



REPORT TO WEST AND NORTH PLANNING AND  
HIGHWAYS COMMITTEE

DATE 21/08/2012

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES ITEM

SUBJECT APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

SUMMARY

RECOMMENDATIONS

SEE RECOMMENDATIONS HEREIN

THE BACKGROUND PAPERS ARE IN THE FILES IN RESPECT OF THE PLANNING  
APPLICATIONS NUMBERED.

FINANCIAL IMPLICATIONS N/A

PARAGRAPHS

CLEARED BY

BACKGROUND PAPERS

CONTACT POINT FOR  
ACCESS

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AREA(S) AFFECTED

CATEGORY OF  
REPORT

OPEN



Application No.	Location	Page No.
12/01728/CHU	Be Inspired 494 Fulwood Road Sheffield S10 3QD	5
12/01676/FUL	Stocksbridge Furnishing 610 - 614 Manchester Road Stocksbridge Sheffield S36 1DY	12
12/01514/FUL (Formerly PP-01990459)	Acorns Childrens Nursery 3A White Lane Chapelton Sheffield S35 2YG	28
12/01402/FUL (Formerly PP-01971854)	Land Between 46 And 64 Blackburn Drive Sheffield S35 2ZP	38



SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning  
To The NORTH & WEST Planning And Highways Committee  
Date Of Meeting: 21/08/2012

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.

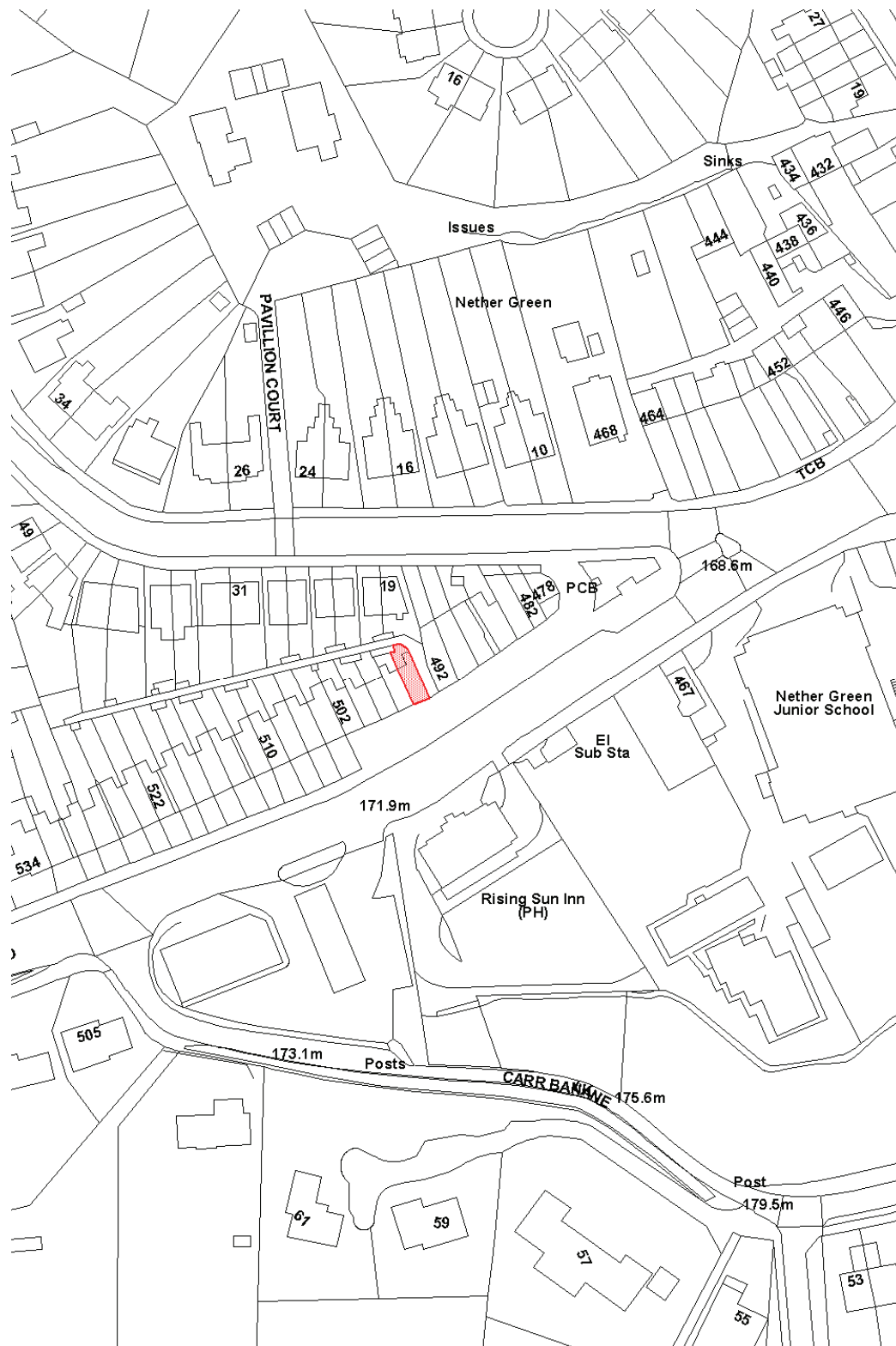
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Case Number	12/01728/CHU
Application Type	Planning Application for Change of Use
Proposal	Use of shop (use class A1) as hot food takeaway (use class A5) (As amended plans received 09/08/12)
Location	Be Inspired 494 Fulwood Road Sheffield S10 3QD
Date Received	31/05/2012
Team	NORTH & WEST
Applicant/Agent	Cordonier Design
Recommendation	Refuse

For the following reason(s):

- 1 The Local Planning Authority consider that the proposed development would be detrimental to the amenities of the locality and to the living conditions of nearby residents on Tom Lane and in the first floor flat owing to the noise and smells which would be generated by the use of the building for the purpose of a hot food takeaway. The proposal is therefore contrary to Policy S10 of the Unitary Development Plan.

Site Location



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## LOCATION AND PROPOSAL

The application relates to a retail unit which is located in the Fulwood Road Local Shopping Centre. The unit occupies the ground floor of a three-storey property and has residential accommodation above.

The shopping centre is characterised by two rows of terraced properties which have commercial uses at ground floor with residential accommodation above. The shopping centre offers a vibrant mix of shops which appear to be well used.

The wider area to the north and south is predominantly residential.

Planning permission is sought for a change of use from a shop (A1) to a hot food take away (A5) and associated extraction equipment.

## RELEVANT PLANNING HISTORY

99/01447/FUL – rear extension to shop with extension to flat over – granted conditionally

98/01751/FUL – use of building as a solicitors office – granted conditionally

98/01598/FUL – use of ground floor shop for the use of take away hot food – refused

## SUMMARY OF REPRESENTATIONS

23 letters of representation have been received, the points raised are outlined below –

- Concerned about noise from general activities associated with the take away e.g. emptying waste in the back yard
- The takeaway may generate unpleasant smells, the extraction flue is to the rear elevation in close proximity to residential properties and there will be increased waste disposal
- Existing food establishments already vent kitchen smells to the rear adjacent to Tom Lane which is a residential street
- Local residents cannot avoid this “air pollution” and the proposal can only make this worse
- Existing flues/fans are noisy at present, the new one will make the situation worse
- Ventilation flues will alter the visual appearance of the property and result in an industrial view as opposed to the existing residential view.
- May have a negative impact on house prices
- There are already two more hot food outlets in the shopping centre, concerned that another would affect existing businesses and lead to job losses.
- Existing businesses are already quiet
- Concerned consultation on application has not been carried out correctly (not enough people consulted and no site notice put up)
- An application was refused for a takeaway in 1998
- If A5 is granted could this be restricted so it is not Chinese or Indian to prevent competition
- Parking is already difficult in the locality
- Delivery lorries already park unsafely on yellow lines and across junctions making access for residents problematic
- Additional cars will lead to increased noise for people living nearby
- Customers from takeaways and pubs generate a lot of litter which is cleared up by local residents
- Proposal will reduce choice in the shopping centre
- There is a back alley to the rear of the site which runs adjacent to the rear of gardens on Tom Lane. This provides a route for break-ins/burglaries and concern is raised that attracting more people to gather late at night may lead to further problems.
- Late opening hours will lead to noise disturbance
- Busy shop door just 15ft from living room window of 492A is not appealing
- Ventilation flue will be unsightly

A petition containing 306 signatures has also been received. The petition objects to the proposal on the basis that there is already a dominance of hot food takeaways in the area and the proposal will lead to over dominance. Furthermore the change of use will lead to increased traffic and on street parking and will create additional noise, pollution and litter.



A letter of objection from Councillor Janice Sidebottom raising the following concerns:

- There are already two hot food takeaways in the parade of shops, concerned that an additional A5 unit will affect the viability of the shopping centre
- There are flats above all the retail units, the proposal would cause extra noise late at night
- Smell and noise from extraction flue will be detrimental to residential properties on Tom Lane
- Permission was refused at the 490-492 Fulwood Road for a restaurant as no dedicated parking was provided
- Parking in front of the parade is partially taken up by a bus stop and at school pick up/drop off times is extremely limited
- Conflict with school children as pavement is very busy during lunch times and cars pull up on this area
- UDP car parking guidelines state that hot food take aways with out internal seating should have 1 space per gross 10ms of space and one space per 3 staff. (The application does not give the number of staff.)
- The application should be refused as it does not comply with planning policy

## PLANNING ASSESSMENT

### Policy and principle of use

Policy S7 “Development in District and Local Shopping Centres” sets out the preferred, acceptable and unacceptable uses in shopping centres. Shops (A1) are the preferred use whilst Food and Drink outlets including takeaways (A5) are acceptable uses.

Policy S10 “Conditions on Development in Shopping Areas” sets out criteria which changes of use must adhere to and include that it would

- (a) “not lead to a concentration of uses which would prejudice the dominance of preferred uses in the Area or its principle role as a Shopping Centre

The local centre contains a variety of uses, at present the majority of uses are within the A1 use class. The proposed change of use to A5 would not prejudice the dominance of preferred uses (dominance defined as at least 50% of units in A1 use). As such the scheme complies with Policy S10 (a).

### Design

Policy S10 (d) requires development to

“be well designed and of a scale and nature appropriate to the site”.

No external changes are required to the shop front the plans originally showed an extraction flue and fan to the rear of the unit, however concerns were raised that this would result in disamenity to the properties to the rear in terms of noise and

odour. Consequently the flue was moved to the side elevation, however this was considered to form a prominent feature which would detract from the appearance of the property and street scene. The latest amendment to the plans removes the external flue and proposes all equipment for odour abatement to be located internally. As such there will be no impact on the appearance of the premises.

#### Amenity

Unitary Development Plan Policy S10 (b) states that development should

“not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions, including air pollution, noise, other nuisance or risk to health or safety “

Residential properties are located in close proximity to the site with a residential flat directly above the application unit and above other units in the parade. Furthermore an established residential area is sited immediately to the north, with residential units on Tom Lane being just 12 metres away from the application site.

Concern is raised that there is potential for disamenity to residential properties from odour and noise associated with the takeaway.

The plans do not show any external extraction equipment and state that kitchen extract to be carbon filter on re-circulation extract. No technical specifications or details such as sound power levels and method of odour control of the extraction have been provided and in the absence of such information concern is raised that such a system would be unable to adequately deal with noise and odour problems. Furthermore it is anticipated that such a system in isolation would not be able to sufficiently abate noise and odour issues and that some form of flue for dispersal of odours would be required.

An established residential area is sited to the rear of the site with properties on Tom Lane backing onto the passageway to the rear of the application property. The rear of residential properties are just 12 metres away from the rear elevation of No.494. Concern is raised that noise associated with the running of any extraction equipment will result in noise disturbance to the dwellings and gardens on Tom Lane. The take away is proposed to be opened until 23:00/23:30 hours it is assumed that the extraction will be used during these times. This would result in noise outside of normal working hours both in the gardens and the rear rooms of the properties particularly if windows are open. The properties on Tom Lane are in an established residential area and can expect a high level of amenity, the noise from the extraction equipment will be detrimental to the quiet enjoyment of these dwellings and as such will have a negative impact on living conditions. It is highlighted that at present no details of extraction specifications have been given, however despite this any fan is likely to be audible to the rear of properties on Tom Lane.

Noise may also occur from within the unit through open windows and doors, again this would be detrimental to the amenities of residential properties to the rear of the site given the close proximity. It is noted that there is an existing takeaway and

restaurant within the shopping centre, however these are separated from residential properties to the rear by greater distances than No.494.

There are other late night uses in the shopping parade including a Chinese Takeaway and an Indian Restaurant. There is also a pub directly opposite the site and a Tesco Metro and petrol station opposite the shopping centre. All these uses are open during the evening time with opening hours similar to or in excess of those proposed at No.494. As such it is considered that the occupiers of residential flats above retail units in the shopping parade will already have a reduced level of amenity and that the small potential increased movement associated with the unit will not significantly reduce amenity levels. Nevertheless, the proximity of the extraction equipment and internal noise transference from the ground floor takeaway outside of normal working hours will result in a significantly greater impact than the current use and will be harmful to occupiers of the residential flat.

Odour problems may also occur from three possible sources; the kitchen windows should they be left open, the waste storage bins especially during summer months and from the fume extraction system. All these issues are exacerbated by the proximity of residential occupiers to the rear of the site. Given the sensitivity of the location and without information/evidence to the contrary it must be assumed that the extraction equipment could cause odour issues to surrounding properties.

#### Highways

Unitary Development Plan Policy S10 (f) states that development should

“be served adequately by transport facilities and provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians”

The Local Shopping Centre does not benefit from a car park, however there is a degree of on-street parking to the front of the units.

Planning permission was sought for a change of use of the adjacent double unit, 490 - 492 to a restaurant (A3) through application 09/01493/FUL. One of the reasons for refusals related to concerns that the absence of parking provision would lead to increased on-street parking which would harm the amenity of nearby residential properties and increase disturbance.

The current application differs from the refusal at 490 – 492 in that the change of use relates to just one unit whereas 490 - 492 is a double unit, as such more traffic would have been generated from a double unit. Furthermore the current application seeks permission for a takeaway (A5) whereas the refusal related to a restaurant (A3). The level of on-street parking caused by a restaurant is likely to be much different than that associated with a takeaway. Visitors to a restaurant will stay for a longer period of time than to a takeaway and this would result in greater pressure on parking in the locality.

In conclusion it is considered that the change of use may generate more traffic than the current pet shop, however there is a degree of on-street parking to the

front of the shop. However, it is noted that the pet shop could change to any other A1 use without requiring planning permission. It is considered that a refusal could not be justified on highways grounds.

## RESPONSE TO REPRESENTATIONS

The majority of concerns have been addressed in the above report those which have not are discussed below.

Increased competition, impact on views and house prices are not material planning consideration

Concern was raised about noise from waste collections, conditions could be attached to any permission to control the hours of collections so as not to cause noise issues, as such this is not considered to be a reason for refusal.

Consultation on the application was carried out in accordance with procedures.

## SUMMARY AND RECOMMENDATION

The proposed change of use would result in disamenity from odour and noise to nearby residential occupiers to the north on Tom Lane and the first floor flat above 494 Fulwood Road. The proposal is contrary to the requirements of Unitary Development Plan policy S10 and is recommended for refusal.

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Case Number	12/01676/FUL
Application Type	Full Planning Application
Proposal	Change of use of lower ground, first and second floors from retail (A1) to form 3 HIMOS (2 with 6 bedrooms and 1 with 5 bedrooms) including works to building with erection of staircase and 4 new window openings
Location	Stocksbridge Furnishing 610 - 614 Manchester Road Stocksbridge Sheffield S36 1DY
Date Received	24/05/2012
Team	NORTH & WEST
Applicant/Agent	Andrew Bailey 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.

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

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

- Drawing No. 01C (Proposed Site Plan)
- Drawing No. 02C (Plan and Section)
- Drawing No. 03C (Plans)
- Drawing No. 04 (Elevations)
- Drawing No. 05B (Proposed Elevations)

received on the 23 July 2012 from Andrew Bailey Architect

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 The development shall not be used unless the car parking accommodation as indicated on the approved plans has been provided in accordance with those plans (constructed and surfaced to the satisfaction of the Local Planning Authority) and thereafter retained/maintained for the sole purpose intended.

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

- 4 The development shall not be begun until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure a basic scheme of repair/filling potholes on the roads adjoining the site before the development is brought into use. The detailed specification shall first have been approved in writing by the Local Planning Authority.

In the interests of pedestrian safety, and in the interests of the safety of road users.

- 5 The development shall not be occupied unless sound insulation measures have been implemented in the area of the building that adjoins 616 Manchester Road (Bedroom 2 -First floor HMO and the Kitchen/Dining Room - Second floor HMO), details of which shall have been submitted to and approved in writing by the Local Planning Authority prior to installation. Thereafter the approved sound insulation measures shall be retained.

In the interests of protecting the residential amenity of the occupants of 616 Manchester Road from potential noise 'break out' resulting from the two upper floor HMOs.

- 6 The treads of the external staircase shall be finished/treated in a sound absorbing material prior to being brought into use, the details of which shall first be submitted to and approved in writing by the Local Planning Authority.

In the interests of protecting the residential amenity of neighbouring properties from noise disturbance.

- 7 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.

In the interests of the visual amenities of the locality.

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

In order to ensure an appropriate quality of development.

Attention is drawn to the following justifications:

1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below:

IB6 - Development in Fringe Industry and Business Areas

IB9 - Conditions on Development in Industry and Business Areas

BE5 - Building Design and Siting

H5 - Flats, Bed-sitters and Shared Housing

CS41 - Creating Mixed Communities

Policy IB6 of the UDP lists Housing (Use Class C3) as an acceptable use in a Fringe Industry and Business Areas. The building is not within the area where the Article 4 Direction controls the concentration of HMOs. The principle of converting three of the building's floors into three separate HMOs is therefore considered to be acceptable.

The development is also considered to be acceptable from a highway perspective with the Local Planning Authority satisfied that the level of parking would be sufficient to meet any expected parking requirements of the HMOs future occupants. On site provision would be provided for two vehicles with overspill parking located to the rear of the site.

The Local Planning Authority acknowledges that the development is likely to increase noise levels and general activities within the immediate area of the site. However, it is not considered that noise levels would be significant that would be harmful to the residential amenity of neighbouring properties. Conditions have been attached that would secure sound proofing between the side boundary wall of the building and 616 Manchester Road and seeking details of the proposed external staircase to avoid unacceptable noise disturbance from the future residents when being used.

This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report at [www.sheffield.gov.uk/planningonline](http://www.sheffield.gov.uk/planningonline) or by calling the planning officer, contact details are at the top of this notice.

Attention is drawn to the following directives:

1. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received a signed consent under the Highways Act 1980. An administration/inspection fee will be payable and a Bond required as part of the consent.

You should apply for a consent to: -

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

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

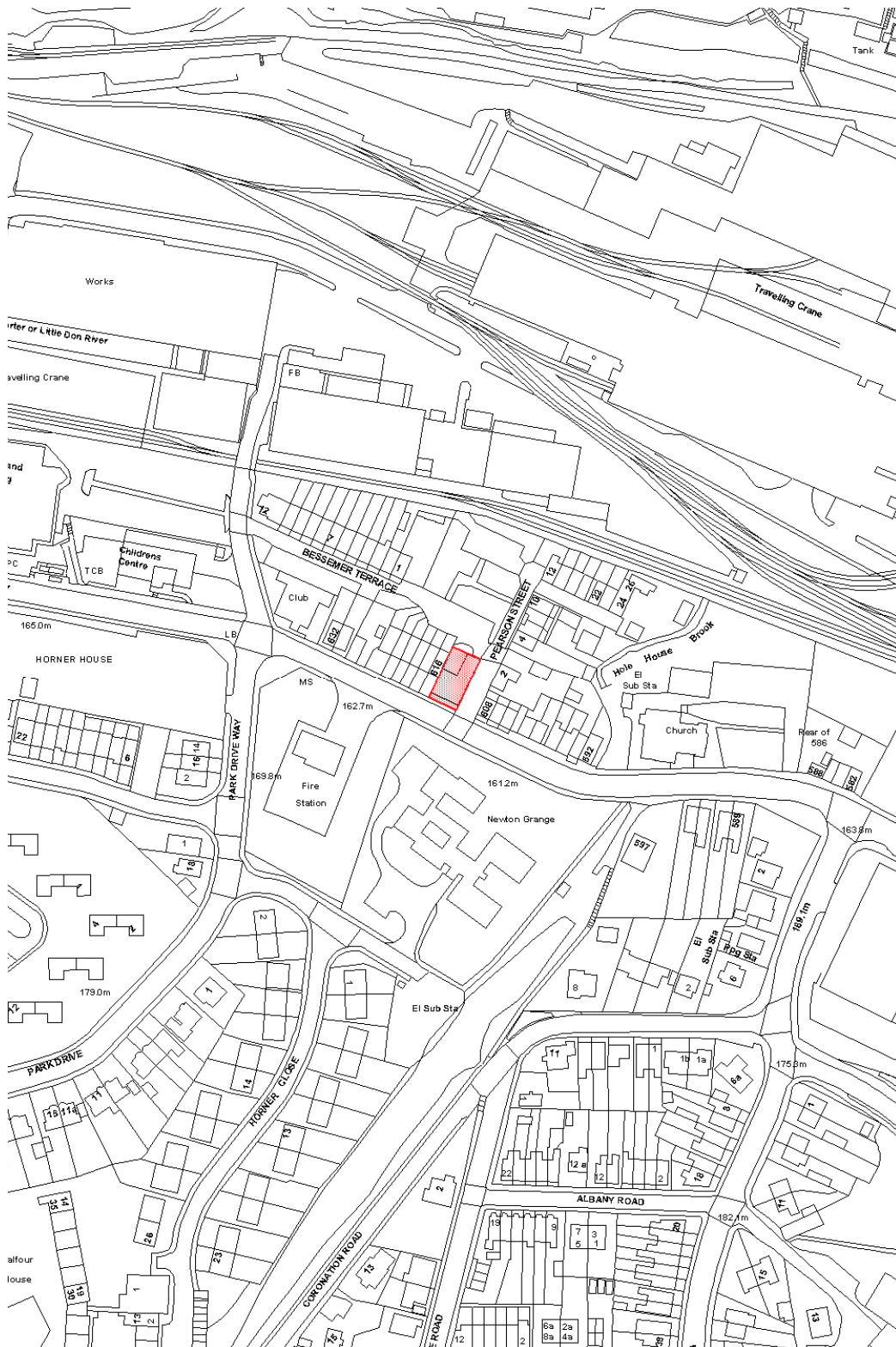
2. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.
3. The Council is responsible for allocating house numbers and road names to both new developments and conversions of existing buildings. Developers must therefore contact the Council's Street Naming and Numbering Officer on (0114) 2736127 to obtain official addresses for their properties as soon as construction works commence.

4. 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](http://www.sheffield.gov.uk/planning) or apply online at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). The charge for this type of application is £85 or £25 if it relates to a condition on a householder application for development.

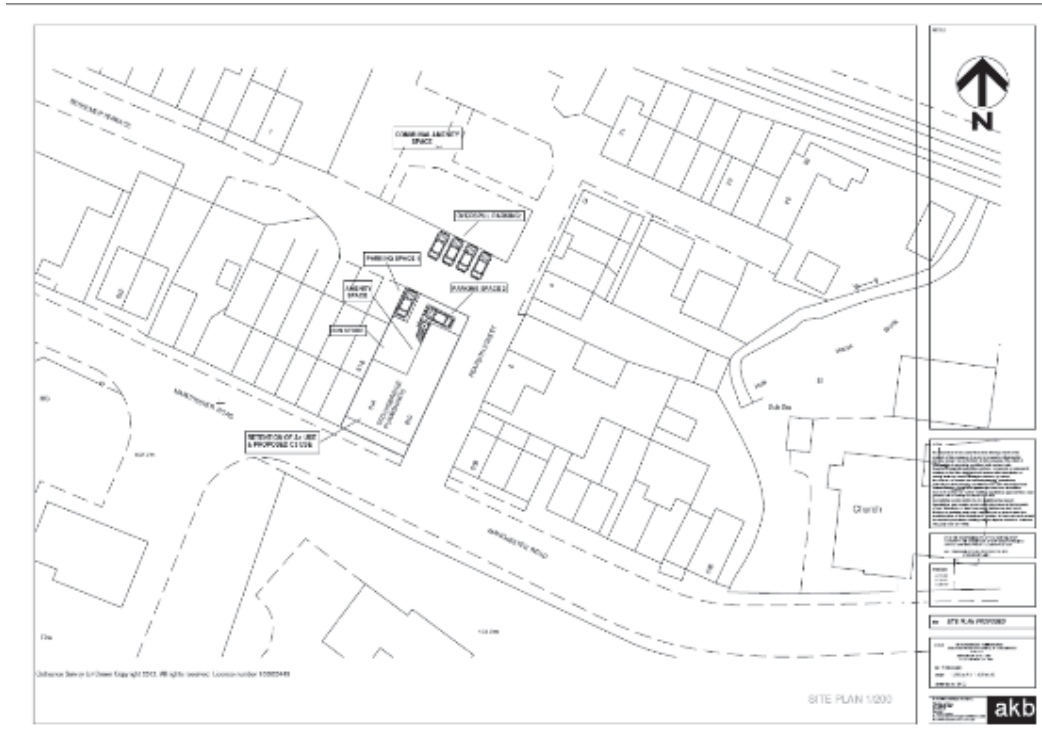
For Listed Building Consent and Conservation Area Consent applications an application for confirmation of compliance with planning conditions is still required but there is no fee.



# Site Location



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## LOCATION AND PROPOSAL

The application relates to an established retail premises (A1) in Stocksbridge. The building is situated on the corner of Manchester Road and Pearson Street and is identified in the UDP as being within a Fringe Industry and Business Area. The Draft SDF identifies the site as a Flexible Use Area.

The building is occupied by a carpet retailer (Crofton Carpets) with accommodation taken over four floors including a lower ground floor basement that are used as a warehouse/storeroom in connection with the business.

The building is a large extended property that is faced in a combination of natural stone, reconstituted stone and red brick. It is 'L' shaped in appearance with its principal and ground floor shop facing Manchester Road. The building is split levelled, presenting itself as a two storey building onto Manchester Road and four storeys to its rear owing to the lower ground levels to its rear. To the rear of the property is a two and half storey off-shot. A first floor rear extension was added to the property's rear off-shot following the grant of planning permission in 2006. Pedestrian access is via a short ramp that rises up from Manchester Road.

Attached to its western side elevation is a short row of terrace properties (616-626 Manchester Road). To the east of the property, beyond Pearson Street is the end terrace property of three dwellinghouses (No. 608 Manchester Road) and fronting onto Pearson Street, a two storey detached dwellinghouse (2 Pearson Street).

Pearson Street is an unadopted access road, which runs along the eastern side of the building before wrapping around the back of the property and the rear gardens of 616-626 Manchester Road before linking up with Bessemer Terrace. Off this

access road is an area used for informal parking that is used by the applicant and residents of the adjoining houses. Beyond this car park to the north is a small attractive public open space area.

The applicant is seeking full planning permission to change the use of the building's lower ground, first and second floors from retail (A1) into 3 HMOS (Houses of Multiple Occupancy). The HMOs would provide accommodation for 17 persons (2 with 6 bedrooms and 1 with 5 bedrooms). The external works to the property include the addition of 4 new window openings, the erection of an external staircase, rooflights and the opening up of two original lower ground floor openings that would create 'light wells' to the building's lower ground floor rooms.

The building's ground floor would continue to be used as a carpet shop by the applicant.

Revised drawings were submitted on the 23 July 2012.

#### RELEVANT PLANNING HISTORY

06/02555/FUL – First floor rear extension to showroom/warehouse – Approved 11/09/06

#### SUMMARY OF REPRESENTATIONS

Twenty one objection letters have been received from the residents of eight properties in response to the application. Responses have also been received from Stocksbridge Town Council, Councillor Philip Wood, a Local Ward Councillor and Councillor J Clarkson of Stocksbridge Town Council. Their comments are summarised below: -

The residents of 2 Pearson Street objects on several grounds (5 letters);

- The neighbour consultation was not enough and wide enough to capture the surrounding area;
- The quantity of occupants squeezed into this building is a major concern. It's a return to slum dwellings;
- Queries regarding the tenancy of the building, making reference to a 'Bail Bond' dwelling, travellers and 'down and outs';
- The cellar area has been proposed as a living zone with little natural light. Parked cars in front of the windows will eliminate the meagre natural light and be subject to car fumes.
- Pearson Street is too narrow for any further encroachment into this unmade road;
- The parking allocated to the development is not owned by the applicant and is free to all not just occupants of the shop and future HMOs.
- The area referred to as communal ground is owned by Sheffield Homes. If they choose to sell or develop, who knows what the consequences of this land will be;

- The building is an ugly construction with the second floor extension done without any planning permission about 20 years ago. The brickwork is poor and queries its construction; and
- Could lead to an increase in crime in the area;
- Object to the proposed side windows of the building facing Pearson Street. This will lead to overlooking issues
- Seventeen additional bedrooms is overcrowding the area

The resident of 600 Manchester Road objects on the following grounds:-

- Limited information provided regarding the future tenure of the HMOs;
- Development appears more like a hostel;
- Lack of parking

The resident of 602 Manchester Road objects on the following grounds (5 letters)

- There is already a high number of affordable, low occupancy houses in the area;
- It would appear that the development is likely to be a hostel;
- Parking and access issues
- Over the years, bats have been seen flying around the back of Manchester Road and these bats use this building for roosting at certain times during the year;
- Should not allow slum dwellings to be put in Stocksbridge, the future occupants of the HMOs would be subject to unacceptable living conditions;
- The majority of houses in the area are 1-2 bedroom terrace housing. Any further housing should be 3-4 bedroomed;
- The sole access to the upper HMOs is by an external staircase. Concerns raised that if there was a fire at the bottom of the stairs, residents would not be able to get out of the building;
- The standard of accommodation is not suitable for human habitation.

The resident of 616 Manchester Road objects on the following grounds (2 letters):

- The external metal staircase is the only access to the upper floors. This will lead to significant noise disturbance and vibrate through his walls as residents of the HMOs use the staircase;
- Locating of bins next to gable wall and back door will lead to potential smells, and vermin;
- The proposed parking area is owned by Sheffield Homes and currently used by residents of 600-608 Manchester Road and some off Bessemer Terrace;
- The proposed opening of windows along the building's Pearson Street elevation will reduce the width of the road owing to residents of 608 parking down the side of this property.
- More traffic along Pearson Street, which is in very poor condition will make this into an unusable road;
- Loss of privacy from the staircase as there is a bathroom window within the side gable wall;
- Increase parking by another 17/34 vehicles;

- Building has always been commercial. The conversion of the building would have a detrimental impact on the Area.

The resident of 622 Manchester Road objects on the following grounds:-

- Lack of consultation;
- Queries the future tenure of the HMOs;
- No allocated parking;
- Create more waste and potential vermin;
- Children play in this area;

The resident of 626 Manchester Road objects on the following grounds (5 letters):-

- Insufficient car parking;
- The proposed area designated for car parking is owned by SCC/Sheffield Homes.
- Queries the tenure profile of the HMOs on the grounds that the D & A Statement details that the future residents may be unable to afford or run a car

The resident of 7 Bessimer Terrace objects on the following grounds:-

- The immediate area is residential family homes. The development would change the character of the area;
- Lack of parking provision will lead to difficulties for existing residents on surrounding streets;
- There has been no consultation with the residents of the surrounding area;
- Queries the future tenure of the HMOs;

A letter has been received from the recent purchaser of a property on Pearson Street. The exact address of the property was not supplied. She objects for the following reasons:-

- The development has potential to threaten the safe guarding of children and vulnerable adults. The development could result in children not being allowed to play out in the area and stop people with families and others buying in the area.

Stocksbridge Town Council objects to the change of use as they are trying to encourage more businesses to the area. The application should be a Committee decision and not be a delegated decision by officers.

Councillor Jack Clarkson has written in on behalf of a number of residents. His comments are as follows:

- Unusual that there has been no local consultation with local residents;
- Unusual that a private developer to build a HMO without knowing if there is such a market for the unique nature of the use;
- Lack of consultation, only four properties were initially consulted on the application;

- It is believed by many people that the premises may be earmarked for bail/offenders/hostel;

Local Councillor Philip Wood is objecting to the proposed development. He comments that the development will take the properties beyond their original occupancy limit affecting both amenities and services. The development will increase the impact of noise, traffic and parking. Consideration should be given the building being directly opposite a residential home.

## PLANNING ASSESSMENT

It is considered that the main issues relevant to this application include the following:-

- i) Principle of development – Policy and Land Use
- ii) Highway
- iii) Design
- iv) Living conditions of future occupants of the HMOs and effect of the development on the residential amenity of neighbouring properties
- VI) Open space provision
- VII) Neighbour Notification – Consultation
- VIII) Other Issues

These are considered in turn below.

- (i) Principle of Development - Policy and Land Use

The site is within a Fringe Industry and Business Area in the UDP. Policy IB6 lists housing (C3) as an acceptable use.

Policy IB9 of the UDP relates to a number of conditions that development in industry and business areas should meet. Included within the list of conditions is that (a) the development should 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 and (f) be adequately served by transport facilities and provide safe access to the highway network and appropriate off-street parking.

Policy CS41 of the Core Strategy relates to creating mixed communities. This policy states that mixed communities will be promoted by encouraging development of housing to meet a range of housing needs and at part d) seeks to limit new or conversions to hostels, purpose-built student accommodation and Houses in Multiple Occupation where the community is already imbalanced by a concentration of such uses or where the development would create imbalance. To avoid a concentration of uses, the Core Strategy sets out that no more than 20% of residences within 200m of the application site should be shared housing.

Following revisions to the Use Classes Order in April 2010, a new use class (Class C4) was introduced. The new C4 class relates specifically to Houses in Multiple

Occupation (HMO) and covers small shared dwellinghouses occupied by between 3 and 6 unrelated individuals who share basic amenities. Under the provisions of the General Permitted Development (Amendment) Order 2010 (GDPO), unless a Direction made under Article 4(1) of that Order, a use falling within Use Class C3 (Dwellinghouse) can move to Use Class C4 (HMO) without planning permission. This is also the case the other way round with a HMO (Use Class C4) allowed to move to a dwellinghouse (Class C3) without the need to seek planning permission.

Members will be aware that an Article 4(1) Direction was made restricting dwellinghouses to be converted into HMOs (Use Class C3 to Use Class C4 of the GDPO) in certain parts of the city. This came into force in December 2010 and meant that owners of residential properties who wish to use them for HMOs would need to apply for planning permission to do so. The reason behind introducing the Article 4 Direction was to control the impact of new shared housing, in areas where there are already high concentrations of such uses.

It should be noted however, that the Article 4 Direction does not extend up to Stocksbridge. Residential properties in Stocksbridge can therefore be 'converted' into HMOs (between 3 and 6 unrelated individuals) without the need to seek planning permission. As housing is an acceptable use in a Fringe Industry and Business Areas under Policy IB6, the principle of converting part of the building into three separate HMOs should also be viewed to be acceptable since housing and HMOs are interchangeable within Use Classes of the GDPO.

The development would therefore be in general accordance with both Policy IB6 of the UDP and Policy CS41 of the Core Strategy.

#### (ii) Highway Issues

The revised scheme shows the provision of two car parking spaces within the red-line boundary of the site. Given the type and scale of development proposed (HIMOs), this level of parking is considered to be a reasonable amount with the likelihood of a high car ownership profile being low. Over the three levels, a total of 17 (single) bedrooms would be provided; with each level also have a communal cooking/dining area. The accommodation is almost 'crash-pad' in nature. The site is situated favourably with respect to public transport provision (plus the Supertram bus service) and within easy walking distance of Stocksbridge District Centre.

Moreover, although not within the applicant's ownership, over-spill parking does, however, exist along the side elevation of the property and to the rear. It is considered that there is sufficient spaces within site area to accommodate for additional parking should this be needed.

Pearson Street and Bessemer Terrace are unadopted public highways. Both highways are in a very poor state of repair, very uneven, with drainage/puddle issues. During a meeting with the applicant, agreement was reached regarding a basic scheme of repair, filling potholes. It is recommended that conditions be attached that secures improvements to these highways and the parking provided as per the revised drawings.

Subject to the aforementioned conditions being attached & directives, from a highways perspective, there are no objections to the granting of planning permission.

(iii) Design Issues

The proposed external works to the building to enable the conversion of the building are relatively small and are not considered to be detrimental to the character or appearance of the building. The level of intervention includes the addition of four windows (side and rear elevations), the erection of an external metal staircase that would form the means of accessing the two upper floor HMOs, two rooflights and new windows within the existing and blocked-up lower ground floor openings.

Policy BE5, which seeks good design and the use of good quality materials in all new and refurbished buildings and extensions is considered to met.

(iv) Living conditions of future occupants of the HMOs and effect of the development on the residential amenity of neighbouring properties

UDP Policy H5 applies to 'shared housing'. It states that permission should only be granted for shared housing if the living conditions would be satisfactory for occupants of the accommodation and for their immediate neighbours. Inspection of internal designs and room sizes show that the living conditions of the future occupants of the residential accommodation are to acceptable levels.

Each of the three HMOs would be provided with en-suite bedrooms and a communal kitchen and dining facility. The applicant has also confirmed that the HMOs would accord with the guidance given in South Yorkshire Residential Design Guide (SYRDG) in terms of space standards which requires a minimum of 7 square metres for single bedrooms. The floor plans show that this standard would be met.

It is considered that the standard of accommodation provided within each of the HMOs would be acceptable. Owing to the limited curtilage of the site, external amenity space would be restricted to a rectangular parcel of land of approximately 54 square metres between the side gable wall of the neighbouring property and rear off-shot. The SYRDG sets out that shared private space for flats should be provided with a minimum of 50 square metres plus an additional 10 square metres per unit. Based on this guidance, it is evident that the amount of shared private space that would be provided would not fully satisfy these standards. However, given the nature of the use, it is not considered necessary that these guidelines are strictly adhered to with officers satisfied that adequate external provision would be provided for the three HMOs. It is expected that this space would only be used infrequently, but would still provide an adequate amenity area to the benefit of the HMOs future residents. It is also worth noting that the site is located in very close proximity to a small area of public open space. It is considered that this area would provide residents an attractive and pleasant area to use in addition to the space provided within the site's curtilage.



In terms of neighbouring properties' amenity, there is no doubt in officers' opinion that the development would increase the level of activity at the site. It is important therefore that the development use does not harm the residential amenity of neighbouring properties from unacceptable noise disturbance, problems of overlooking or other nuisances associated with the use. These are each assessed in turn below:

#### Noise disturbance

The main issue in officers' opinion is whether the development would lead to a significant increase in noise that would be harmful to neighbouring properties. The building is located in close proximity to a number of residential properties, the closest of these being No. 616 Manchester Road, which is attached to the side gable wall of the building. This adjacent end terrace house however is only attached to the rear section of the building with the main bulk of the building projecting forward of this house. The layout plans show that only two rooms of the HMOs would be attached to the side wall of this house (Bedroom 2 of the first floor HMO and the dining/kitchen of the second floor HMO). To ensure that noise breakout from these two rooms is not harmful to the residents of this adjoining property, it is recommended that a condition be attached that secures a higher level of noise attenuation measures be incorporated into the fabric of the building in the areas that abut this side gable wall. The other property likely to be most affected by the development is No. 2 Pearson Street. Although this property has habitable windows within its elevation facing the application site, it is located more than 7.8m away from the nearest part of the building.

Of more concern in officers' opinion, is the potential noise disturbance when residents are entering and leaving the building. The plans show that the sole means of accessing the two upper floor HMOs would be via an external metal staircase to the rear of the building. Given the number of residents that would use this external staircase, there is a likelihood that it could lead to a degree of noise disturbance throughout the day and evening when residents are entering and leaving the building. Although the staircase would not be positioned near to habitable windows of neighbouring properties, it is important that the staircase should be designed and incorporate rubber treads or similar that reduces any 'clattering' noises when it is being used by the HMOs future residents. This can be suitably controlled by condition.

It should also be noted that there is no evidence that officers are aware of that would suggest the type of tenure (HMO) would generate a greater level of noise than say if it were occupied by 6 residents that are living together as a single household (Dwellinghouse).

Subject to conditions being attached that requires details of the internal fabric of the building adjacent to 616 Manchester Road and the proposed external staircase, it is not considered that the residents of neighbouring properties would be subject to unacceptable noise disturbance that would be harmful to their residential amenity.

## Overlooking Issues

The only property directly affected from the development from overlooking is No. 2 Pearson Street. This property has two first floor windows that face the building, both windows appear to serve habitable room of the house. To overcome problems of overlooking between the two properties, the applicant agreed at pre-application stage to reposition one of the new side windows (Bedroom 3 –First floor HMO) further along this elevation. By doing this, it is not considered that this neighbouring property would be subject to any significant loss of privacy that would be harmful to its residential amenity.

## Vermin/smells

Concerns have been raised that the development would lead to problems of vermin and smells from the location of the bins along the side gable wall of No. 616 Manchester Road. While this is noted, it is considered that the amount of bin storage would be acceptable to meet the demands of the HMOs and no reason to suggest that it will lead to vermin or unacceptable amount of odours. This neighbouring property has no habitable windows within its side elevation, the only window being a bathroom window at first floor level. Any odours associated with the bin storage area is therefore likely to be low, while if any problems of vermin arise this would be controlled separately through Environmental Protection Services.

## (vi) Consultation and procedural matters

In response to the concerns raised with regard neighbour notification and public consultation, the number of neighbouring properties that were consulted on this application was extended to 28. These include all the immediate neighbouring properties along both Pearson Street and Manchester Road.

This level of neighbour consultation is considered to be adequate and more than satisfies the statutory obligations of the LPA in respect of this application.

## (vii) Other Issues

A resident of a neighbouring property has commented that the building has been used by bats for roosting at certain times of the year. As this is just anecdotal evidence, it would be unreasonable in officers' mind to seek the applicant to commission an ecological and bat report as a condition of approval. A reasonable step would be to attach a directive advising that if bats are found during the course of converting the building, the applicant cease work and contact the LPA for advice.

Although concerns have been raised with regard the future tenure of the HMOs, Members are advised that it is not possible to control through planning who occupies the building, whether these are students, young professionals or other groups of society. Any comments raised with regard to the future tenure of the HMOs should therefore be disregarded.

## SUMMARY AND RECOMMENDATION

Full planning permission is being sought to change the use of a split levelled A1 commercial building in Stocksbridge. The building has four levels of accommodation with the ground floor used as a carpet shop and the lower ground floor and upper floors used for storage in connection with the business. The building is situated within a Fringe Industry and Business Area. The Draft SDF identifies the site as a Flexible Use Area.

Planning permission is being sought to convert the building's lower ground, first and second floors into three separate HMOs. (House in Multiple Occupation). The building's ground floor would continue to be used as a carpet retailer by the applicant. The three HMOs would provide accommodation for 17 persons (2 with 6 bedrooms and 1 with 5 bedrooms). External works to the property include the addition of 4 new window openings, rooflights and the erection of an external staircase.

Policy IB6 of the UDP lists Housing (Use Class C3) as an acceptable use in a Fringe Industry and Business Areas. The building is not within the area where Article 4 Direction controls the concentration of HMOs. The principle of converting three of the building's floors into three separate HMOs should therefore be viewed acceptable.

The development is also considered to be acceptable from a highway perspective with officers satisfied that the level of parking would be sufficient to meet the future needs of the HMOs future occupants. On site provision would be provided for two vehicles with overspill parking located to the rear of the site.

It is acknowledged that the development is likely to increase noise levels and general activities within the immediate area. However, it is not considered that this would be significant that would be harmful to the residential amenity of neighbouring properties. Conditions have been attached that would secure sound proofing between the side boundary wall of the building and 616 Manchester Road and seeking details of the proposed external staircase to avoid unacceptable noise disturbance from the future residents when being used.

Subject to the conditions listed, it is considered that the development is acceptable and would accord with Policies IB6, IB9, BE5, H5 of the UDP and Policy CS41 of the Sheffield Core Strategy. The application is therefore recommended for approval.

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Case Number	12/01514/FUL (Formerly PP-01990459)
Application Type	Full Planning Application
Proposal	Demolition of existing front porch and erection of two-storey front extension
Location	Acorns Childrens Nursery 3A White Lane Chapelton Sheffield S35 2YG
Date Received	23/05/2012
Team	NORTH & WEST
Applicant/Agent	Space Studio
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.

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:

red-lined 1:1250 site location plan received on 24.5.12 and drawing nos. A12-116/04 Rev A received on 8.8.12

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 Before construction works commence full details of the proposed facing and roofing materials shall have been submitted to and approved in writing by the Local Planning Authority.

In the interests of the visual amenities of the locality.

- 4 The children's nursery shall be used only between 0800 hours and 1800 hours on Mondays to Fridays. There shall be no use of the building for the purposes of a children's nursery on Saturdays, Sundays or Public Holidays.

In the interests of the amenities of the locality and occupiers of the proposed dwelling.

Attention is drawn to the following justifications:

1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below:

CS74 - Design Principles

BE5 - Building Design and Siting

GE1 - Development in the Green Belt

GE2 - Protection and Improvement of the Green Belt Landscape

GE3 - New Building in the Green Belt

GE4 - Development and the Green Belt Environment

Overall it is considered that the development complies with the relevant policies and proposals in the development plan, and would not give rise to any unacceptable consequences to the environment, community or other public interests of acknowledged importance.

This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report at [www.sheffield.gov.uk/planningonline](http://www.sheffield.gov.uk/planningonline) or by calling the planning officer, contact details are at the top of this notice.

# Site Location



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## LOCATION

The site lies beyond the main built up area of Chapelton and is one of a group of three properties alongside woodland on the northwest side of White Lane. The premises on the site are used as a children's nursery.

The opposite side of White Lane comprises generally frontage residential development with woodland and the Hesley Wood Scout Camp beyond.

The nursery comprises a two-storey semi-detached building with an off-street car park alongside the building accessed off White Lane, and an outdoor play area in front of the building.

The front northeast corner of the existing building is recessed. Within the recess is a porch leading to the entrance hall, wc's and a play room on the ground floor. On the first floor there is a second playroom, a kitchen, office and wc. The building is part rendered and part faced in brick with a slate roof.

The nursery caters for about 30 children and has 3 full time staff.

## PROPOSAL

The proposal seeks full planning permission for the removal of the existing entrance porch and erection of a two-storey extension within the recessed area. A level threshold would be provided to the new entrance to the building.

The applicant has confirmed that there would be no increase in numbers of children or staff at the nursery.

The application has been amended since its submission to retain a small internal office on the first floor, and no longer seeks to enlarge the first floor play room into this office area.

The proposal, as amended, will enable a rearrangement of the floor layouts to provide a new hall, disabled wc and cloaks area on the ground floor, with an ancillary office and an enlarged kitchen above.

The front of the extension would be faced in painted brickwork to match the existing front elevation of the building, whilst the side elevation would have red facing brickwork to match the bricks on the side of the existing building. The roof would be ridged and slated.

## RELEVANT PLANNING HISTORY

The main planning history of the site comprises;

In 1977 planning permission was refused for the erection of a dwelling on the site as it would constitute ribbon development within the proposed green belt and be detrimental to the amenities of the locality (application no. 77/4740P refers).



In 1994 planning permission was granted (following an earlier refusal) for alterations and extension to part of the dwellinghouse for use as a creche and provision of associated car parking accommodation and landscaping (application nos. 93/1385P and 94/0336P refer).

In 2002 planning permission was granted for a two-storey extension across the rear of the nursery part of the building (application 02/00085/FUL).

In 2003 planning permission was refused for the erection of a double garage alongside the northeastern elevation of the building to serve the dwelling for reasons that it would constitute an excessive increase to the volume of the existing property, detract from the appearance of the green belt to the detriment of the open character of the Green contrary to policy GE6 (a) of the Sheffield Unitary Development Plan and Guideline 9 of Adopted Supplementary Planning Guidance: Designing House Extension which relate to house extensions (application no. 03/02738/FUL).

In 2008 planning permission was granted to separate the children's nursery use from the adjacent dwelling at no. 3 (application no. 08/00881/CHU refers). The nursery is now numbered 3A White Lane.

Also in 2008 planning permission was granted for a first floor rear extension to the dwelling (08/05857/FUL) and in 2010 planning permission was granted for a first floor bay to the front of the dwelling (application no. 10/01225/FUL).

A lawful development certificate was granted in February 2012 for the erection of outbuildings in the garden to the rear of the dwelling at no.3 (application no. 12/00049/LD2 refers).

## SUMMARY OF REPRESENTATIONS

Ecclesfield Parish Council has commented that they are in support of the following comments made to them by residents:

- concerned that the proposed development would be to accommodate additional children at the nursery, bringing more traffic to the site;
- the amount of additional vehicles once the building work commences, with contractor's vehicles parked at the side of a very busy road;
- the access to the nursery is only wide enough for one vehicle to enter the site and therefore cars are parked when dropping off the children at the nursery blocking the drives of neighbouring properties and creating problems on a very busy stretch of road;
- can anything be done regarding the speed limit on White Lane as there are several accidents on this stretch of road.

The Parish Council request:

- a site visit is made to assess the volume and speed of traffic on White Lane and to assess the access and egress from the site;

-a highways report be obtained to reduce the speed on this stretch of road. The Parish Council have stated that they will write separately to the Northern Community Assembly regarding the road safety aspect on this matter.

1 representation of objection has been received relating to the following matters:  
-worried about more and excess vehicle problems with this work, it causes a problem now with people blocking drive of no. 58 opposite the nursery, parking on the road causing congestion, not using the car park which is provided;  
-work requested means more children meaning more road problems, this will be worse while the work is carried out.

1 representation has been received stating no objection provided:  
-all vehicles involved in construction are parked on the nursery side of road in front of the nursery as impossible to see when exiting drives onto fast, dangerous road with a blind hill 50 metres away;  
-all client's park in the car park with notices put inside the nursery to this effect, trying to dodge traffic puts children's lives at risk.

## PLANNING ASSESSMENT

### Policy Issues

The Sheffield Unitary Development Plan (UDP) identifies the site as being within the Green Belt.

Policies GE1 to GE4 of the UDP seek to protect and enhance the Green Belt.

UDP Policy GE1 states development will not be permitted where it would, amongst other matters, lead to the encroachment of urban development into the countryside, except in very special circumstances. Policy GE2 seeks to protect and improve the Green Belt landscape. Policy GE3 states that the construction of new buildings in the Green Belt will not be permitted, except in very special circumstances, other than for appropriate uses. Policy GE4 seeks to ensure that the scale and character of any development which is permitted in the Green Belt is in keeping with the area and conserves the landscape.

The Government's National Planning Policy Framework (NPPF) contains guidance on development in the Green Belt. The NPPF (paragraph 89) states that construction of new buildings is inappropriate in the Green Belt except for, amongst other criteria, the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

For the purposes of the NPPF the original building comprised the building as it existed on 1st July 1948 or, if it was constructed after, as it was originally built. The earliest planning records in the 1970's refer to the building as being a dwelling house with an adjacent [horticultural] nursery. This 'original' building was partly two-storey and part single-storey.

This 'original' dwelling has since been extended and converted into part dwelling and part children's nursery with the two uses separating following planning permission in 2008.

The extensions to the original building have comprised; demolition of an attached building on the northeast side of the building and erection on a similar footprint of a two-storey side extension as part of the conversion works to form the children's nursery (94/0336P), a two-storey rear extension to the children's nursery projecting no further to the rear than the existing single-storey element on the rear of the building (02/00085/FUL), a first floor rear extension over the single-storey element at the rear of the retained dwelling (08/05857/FUL), and a first floor bay window over an existing ground floor bay on the front of the dwelling (10/01255/FUL).

These extensions have resulted in the building as currently existing which comprises the dwelling house at no.3 and the children's nursery at no.3A. This resultant building is two-storey with a double ridged roof running parallel to the front elevation and gabled roofs to the rear. The front northeast corner of the building is recessed with a single-storey entrance porch within part of this recess.

These extensions have generally not gone beyond the outermost walls of the footprint of the original building.

The proposed development would involve the infilling of the last remaining recessed corner of the existing building. The extension would be 3.8 metres wide at the front by 3.7 metres deep with a ridge height of 6.9 metres. It would extend no further forward or sideways than the existing front and side elevations of the building, and would be no higher than the existing building. The design and external materials would be in keeping with the existing building.

It is considered that in this instance the proposed infilling of the recessed corner of the building together with the previous extensions to the original building would not result in a disproportionate addition to the original building. The proposed extension would not harm the openness and character of this part of the Green Belt.

#### Effect on the Amenities of the Locality

UDP Policy BE5 and Sheffield Development Framework (SDF) Core Strategy Policy CS74 seek good design in new buildings.

The proposed extension would not be intrusive into the streetscene. The massing, design and appearance of the proposed extension would be in keeping with the existing building and would not harm the visual amenities of the locality.

The proposal complies with Policies BE5 and CS74.

#### Effect on the Amenities of Residents

There would be sufficient separation between the proposed extension and houses on the opposite side of White Lane to ensure that there would be no significant overlooking or overbearing impacts on nearby residents.

The 1994 and 2008 planning permissions permitting the use of the premises as a children's nursery did not contain any limits on the number of children attending the premises. However conditions were imposed restricting the opening times currently to between 0800 and 1800 hours on Mondays to Fridays.

The internal rearrangement of accommodation within the nursery would improve the existing facilities. It is considered that the improved facilities would not significantly intensify the use of the nursery and would not result in significant harm to the living conditions of nearby residents.

### Highway Issues

The permitted use of the premises as a children's nursery included provision of off-street car parking which has since been provided alongside the building and is accessed off White Lane. Whilst off-street parking for the nursery has been provided and made available for use, the Local Planning Authority cannot insist that parent's and visitors use the car park.

The proposed extension would not generate a material increase in vehicle movements associated with the premises.

Construction traffic to and from the site would be for a temporary period during building works.

It is considered that there are no highway implications arising from the proposed extension. The matters of excess traffic speed and road safety on White Lane have been referred to the Head of Transport, Traffic and Parking Services.

### SUMMARY

The site is used as a children's nursery. The proposal involves the removal of the existing entrance porch and erection of a two-storey extension within a recessed area on the front northeast corner of the nursery building.

The proposal as amended will provide a new hall, disabled wc and cloaks area on the ground floor, and an office and enlarged kitchen on the first floor.

The site lies within the Green Belt. Policies GE1 to GE4 of the UDP seek to protect and enhance the Green Belt.

The guidance on green belts contained in the Government's National Planning Policy Framework (NPPF) states the extension or alteration of a building in the green belt is not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building.

The 'original' building has previously been extended and converted into part dwelling and part children's nursery. The extensions to the original building have comprised demolition and erection of a two-story side extension as part of the conversion works to form the children's nursery, a two-storey rear extension to the children's nursery, a first floor rear extension of the retained dwelling, and a first floor front bay window.

These extensions have generally not gone beyond the outermost walls of the footprint of the original building.

The proposed development would involve the infilling of the last remaining recessed corner of the existing building. It would extend no further forward or sideways than the existing front and side elevations of the building, and would be no higher than the existing building. The design and external materials would be in keeping with the existing building.

It is considered that in this instance the proposed infilling of the recessed corner of the building together with the previous extensions to the original building would not result in a disproportionate addition to the original building. The proposed extension would not harm the openness and character of this part of the Green Belt.

The proposed extension would not be intrusive into the streetscene and would not harm the visual amenities of the locality.

There would be no significant overlooking or overbearing impacts on nearby residents.

The improved facilities would not significantly intensify the use of the nursery and would not result in significant harm to the living conditions of nearby residents.

There is provision within the site for off-street car parking. The proposed extension would not generate a material increase in vehicle movements associated with the premises.

There are no highway implications arising from the proposed extension.

The proposal complies with SDF Core Strategy Policy CS74, UDP Policies BE5 and GE1 to GE4 and the guidance on green belts contained in the Government's National Planning Policy Framework (NPPF).

## RECOMMENDATION

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

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Case Number	12/01402/FUL (Formerly PP-01971854)
Application Type	Full Planning Application
Proposal	Erection of a dwellinghouse with detached double garage, including closing of the footpath for use as garden (amended plans and description)
Location	Land Between 46 And 64 Blackburn Drive Sheffield S35 2ZP
Date Received	14/05/2012
Team	NORTH & WEST
Applicant/Agent	Millhouses Construction Ltd
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.

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

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

Drawing No. 148 -10 Rev B, 148/2 Rev A, 148/3,

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

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

In the interests of the amenities of occupiers of adjoining property, bearing in mind the restricted size of the curtilage.

- 4 No dwelling which is shown on the plans to be provided with screen fencing or gates shall be used unless such screen fencing or gates has been erected in accordance with details to be submitted to and approved in writing by the Local Planning Authority and thereafter such screen fencing shall be retained.

In the interests of the amenities of the locality and occupiers of the proposed dwelling.

- 5 Details of the location, specification and appearance of all new services to the building (including meter boxes, outlets and inlets for gas, electricity, telephones, security systems, cabling, trunking, soil and vent stacks, fresh and foul water supply and runs, heating, air conditioning, ventilation, extract and odour control equipment, pipe runs and internal and external ducting) shall be approved in writing by the Local Planning Authority before installation.

In order to protect the character of the original building.

- 6 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.

In order to ensure an appropriate quality of development.

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

In the interests of the safety of road users.

- 8 The development shall not be used unless the car parking accommodation and vehicle turning space has been provided as indicated on the approved plan, surfaced and drained to the satisfaction of the Local Planning Authority, and thereafter retained/maintained for the sole purpose intended.

The two developments being carried out in combination or part combination with each other would result in an overdevelopment of the site which would be detrimental to the amenities of the locality.

- 9 The gradient of shared pedestrian/vehicular access shall not exceed 1:12 unless otherwise approved by the Local Planning Authority.

In the interests of the safety of road users.

- 10 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.

In the interests of the safety of road users.

- 11 There shall be no gates or barriers erected at the means of access to the site unless otherwise approved in writing by the Local Planning Authority.

To ensure access is available at all times.

- 12 No physical alterations shall take place along the site's southern boundary that physically impair forward site lines, or obstruct/prevent use of the public footpath until the formal stopping-up process has been successfully concluded. Only then can it be incorporated into garden, also maintaining rights of access to the rear garden of adjacent property number 46 Blackburn Drive, by the appropriate positioning of boundary treatments and a gate, which shall first have been submitted to and approved in writing by the Local Planning Authority.

To ensure access is available at all times.

- 13 In the event of the formal stopping-up process being unsuccessful, prior to any boundary treatments flanking the retained public footpath being implemented, full details shall have been submitted to and approved in writing by the Local Planning Authority. The treatment shall be implemented only in accordance with the above-mentioned approved details, and thereafter retained/maintained.

In the interests of pedestrian safety.

Attention is drawn to the following justifications:

1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below:

CS74 - Design Principles

H14 - Conditions on Development in Housing Areas

BE5 - Building Design and Siting

Overall it is considered that the proposed new dwelling and the closure of the footpath is acceptable in principle, and that the design, form and scale of the dwelling, its impact upon the street scene, along with the impact upon the residential amenity of neighbouring properties and highway safety is acceptable and satisfies the requirements of Policies CS74 of the Core Strategy and policy H14 and BE5 of the adopted Unitary Development Plan.



This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report at [www.sheffield.gov.uk/planningonline](http://www.sheffield.gov.uk/planningonline) or by calling the planning officer, contact details are at the top of this notice.

Attention is drawn to the following directives:

1. As the proposed development will involve the closing/diversion of a footpath(s) you are advised to contact the City Solicitor and Head of Administration, Town Hall, Sheffield, S1 2HH, as soon as possible with a view to the necessary authority being obtained for the closure/diversion of the footpath(s) under Section 257 of the Town and country Planning Act 1990.
2. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

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

Development Services  
Howden House  
1 Union Street  
Sheffield S1 2SH

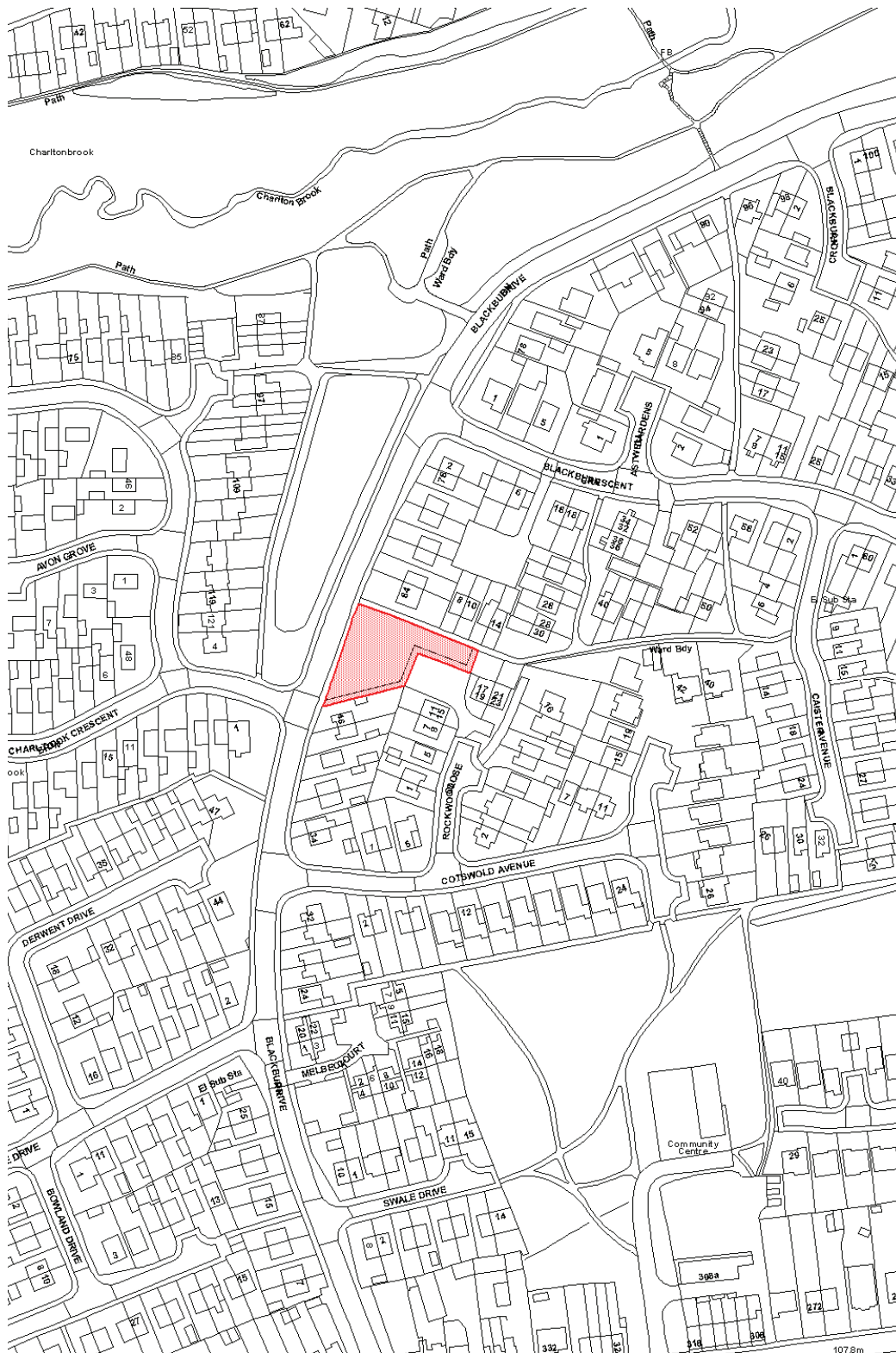
For access crossing approval you should contact the Highway Development Control Section of Sheffield City Council on Sheffield (0114) 2736136, quoting your planning permission reference number.

3. The applicant is advised that Sheffield City Council, as Highway Authority, require that drives/vehicular access points be designed to prevent loose gravel or chippings from being carried onto the footway or carriageway, and that they drain away from the footway or carriageway, to prevent damage or injury.
4. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.
5. The Council is responsible for allocating house numbers and road names to both new developments and conversions of existing buildings. Developers must therefore contact the Council's Street Naming and Numbering Officer on (0114) 2736127 to obtain official addresses for their properties as soon as construction works commence.
6. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all

requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at [www.sheffield.gov.uk/planning](http://www.sheffield.gov.uk/planning) or apply online at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). The charge for this type of application is £85 or £25 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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# APPENDIX A

Proposed area of highway  
to be stopped-up



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The representation of a road, wall or path is no evidence of a right of way. The representation of features on a plan is no evidence of a property boundary.

Scale: 1:1000

LAND BETWEEN 84 AND 46  
SHELLACKBURN DRIVE  
SHEFFIELD  
S35 2QP

Millicomes Plans and Construction www.millicomes.co.uk	Client: Shirley and Mike Housley Reference: CI 080090 Centre coordinates: 434244 296489	Drawing: No. 4481
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## LOCATION AND PROPOSAL

The application relates to a grassed plot of land sited between No.46 and No.64 Blackburn Drive. The site gently grades up from the highway towards the rear of the site, where there are a couple of trees.

The site is bounded by a public footpath which is accessed from two points along the highway, running along the side and the rear of the site before converging to one point at the very rear of the site.

The site is located within a residential area, in an area designated as a Housing Area in the adopted Unitary Development Plan.

The application seeks planning permission for the erection of a two storey dwelling house with detached garage on the land. The land included as part of this application includes the land covered by the public footpath, and the application seeks consent for the closure of the footpath as part of the planning process in order to facilitate the development.

## RELEVANT PLANNING HISTORY

There is no relevant planning history for this piece of land.

## SUMMARY OF REPRESENTATIONS

There have been 10 Letters of neighbour representation regarding this application.

The following comments have been made:

- An objection is made to the addition of 2m high fencing, as instead of looking out onto open land, there would be the view of a fence instead.
- The addition of a fence could affect the light to the house and affect the future value of the property.
- There is an objection to the closure of the footpath as there is enough land to build on, the footpath is well used and the footpath is the only access to the rear of the property apart from through the front door.
- The neighbour is in the middle of selling his property and the closure of this path would have a big impact upon the sale of the property.
- The proposal would take the garden up to the boundary with fences of neighbouring properties. A number of queries were made regarding the arrangements surrounding the fence, the erection of further fences, maintenance of the fences and access.
- A query was also made as to how permission was obtained for the use of the footpath as part of their property.
- The future of the feature tree being kept within the garden is also questioned.

Ecclesfield Parish Council have no objections to the proposal.

## PLANNING ASSESSMENT

### Principle of Development in a Housing Area

The subject property is located within a Housing Area and therefore Policy H10 'Development in Housing Areas' is relevant. Policy h10 states that in Housing Areas, the preferred use will be Housing, and therefore the proposal is acceptable in principle.

### Principle of Loss of Open Space

Policy CS47 'Safeguarding of Open Space' of the adopted Core Strategy states that open space should not be developed where: a) there is a local shortage of open space, b) the space in question is of such an intrinsic quality that it should be protected c) development would deny local access to a well valued informal space and d) it would detract from the Green Network..

The overall level of open space provision does not fall below the 4ha per 1000 persons mark, at which a quantitative shortage of open space would exist. The development would not therefore in principle conflict with Policy CS47 a). The site is not considered to have any particular qualities or values in terms of heritage, landscape or ecology, and is not a local nature site or part of the formal green network and as the proposal is not considered to conflict with criteria b), c) or d) of policy CS47.

Criteria f) of CS47 also states that development will only be acceptable where the site can be considered to be surplus to requirements in its current state and where it isn't required to fulfil other unmet open space needs. The site appears to be of limited value in its current state, and whilst there is some limited recreational value, it is directly opposite Charlton Brook recreation ground which is superior in its recreation offer. In terms of the visual amenity of the site, the site is bounded on three sides by built development and indirect views into the site are only available from a limited number of properties.

Whilst there is an unmet need for sites for outdoor sport and equipped children's play sites, it is not considered that this site would be suitable to meet these needs given the sites' location and close relationship to residential properties.

Overall, it is considered that the characteristics and nature of the site overrides the consideration that there is a shortage of open space in the local area, and that as the site is in such close proximity to a higher quality piece of open space it is not considered that the proposal would have an impact upon the ability of the local residents to access quality open space and the proposal satisfies Policy CS47 of the Core Strategy.

### Greenfield Site

Whilst the site is considered to be Greenfield, the development of the site would not compromise the provision of housing on brownfield sites, given its small size and in this respect is also considered to be acceptable.

## Design and Amenity

Policy CS74 'Design Principles' of the Core Strategy states that high quality development will be expected which respects, takes advantage of and enhances the features of the city, including topography, views and vistas townscape and landscape character as well as contributing to place making and the creation of attractive, sustainable and successful neighbourhoods.

Policy BE5 'Building Design and Siting' states that good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions. The policy includes reference to new buildings complementing the scale, form and architectural style of surrounding buildings and that the design of buildings, landscaping and lighting should promote all aspects of personal safety and security, particularly at night time.

Policy H14 of the adopted Unitary Development Plan, 'Conditions on Development in Housing Areas' states that in Housing Areas development will be permitted where they are in scale and character with neighbouring buildings, where the site would not be overdeveloped or deprive residents of light, privacy or security or cause serious loss of garden space which would harm the character of the neighbourhood and it would provide safe access to the highway network and appropriate off street parking and not endanger pedestrians or suffer from nuisance or risk to health and safety.

The dwelling proposed will be sat towards the centre of the plot and will have a detached double garage adjacent to it. The dwelling will be set back from the back of the edge of the footpath to a distance which reflects the set back of the existing properties to either side. There is not a wholly consistent building line, and the existing properties are orientated in different directions, which avoids uniformity, but the dwelling proposed reflects this and the sense of space to the frontages, which is both desirable and acceptable. The detached garage is also set an angle and back from the front elevation of the dwelling which is desirable and will help create an element of subservience to the garage, despite its size as a double garage with pitched roof over.

The design of the dwelling is that of a two storey dwelling with a dual height projecting gable extension to the front, bay window and canopy to the ground floor and with a pitched gable roof over the dwelling, with a further double height projecting gable to the rear. The double garage will be single height with a hipped roof over

The street scene is mixed, with both detached and semi detached dwellings evident. The properties within the street scene are constructed in brick and tiles, and whilst there is variation in colours, this is the predominant character. The dwellings differ slightly in style, but there is some continuity. Whilst the proposed dwelling will be larger in size than others in the street scene it is not considered that this will be unacceptably harmful to the street scene. The overall style of dwelling is traditional and the use of brick will bed the dwelling into the street scene.



The topography of the site means that the dwelling will be effectively built into the site, whilst the height of the dwelling will not exceed the 'step' of rooflines rising up the hill and in this respect is acceptable. It is not considered that the dwelling will have an adverse effect upon the overall appearance of the street scene.

Overall, the dwelling will read as a new addition to the street scene and will be prominent as a result of the age and style of the neighbouring properties however, it is not considered that the dwelling will be unacceptable and nor would it be appropriate to require construction wholly in the style of the neighbouring dwellings. The dwelling as proposed is considered to be satisfactory with regards the aims of CS74 of the adopted Core Strategy and Policy Be5 and H14 of the adopted Unitary Development Plan.

In terms of the impact upon the amenity of the neighbouring properties then it is not considered that the proposed dwelling will have an adverse impact. The siting of the proposed property within the plot is such that it will not result in any unreasonable overbearing or over dominance of neighbouring properties. The dwelling will not breach the 45degree angle from the properties to either side, whilst the distance to the properties at the rear on Rockwood Close is over 30 metres away.

In terms of the impact upon privacy, it is not considered that the new dwelling will unreasonably compromise this. The windows to the front elevation will overlook an already public area and area of open space, whilst the windows to the rear will be set well in excess of the recommended 21metres from the nearest windows at Rockwood Close.

Glazing is proposed to the side elevations of the property, but as this will overlook the garden, before leading to a 2metre high fence and then a public footpath beyond, with an overall distance of 10metres, it is considered reasonable that these windows be permitted as clear glazed at ground level. In terms of the first floor window, there are no facing first floor windows to the neighbouring property to suffer from overlooking and it is also considered beneficial that there is a window in the side elevation to allow for passive surveillance of the footpath at the side of the site.

Overall, it is not considered that the dwelling will result in an unreasonable loss of amenity for the neighbouring properties in terms of overbearing or privacy.

Whilst the amenity space for the property will be unusually shaped, it provides a useable space greater than 50 square metres which is the minimum recommended space and therefore it is considered to be acceptable.

#### Closure of the Footpath and Highways Considerations

The site as previously described is bounded by public footpaths, two of which reach the same point, meet and converge into one. One of the public footpaths zig zags across the rear of the site and already has a closed boarded fence along one side. If a similar style fence was erected on the opposite side, enclosing the rear

garden of the development, a real personal safety dilemma would be created for users. Similarly, the creation of an open rear boundary to avoid the safety concerns for users would create security and privacy issues for the future occupiers of the dwelling.

From a highways perspective, it would not be possible to support an application which compromises personal safety.

There would be no Council objections to the path being closed and incorporated into the development site, given that there is a perfectly acceptable alternative route which runs along the other side boundary nearest number 64. There is a formal process to go through to achieve the closure of the footpath, under Section 257 of The Town & Country Planning Act.

Agreements have been made between the applicants and the current owners of the footpath to purchase the land and allow for its incorporation within the rear garden.

There has been one legitimate objection to the footpath closure (received during the planning consultation) which has come from the property to the immediate south of the development site, No 46. In 2002 planning permission was granted for a two storey side extension to this property, with the side elevation abutting the public footpath. There now exists a gate in the closed boarded fence, which surrounds the site, and which gives access to the rear garden from the public footpath. If the footpath is closed, and all incorporated into the applicant's garden, this would deny access to the neighbour's rear garden.

The solution put forward therefore is for the public footpath to be closed, but with rights of access to the neighbour's rear garden maintained, achievable by appropriately positioning boundary treatments and gates. A scheme of amended plans showing this arrangement have been submitted.

Overall, it is considered that the closure of the public footpath and the revised access arrangement to the rear of No. 46 are acceptable solutions to the problems surrounding the development of this site.

## Highways

In highway terms, notwithstanding the public footpath considerations, the proposal is considered to be acceptable subject to the imposition of appropriate conditions regarding matters such as parking and visibility etc. The proposal is therefore satisfactory with regards Policy H14 of the adopted Unitary Development Plan.

## RESPONSE TO REPRESENTATIONS

Loss of view is not a material planning consideration, nor is the potential impact upon the future value or sale of a property.

It is not considered that the addition of a fence to the boundary will significantly affect the light available to neighbouring properties to such a degree as would warrant the refusal of the planning application.

The straight element of the footpath will still remain, it will only be the cross site zig zag path that will be lost, and as the closure of this element will not wholly prohibit access through the site; it is not considered reasonable to refusal permission on this ground, when to not allow this closure would be to potentially prohibit the overall development of the site.

In terms of the access to the rear door through the gate, then this matter has been addressed and the amended plans submitted show an alternative arrangement for access. The principle of this is acceptable, although the details in respect of ownership and rights etc would need to be worked out in due course as a civil matter between the developer and the neighbours.

A response letter has been sent out to residents with regards the fence queries. The general response was that it was proposed that existing fences would be used and that the maintenance of these fences would be a private legal matter between the developer and the owners of the neighbour. It was also clarified that the closure of the footpath and the use of this as garden land was not agreed, and that there was due process to go through in order to achieve this.

The retention or pruning of the tree is a private legal matter in respect of its size and overhanging nature. From a planning perspective it would be desirable if the tree were retained in order to soften the impact of the new development, notwithstanding any pruning etc that may be required.

## SUMMARY AND RECOMMENDATION

Overall it is considered that the proposed new dwelling and the closure of the footpath is acceptable in principle, and that the design, form and scale of the dwelling, its impact upon the street scene, along with the impact upon the residential amenity of neighbouring properties and highway safety is acceptable and satisfies the requirements of Policies CS74 of the Core Strategy and policy H14 and BE5 of the adopted Unitary Development Plan. A recommendation is therefore made for approval subject to conditions.

In granting planning permission, members are also requested to confirm that they:

- a) Raise no objection to the proposed stopping-up of the areas of highway shown hatched on the plan included as Appendix A, subject to satisfactory arrangements being made with Statutory Undertakers with regards to such of their mains and services that may be affected. Any unresolved objections will be the subject of a later, separate report, and:
- b) Authorise the Assistant Chief Executive, Legal & Governance, to take all necessary action on the matter under the relevant powers contained within either:

i) The Highways Act 1980, or

ii) The Town & Country Planning Act 1990,

dependent upon which statute is appropriate at the time of processing the stopping-up Order.

iii) and in the case of any public path order, in the event that no objections are received or any objections received being resolved, authority be given for the Order to be confirmed.