



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 18 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
29 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 a two-storey front extension and erection of a summer house to the rear garden at 5 Goathland Road Sheffield S13 7RS (Case No 15/01388/FUL)

3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the delegated decision of the Council to refuse planning consent for erection of dwellinghouse at Land To Rear And Side Of 29 Overcroft Rise Sheffield S17 4AX (Case No 14/03256/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the main issues as being:

1. Whether the proposal amounted to inappropriate development in the Green Belt
2. The effect on the character and appearance of the area
3. Whether it would preserve or enhance the character and appearance of the setting of the adjacent Conservation Area
4. The effect on neighbours living conditions (privacy/outlook)
5. The effect on future residents living conditions (access/servicing)
6. Are there very special circumstances to justify development in the Green Belt

He concluded in respect of 1 that the driveway and turning area would represent inappropriate development, but noted the proposed dwelling and its annexe are outside the Green Belt.

In terms of 2 he noted the open character of the appeal site in contrast to the adjacent dwellings, and its elevated location and agreed with the Council that the development would completely alter this character. He was further

concerned that the design of the buildings were of very little interest or character and were substantial buildings. For these reasons he felt the scheme to be out of character and to be harmful to the setting of the Conservation Area (3).

He regarded the elevated position and scale of the dwelling and garage as overbearing to the rear of properties on Oldwell Close and the high level and proximity of rear facing windows as reducing privacy in the rear gardens of 7 Oldwell Close. In summary on 4 he agreed with the Council that this would harm neighbour's living conditions and represent poor design.

He saw no issue with the proposed access arrangements (5).

With regard to the potential for very special circumstances, he acknowledged that although the access was contrived the site is in a relatively sustainable location, but was not sustainable in other regards (impact on neighbours). He could see little benefit in the location of the dwelling close to the appellant's agricultural holding compared with his existing property at Overcroft Rise, or in the alleged improvements to security. Overall he felt the benefits did not amount to very special circumstances to justify the inappropriate development. (6)

4.0 APPEALS DECISIONS – ALLOWED (with Costs Awarded)

(i) To report that an appeal against the decision of the Council at its meeting of 28 October 2014 to refuse planning consent for demolition of existing building, erection of a new convenience store with 3 x 2 bed apartments above including garages at lower ground floor level and external terrace areas to the first floor and roof area at Carterknowle Food And Wine 264 Carter Knowle Road Sheffield S7 2EB (Case No 14/01453/FUL) has been allowed and the appellants costs claim.

Officer Comment:-

Appeal

The Inspector considered the sole issue to be the effect on highway safety of the proposed parking and servicing arrangements.

The Council's reason for refusal alleged insufficient off street parking and servicing provision would be detrimental to the free and safe flow of traffic and pedestrian safety on Montrose Road and Carter Knowle Road.

The Council's maximum parking guidelines would allow for up to 20 spaces to be provided. 3 spaces were provided in the proposal – one for each 2 bedroom flat in the proposal.

The Inspector noted 'no waiting' traffic management orders on both roads and the presence of speed cushions close to the site, and that there was no evidence of traffic accidents in the preceding 5 years. He also noted the close proximity of the store to a wide residential catchment, allowing visits on foot and the presence of bus stops very close to the site.

He did not accept the evidence put forward by the Council of perceived parking issues at other stores within the city as being comparable, owing to the different characteristics of their locations. In addition, there was no evidence of an existing base traffic and parking problem at the site.

He was therefore satisfied that adequate on-street parking would be available to absorb a moderate increase in vehicle visits, particularly given the sustainable location of the site.

He felt in terms of servicing that a suitable worded condition requiring a management plan could deal adequately with any perceived concerns about conflict with other road users. Overall he therefore found no conflict with policy H14 of the UDP as alleged in the Council's refusal reason.

On other matters raised by local residents he found the building to be appropriately designed, and of a scale consistent with the area; he felt the delivery of three housing units would benefit local housing stock and achieve a satisfactory environment for residents; he considered the impact on local air quality would be imperceptible, and that there was no evidence of harm to local wildlife. He also reaffirmed that the planning system cannot control the future occupants of retail space in response to concerns of occupancy by a supermarket chain.

He therefore allowed the appeal, with conditions imposed.

Costs Award

The Appellant's costs application claimed the Council's evidence was vague and subjective, in particular that they relied unreasonably on four 'comparator' sites to justify the refusal that were not realistic comparisons owing to their different context – located on the strategic road network – and that where evidence of heavy parking was produced, this could not be directly attributed to the store in question. They also claimed the Council had given no evidence of existing congestion or parking problems in the area.

The Inspector reaffirmed that Local Planning Authorities are at risk of costs if they do not provide evidence to substantiate each reason for refusal or prevent or delay development which should clearly be permitted. He also confirmed that while Councillors do not have to accept recommendations made by their officers they must give reasonable grounds for a contrary decision and where appropriate are expected to show they have considered imposing conditions to overcome their concerns.

The absence of evidence from the Council of actual traffic flow and speeds at the site or evidence of car movements associated with its previous use did not support its reasoning. He noted the Council Highway officers had raised no objection during the application but in sympathising with members position in the face of local opposition he reaffirmed the view that the extent of local opposition cannot of itself be a reasonable ground for refusal but must be capable of being translated into valid reasons for refusal supported with realistic and specific evidence.

The officer's report had properly addressed the parking considerations and availability of on-street parking, but on appeal the Council was unable to offer evidence to support a lack of availability of on-street parking. The evidence that was submitted was relating to stores which were not comparable, and the justification given for servicing concerns was a matter that could have reasonably been resolved by condition.

The Inspector therefore agreed with the Appellant that the Council had behaved unreasonably such that it had caused unnecessary expense. He awarded full costs to the Appellant, the amount to be determined following a submission from the appellant.

5.0 RECOMMENDATIONS

That the report be noted

Maria Duffy
Acting Head of Planning

29 September 2015

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