



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 4 September 2015

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

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Summary:

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

Reasons for Recommendations

Recommendations:

To Note

Background Papers:

Category of Report: OPEN

DEVELOPMENT SERVICES

REPORT TO PLANNING &
HIGHWAYS COMMITTEE
4 SEPTEMBER 2015

1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

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

2.0 NEW APPEALS RECEIVED

(i) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for erection of raised veranda to rear of dwellinghouse at (Re-submission of 14/04093/FUL) at 49 Halifax Road Grenoside Sheffield S35 8PA (Case No 15/00298/FUL)

3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the delegated decision of the Council to refuse planning consent for use of shop as a hot food takeaway (Class A5) at Rivals 749 City Road Sheffield S12 2AA (Case No 14/01085/CHU) has been dismissed.

Officer Comment:-

The Inspector considered that the main issues to consider in this case were the effect of the proposal on the vitality, viability and function of Manor Top Shopping Centre and on the living conditions of occupiers of nearby residential properties.

He observed that non-retail uses already predominate in the centre and that the loss of a retail use as proposed would further dilute the concentration of A1 shops and result in 3 hot food takeaways in a row which would exacerbate the situation, particularly as the unit would present a dead frontage during the day. The Inspector noted that the unit was occupied by a retail use at the time of his visit suggesting that there is no evidence of falling retail demand. He therefore concluded that the proposal would materially harm the function of the shopping centre and diminish its vitality, contrary to Policy S10 of the UDP.

On the issue of harm to living conditions the Inspector observed that there were already high ambient noise levels due to the situation of the site and concluded that, subject to an appropriate condition to govern the fume extraction system to control odour dispersal, the proposed use would not cause significant harm to the living conditions of occupiers of nearby

residential property but this did not outweigh the harm identified in relation to the vitality of the centre and the appeal was therefore dismissed.

(ii) An appeal against the delegated decision of the Council to refuse planning consent for prior notification for the change of use of an agricultural building to 3 dwellings at Stable Building Middlewood Hall Mowson Lane Sheffield S35 0AY (Case No 14/04252/ARPN) has been dismissed.

Officer Comment:-

This application was to convert stables into a residential property using "Permitted Development" (PD) rights This is subject to the Prior Notification procedure. In this case, the Council considered that the stables were not an agricultural use and so did not benefit from this PD right.

The Inspector set out the main issue to be whether or not the proposed development was permitted under the under Schedule 2, Part 3, ClassQ of the Town and Country Planning (General Permitted Development)(England) Order 2015, Before an assessment of whether it accords with the regulations, it was necessary to consider if it accords with the definition of "Agriculture.

In this case, the land available with the stables was quite extensive which did not comply with the definition of "curtilage " in the regulations. This being the case, the proposal could not be PD.

In addition, the Inspector confirmed it is an established position that the stabling of horses, other than for the farming of horses, is not an agricultural business.

Consequently, the stables are not in agricultural use and therefore the proposed development is not PD.

(iii) An appeal against the delegated decision of the Council to refuse planning consent for erection of retail unit at 591 Staniforth Road Sheffield S9 4RD (Case No 14/03802/FUL) has been dismissed.

Officer Comment:-

The Inspector noted that the main issues were the effect on the character and appearance of the area and the effect on the vitality of the Darnall Shopping Centre.

He concluded that the proposal would consolidate the already poor appearance of the existing building and detract further from the character of the immediate area. A building of this form would represent poor design contrary to the aims of the National Planning Policy Framework and UDP Policy BE5.

The Inspector also considered that the sequential test had not been satisfactorily carried out and as such he was unable to conclude that there were no suitable premises within the existing shopping centre. He considered that accepting new retail development outside the centre would result in consolidation of retail activity away from the centre and would therefore detract from the viability and vitality of Darnall District Centre, contrary to the

objectives of the National Planning Policy Framework.

4.0 APPEALS DECISIONS - ALLOWED

(i) To report that an appeal against the decision of the Council at its meeting of 6 January 2015 to refuse planning consent for use of distribution centre/warehouse for post-16 school with associated alterations, including single-storey extension to form entrance, re-cladding and installation of windows and doors at 6 Hydra Business Park Nether Lane Sheffield S35 9ZX (Case No 14/03411/FUL) has been allowed.

Officer Comment:-

The decision on this appeal was “recovered” for the Secretary of State to make after considering a report from the Planning Inspector

The Inspector considered the main issues to be whether the proposal would undermine the Council’s local plan policies that seek to protect employment land and uses in the area, whether the effect of the proposal on the ability to attract heavier industrial type employment uses to the surrounding area in the future and, the effect of the proposal on pedestrian safety.

In the first part, it was felt that as the proposed use was an acceptable use in a General Industrial Area rather than a preferred use and there was still employment land available it did not conflict with local plan policy. Also it would not decrease the number of jobs in the area but would contribute to employment.

In the second part, it was accepted that the school could be susceptible to noise pollution from the surrounding area but the noise report confirmed that this could be mitigated. There was also the possibility that, in the future, the presence of a school would be a concern to future prospective occupiers on nearby sites because of the risk of complaints about noise nuisance. Nevertheless, it was considered that the presence of other existing including a children’s nursery could give future occupiers similar concerns, There was no evidence that the existing users had complained about noise. As such, the proposal did not conflict with Core Strategy policies Cs35 and CS32.

With regard to pedestrian safety, the evidence shows vehicular movements through the business park are not particularly heavy and HCV’s are in the minority. Also, the children arriving at the school will be between the ages of 16 and 19, not young children with poor road sense. The risk to pedestrians using the footpaths to access the school would be at an acceptable level.

Overall, the Inspector considered that safe access would be available and the proposal would accord with the Council policies.

The Secretary of State agreed with the Inspector’s conclusion and allowed the

appeal.

5.0 RECOMMENDATIONS

That the report be noted

Maria Duffy
Acting Head of Planning

4 September 2015

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