduces areas of tarmac to an area which is otherwise open space, water can be drained away into areas of soft landscaping within the site and the AGPs will be constructed in a way which will improve the overall drainage of the site. Furthermore, the circulation routes around the site also include paving systems, details of which can be conditioned to be permeable and allow water to drain away within the site. The changes would enhance the drainage of the existing site and a condition can be attached to any approval to ensure that surface water run-off within the site is improved. Subject to a condition being attached to any approval, this proposal is considered to be compliant with policy CS67.

Design Considerations

The NPPF seeks to promote sustainable development; however, in breaking the definition of sustainability down into three, it also places a significant emphasis on good design and protecting and enhancing the natural and built environment within which the development is set. It further requires proposals to respond to the surrounding local character and to be visually attractive as a result of good architecture.

The UDP states that new development should be well designed and in scale and character with neighbouring buildings, and not result in the site being over-developed. This is reinforced by policy BE5 which states that the new buildings should complement the scale, form and architectural style of surrounding buildings. BE5 also states that the proposal should have a varied palette of materials to break down the overall massing of the building and it should link to the natural and built features of the area.

Policy CS74 of the Core Strategy relates to design principles and stresses the need for high quality development which contributes to place-making and healthy, safe and sustainable environments. It promotes the need to be accessible to all and the role good design can play in improving economic and social environments.

Policy BE7 of the UDP states that improvements to the access of public buildings will be expected and encouraged to provide safe and easy access, especially for people with disabilities. The proposed design has been mindful of how the site is accessed and how people circulate around the external and internal spaces. The site provides disabled parking close to the main entrance of the pavilion and furniture close to the main entrance has been kept to a minimum to ensure unobstructed direct routes from the car park to the main entrance. The entrance has been designed to be distinguishable from the main façade and the entrance is fully accessible with a nominal level area immediately in front of the doors. The new facilities will enhance the leisure centre's provisions for disabled persons and

follows the aims of this policy which seeks to improve access to public buildings as opportunities arise.

The proposal involves the installation of two AGP pitches, together with a small sports pavilion and associated car parking. The facilities will be accessed by the entrance to the Graves Leisure centre which is currently being redeveloped as part of the wider alterations which are ongoing at the leisure centre. The access point will run down past the former Norton College site and the pavilion and car parking area are sited to the rear of the external tennis courts.

The proposed layout of the scheme has been amended so that the two artificial playing pitches are in line with the traditional grass match pitch which is set closest to the boundary with Dyche Lane. The pitches have been re-organised to enable the pitches to be sited as far away as possible from the neighbouring residential properties. The amended plans have also included details of an acoustic fence which is to be placed along the southern most boundaries of the pitches.

The proposed pavilion is approximately 650 square metres in footprint and is a simple, yet functional, design. The proposed pavilion would be single storey in height with a shallow dual pitched roof for the most part. The massing of the building has been broken down with the use of a range of materials and part of the roof is a mono pitch design to provide visual relief to what would have otherwise been a long rectangular box. The main entrance is to be a coloured rendered system and this again, breaks up the overall massing of the building.

The design is functional and the window openings are few, given that they serve changing facilities. The built form has been broken down by the use of different roof forms and a varied palette of materials.

The building would use a pale grey brick to marry the proposed structure with the main leisure complex and a cladding system is proposed to contrast with the brick work in a band which would be close to the eaves. The roof is proposed as a metal composite roof system and the overall general appearance would complement the existing leisure centre and the alterations which are to be carried out to the leisure centre in the very near future.

The design principles of the proposal, in terms of massing, siting and detailing, are considered to be satisfactory. To an extent, the design has been severely constrained given the nature of the use. However, it is considered that the design is of a high standard and reflective of the character of the original site and the wider area. It is, therefore, considered to be acceptable in terms of UDP policies and the NPPF.

Amenity Issues

The NPPF states within its core planning principles that the planning system should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The proposal significantly enhances and complements the existing playing fields and the main leisure centre. This proposal is a sister project to the main leisure centre alterations, and information through discussions with the applicant and details provided for the main leisure centre, have considered the potential noise, light pollution and general disturbance resulting from the proposal.

The proposed building and the ancillary infrastructure needed for the facilities have been arranged in a way to maximise the distance between the proposed alterations and the neighbouring properties. The closest residential property is approximately 30 metres from the closest car parking space and the pavilion is approximately 75 metres from the closest neighbouring property. The setting of the site also prevents any significant harm being caused by the massing of the proposed building to local neighbouring properties in terms of loss of natural light and outlook. In this respect, the general amenities of the neighbouring residential properties are not considered to be adversely affected by the overall massing of the proposed pavilion.

The proposed artificial pitches have been redesigned with an acoustic barrier fence to the help prevent noise and general disturbance to the closest neighbouring properties. The height of the fence is to be approximately 4.5 metres in height. It is considered that whilst this is not ideal in visual terms, it is necessary to protect the general amenities of the neighbouring residents. The proposal incorporates some re-modelling of the grassed area but this is not to the extent that was originally proposed. As such, some landscaping to the southeast corner of the site is proposed and this would help soften the overall appearance of the site from various aspects of the surrounding area.

The proposal incorporates two areas of potential noise sources: these are from the car parking area and the use of the football pitches on a more intensive scale than the original grass pitches. The application has been accompanied with noise surveys for both the original layout and the amended layout. The original proposed layout had the two artificial pitches close to the boundaries with the college site and the residential properties. The proposal incorporated some land changes to try and provide a small barrier between the pitches and the residential properties. However, the pitches were extremely close to the neighbouring properties and it was not considered that the grass mounds would provide any barrier from noise disturbance. The amended drawings have enabled the proposal to be sited approximately 51 metres from the neighbouring properties, at the closest point.

The pitches are to be used during the entire day, although the natural grass pitch would be used as it was used before. The AGP pitches are proposed to be used until 22:00 hours on an evening and, accordingly, flood lights will be used at certain points in the year. A revised noise survey has been submitted to show how the proposed pitches would impact upon the neighbouring properties and it is concluded that the proposed location would not exceed World Health Organisation limits which are considered to 'protect the majority of people from being moderately annoyed during daytime'. The survey shows that the levels are below the 50dB Laeq required and significantly below with an acoustic barrier fence. As the proposal also includes an acoustic barrier along the southern edge of the proposed pitches, it is not considered that the proposal would give rise to significant noise disturbance from the intensified use of the pitches.

Consideration has been given to the car parking area and its location. The car parking arrangement is, at its closest point, approximately 30 metres from the gable ends of residential properties. The car parking arrangement is fairly compact and is arranged in a way which means that cars are not able to travel quickly around the site. This will ensure that traffic cannot move noisily in and around the site. The comings and goings from the site are not considered to be excessive and the background noise levels are not considered to be significantly worse than the noise levels of the surrounding residential streets which accommodate bus routes.

It is considered that the proposed football pitches will intensify the use of the site and will therefore increase the overall background noise of the immediate surrounding area. However, given that significant changes have been made to the proposed layout and noise mitigation measures have been proposed, on balance it is therefore considered that the proposal would not be severely harmful to the amenities of the surrounding area in terms of noise disturbance.

Owing to the proposed opening times of the pavilion and sports pitches, flood lighting is proposed. A lighting survey has been submitted for the football pitches and details of the lighting for the public footpath and car parking have also been included.

A light survey has been included in the application and given that the proposed layout has changed, the overspill of light from the pitches is considered to be small and not excessive or detrimental to the living conditions of the neighbouring residents. Similarly, although the lighting for the car park is close to neighbouring residents, the lighting columns are small in terms of size and numbers. These, together with the low lighting bollards along the public footpath are not considered to be detrimental to the surrounding amenities of the area. Furthermore, such lighting along the footpaths and to the rear of the residential properties will provide an element of security and therefore be of benefit to the wider community. It is not considered therefore that the proposal would be detrimental to the amenities of the wider area and, accordingly, the proposal is considered to be acceptable in terms of local and national planning policies.

Conditions should also be attached to any approval to ensure that full details of any further external lighting and plant equipment are submitted and approved by the Local Planning Authority, if they are necessary in the future. This will ensure that the lighting and future potential sources of noise are controlled and such equipment is not positioned in a way which would be harmful to the amenities of the surrounding area. Furthermore, conditions to ensure the noise and light mitigation measures are implemented, should be attached to any approval, together with a condition ensuring that the hours of use do not exceed those which have been applied for within this application.

Landscaping and Ecology

The proposal incorporates a new car parking area and improvements are to be made to the footpaths around the perimeter of the building and the access points from the residential areas to the rear. A variety of paving materials are proposed to

make the different access points legible and full details of these can be secured through conditions.

The proposed external areas have been designed to maximise the ease of movement within the site and prioritise easy access for disabled persons. The incorporation of seating facilities and various pieces of street furniture within the site have been limited to minimise obstructions. The siting of cycle parking has been located close to the main entrance of the pavilion and full details of this can be secured through conditions.

As the site relates to playing fields, the previous use meant that the site was extremely open; overall, given the nature of the site the open space has never been highly landscaped. The proposal does not therefore suggest the removal of any mature landscaping which could adversely affect the character of the area. The proposal sets out measures to enhance the biodiversity of the site and some landscaping is proposed in the south-western corner. Any approval should include conditions relating to the full details of landscaping to the site and securing its implementation.

Highways and Transportation

UDP and Core Strategy policies (BE9, BE10 CS53, CS54 and CS55) seek to ensure that proposals are designed in a way which enhances the links between the development and the wider community. They seek to promote sustainable modes of transport which are safe and beneficial to the wider environment.

The site is located off a main arterial route and is near a variety of bus stops on Bochum Parkway and Dyche Lane. The buses are fairly frequent and 8 bus services run along Dyche Lane and Bochum Parkway. These are within 300 metres of the site.

The dual carriageway separates the residential properties along Norton Lane from the entrance to the site, but pedestrian links are available. To the rear of the site, public footpaths link the properties which are set closest to the public footpaths.

A Transport Assessment has been submitted which considers the impact of the proposal on the surrounding highway network. The Trip Generation estimates have been based on the maximum forecast match programme as supplied by the scheme promoter. Comparisons have also been made with data from the TRICS database. It can be seen that the trip generation estimates calculated based on the match programme are significantly higher than those resulting from the TRICS database. As such it is considered that the estimated trip generation used in the capacity assessments is robust.

In order to determine the impact of the proposal on highway capacity the following junctions have been modelled:

A6102 Bochum Parkway / Dyche Lane
A6102 / A61 roundabout

A6102 / B6057 roundabout

The assessments have been carried out for the Weekday PM peak and the Weekend peak. The estimated traffic generation is 73 trips and 159 trips respectively. It is accepted that there is potential for a number of linked trips to occur between the Graves Leisure Centre and the proposal under consideration, however no discount for linked trips has been made. Again this results in a robust assessment being undertaken.

The assessments demonstrate that the additional flows generated by the proposal will only result in a very marginal impact. The Chesterfield Road South arm of the Bochum Parkway / A61 roundabout is the only arm that is currently operating marginally over its theoretical capacity.

The parking provision for the site has been the subject of considerable debate. It was agreed that simple reference to the parking guidelines was not applicable as there are no guidelines currently available that closely represent the proposal. The car parking demand has been calculated based on the trip generation calculation for the match programme. It is assumed that the car parking for the leisure centre will also be available for use and on this basis the maximum additional number of spaces required would be 115. The provision of 133 spaces as proposed is therefore considered to be acceptable.

A Framework Travel Plan has been submitted in connection with this application, the details of which are considered to be acceptable. However, it is considered that a detailed Travel Plan is necessary and should be a condition should any approval be granted.

The proposed facilities are considered to have sufficient car parking spaces and safe access provisions. The design and layout of the proposal provides car parking and access which is accessible by all traffic, including emergency vehicles, and that is safe. The dedicated coach drop off points and 'in and out' access arrangements are considered to be significant improvements which are compliant with national and local planning policies.

Cycling Provisions

The planning application is for sports facilities which will enhance the existing leisure centre and these will be used by the wider community.

Core Strategy policy CS55 and UDP policy T10 seeks to promote and enhance the integration of cycle routes with the wider area. The application seeks to make alterations to the existing access point and improve the cycle route which links Bochum Parkway to Dyche Road. The extension to the leisure facility can only be expected, under the planning system, to improve elements closely linked to the proposed development. Whilst this proposal cannot be expected to be the catalyst for the resurfacing, and widening, of all cycle routes close to the site, further details of how the existing footpaths around the site can be enhanced through signs and markings should be requested through a

condition. This will ensure that the existing links to Batemoor and Jordanthorpe are made more visible and accessible to cyclists and pedestrians.

The nature of the site has heavily influenced how the car parking and cycle storage is laid out. The proposal includes the provision of 16 cycle stands and these are sited and arranged as close as practical to the main entrance.

The application is considered to make positive improvements to the existing cycling infrastructure, without being detrimental to the provisions made for other users of the site. The changes are considered to be acceptable and satisfactory with regards to Core Strategy policy CS55.

Air Quality

Core Strategy policy CS53 looks at the management and demand for travel and the implementation of Travel Plans which can maximise the use of sustainable forms of travel and mitigate the negative impacts of transport. The policy is also reinforced in Core Strategy policy CS66.

Policy CS66 deals with air quality, and requires action to protect air quality to be taken in all areas of the city, with further action to improve air quality to be taken across the built up areas and where residents in road corridors with high levels of traffic are directly exposed to levels of pollution above national targets.

Paragraph 124 of the NPPF requires planning policies to contribute towards EU limit values or national objectives (Air Quality Objectives) for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites locally. It also requires planning decisions to be consistent with the air quality action plan. Sheffield has an Air Quality Action Plan which identifies the whole of the urban area of the city as an Air Quality Management Area.

This application is a sister application to the wider improvements of the leisure complex. The original application for the leisure centre carried out a comprehensive air quality survey and it was concluded that once the proposal is completed, the effects from the proposal on the air quality of the surrounding area would be negligible and not contrary to national, regional or local planning policies. This application is much smaller in scale and a further air quality assessment has not been produced specifically for this part of the site. However, the travel plan associated with this application has assessed the impact of traffic generation in connection with the wider site, and when assessed in connection with the wider leisure centre site, it is not considered that the overall leisure facilities would be significant in size to have detrimental impact upon the local air quality.

The Council's Air Quality Officer assessed the submission of the sister application and considered the assessment method and its conclusions to be acceptable. The overall conclusion, which is still considered to be relevant, is that road traffic exhaust emissions from the development will not result in an exceedance of the Air Quality Objectives. The assessment contained

recommendations for mitigation measures during both the construction and operational phases of development. This application through a travel plan, will promote alternative modes of transport, in particular local bus services; the provision of cycle parking on the site; and the inclusion of pedestrian walkways into surrounding environments. It is therefore considered that as part of the wider premises, the facilities are committed to mitigating air pollution.

SUMMARY AND RECOMMENDATION

The proposal seeks permission to make significant changes to playing fields which are associated with an existing leisure complex. The site has been chosen, together with another leisure centre in the north of the city, to provide modern community facilities which are sustainable and cost effective. These facilities are a result of a national initiative to promote healthy living and grass roots football.

The AGP pitches and associated pavilion are to be sited on existing playing fields which are identified in the Local Planning Authority's Unitary Development Plan as Open Space Area. Together with the National Planning Policy Framework, local and national planning policies seek to protect open spaces from being developed.

The sporting provisions in the city are changing and evidence indicates a need, based on consultations with various sporting bodies, for significant modernisation of the existing sports pitches. The provisions of local and national planning policies allow for the enhancement of sports facilities and this development is considered to be acceptable in terms of these policies.

The alterations have been re-designed since the application was originally submitted and the current amended scheme is considered to integrate better with the leisure centre and the surrounding area. The pavilion would be constructed with a variety of materials and the break in the overall built form with a clearly defined entrance is considered to be acceptable. The design is considered to provide a built form which is not visually harmful to the wider area and although very much practical in terms of layout and end use, it is considered to be satisfactory.

The proposal has sought to address potential amenity issues, such as noise disturbance, lighting, parking arrangements and other disturbance and disamenity to neighbouring residents. Details have been provided to show how the proposal can be accommodated without being at the expense of the current living conditions enjoyed by neighbouring properties. Subject to conditions being imposed upon any approval given, it is not considered that the proposal would be detrimental to the general amenities of the surrounding area.

The location of the facilities and the scale of the proposal have given rise to concerns over the provisions of car parking and the way the site is accessed by all modes of transport. The proposal is considered to have sufficient car parking spaces for the traffic levels which have been modelled and, where possible, improvements to the pedestrian and vehicle access points have been made. It should be noted that given that the site is currently in use by the leisure centre, the proposed layout and design of this proposal has had to make some compromises.

The proposed alterations are considered to enable further modernisation of the playing pitches and leisure centre, without negatively impacting upon the general amenities of the area. The design is considered to be of a high standard and although some compromises have had to be made, the proposal is still considered to greatly enhance the wider sporting facilities and provide a more sustainable leisure centre development. The proposal is considered to meet the overarching aims of the NPPF and local planning policies found in the Unitary Development Plan and the Sheffield Development Framework's Core Strategy.

Accordingly, the amended scheme which was submitted in March 2015, is considered to be acceptable in terms of its siting, built form, massing and details. Subject to conditions for further details of specific elements of the proposal, this application is recommended for approval.

Case Number	15/00161/FUL
Application Type	Full Planning Application
Proposal	Application to allow extension of opening hours to 0230 on Fridays and Saturdays (Application under Section 73 to vary condition 19 of planning permission 14/02725/FUL)
Location	Maggie May's 23 - 27 Trippet Lane Sheffield S1 4FG
Date Received	18/01/2015
Team	City Centre and East
Applicant/Agent	Thatone Limited T/a Maggie May
Recommendation	Refuse

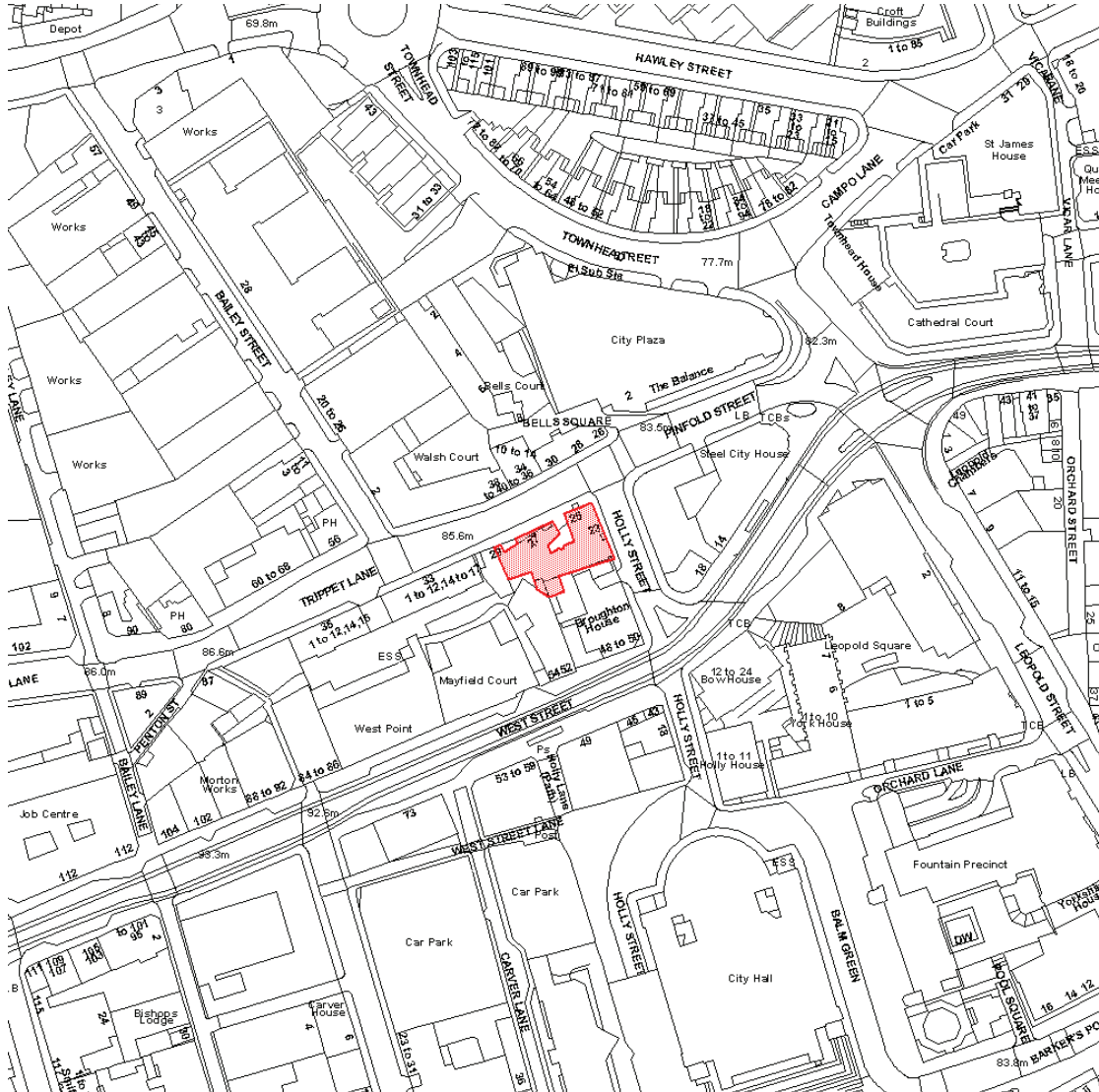
For the following reason(s):

- 1 The Local Planning Authority considers that given the proximity of surrounding residential development and the limited extent of venues along Trippet Lane in the vicinity of the site that open beyond 01:30 hours, it is considered that the proposed extension of hours will lead to the potential for noise and disturbance to surrounding residents, which would detract from the aim of successfully balancing city centre living and a vibrant night-time economy. The proposal is therefore contrary to Policy IB9 (b) of the Unitary Development Plan, the City Centre Living Strategy and the Interim Planning Guidance on Night Time Uses.

Attention is drawn to the following directives:

1. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, based on seeking solutions to problems arising in relation to dealing with a planning application, it has not been possible to reach an agreed solution in this case.

Site Location



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LOCATION AND PROPOSAL

This application relates to a ground floor bar (Maggie Mays) located on the corner of Trippet Lane and Holly Street in the City Centre. The unit was recently granted planning permission to open during the following hours under planning reference 14/02725/FUL:

08:00 hours to 00:30 hours the following day on Sundays to Wednesdays.
08:00 hours to 01:30 hours the following day on Thursdays, Fridays, Saturdays and Sundays before bank holidays.

The applicant is now seeking to vary Condition 19 to allow the venue to operate until 02:30 hours on Fridays and Saturdays.

There are a number of residential developments in and around the bar, including on the upper floors of this listed building and adjacent in Broughton House (at the junction of West Street and Holly Street). West Street is located approximately 35 metres to the south.

The site is located within a Fringe Industry and Business Area as defined by the adopted Sheffield Unitary Development Plan (UDP).

RELEVANT PLANNING HISTORY

Condition 19 was originally imposed in 2006 (06/00412/FUL) and formed part of a wider application for partial demolition, conversion and erection of a 7 storey building to form drinking establishment (Class A4) and accommodation for 87 persons in 13 shared flats. Condition 19 read as follows:

The ground floor unit shall not be used except between 0900 hours and 0130 hours on any day in accordance with the following:

- (a) Between 0030 and 0130 hours on Mondays, Tuesdays, Wednesdays and Sundays other than before Bank Holidays the unit shall not be used for any purpose.
- (b) Between 0030 and 0130 hours the unit shall not be used for dancing.
- (c) Between 0030 and 0130 hours no amplified sound shall be played in the unit without prior written approval from the Local Planning Authority of the sound volume.
- (d) After 2300 hours on each day, and until commencement of the operation on the following day, customers shall not enter or leave the ground floor unit unless through the door to Holly Street except in an emergency.
- (e) The unit shall not be used for any purpose after 0030 hours after the expiry of a period of 3 years from the commencement of its use or occupation of the first residential unit within the development, whichever is the sooner.

Subsequently two applications have been approved to extend the opening hours for a temporary period until 01:30 on Thursdays, Fridays, Saturdays and Sundays before bank holidays.

SUMMARY OF REPRESENTATIONS

5 Representations have been received from residents of various residential blocks in the vicinity including Broughton House, Anglo Works and the Westpoint apartments. These representations make an objection to the proposals for the following reasons:

It would increase the sleep deprivation already suffered because of late night venues, which has an adverse effect on quality of life. The proximity of residential units heightens the issues. These residents have a right to a decent quality living environment, which has to be balanced against the desire to improve Sheffield night time economy.

Sheffield night time economy is currently amply served in this area by the planning applications already approved like Crystal, Steel House, Reflex and Walkabout.

Having residential premises directly over the unit is totally unacceptable as it puts the residents at risk by the customers queueing outside or leaving and gathering around the venue as they would be blocking the access to apartments and this would be intimidating to those who wish to enter/leave the apartments and would be likely to allow access to people who should not be there, with all the attendant trouble this would cause.

People smoking and drinking in the street and car park entrance to Broughton House, which is located on Holly Street, creates anti-social problems.

Such proposals have a negative impact on residential property prices.

Applicant's Statement

The applicant has provided the following statement to help explain the reason why this application has been made:

"Maggie May's provides a safe entertainment establishment for a mature clientele to meet and socialise within. We have a demand from our regular customers to provide later opening hours on a Friday & Saturday night. The general consensus of opinion is that they feel uncomfortable leaving a secure venue to move to bars on West Street, which are predominantly student orientated, if they wish to have a drink after 01:30 hours. In addition and from a business prospective Maggie May's has felt the downturn in the daytime economy. The loss of many local businesses which the bar depended on for its lunchtime and afternoon trade has been compounded by the increased charges for on street parking and the reduction of parking places in the early evening."

PLANNING ASSESSMENT

Impact on Residential Amenity

National Planning Policy Framework (NPPF)

The NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

Unitary Development Plan (UDP)

Policy IB9 of the UDP (Conditions on Development in Industry and Business Area) states, amongst other things, that development will be permitted provided that it will not cause residents or visitors in any housing to suffer from unacceptable living conditions.

City Centre Living Strategy (CCLS)

The CCLS was approved by Cabinet in 2004 and forms Supplementary Planning Guidance. One of the key aims of this document is to ensure that potential conflict between residential uses and late night venues is managed.

Interim Planning Guidance on Night Time Uses (IPG)

The IPG aims to find an appropriate balance between city centre living and a vibrant night-time economy, in order to ensure a successful city centre in both senses. This document was approved by Cabinet in 2005 and identifies two areas of the city centre in which the amenity of existing and future residents should particularly be protected from undue noise and disturbance after a reasonable time of night. The IPG identifies 00.30 hours as this reasonable time of night. The application site does not fall within one such area and must therefore be judged on its individual merits.

Guideline 2 within the IPG states that leisure and food and drink uses will only be allowed if:

- a) Conditions for nearby residents and people working in the area will not be harmed by noise breakout, traffic, parking on nearby streets, odours, street noise or general disturbance.
- b) They are unlikely to lead to anti-social behaviour that would disturb residents, workers or users of the area.

In considering this application the impact of the proposed increase in the opening hours on the amenity of surrounding residential occupiers is the primary concern. Given the large number of residential units in the immediate area and as the bar is not on one of the principle streets for late night uses, such as West Street, it was originally considered reasonable to apply more restrictive opening hours than are evident in other locations. In this respect 00:30 was chosen as the IPG advocates this in areas with high residential amenity value.

When considering the subsequent applications to extend the hours of opening to 01:30 on Thursdays, Fridays, Saturdays and Sundays before Bank Holidays, it was deemed reasonable to allow this for temporary periods of twelve months in the first instance. The rationale behind temporary extensions was to allow a better understanding of whether operating the unit later into the night would suitably protect the amenity of surrounding residents.

In relation to the extensions of time and the continuing operation, the Council's Environmental Protection Team has confirmed there have been no complaints in relation to noise breakout or general noise and disturbance from the venue since 2010.

A further factor to consider was the former Cabanas bar/restaurant set directly across Trippet Lane. Although this venue has recently become a restaurant, it has had planning permission to open until 01:30 hours at weekends since 2006. This results in people already being in and around the area until 01:30 hours.

In light of the above circumstances, it was deemed reasonable to allow a permanent extension of opening hours until 01:30 hours (14/02725/FUL).

In relation to an additional extension of time until 02:30 hours on Fridays and Saturdays, this would be the only venue along this section of Trippet Lane that would open beyond 01:30 hours, which is when the background noise levels will be at their lowest. As such, there is greater potential for surrounding residents to be disturbed by noise from patrons of the venue during this additional hour, whether that be standing outside talking or leaving the venue. There is also less tolerance for this in such a quiet location, as opposed to West Street for example, which has a much greater concentration of late night venues.

There have been representations from residents in relation to this proposal, as was the case with the previous application to extend the hours until 01:30 hours. The concerns generally relate to noise and disturbance outside the venue. These matters have been discussed with the applicant who denies any of the activity is associated with Maggie Mays. However, this does highlight the potential for such matters to arise.

The applicant has stated that the venue could go out of business if this application is refused and a number of members of staff could be made redundant. While this is an obvious concern, the commercial argument is not considered to outweigh the need to maintain acceptable living conditions for nearby residents.

It is therefore considered that a further extension of opening hours would detract from the aim of successfully balancing city centre living with a vibrant night-time economy given that this location is in a quieter area and adjacent to a significant number of residential properties.

RESPONSE TO REPRESENTATIONS

The majority of the points raised have been addressed in the above assessment. The following is addressed as follows:

“Such proposals have a negative impact on residential property prices”.

The impact on property value is not a planning consideration.

SUMMARY AND RECOMMENDATION

Given the proximity of surrounding residential development and the limited extent of venues along Trippet Lane in the vicinity of the site that open beyond 01:30 hours, it is considered that the proposed extension of hours will lead to the potential for noise and disturbance to surrounding residents, which would detract from the aim of successfully balancing city centre living and a vibrant night-time economy in this specific location. This is based on the fact that this venue is away from the main night-time hub of West Street and any noise associated with the activities of the venue will therefore be heightened. The proposal is therefore contrary to UDP Policy IB9 (part b), the City Centre Living Strategy and the Interim Planning Guidance on Night Time Uses.

In light of the above the proposal is recommended for refusal.

Case Number	14/04256/FUL
Application Type	Full Planning Application
Proposal	Extension to form enclosed indoor café area with opening hours of 1100 hours to 2300 hours
Location	Bamboo Lounge 245 Ecclesall Road Sheffield S11 8JE
Date Received	21/11/2014
Team	South
Applicant/Agent	SLA Design
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:

14/031 004 Rev C
14/031 005

Reason: In order to define the permission.

- 3 Customers shall not be permitted to use the external seating area of the premises between the hours of 2100 hours-1000 hours (the following day) other than for the purposes of access and egress.

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

- 4 No customer shall be permitted to be within the enclosed area of the premises outside the following times: 1100 hours -2300 hours on any day of the week.

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

- 5 No deliveries to the cafe shall be carried out between the hours of 2100 hours - 0700 hours (the following day) on Monday to Saturday or 2100 hours - 0900 hours (the following day) on Sundays and Public Holidays.

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

- 6 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.

- 7 No amplified sound or live music shall be played in or directed to any outside area of the premises at any time.

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

- 8 Notwithstanding the approved plans and the proposed use of the premises as a café within Use Class A3 of the Town and Country Planning (Use Classes) Order 1987 (as amended), the café shall serve only beverages, cold food and such hot food as may be prepared using only cooking equipment not necessitating the use of a kitchen fume extraction system, such as a toaster, sandwich toaster or microwave oven.

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 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.

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

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

- 11 Amplified sound or live music shall only be played within the enclosed indoor café area and in such a way that noise breakout does not exceed the prevailing ambient noise level by more than 3dB when measured at 1m from the site boundary;

a) as a 15 minute LAeq, and;

b) at any one third octave band centre frequency as a 15 minute LZeq.

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

- 12 No windows serving the enclosed area shall be blocked up, filmed over or otherwise non transparent.

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

- 13 No doors forming part of the customer access to the internal seating area shall be propped or held open at any time when music or other amplified sound is present in this area. Such doors shall only be opened to allow access, egress or in the case of emergency

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.

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 but which received a temporary two year permission to become an outdoor cafe area in 2014.

The land lies adjacent the footway of Ecclesall Road under a large permanent canopy that previously served part of the garage forecourt area. The open sides have since been filled with a light bamboo screen.

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.

It is proposed to enclose a portion of the site with a combination glass/brick curtain wall in order to create an internal seating area and the Applicant also seeks to extend the opening hours in this part of the premises to 23:00 hours in the evenings.

The application has been submitted as the Applicant considers that the initial conditions on the external area are adversely affecting business viability. The intention of this application is therefore to create an area that will allow business activities to continue later into the evening but within an enclosed space.

RELEVANT PLANNING HISTORY

There is a wealth of planning history on the site but the sole permission relevant to this application is 14/02614/FUL which granted permission for the temporary change of use to an external cafe area.

The permission was granted with several conditions and amongst these was a condition limiting opening hours to 21:00 hours in the evening in line with other external areas related to pubs and cafes in the locality and also a condition prohibiting amplified sound sources.

The site is subject to ongoing enforcement action with regard to breaches of conditions relating to opening hours and use of amplified sound.

SUMMARY OF REPRESENTATIONS

There have been 11 representations regarding the application, 10 being objections and one being neutral.

Representations objecting to this application include representations from:

Cllrs Jayne Dunn and Brian Webster and the Broomhall Park Association (BPA)
Points raised by Cllr Dunn:

The business has been in continual breach of conditions imposed by the original permission

The business has caused constant problems with noise and Environmental

Protection have been called to the site on a regular basis

The Applicant shows no regard for residential amenity

Urges Committee to refuse the application

Points raised by Cllr Webster:

The use has caused significant noise and disturbance problems for residents since opening

The business has consistently opened beyond its permitted hours and there is little to suggest the Applicant will operate within the newly requested hours if this permission is granted.

The submitted plans are woefully short of detail and from what has been submitted it is impossible to judge whether the enclosure will address current noise issues.

Urges Committee to refuse the application

Points raised by the BPA

There is an absence of detail regarding the acoustic properties of the 'enclosure' The BPA believes that maximum noise levels suggested by the World Health Organisation and EU regulations have been regularly breached by the cafe in its current format. It is considered unlikely that the enclosure of such a small percentage of the cafe area will address noise issues and request that the entire served area be enclosed.

Existing planning conditions have been flouted since the business was opened and there is a concern that the current application is being used as a mechanism to retard the implementation of legal proceedings against breaches of condition.

Matters raised in other representations

The extension of hours is unacceptable given the breaches of opening hours conditions to date

The operators have shown an arrogant disregard for the terms of the original permission

If local residents could be assured that noise would be controlled there would be no objection other than the growing dominance of food outlets on Ecclesall Road. Restrictions on the outdoor area should remain

The sound proofed area should extend to the entire site as at present the application acknowledges the problem but fights shy of taking serious measures to solve it.

Complaints to the Council have so far yielded no apparent action

It must be assumed that the Applicant will view any granting of permission as tacit permission to open the entire area as late as 11 pm and the Applicants behaviour to date gives no confidence that any planning conditions will be complied with.

The Council should not consider this application whilst the Applicant is in breach of conditions on the same site for the same use.

The enclosed area may pose a health risk to staff and customers through inhaled smoke

The Bamboo Lounge's failure to comply with existing conditions has had a significant negative impact on the daily lives of nearby residents

The difficulty with the cafe use is that it is not subject to licensing restrictions and therefore the burden of control falls to the planning system and the question is why the planning committee would think it appropriate to grant an extension to someone who has shown no sign at all of taking seriously the conditions that have been imposed so far? To grant an extension to the conditions when they are being ignored would seem entirely inappropriate.

There are now signs that the behaviour associated with the café is deteriorating generally, which gives rise to concerns regarding an extension of hours even allowing for any positive impact of an enclosed area.

The neutral representation comments:

It is assumed that this present application does not imply that music would be permitted, just because part of the premises would be enclosed?

If music were to be permitted then it is expected that it would be suitably constrained because it is very unlikely that the door between the enclosed area and the open area would remain closed.

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: In Industry and Business Areas, new development or change of use will be permitted provided that it would:

- (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

The existing use is established and as such dominance is not a consideration in this case.

Environmental Considerations

Visual Amenity

The proposal would introduce a brick curtain wall beneath the existing canopy that would have little impact on the street scene of Ecclesall Road being largely hidden behind the existing bamboo screening to the front elevation. The introduction of the glass curtain wall would result in an appearance not dissimilar to the former car showroom at the western end of this complex of buildings. As such it is not considered that this feature will have an adverse impact on the street scene. Should permission be granted it would be prudent to add a condition preventing the accretion of film etc to the glass curtain wall.

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. It also noted that there is a substantial body of evidence that the current use has been operating in breach of planning conditions placed on it and thereby causing disamenity to nearby residents.

The complaints arise primarily as a result of extended opening and use of amplified sound. This application is considered an attempt to address these issues by creating a trading area that is better sound insulated and therefore would offer the ability to have amplified sound within the site and extend trading albeit in a much

reduced serving area. The application must be considered on its merits and the enclosure of the entire area is not financially viable for the Applicant especially considering the temporary nature of the permission.

The outdoor areas have been dealt with in the former application but do form part of the red line boundary for this application. It is considered that the same conditions applied to those areas should be maintained by this permission.

The principle focus of this report is therefore the introduction of the new enclosed area.

Ecclesall Road has numerous eating/drinking establishments along its length which exhibit a combination of indoor/outdoor areas. With the addition of the internal seating area The Bamboo Lounge would be unusual in that the ratio of internal to external space would represent an inversion of the normal arrangement of other establishments. Nonetheless the principle that applies to nearby premises such as Champs must be applied here in the interests of consistency.

In this regard it is considered that the internal seating area should allow for a degree of amplified sound and later opening hours consistent with the types of premises elsewhere on Ecclesall Road and, subject to the same types of condition that have been applied to other establishments, in this regard the proposal is considered acceptable. The introduction of extended opening hours within the enclosed area should not be seen as an opportunity to relax the existing controls on outside areas.

Full acoustic specifications for the area enclosed by the new curtain wall (with suspended ceiling above) have not been supplied with the application and have not been sought as part of the application process. The attenuation qualities of the curtain wall are only considered pertinent to the retention of any amplified sound within the enclosed area and it is considered that the control of such noise is better resolved at source through the introduction of a noise limiter (the levels of which are to be set and approved by the Local Planning Authority and the Environmental Protection Service).

It should be noted that the proposal should not be considered as the sole means of mitigation for current breaches as these are being dealt with through enforcement and legal action relative to permission 14/02614/FUL. However, subject to the appropriate conditions the proposal may increase business viability without adverse impact on residential amenity.

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)

Highway Issues

The proposal would have no net effect on the parking situation at the site.

Response to Representations

Matters relating to noise and disturbance have been dealt with in the main body of this report.

SUMMARY AND RECOMMENDATION

This is an application seeking permission to erect a limited enclosed space within the curtilage of an existing café in order to facilitate extended opening hours in that part of the premises. It is considered that, subject to conditions, the introduction of this area would not give rise to disamenity to nearby residents in terms of noise and disturbance and the proposal would not adversely affect the quality of the street scene. It is therefore recommended that the proposal is granted subject to conditions.

Case Number	14/04117/FUL
Application Type	Full Planning Application
Proposal	Erection of 14 dwellinghouses, demolition of an outbuilding, creation of a new access and associated landscaping works
Location	Land To The Rear Of Worrall Hall Farm Top Road Sheffield S35 0AQ
Date Received	10/11/2014
Team	West and North
Applicant/Agent	DLP Planning Ltd
Recommendation	Grant Conditionally Subject to Legal Agreement Sec of State

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:

Approved drawings numbered:

014/090/1SL/C
R/1651/1D
014/090/P1E/A
014/090/P2/A
014/090/P3/A
014/090/P4&5/E/B
014/090/P6/A
014/090/P7A
014/090/P8/A
014/090/P9&10E/A
014/090/P11/A
014/090/P12/A
014/090/P13&14/A
014/090/P1P
014/090/P11

014/0690/P12
014/090/P4&5P
014/090/P9&10P

Reason: In order to define the permission.

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

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

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

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

- 5 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.

- 6 The dwellinghouses 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.

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

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

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

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

- 9 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.

- 10 The soft landscaped areas shall be managed and maintained for a period of 5 years from the date of implementation and any plant failures within that period shall be replaced in accordance with the approved details.

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

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

Reason: To ensure that the local planning authority can confirm when the maintenance periods specified in associated conditions/condition have commenced.

- 12 Before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable inclusive access and facilities for disabled people to enter the building(s) and within the curtilage of the site, shall have been submitted to and approved in writing by the Local Planning Authority and the dwellinghouses shall not be used unless such inclusive access and facilities have been provided in accordance with the approved plans. Thereafter such inclusive access and facilities shall be retained. (Reference should also be made to the Code of Practice BS8300).

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

- 13 Prior to the commencement of development, details of means to ensure that four houses will be capable of adaptation to mobility housing standards shall have been submitted to and agreed in writing by the Local Planning Authority. Such four houses shall remain so adapted thereafter.

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

- 14 No development shall commence until the actual or potential land contamination and ground gas contamination at the site shall have been investigated and a Phase 1 Preliminary Risk Assessment Report shall have been submitted to and approved in writing by the Local Planning Authority.

The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004).

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

- 15 Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

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

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

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

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

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

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

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

- 19 No development including any demolition and groundworks shall take place until the applicant or their agent or successor in title has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. Such WSI shall include:

The programme and method of site investigation and recording.

The requirement to seek preservation in situ of identified features of importance.

The programme for post-investigation assessment.

The provision to be made for analysis and reporting.

The provision to be made for publication and dissemination of the results.

The provision to be made for deposition of the archive created.

Nomination of a competent person(s) or organisation to undertake the works.

The timetable for completion of all site investigation and post-investigation works.

Thereafter, the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed

Reason: To ensure that any archaeological remains present whether buried or part of a standing building are investigated and a proper understanding of their nature, date, extent and significance gained before those remains are damaged or destroyed and that knowledge gained is then disseminated .

- 20 The development shall not be begun until full construction details of the internal access road have been submitted to and agreed in writing by the Local Planning Authority. Such details shall include porous materials, long sections and cross sections and the internal access road shall be implemented prior to the occupation of any dwelling and retained thereafter.

Reason: In order to control surface water run off from the site and mitigate against the risk of flooding.

- 21 Surface water discharge from the completed development site shall be restricted to a maximum flow rate of 5 litres per second. Before the use of the development is commenced, a validation test to demonstrate that the necessary equipment has been installed and that the above flow rate has been achieved shall have been carried out and the results submitted to and approved in writing by the Local Planning Authority.

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

- 22 Prior to the commencement of development, details of the design, construction and maintenance of permeable paving and soakaways shall have been submitted to and agreed in writing by the Local Planning Authority. Such agreed paving and soakaways shall be implemented prior to the occupation of any dwelling and retained thereafter.

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

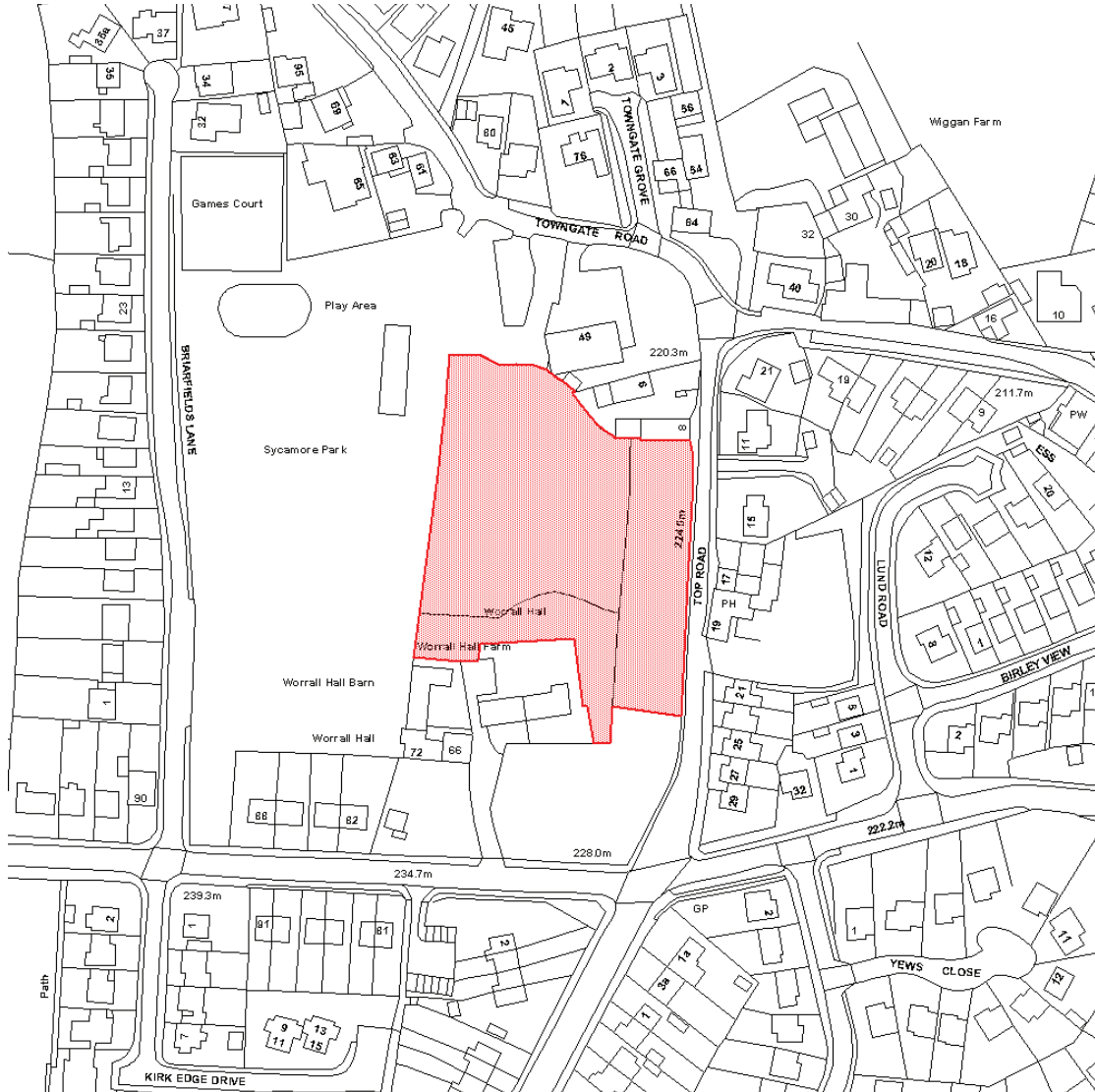
Attention is drawn to the following directives:

1. To ensure that the road and/or footpaths on this development are constructed in accordance with the approved plans and specifications, the work will be inspected by representatives of the City Council. An inspection fee will be payable on commencement of the works. The fee is based on the rates used by the City Council, under the Advance Payments Code of the Highways Act 1980.

If you require any further information please contact Mr S A Turner on Sheffield (0114) 2734383.

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.

Site Location



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LOCATION AND PROPOSAL

The application site is located within Worrall, a village located to the north west of Sheffield. The site lies to the west of Top Road and to the east of Sycamore Park. Across the Top Road from the site is a mix of houses and a public house. To the north are houses and to the south lie the farm buildings associated with the former Worrall Hall Farm. All the outbuildings have now been converted to residential dwellings

The site comprises two fields previously used for agriculture which have more recently been used as part of the residential curtilage of Worrall Hall Farm. Dry stone walls run along the site boundaries and there is a further stone wall running north to south within the south. The land rises towards to west and the levels within the site are higher than those along Top Road on the east.

On the north side, 6, Top Road and also 66, Towngate are both Grade 2 Listed Buildings close to the site.

This application, as amended, seeks full planning permission for 14 houses all served by a new vehicle and pedestrian access from Top Road. The houses would be grouped around a broad cul-de-sac which would have a footpath link to Sycamore Park to the west. Four of the houses would be served by two private drives, each providing access to two houses. The external materials would be a mix of natural stone and brick.

RELEVANT PLANNING HISTORY

01/01084/FUL. Erection of 21 dwellinghouses with garages within the curtilage of Worrall Hall refused on 13 March 2002 because the site was greenfield and there was an adequate supply of brownfield land and there would be a loss of private open space in contravention with UDP policy LR5.

SUMMARY OF REPRESENTATIONS

18 letters of objection have been submitted by local residents and these are summarised below.

The amendments to the original drawings do not address residents' concerns.

The level of plot 14 is high and would have an over dominant impact on adjoining houses, resulting in disamenity. Windows from this plot will look on to the adjoining property.

Loss of privacy because proposed houses have facing windows that are too close.

There is no attempt at achieving a good quality design and the use of artificial stone is not appropriate. The development does not engage with the street scene and only plot 3 faces Top Road. The scheme is inward looking.

The two storey houses would dwarf adjoining house.

The village infrastructure would be placed under increased pressure and local schools are at capacity. There are no shopping facilities and the Post office has closed.

There would be increased traffic on a narrow road that will result in noise and an increase in air pollution.

The drainage system in the area is inadequate and would not serve this development.

The entrance into the site is not adequate and Top Road is too narrow to accommodate the extra traffic.

Top Road is used by farm vehicles all year round and also as a short cut to reach a school.

The site has been used for the burial of animals.

The development should be for affordable housing and not 'executive' type houses.

There is no need to develop this site because there are more suitable 'brown field' sites elsewhere in the city.

This will have a detrimental impact on the character of the area around the site.

Visitors are likely to park on Top Road and not in the site because there is not enough visitor parking.

The layout, as originally submitted, erroneously included part of 6, Top Road.

The scheme would have a detrimental impact on the adjoining Listed Building and the Conservation Area.

There could be up to 5 cars per household which would be unacceptable and beyond parking provision.

The Council for the Protection of Rural England object to the scheme for the following reasons:

There are concerns about the UDP allocation for housing.

This would have a negative impact on Sycamore Park.

This should be affordable housing and they should all be zero carbon.

The houses are too large and the layout is disjointed with a dominant impact on existing buildings fronting Top Road.

The fencing around the site is not appropriate and the scheme is inward looking.

Loxley Valley Protection Society objects to the application:

This is an inappropriate 'green field' site.

The new access into the site is not appropriate and the retention of the wall would be compromised.

Houses within the site would overlook each other, resulting in a mutual invasion of privacy.

This is a very prominent site and the proposal is overdevelopment.

Bradfield Parish Council objects to the application:

The development would be overbearing and result in overlooking and a loss of privacy.

There are drainage issues within the site and existing provision could not cope with the new houses.

Top Road and associated footpaths are too narrow and traffic blocks the road.

The applicant's agent has submitted a response to the neighbour objections and the points are summarised as follows:

The amended plan addresses the incorrect layout which had affected the neighbour.

The separation distance between plot 14 and the neighbour is in excess of 13.5 metres and is acceptable as windows do not directly face each other and existing are of opaque glass.

The 1.8 metre fence along the boundary has been lowered to 1.2 metres to reduce the impact on the neighbour.

The windows of Fox House Mews facing the site are of opaque glass so have no outlook.

The materials for plots 1, 2, 3, 13 and 14 are natural stone and for plots 4 to 12 inclusive it is brick. Natural stone heads and cills are included and chimneys for houses in the middle of the site.

Two off street parking spaces are provided for each house which is in line with Council Guidelines set out in Sheet 3 - Car Parking Guidelines.

The visibility at the new site entrance is acceptable meaning that entering and leaving the site would be safe.

Housing is an appropriate use on this site as the Council cannot identify sufficient housing land to satisfy the requirement for a five year supply.

PLANNING ASSESSMENT

Planning Policy and the Principle of Housing Development.

The adopted Unitary Development Plan (UDP) shows that the site is designated for both housing and open space. A strip of land along the Top Road frontage which is approximately the depth of a house plot is designated as a housing policy area and the remainder of the site along with Sycamore Park is designated as open space. All surrounding development is designated as a housing policy area.

UDP policy H10 confirms that housing is the preferred use in housing areas but in open space areas, UDP policy LR5 says that development would not be permitted where it would harm the character of public open space, detract from the Green

Network, result in the loss of open space, result in overdevelopment or harm the character of the area. Consequently, there is a presumption against development in open space.

Core Strategy policy CS47 seeks to safeguard open space and says that development will not be permitted if it would result in the loss of high quality open space and access to a local park would be denied to local people.

The site is, however, proposed as a housing allocation within the City policies and Sites document with an estimated capacity of 25 dwellings. In assessing the site, the application needs to be set against Core Strategy policies to establish if the principle of developing the open space designation is appropriate.

Core Strategy policy CS26 requires the efficient development of housing sites and specifies a minimum density of 30 dwellings per hectare (DPH). The proposal for 14 houses represents only 20 dph but this can be acceptable if a denser scheme would have a detrimental impact on the character of the area and the quality of design is of good enough quality.

The development would also involve the loss of 'green field' land. Whilst Core Strategy policy CS24 prioritises development of previously developed or 'brown field' sites for housing and sets a target of no more than 12% of new homes to be built on 'green field' sites, this policy is 'not up to date' in terms of the National Planning policy Framework (NPPF) because the Council cannot demonstrate a 5 year supply of housing land. In addition, 95% of new housing was on brown field sites in 2013/14. Consequently, it is considered that policy CS24 is satisfied.

In terms of open space, an assessment for this site has been undertaken which shows that open space provision is below the recommended standard in this area. However, the 400 metre threshold for such assessments cuts through the middle of Worrall recreation ground and Hagg Stones is just outside the threshold. An assessment for a site very close by would include these sites and take the open space provision above the required standard. The application site has no public access or recreational value and does not link into the Green Network.

The open space offers only very limited benefits and it is considered that its loss would not contravene UDP policy LR7 or Core Strategy policy CS47.

Consequently, it is considered that subject to the provisions of Core Strategy policy CS26, the principle of housing development on this site is acceptable.

Layout, Design and External Appearance.

The NPPF in para.58 says that the development's design should comply with the need to be sympathetic to the site's rural setting and it should respond to the local character and history and reflect the identity of the surroundings and materials. Consequently, there is a strong justification for retaining the open character of the Top Road and southern parts of the site and limiting the visual impact on the area's character.

UDP policy H14 says that new buildings should be well designed in scale and character with the surroundings and policy BE5 requires good quality design with the use of good quality materials.

Core Strategy policy CS74 requires good quality design and says that new development should contribute to the creation of successful and sustainable neighbourhoods.

The design, appearance and layout, as amended, are considered to be acceptable. As originally submitted, the scheme required further development to achieve a successful response to the rural nature of the area but this has now been achieved.

The stone boundary wall along Top Road is a defining feature in the area and this has been retained apart from the removal of a short section to allow the entrance into the site to be created. This is opposite the north end of the Shoulder of Mutton public house and is the sole entrance apart from the footpath link on the opposite of the site which provides a link to Sycamore Park to the west.

There is a short road within the site with a turning head at one end which serves nine of the houses with the remaining five served by two private access roads. The development would be a mix of detached and semi detached two storey houses built in a traditional style to reflect the older character of the village. External materials would be a mix of natural stone and brick and grey roof tiles. Chimneys would be introduced to some houses and there would be stone heads and cills to all openings. Large expanses of glass have been avoided and the scale of openings reflects the character of existing houses.

A regimented and repetitive layout has been avoided in favour of a development which reflects the village character. The scale of the houses closely reflects the traditional two storey stone and brick houses and they would not look out of place at this location.

It is important that the scheme is visually successful along the Top Road frontage and this has been achieved in the amended scheme the main elevation of Plot 3 and the flank elevations of plots 2 and 14 face Top Road and all these plots are of natural stone. These houses would be above the stone boundary wall would be an appropriate response to the character of buildings along Top Road.

The boundary treatments would be a mix of stone walls, fences and hedges with additional planting augmenting the rural setting. The details of materials and planting would be controlled by conditions. In addition, garden sizes are of a sufficient size to allow for a feeling of space around the buildings which are grouped around the access road.

It is considered that the design, appearance and layout are acceptable and satisfy appropriate policy criteria.

Sustainability.

Core Strategy policy CS64 says that all new buildings must be designed to reduce emissions of greenhouse gases and function within a changing climate. A high standard of energy efficiency should be achieved by way of means including solar energy, water recycling and minimising energy consumption.

Core Strategy policy CS65 says that for all significant developments, a minimum of 10% of predicted energy needs should be from decentralised and renewable or low carbon energy. The threshold for a development being 'significant' is 15 so the proposal falls below this.

The applicant has provided a Sustainability Statement and a Sustainable Construction Statement in support of the application and the following would be incorporated into the design:

Highly efficient space and hot water systems.

High levels of insulation across all thermal elements.

Aircrete blocks will be used which are made of an 80% recycled and sustainable material with excellent insulation qualities.

High levels of airtightness and reductions in heat loss across junctions.

It is also noted that the site is within walking distance of public transport routes, the nearest bus stop being 230 metres from the site at Haggstones Road which provides public transport to Sheffield centre and Stocksbridge. It is considered that the proposal satisfies the appropriate policy criteria.

Highways, Parking, Access and Transportation.

UDP policy H14 says that new development should provide adequate off street parking, there should be safe access into the site and the safety of pedestrians should not be harmed.

Core Strategy policies CS51 and CS53 seek to prioritise and manage the demand for travel.

The access into the site is taken from Top Road and this would allow for the safe movement of two way traffic and adequate visibility would be provided in both directions. Concern about the safety of Top Road as an access into the site has been expressed by residents because of the narrowness of the road and the amount of traffic already using the road. It is considered that the additional traffic generated by this development would not significantly worsen the traffic levels here and Top Road can safely absorb the increases.

Each house would have two parking spaces which is considered to be adequate and consistent with provision on similar housing schemes elsewhere in the city.

The land within the site is higher than Top Road by about 1.00 to 1.2 metres. The access road would rise from the entrance into the site but the gradient would be controlled by a condition.

The road surfaces would be pavements and be a shared surface with pedestrians. This would be a safe environment because the layout would severely restrict vehicle speeds. There is a pedestrian link to Sycamore Park to the west which would serve people living outside the site as well as future residents.

Impact on the Amenities of Neighbours.

UDP policy H14 says that new development should not harm the amenities of neighbours and Core Strategy policy CS74 says that new development should contribute to the creation of sustainable neighbourhoods.

Many of the objection letters cite loss of privacy and overlooking as major concerns and the main area of concern is at the north of the site. Elsewhere there would be no overlooking as to the west and south, houses would look towards open space and to the east views would be across the public domain of Top Road.

The rear of plots 5 and 6 face towards the existing Worrall Hall Farm but there is sufficient distance between proposed and existing dwellings to avoid a loss of privacy. Guidance in this respect is contained within adopted Supplementary Planning Guidance (SPG) on Designing House Extensions. This says that there should be a minimum distance of 21 metres between facing windows of habitable rooms and 12 metres between habitable rooms and flank walls.

The rear elevations of plots 11 to 14 inclusive face towards two houses that lie to the north of the site. The closest distance between windows is 13.5 metres and the residents are concerned that there would be a significant overlooking issue here and that the mitigation measures of a fence along the boundary would be over dominant.

The amended scheme has reduced the height of boundary fencing from 1.8 metres to 1.2 metres and with regard to window separation, this is considered to be acceptable because of a number of reasons.

The existing windows facing the application site are either at an oblique angle, of obscure glass, at different levels, are secondary windows or screened by boundary treatment or a mix of a number of these.

The separation distances between the proposed and existing houses are sufficient to maintain a feeling of openness and any potential for over dominance would be avoided.

Impact on Listed Buildings.

UDP policy BE19 says that new development should respect the character and setting of listed buildings and this is endorsed by Core Strategy policy CS74.

'Fox House', 6, Top Road lies to the north of the application site and this already lies in close proximity to a neighbouring house which is a rebuilt former barn and the village hall. The proposed development is of sufficient distance from this building and of an appropriate quality as to have an acceptable impact in line with policies.

There are two other Listed Buildings in Worrall at 64 and 66, Towngate which are too far from the site to be affected by the application.

The site does not lie within a Conservation Area as asserted by one of the objection letters.

Affordable Housing.

Core Strategy policy CS40 says that in all parts of the city developers will be required to contribute towards the provision of affordable housing. However, the threshold for such provision is 15 dwellings or more so because the proposal is only for 14 dwellings, a contribution to affordable housing is not required.

Air Quality.

Core Strategy policy CS66 says that action to protect air quality will be taken in all parts of the city. Specific reference is made to corridors of high levels of traffic but in this instance, traffic levels are not high when compared with other parts of the city and the extra traffic associated with the application site would not significantly increase air pollution in the area.

Archaeology.

The site has been used for agricultural purposes for centuries and it is possible that there are historic or significant remains below the surface so a condition would be attached requiring investigations to be carried out prior to the start of the development.

Ground Contamination.

The many years of agricultural use may well have resulted in contamination caused by chemical fertilisers and neighbours have said that dead farm animals have been buried on the site. Consequently, conditions would be attached requiring ground investigations with possible remediation measures to control this potential.

Flood Risk.

Core Strategy policy CS67 seeks to reduce the impact of flooding but this site is on high ground and within flood zone 1 of the Environment Agency classification so there is the minimum risk of this site flooding. Concern has been raised about the disposal of surface water from the site but permeable paving and soakaways would be used within the site and this, along with conditions requiring details of drainage would resolve this issue.

Disabled Access.

Core Strategy policy CS74 requires new development to meet the needs of disabled people.

The applicant has made a commitment to provide 4 houses that would be capable of conversion to mobility housing and this would be controlled by a condition and a separate condition would control the provision allowing for movement within the site by disabled people.

Open Space and Education Provision.

UDP policy H16 says that a financial contribution towards the improvement of open space should be made and in this instance this would be £15,429. The submission of this sum would be controlled by the submission of a legal agreement.

Local residents are concerned that the existing infrastructure, including school places, cannot absorb the demands generated as part of this scheme. However, the Director of education has confirmed that existing school places can absorb the extra demand so a contribution to improving education provision would not be required.

RESPONSE TO REPRESENTATIONS

Many of the objections set out earlier in this report have already been addressed but some responses are still required.

A view is taken that the scheme is inward looking and does not relate to Top Road. Stone houses will address Top Road that reflect the character of the area and will successfully complement existing buildings in the immediate vicinity and reflect the existing character.

It has been said that there is no need for this development because there are sites elsewhere. This site satisfies all relevant policy criteria relating to the principle of housing on the site.

SUMMARY AND RECOMMENDATION

This application, as amended, seeks planning approval for 14 houses on vacant land fronting Top Road, Worrall. The proposal is acceptable in principle even though the UDP designation is split between housing and open space. The reasons for this are set out in this report and have taken guidance from both national and development plan policy.

The design, layout and external appearance reflect the traditional stone and brick buildings of the immediate vicinity and the design is appropriate for the rural location.

The access into the site is safe and adequate and off street parking of two spaces per house meets the Council's parking guidelines. There would also be an acceptable impact on neighbours' amenities.

All other issues have been resolved, the scheme meets all relevant planning policy criteria and it is considered to be acceptable. The application is, therefore, recommended for conditional approval subject to the submission of a legal agreement controlling the submission of a financial contribution towards the improvement of open space of £15,429.

HEADS OF TERMS.

The development shall not be commenced until a financial contribution of £15,429 has been submitted to be spent on improving open space provision in the local area.

Case Number	14/03834/FUL
Application Type	Full Planning Application
Proposal	Retention of static van (Amended plans received 11th January 2015)
Location	33A Collegiate Crescent Sheffield S10 2BJ
Date Received	13/10/2014
Team	South
Applicant/Agent	Mr M Scott
Recommendation	Refuse with Enforcement Action

Subject to:

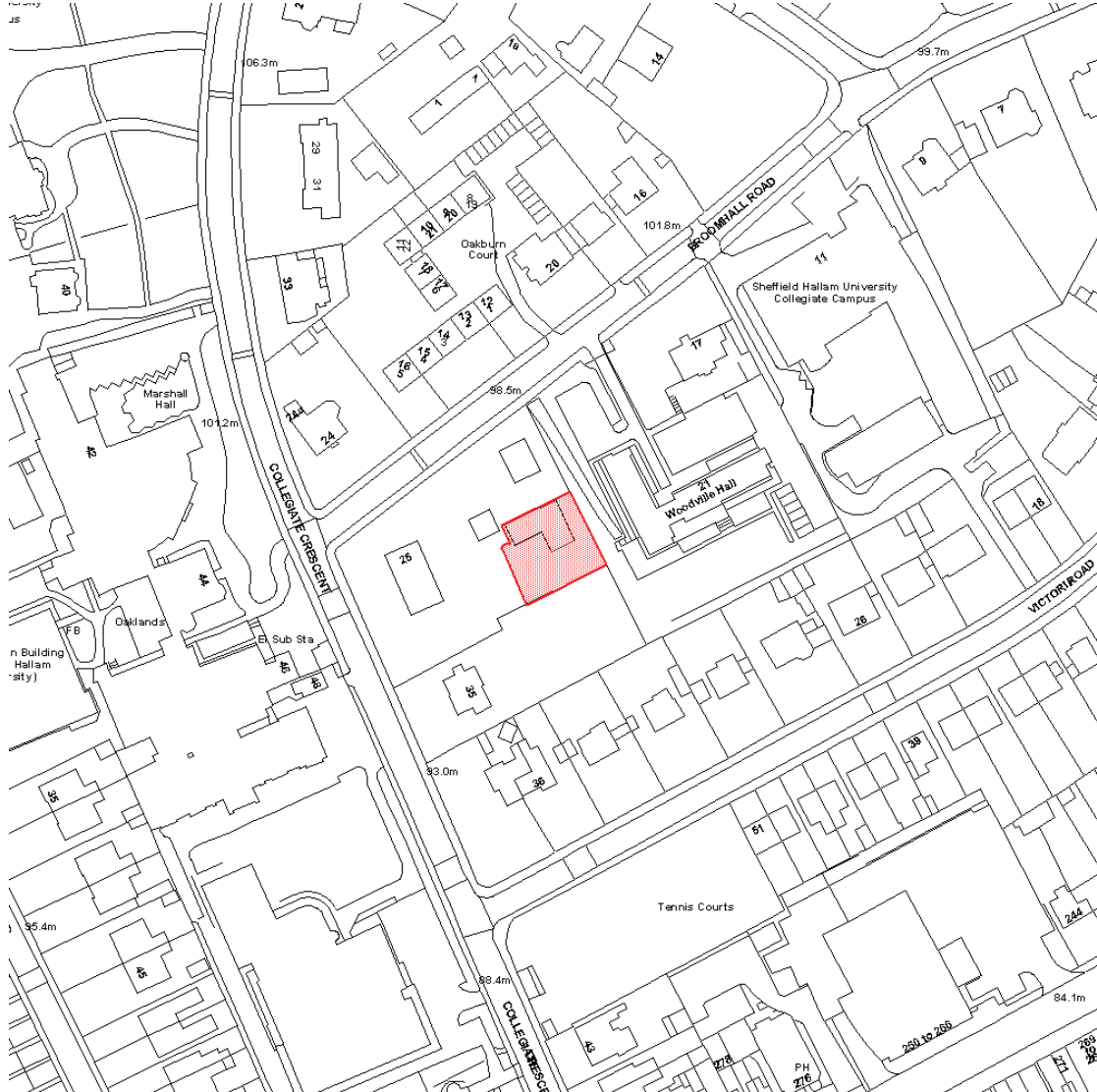
- 1 The Local Planning Authority consider that the proposed outbuilding structure (due to its design, form and external appearance) would be out of character with the original building and plot and will detract from the built form of the local area and the character of the Broomhall Conservation Area. In addition, the resulting structure will result in an incongruous appearance that would detract from and be harmful to the character of the Broomhall Conservation Area. As such, the scheme fails to accord with the aims of policies BE5; BE16, BE17 and H14 from the Unitary Development Plan (UDP) and policy CS74 from the Core Strategy.

Attention is drawn to the following directives:

1. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, based on seeking solutions to problems arising in relation to dealing with a planning application, it has not been possible to reach an agreed solution in this case.
2. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:

(Geoffrey Garfitt) 2014-02 C (site layout)
2014-04 C (plan and elevations)
2014-08 B (landscape plan)

Site Location



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LOCATION AND PROPOSAL

This is an application located within the Broomhall/Nether Edge Housing Policy Area and within the Broomhall Conservation Area. The application site is a backland plot accessed off Collegiate Crescent via a 47 metre long access drive. As well as serving the application site property (33A Collegiate Crescent) the access drive also serves no 23 Broomhall Road (another residential dwelling).

This proposal is for the retention and modification of a static caravan for use as an ancillary domestic outbuilding. The proposed internal layout of the outbuilding shows the building as being used as a garden room, with a garden storage room and a wc/shower room. This application is part-retrospect because the static caravan is already in situ.

The caravan is currently positioned on the side garden of number 33A Collegiate Crescent close to the side wall/party boundary of number 35 Collegiate Crescent. At present the caravan is positioned forward of the front building line of number 33A Collegiate Crescent. The static caravan (that is currently in situ) has dimensions measuring 10 metres long by 3 metres wide. The caravan is currently mounted on a wheel base and has an overall height of approximately 2.82 metres. The caravan is green in colour and has the appearance of a typical static caravan generally associated with seaside resorts. The applicant has recently erected a two metre high timber screen fence around the front curtilage of the plot (adjacent to the access drive) and, the applicant has also erected some bamboo screen fencing and trellis-style fencing immediately around the existing static caravan. The applicant has indicated that the trellis fencing and bamboo screen fencing is intended to be a temporary measure until such time that this planning matter is resolved. In its current position, the caravan is also positioned forward of the front building line of the main dwelling (33A Collegiate Crescent).

Under this current proposal, the applicant has agreed to reduce the length of the static caravan from 10 metres to 7 metres and to clad the whole static caravan in timber. The applicant is also proposing to remove the wheel base structure of the caravan thereby reducing the overall height of the static caravan structure to approximately 2.45 metres (from 2.82 metres). The applicant has also agreed to reposition the static caravan deeper into the site (such that it is tight up against the side party boundary and approximately 1 metre away from the rear boundary wall) and, introduce some additional landscaping to help soften the appearance of the structure.

RELEVANT PLANNING HISTORY

Previous planning applications relevant to the site include:

88/01254/FUL – This was the original planning application for the erection of a dwellinghouse and double-garage. This application was conditionally approved in May 1988. This approval included a planning condition that removed certain permitted development rights (extensions to the dwelling itself) but did not remove the right for certain types of outbuildings to be erected.

There have also been several applications for trees to be removed

SUMMARY OF REPRESENTATIONS

The application has resulted in excess of 25 representations being received from 11 separate residential properties. The proposal has also resulted in representations being received from Cllr Brian Webster and a separate representation from the Broomhall Park Association. All of the representations received have raised objections to the proposal.

The objections have been summarised and the reasons for objection are listed below:

Cllr Brian Webster has raised the following concerns:

- Cllr Webster objects to the proposal of permanently siting a static caravan within the Broomhall Conservation Area for use as an outbuilding. Cllr Webster feels this would represent a significant overdevelopment of the site and, that the proposed timber cladding is not in keeping with the character materials and features of the Conservation Area. Cllr Webster has requested the application be refused and that the caravan be removed.

Broomhall Park Association concerns:

- The Broomhall Park Association (BPA) objects to the retention of the static caravan at 33A Collegiate Crescent. The BPA consider that the presence of the static caravan will contravene planning policies specifically relating to developments within conservation areas. The BPA stipulate that Policy BE16 of the UDP advises that new developments must generally enhance the area. This policy also recognises that gardens are an important part of Conservation Areas and that this is of particular significance in this instance. The BPA consider that the footprint of the proposed static caravan covers a significant area of the garden and therefore the proposal will represent an overdevelopment of the site. It is also difficult to argue that the proposal represents an enhancement of the conservation area.
- Policy BE17 of the UDP encourages a high standard of design for new buildings, using traditional materials. In particular, policy BE17 recommends that any development within a conservation area should preserve or enhance the character of the conservation area. The selection of appropriate materials is an important part of design. The BPA considers that the choice of a prefabricated trailer home, disguised and/or cladded in a random selection of makeshift boarding represents neither a high design standard nor an appropriate choice of traditional materials.
- Following some amendments to the proposal (i.e. reduction in size of the static caravan, timber cladding of static caravan, the introduction of landscaping and the repositioning of the static caravan), the BPA have made further comments which re-iterate the initial concerns that a static caravan will not enhance the character of the conservation area. The BPA have stipulated that the only way in which it would even consider withdrawing its objection to the proposal is if the static caravan was completely and totally screened from public view. The range of species (for the landscape scheme) do not represent a sound choice for screen planting.

The local resident's concerns:

- It is totally inappropriate for a large static caravan to be housed on a permanent basis within the grounds of a garden within the Broomhall Conservation Area.
- Approving planning permission for a static caravan will set a dangerous precedent in an area.
- If approved, there is a potential risk that the caravan will be let out to third parties or, used as a dwelling in its own right.
- The various attempts made by the applicant to conceal the static caravan by the use of a mixture of timber fence panels, trellis and bamboo materials is at odds with the character of Broomhall and cannot be deemed to suitable within the conservation area.
- Any plans to clad the caravan/outbuilding with shiplap stained dark wood would be inappropriate in an area that is characterised by the use of stone and painted wood.
- Since the caravan was initially installed and, given that planning permission has not yet even been granted, the applicant has had insulation material added to the roof and then covered it with some form of synthetic composition. The applicant appears to be showing a complete disregard for planning legislation and this only adds to the concerns about the applicant's future intentions for the building/site.
- The fact that the proposed caravan will be visible from the street-scene on Collegiate Crescent and from numerous adjacent nearby residential properties will mean that the static caravan despite being clad in timber will still appear as an incongruous and inappropriate feature and therefore totally unsuitable in the conservation area.
- 33A Collegiate Crescent is a four bedroom house, with two reception rooms and a large kitchen/dining/living area. The double garage is now living accommodation and there are two large sheds at the rear of the property. How much space does a family of four need? What was an attractive house on a large plot has been transformed into an unattractive arrangement of house+static caravan+ fencing with very little garden space.
- Broomhall is a Conservation Area for good reason and as a result the area remains as it always has been; full of character and attractive. Developments such as this are not in keeping with the area and set a dangerous precedent. There are many properties in Broomhall that have gardens big enough to put caravans in, and therefore, if this application were granted, what would stop others doing the same??
- The static caravan is unattractive, unnecessary and not compliant with the regulations laid down by Section 72 of the Planning Act 1990 which

states “special interest shall be paid to the desirability of preserving or enhancing the character or appearance of the area”.

- Despite there being a high boundary fence along the side boundary, the static caravan can still be seen from neighbouring windows and, the static caravan also has two windows that face directly onto the neighbouring garden, thereby affecting privacy of the garden.
- It is also apparent that the static caravan is currently being lived in as permanent accommodation.
- If this scheme is approved, there is nothing to suggest that the softwood cladding will be maintained.
- It is noted that the applicant has agreed to reduce the length of the caravan by 3 metres. This seems an extremely contorted way of achieving additional garden accommodation. However, the reality is that whatever is done to it, the structure will always have the appearance of a seaside caravan and this will always be an entirely inappropriate structure within a conservation area.
- The attempts at disguising the caravan using assorted cladding, fencing and screen planting are far from convincing and, judging by the mess of fencing installed to date suggests that the execution of the cutting down in size and re-cladding in timber will be far from satisfactory. Chopping 3 metres off the length of an already flimsy construction is unlikely to produce anything other than a clumsy “botch job”.
- The proposed relocation of the static caravan does not disguise its view from the access drive and anybody visiting 23 Broomhall Road will still be able to see it.
- The reality is that the applicant is continuing to press for approval to a wholly inappropriate development, which has been characterised from day one as a disingenuous attempt to overdevelop the site by stealth.

PLANNING ASSESSMENT

Policy Issues

The site is located within the Nether Edge/Broomhall Housing policy area as identified by the Unitary Development Plan for Sheffield (UDP). Given that this proposal is for a new garden outbuilding structure and not a proposal for change of use, it is considered that UDP policy H14 is of relevance. Part a) of this policy requires development to be well designed and in scale and character with neighbouring buildings. Part c) of this policy requires developments not to result in any significant loss of light, privacy or security to residents.

UDP policy BE5 requires good design and the use of good quality materials in all new buildings and extensions. Part a) of Policy BE5 requires buildings to complement the scale, form and architectural style of surrounding buildings.

Core Strategy policy CS74 'Design Principles' further emphasises the need for good design, with part c requiring that development respects and takes advantage of the townscape and landscape character of the city's districts, with their associated scale, layout and built form, building styles and materials.

The site is also located within the Broomhall Conservation Area. As such, policies BE16 'Development in Conservation Areas' and BE17 'Design and Materials in Areas of Special Architectural or Historic Interest' apply. BE16 requires development to preserve or enhance the character or appearance of the Conservation Area. BE17 requires a high standard of design using traditional materials and a sensitive approach to development layout.

Design Issues

It's clear that the structure at present (a large static caravan) is having a significant impact on those neighbouring residents that surround the site and have a clear view of it. A combination of the hap-hazard attempt to conceal the structure with timber posts, trellis, bamboo screens and landscaping have together with the large sized static caravan itself created a significant visual intrusion in the Conservation Area and for immediate neighbours. The applicant's need to conceal the structure is an indictment in itself that the caravan structure is at odds with the immediate surroundings and also harmful to the character of the Conservation Area.

However, the applicant's proposal has been amended to the extent that the static caravan will now be reduced in length by 3 metres to 7 metres, it will be re-positioned to the far corner of the plot, the whole static caravan will be clad in soft timber and some additional landscaping introduced.

Whilst these changes are welcome, officers still feel that the timber clad static caravan would still look out of place on the plot and, would still be visually harmful to the character of the Broomhall Conservation Area by virtue of its size, appearance, design and facing materials.

Although the caravan structure is shown as being reduced in size, it will retain the majority of the openings that currently exist. These openings include 2 fully glazed doors and several windows many of which are on the same principle elevation and which also still retain the design of a static caravan. Whilst the caravan is shown as being vertically clad (in softwood) to all 4 elevations, the roof would still retain its original form. The caravan structure is shown as having a pitched roof. The pitch of the roof to the structure is so shallow that the caravan gives the appearance of being flat-roofed. It's clear from the submitted drawings that the structure still retains a general appearance of a typical static caravan or even a porta-cabin type building. The structure does not generally have the appearance of a conventional garden outbuilding/structure.

Although the host dwelling (33A Collegiate Crescent) is a more recent addition to the area, it is still constructed using appropriate facing materials such as brick and render. The proposed timber-cladded static caravan structure has no real resemblance in terms of materials or design to the host dwelling, its appearance has no significant design qualities and it doesn't radiate the impression of it being a sturdy permanent building of quality. The design, materials, size and overall view of the proposed structure would not generally be viewed as being a well-designed building of quality. As such it is considered that the outbuilding caravan structure will impact negatively on the appearance of the building and some of the adjacent neighbouring residential properties.

The caravan structure has a shower and w/c room which has a window that is positioned on the rear elevation adjacent to the side party boundary wall with number 35 Collegiate Crescent. Although this shower/wc window would be positioned towards the far north-east corner of the garden of number 35 Collegiate Crescent and therefore some distance from the dwelling itself, it will be close to the garden boundary and could lead to a degree of odours and/or noise being dispersed close to the garden of the neighbour which could to a degree cause some harm to amenity (even if it's just perceived harm).

Design and Impact on the Conservation Area

There is a need for any new development to be in scale with the surrounding built area. This is enhanced by policy CS74 from the Core Strategy, where part c) requires development to respect the townscape and landscape character of the city's districts, with their associated scale, layout and built form, building styles. Although the structure is located deep into the plot, officers believe that it would be partially visible from the street-scene (from the head of the access drive) and, more significantly, it would also be visible from other neighbouring properties (located within the Conservation Area) that immediately surround the application site. Officers also consider that any such views of the structure would be more obvious during winter months when trees and shrubs have lost their foliage. In spite of the applicant's willingness to reduce the size of the structure and to clad it in timber and to add some additional landscaping, officers consider that the resulting structure would still have a visually detrimental impact in the Conservation Area due to its design and general appearance.

The form of this proposal, with its almost flat roof, excessive number of openings and external materials will not be in character with the built form of development in the local area.

Officers agree with local residents that the resulting building will retain a caravan/portakabin appearance which is at odds with the traditional form of outbuildings generally located within Conservation Areas.

Due to the scale of the proposed build, the scheme will conflict with UDP policies BE5, BE16 and H14 (a) and Core Strategy policy CS74, notably part c).

Officers consider that the resulting outbuilding/structure will not have traditional proportions when viewed from the front elevation due in part to the number of

openings and their positions. Although this part of the building is not readily visible from the street-scene it would be visible from numerous windows in the adjacent 6/7 storey building located to the immediate rear of the site and as such, the caravan/garden outbuilding structure would appear as an incongruent feature, impacting on views from within the Conservation Area. This fails to accord with the aims of UDP policy BE17 that requires development to utilise a high standard of design, and conflicts with BE16 that requires development to at least preserve the character of the Conservation Area by adding a feature out of proportion with the traditional details of the area.

Impact on the Amenities of Neighbouring Residents

In addition to the visual harm, officers feel that the wc/bathroom window in such close proximity to a neighbouring garden has the potential to cause some perceived disamenity such as odour nuisance. In all other respects such as the use of the building as a garden room and for garden storage purposes, this proposed building would be no different to many other garden outbuildings.

Neighbours have raised some concerns that the resulting building could be used at some point in the future as a student-let building. Whilst this may be a genuine perceived concern, officers have to report that the proposal is for a garden room and garden store ancillary to the main dwelling (ie. an ancillary garden outbuilding) and furthermore, the use of the building as a separate living accommodation would in-itself require planning consent in its own right and as such, officers consider that the concern about possible future uses, in this instance, carries little weight. Officers consider that the key issues with regard to this proposal are the design and appearance of the outbuilding rather than the use of the outbuilding.

Highways Implications

This proposal does not raise any highway safety issues.

ENFORCEMENT

Given that the caravan is already in situ officers advise that in the event that members support the officer recommendation to refuse the planning application, it will be necessary for enforcement action to be authorised to secure the removal of the unauthorised static caravan structure.

SUMMARY AND RECOMMENDATION

The proposed outbuilding is out of character with the original building and plot and will detract from the built form of the local area and the character of the Conservation Area. In addition, the resulting structure will result in an incongruous appearance that will detract from the form of buildings in the local neighbourhood. As such, the scheme fails to accord with the aims of policies BE5; BE16, BE17 and H14 from the Unitary Development Plan (UDP) and policy CS74 from the Core Strategy.

It is therefore recommended that planning permission is refused, and that the Director of Regeneration and Development Services or Head of Planning is authorised to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the unauthorised static caravan.

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