



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 22 May 2018

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Marie Robinson 0114 2734218

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
22 MAY 2018

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) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for application to allow removal of condition relating to materials used for shared surfaces/private drives (Application under section 73 to remove condition no. 18); relating to planning permission 16/04208/FUL at land at junction with Fretson Road, Queen Mary Road, Sheffield, S2 1PA (Case No 17/00798/FUL)

(ii) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for application under Sec 73 to remove condition 21, provision of shared pedestrian/cycle path imposed by planning approval no. 15/00158/OUT at Cowmouth Farm, 33 Hemsworth Road, Sheffield, S8 8LJ (Case No 17/04771/FUL)

(iii) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) at site outside 1 Suffolk Road, Sheffield, S2 4AG (Case No 17/02962/TEL)

(iv) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) at site at pavement outside 47 Hereford Street, Sheffield, S1 4PP (Case No 17/02273/TEL)

(v) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) at site at pavement outside 23 Furnival Gate, Sheffield, S1 4QR (Case No 17/02275/TEL)

(vi) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) at site at pavement outside 45 Division Street, Sheffield, S1 4GE (Case No 17/02270/TEL)
(vii) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) at site at pavement outside 30 The Moor, Sheffield, S1 4PA (Case No 17/02276/TEL)
(viii) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) at site at pavement outside 31-35 The Moor, Sheffield, S1 4PA (Case No 17/02961/TEL)
(ix) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) at site at pavement outside 451 Ecclesall Road, SHEFFIELD, S11 8HW (Case No 17/02957/TEL)
(x) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) at site at pavement outside 463 Ecclesall Road, SHEFFIELD, S11 8HW (Case No 17/02267/TEL)
(xi) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) at site outside 45 West Street, City Centre, Sheffield, S1 4EQ (Case No 17/03086/TEL)
(xii) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) at site at pavement opposite Atkinson's Multi-storey Car Park, Charter Row, Sheffield, S1 4HR (Case No 17/02268/TEL)

(xiii) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) at site at pavement outside 30-34 High Street, Sheffield, S1 2GA (Case No 17/02272/TEL)

(xiv) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) at site at pavement outside 14 - 18 High Street, Sheffield, S1 2GA (Case No 17/02958/TEL)

(xv) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) at site at pavement outside 50 High Street, Sheffield, S1 2GA (Case No 17/02959/TEL)

(xvi) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) at site at pavement outside 2 Fargate, Sheffield, S1 2HE (Case No 17/02271/TEL)

(xvii) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) site at pavement outside Crucible Theatre, Arundel Gate, Sheffield, S1 2PN (Case No 17/02960/TEL)

(xviii) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) at site at pavement outside I Haymarket, Sheffield, S1 2AW (Case No 17/02278/TEL)

(ixx) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) site at pavement at junction of Charles Street/Arundel Gate, Sheffield, S1 2PN (Case No 17/02277/TEL)

(xx) To report an appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for siting of solar powered telephone kiosk (application for determination if approval required for siting and appearance) at site at pavement outside 210-214 West Bar, City Centre, Sheffield, S1 4EU (Case No 17/02269/TEL)

3.0 APPEALS DECISIONS - DISMISSED

(i) To report an appeal against the delegated decision of the Council to refuse planning consent for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) adjacent to the Town Hall, Surrey Street, Sheffield, S1 2LG (Case No 17/03097/TEL) has been dismissed.
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Officer Comment:-

The Inspector noted that the site is in the City Centre Conservation Area and adjacent to the Grade 1 listed Town Hall, as well as close to the listed police box on Surrey Street. He concluded that the proposed kiosk would be overly dominant and increase clutter, detracting from the setting and significance of heritage assets and harm the character and appearance of the conservation area. The proposal would be in conflict with both the UDP and the Core Strategy.
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(ii) An appeal against the delegated decision of the Council to refuse planning consent for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) outside Stone The Crows, 19 - 21 Barker's Pool, Sheffield, S1 2HB (Case No 17/03071/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the site is in the City Centre Conservation Area. He concluded that the kiosk would add further street clutter which already has its share of street furniture. He felt that the bulk and height of the structure would be markedly different to the slender furniture in the environs and would be viewed as incongruous in this context and harm the character and appearance of the Conservation Area. The proposal would be in conflict with both the UDP and the Core Strategy.

(iii) An appeal against the delegated decision of the Council to refuse planning consent for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) adjacent to Castle House, Angel Street, Sheffield, S3 8LN (Case No 17/03067/TEL) has been dismissed.
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Officer Comment:-

The Inspector noted that the site is outside the Grade 2 listed Castle House and in an areas which includes coordinated street furniture. The proposed kiosk would create additional street clutter, appear dominant and undermine the existing coherence of the street furniture as well as the setting of the listed building. The proposal would be in conflict with both the UDP and the Core Strategy.

(iv) An appeal against the delegated decision of the Council to refuse planning consent for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) outside 2-4 Fitzalan Square, Flat Street, Sheffield, S1 2AY (Case No 17/03084/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that this is a busy area of the city and close to a number of listed buildings including the statue of King Edward VII, the White Building and the former Head Post Office. The scale of the kiosk in terms of bulk and height would be different to the slender coordinated street furniture and would be an incongruous addition which would create street clutter and detract from the street scene as well as harming the setting of listed buildings. The proposal would be in conflict with both the UDP and the Core Strategy.

(v) An appeal against the delegated decision of the Council to refuse planning consent for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) pavement outside The Moor Car Park, Eyre Street, Sheffield, S1 4QY (Case No 17/03095/TEL) has been dismissed.

Officer Comment:-

The Inspector noted the coherent design of the existing street furniture in the area as a result of improved public realm works. He concluded that the kiosk would be at variance with the existing public realm and would undermine the orderliness of the street scene resulting in clutter and a visually dominant and incongruous feature. The proposal would be in conflict with both the UDP and the Core Strategy.

(vi) An appeal against the delegated decision of the Council to refuse planning consent for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) pavement Outside 48 Howard Street, Sheffield, S1 2LW (Case No 17/03093/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the proposed kiosk would be on the 'Gold Route' in the City Centre which is a highly coordinated public realm scheme. He concluded that the kiosk would be at variance with the existing public realm and would undermine the orderliness of the street scene resulting in clutter and a visually dominant and incongruous feature. The proposal would be in conflict with both the UDP and the Core Strategy.

(vi) An appeal against the delegated decision of the Council to refuse planning consent for retention of 1x internally illuminated fascia sign to front elevation of building. We issued a split decision so the appeal is only about the fascia sign at The Common Room, 127 - 129 Devonshire Street, Sheffield, S3 7SB (Case No 17/02818/ADV) has been dismissed.

Officer Comment:-

The Inspector concluded that the fascia sign was bulky and highly incongruent in scale/ Its depth is visually disruptive and architecturally jarring to the façade of The Forum, the adjacent listed building and the street scene generally. It also crowds the first floor windows directly above, creating an unbalanced façade. He felt that the signage caused significant harm to the visual amenity of the area and to the setting of the adjacent listed building and dismissed the appeal.

(vii) An appeal against the delegated decision of the Council to refuse planning consent for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) pavement outside 2 Leopold Street, Sheffield, S1 2GY (Case No 17/03090/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the site is in the City Centre Conservation Area and adjacent to the Grade 2 listed former Education Offices, as well as close to the listed K6 phone box. He concluded that the proposed kiosk would be highly incongruent and wholly unacceptable in this sensitive location. It would be overly dominant and increase clutter, detracting from the setting and significance of heritage assets and harm the character and appearance of the conservation area. The proposal would be in conflict with both the UDP and the Core Strategy.

(viii) An appeal against the delegated decision of the Council to refuse planning consent for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) pavement outside Town Hall, Pinstone Street, Sheffield, S1 2HN (Case No 17/03091/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the site is in the City Centre Conservation Area and adjacent to the Grade 1 listed Town Hall, as well as close to the listed police box on Surrey Street. He concluded that the proposed kiosk would be highly incongruous and alien and wholly unacceptable in such a sensitive area. It would increase clutter, detracting from the setting and significance of heritage assets and harm the character and appearance of the conservation area. The proposal would be in conflict with both the UDP and the Core Strategy.

(viii) An appeal against the delegated decision of the Council to refuse planning consent for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) pavement Outside Bow House, West Street, City Centre, Sheffield, S1 4EP (Case No

17/03087/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the site is in the City Centre Conservation Area and adjacent to the Grade 2 listed former Education Offices, as well as close to the listed K6 phone box. He concluded that the proposed kiosk would be highly incongruent and wholly unacceptable in this sensitive location. It would be overly dominant and increase clutter, detracting from the setting and significance of heritage assets and harm the character and appearance of the conservation area. The proposal would be in conflict with both the UDP and the Core Strategy.

(ix) An appeal against the delegated decision of the Council to refuse planning consent for alterations to attic to form two studio flats (Additional to the 8 flats granted under 16/01228/FUL) (Re-submission of 17/00726/FUL) 272 And 274 Glossop Road, Sheffield. S10 2HS (Case No 17/03468/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the impact of the proposals on the character and appearance of the host building and the surrounding area. He concluded that the design of the proposed development and alteration to the roof line would not be sympathetic to the overall character of the terrace of properties and would unbalance the broadly symmetrical appearance. He considered the cumulative impact of the proposed addition or further balconies would result in additional clutter which would be detrimental. He dismissed the appeals as causing material harm, contrary to UDP and Core Strategy policies.

(x) An appeal against the delegated decision of the Council to refuse planning consent for demolition of existing garage and erection of a dwellinghouse 126 Ranby Road, Sheffield, S11 7AL (Case No 17/02872/FUL) has been dismissed.

Officer Comment:-

The Inspector noted 3 key issues in terms of impact on:-

- Character and appearance of the area;
- Living conditions of future occupants (outdoor amenity space); and
- Highway safety and parking.

In terms of character, he noted the predominantly two storey terraced nature of Ranby Road and agreed with officers that the single and two storey stepped nature of the proposed house, and its narrow proportioned windows would be at odds with local character, and given it covered a large proportion of the plot would be overdevelopment in conflict with UDP policies BE5, H14, Core Strategy Policy CS74 and the NPPF.

He noted the absence of outdoor amenity space and although the appellant argued it was within easy walking distance of a large park, and aimed at a student or young professional market where large areas of outdoor space are not needed, he considered this to represent poor living conditions and was

again in conflict with H14, CS74 and the NPPF.

He noted the high levels of on street parking and that the proposal would create additional demand as well as removing off street parking for the host property. Although he accepted the appellants argument that by removing access to the off street space, an additional on street space was created he felt the new proposal would still create additional demand, including from visitors, to the detriment of highway safety, in conflict with policy H14.

For the above reasons the appeal was dismissed.

4.0 APPEALS DECISIONS - ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) adjacent To 38, Haymarket, Sheffield, S1 2AW (Case No 17/03099/TEL) has been allowed.

Officer Comment:-

The Inspector concluded that the kiosk would be located in a busy commercial area where other similar features are common, such that it would be well assimilated. Whilst increasing the number of structures he felt that this location would not result in an incongruous or jarring feature. He therefore concluded that the proposal did not conflict with UDP or Core Strategy policies.

5.0 CIL APPEALS DECISIONS - DISMISSED

(i) To report that an CIL appeal (Regulation 118) against the decision of the Council to deem commencement for demolition of existing social club building and erection of 10 no. dwellings with associated landscaping and 20 parking spaces at Stocksbridge Club and Institute, New Road, Stocksbridge, Sheffield, S36 2EJ (Case No 15/04551/FUL) has been dismissed and the surcharge upheld.

Officer Comment:-

The inspector considered that the appellant does not refute that demolition works commenced on that date, but argues it was only carried out to enable construction of retaining wall structures to be carried out in relation to planning permission 11/03643/FUL. He contends that he did not intend to commence works on the CIL chargeable development.

However, the description of the development granted by the relevant planning permission clearly includes 'Demolition of existing social club building...'. Section 56 (2) of the Town and Country Planning Act 1990 explains that development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out. Section 56 (4) gives examples of what 'material operation' means and including in section 56 (4) (aa) "any work of demolition of a building".

CIL Reg 7(2) explains that development is to be treated as commencing on the earliest date on which any material operation begins to be carried out on the relevant land. As the appellant does not dispute that demolition works were carried out, the inspector was satisfied that the Council issued a Demand Notice with the correct deemed commencement date. As no Commencement Notice was submitted, the Council was entitled to impose a surcharge in accordance with Reg 83. In these circumstances, the appeal fails accordingly.

For the reasons given above, the appeal is dismissed and the CIL surcharge upheld.

6.0 RECOMMENDATIONS

That the report be noted

Rob Murfin
Chief Planning Officer

22 May 2018