

**REPORT TO CITY CENTRE, SOUTH &
EAST PLANNING AND HIGHWAYS
COMMITTEE**

DATE 13 August 2012

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

ITEM

SUBJECT RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

SUMMARY

LIST OF ALL NEWLY SUBMITTED PLANNING APPEALS AND DECISIONS RECEIVED, TOGETHER WITH BRIEF SUMMARY OF INSPECTOR'S REASONS FOR DECISION

RECOMMENDATIONS

TO NOTE

FINANCIAL IMPLICATIONS

NO

PARAGRAPHS

CLEARED BY

N/A

BACKGROUND PAPERS

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AREA(S) AFFECTED

**CATEGORY OF
REPORT**

OPEN

DEVELOPMENT SERVICES

REPORT TO CITY CENTRE,
SOUTH & EAST PLANNING &
HIGHWAYS COMMITTEE
13 AUGUST 2012

1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

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

2.0 NEW APPEALS RECEIVED

No new appeals have been received

3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal has been dismissed against the decision of the City Council to refuse an advertising hoarding application, under delegated powers, for the retention of 1 non-illuminated hoarding at land at Bramall Lane and Boston Street, St Mary's Gate (Case No 11/03310/HOARD).

Officer Comment: - The Inspector took the view that the main issues were the effect on the visual amenity of the area and the setting of St Marys church, which is Grade 2 Listed. She felt that, due to the height and scale of the hoarding and its very prominent location on the corner facing St Marys roundabout, it would have a negative impact on the setting of the Listed Building and the appearance of the area.

4.0 APPEALS DECISIONS - ALLOWED

(i) An appeal has been allowed against the decision of the City Council to grant conditionally an application for planning permission, at it's meeting held on 17 July, 2011 for the external remodelling and change of use to a casino, bar and restaurant (use classes A, A4 and sui generis) at the NUM Headquarters, Holly Building, Holly Street (Case No 11/01396/FUL). Specifically the appeal was against the imposition of Conditions 3, 4, 5 & 8, in respect of hours of use and external amplified music.

Officer Comment:- The appellant made an appeal against the following conditions:
3. The roof top bar shall only be used between 08:00 hours and 00:30 hours

(on the following day) on any day.

4. The ground floor restaurant units shall only be used between 08:00 hours and 01:00 hours (the following day) on any day.

5. The upper ground floor outdoor seating area shown on the drawings hereby approved shall be used only between 09:00 hours and 23:00 hours on any day.

8. No live or amplified music shall be played, nor shall loudspeakers be fixed at anytime, outside the building.

The Inspector considered that the main issue was whether the conditions were reasonable and necessary in order to protect the living conditions of local residents from noise and disturbance. From the characteristics of the area he felt that noise from the casino in the early hours would not add significantly to the noise experienced by the nearby residents although he was concerned that unlimited numbers of smokers using the outdoor areas at all hours could well lead to disturbance after the background noise levels drop.

In conclusion the Inspector felt it was reasonable to vary the terms of the conditions but also considered it necessary to add a management condition on the outdoor smoking areas.

The revised conditions can be summarised as follows:

3. Use of rooftop bar until 01:30 hours and then an outdoor smoking area limited to 30 people between 01:30 and 08:00 hours.

4. Use of ground floor restaurant allowed until 02:00 hours

5. Upper ground floor seating area allowed until 02:00 hours but between 00:00 hours and 02:00 hours the area shall be limited to 20 smokers.

8. No outside amplified music unless written approval is given in advance by the Local Planning Authority

New Condition: A management strategy for the external areas shall be submitted to and approved by the Local Planning Authority and then implemented.

5.0 RECOMMENDATIONS

That the report be noted

David Caulfield
Head of Planning

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