



SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Director of Regeneration and Development Services

Date: 03/09/2013

Subject: Applications under various acts/regulations

Author of Report: Lucy Bond/Chris Heeley/Kate Mansell 2734218

Summary:

Reasons for Recommendations

(Reports should include a statement of the reasons for the decisions proposed)

Recommendations:

Background Papers:

Category of Report: OPEN

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SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To the Planning and Highways Committee
Date Of Meeting: 03/09/2013

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.

Case Number	13/02220/FUL
Application Type	Full Planning Application
Proposal	Two-storey rear extension including provision of lightwell to basement and replacement rear stairs to first floor to form a single flat at basement/ground floor levels
Location	13 College Street Sheffield S10 2PH
Date Received	18/06/2013
Team	South
Applicant/Agent	Chris Gothard Associates
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 Title / Reference:
- PROPOSED PLANS & ELEVATIONS

(2104 Drawing Number 02 Revision A),

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 The proposed facing materials shall match the facing materials to the existing building.

In the interests of the visual amenities of the locality.
- 4 The proposed roofing materials shall match the roofing materials to the existing building.

In the interests of the visual amenities of the locality.
- 5 Within one calendar month of the installation of the external steps / staircase the fence / wall as shown on the approved drawings shall be constructed, and permanently retained thereafter.

In the interests of the amenities of occupiers of adjoining property.
- 6 The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

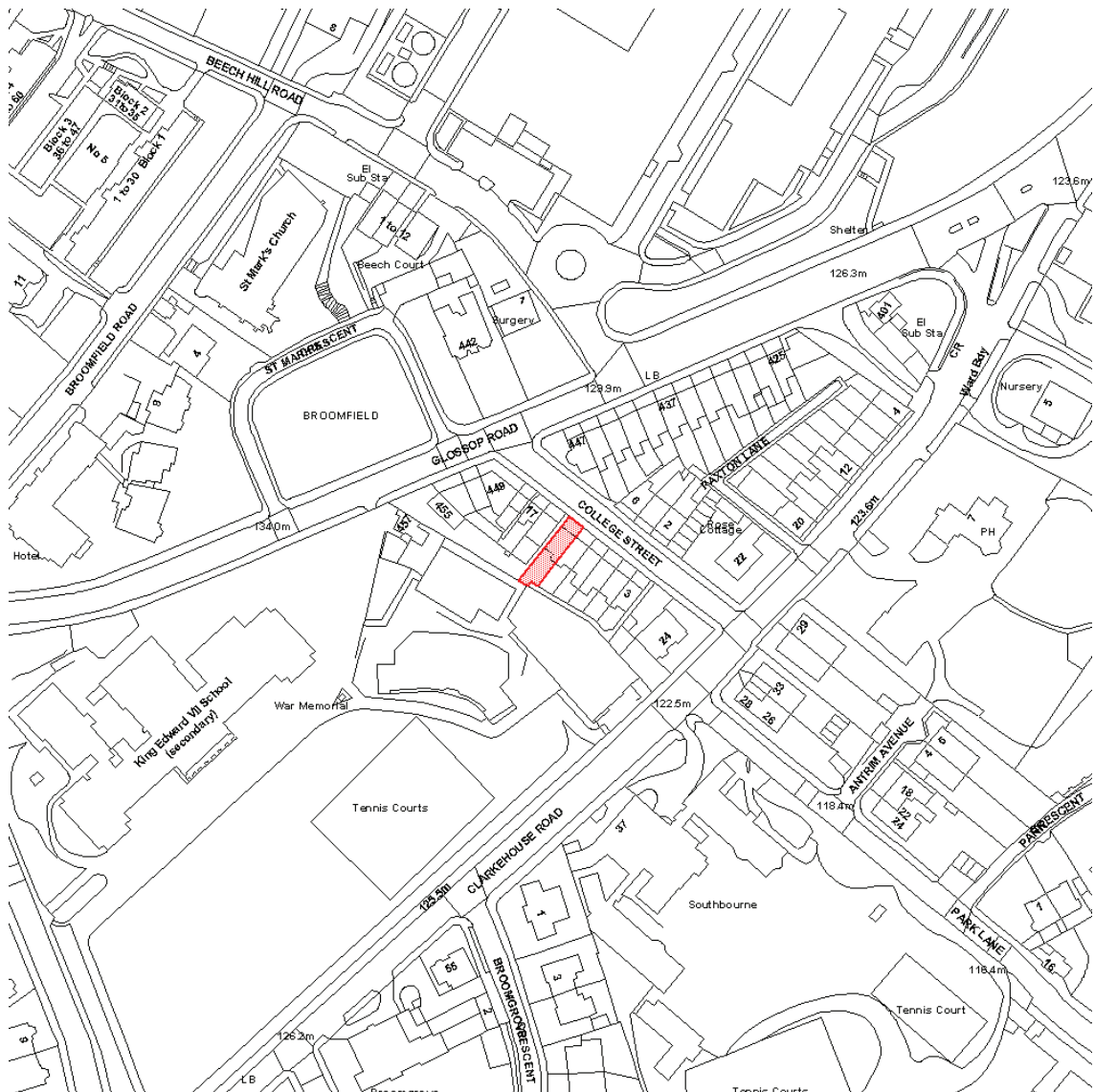
In the interests of the amenities of occupiers of adjoining property.
- 7 The steel grid at the front elevation lightwell shall be painted black prior to the occupation of the basement / ground level flat, and shall be permanently retained as such.

In the interests of the visual amenities of the locality.

Attention is drawn to the following directives:

1. The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

Site Location



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LOCATION AND PROPOSAL

The application property is an end-of-terrace property, which is located to the south of College Street. It falls within Broomhill Conservation Area, and also falls under its Article 4 Direction.

The property is currently divided into 3 flats, and it is intended to make changes to the property to create 2 flats in total by converting the ground floor and basement flats into a single flat, with a first floor flat remaining as the second flat (13A College Street). The applicant's agent has confirmed that the resulting flat would fall within the C3 use class, as opposed to being a C4 house in multiple occupation.

The application proposes the formation of a lightwell at the front elevation, the replacement of external stairs up to the first floor level at the rear elevation and the construction of a two storey rear extension at lower ground and ground floor levels.

RELEVANT PLANNING HISTORY

There is no record of planning history relating to the application site.

SUMMARY OF REPRESENTATIONS

Following neighbour notification, the placement of a site notice and the publication of a press advertisement; 3 objection representations have been received from 2 addresses.

The comments made can be summarised as follows:

- Extension out of keeping with character of houses on that side of College Street
- Overshadowing and over-domination of No.11, involving loss of light. Appears to breach 45 degree line.
- Extension occupies an excessive amount of the garden space
- Property at No.11 has lost a significant amount of daylight and privacy at rear due to Sports Hall, and Swimming Pool Air Handling Unit.
- Illegal works have been carried out at the site, without Ground Landlord permission, including wooden stairway.
- Was originally converted to 2 flats. The 3rd flat was created without ground landlord permission.
- 455a was converted without consent, and originally connected to land at Num.13 for escape purposes.
- Clearly property is to be converted to a larger multi-occupancy dwelling. Area should not be able to become dominated by students, properties should remain as family houses.
- Inadequate neighbour notification.

In regards to amended drawings the adjoining neighbour at No.11 has provided a further representation, and the comments made can be summarised as follows:

- Amendments do not address concerns, will still cause overshadowing and overbearing impacts.

- Plans don't take account of '45 degree rule'. Intend to convert the space used as a utility area in No.11 to a study space.
- The planning committee should be made aware of the cumulative impact caused by other approvals within immediate vicinity.
- Supplementary Planning Guidance does not take account of the size of neighbouring garden. Extension represents an overdevelopment of the plot.

A 4th representation has been received, which raises no objection to the scheme, but points out the presence of a further nearby, residential property which does not feature within the submitted site location plan.

Non-Material Planning Considerations

- Other works have affected the value of the house, and the proposed extension would further decrease attractiveness of the property.
- Unclear how excavation will be carried out. No Party Wall notice received.
- Ground landlord's permission not sought, and it will not be granted.
- Obstruction of communal drain and land at end of garden.
- It is intended to contact Ombudsman regarding reduction in house value. Approval of current application will worsen this.

PLANNING ASSESSMENT

The application property is located within a Housing Area under the provisions of the Adopted Unitary Development Plan. As a result the proposal is required to be assessed against the provisions of UDP policy H14.

- H14 'Conditions on Development in Housing Areas; states amongst other things that extensions are required to be (a) well designed and in scale and character with neighbouring buildings, (c) not result in over-development of the site or deprive residents of light, privacy or security and (d) provide safe access to the highway network and appropriate off-street parking .

Additionally, the site is located in Broomhill Conservation Area and consequently the proposal is required to be assessed against the provisions of the following policies:

- BE5 'Building Design and Siting', states in part (c) that all extensions should respect the scale, form, detail and materials of the original building
- BE16 'Development in Conservation Areas', states that only development which would preserve or enhance the character or appearance of the Conservation Area will be permitted.
- BE17 covers 'Design and Materials in Areas of Special Architectural or Historic Interest' requires a high standard of design using traditional materials.

In addition the provisions of the 'Designing House Extensions - Supplementary Planning Guidance' includes a number of relevant guidelines. These can be summarised as follows:

- Guideline 1; Extensions should be compatible with the character and built form of the area

- Guideline 2; Extensions to dwellings shall not detract from that dwelling or the general appearance of the street or locality
- Guideline 5; Unreasonable overshadowing and overdominance of neighbouring dwellings should be avoided, as should serious reductions in the lighting and outlook of the dwelling to be extended
- Guideline 6; Extensions should protect and maintain minimum levels of privacy

Impact Upon Character of Conservation Area

The proposal incorporates the formation of a lightwell at the property's front elevation. The frontage of the property contains a small garden with a low brick wall to the back edge of footway and as such the garden and proposed light well will be clearly visible to passing pedestrians. In its initial form the light well included railings, approximately 1.0metre in height, around its perimeter. This element of the proposal was considered to be unacceptable, having a detrimental impact on the character of the Conservation Area.

As a result of these concerns, amendments to the light well have been secured. The amended details retain the light well feature, but incorporate a metal grill and brick upstand of 0.4metres in height. The amended light well detail is considered to be acceptable, and to appropriately respect the appearance of the property's frontage and character of the wider street scene.

Some concerns have been expressed in representations about the impact of the two storey rear extension upon the character of the Conservation Area. The location at the rear of the property means that from public vantage points the extension is not visible. As a result it does not impact upon the public amenity of the Conservation Area.

On this basis the proposal is considered to satisfy the relevant requirements of UDP policies H14, BE5, BE16 and BE17.

Impact Upon Neighbouring Occupiers' Amenity

The proposed staircase would replace an existing and somewhat dilapidated staircase structure which leads up towards the first floor flat entrance door at the rear. The proposed steps would follow a similar route to the existing steps, but rise at a steeper angle to meet the house at its 1st floor level rather than at the slightly lower level. At each side of the steps there is proposed to be a wall and a fence to prevent sideward overlooking onto neighbouring gardens. The fence facing towards No.15 would replace an existing brick wall. The proposed fence would be approximately 1metre higher than the wall, and would avoid having an overbearing impact upon No.15 which is already affected in this way by its own boundary wall. The wall facing towards No.11 would run along the portion of the steps beyond the extension. This would prevent sideward views onto the garden of this neighbouring occupier. It is considered to be set sufficiently far away from the boundary and at a reasonably low level to prevent it from having a detrimental impact.

The two storey rear extension would project by 3.0metres beyond the existing off-shot at lower ground level, and by approximately 2.0metres beyond the off-shot at ground floor level. The dwelling at No.15 is elevated above the level of the application site and is also separated by the access walkway. As a result the proposal is not considered to have an impact on this neighbouring occupier.

The adjoining terrace at No.11 is set on an equivalent level to the application site. Currently the lower ground floor level of the neighbouring dwelling includes a utility room window in closest proximity to the application site and a set of folding doors which serve a lounge area further away from the application site.

The occupant of No.11 has confirmed as part of a representation relating to the application, that they intend to convert the space used as a utility area to a study space. Despite the stated intention to undertake these internal alterations within the neighbouring property, it is considered that it would be unreasonable to base an assessment of the proposed extension upon these details, and instead it is considered appropriate to assess the impact on existing layouts at No.11.

The proposed extension in its revised form would fall within a line drawn at 45 degrees from the folding/patio doors to the lounge, but would breach this line when taken from the utility room window. Consideration of overbearing impact in such matters is concerned with the impact upon main windows, serving such rooms as living/dining rooms, bedrooms or other rooms where occupants can be expected to spend a large amount of time. Therefore, the proposal would satisfy Guideline 5 of the Supplementary Planning Guidance - 'Designing House Extensions' used to measure whether extensions would lead to overshadowing or overdominance of neighbouring occupiers.

Further to this it is worth noting that the application site is located north-west of No. 11 and would not be likely to lead to loss of direct sunlight to this property.

Therefore, the proposal is considered to have an acceptable impact in this regard, and it is considered that it would be unreasonable to resist the application for reasons relating to these issues.

The ground floor level element of the extension is proposed to include a Juliette Balcony in its rear facing elevation. This would incorporate glass up to a conventional sill level with double doors behind. The balustrade would ensure that views from the balcony would not be any more detrimental than a conventionally designed window. As a result, the Juliette balcony element of the proposal is considered to be acceptable. On this basis the proposed extension would be considered to meet Guideline 6 of the SPG which requires minimum levels of privacy to be protected.

The attached neighbouring occupier at No.11 has raised concerns about the proposal in combination with previously granted Sports Hall and Air Handling Unit at the adjoining site/s, and their cumulative harmful impact combined with the current proposal. Each planning application is required to be assessed upon its own merits although the cumulative impact of other developments or developments with planning permission but not yet built, may also be considered. The sports hall and air handling unit have been constructed, albeit the latter not in accordance with the approved plans - which is being investigated. The proposed extensions are somewhat separated from the other elements referred to and in addition there is an

element of openness to the south east of No. 11. As such it is considered that the cumulative impact of these works would not be detrimental to the amenities of neighbouring occupiers.

Overall, the proposal is considered to meet the requirements of UDP policy H14 and the relevant guidelines in the SPG.

Amenities of Potential Occupiers

The proposed lower flat would incorporate two bedrooms, a kitchen, a lounge area and bathroom and shower spaces. Partly due to the proposed front light well, the rooms would be considered to be provided with adequate ventilation and natural lighting.

The light well would be considered to provide suitable lighting and outlook, without taking up an excessive amount of the front garden space.

The extension would leave approximately 7.0metres depth of garden, and provide approximately 35sq metres in area terms. This would be considered to be adequate to serve the two flats, and would not be considered to represent an overdevelopment of the plot.

Based upon these conclusions it is considered that the scheme would satisfy the requirements of UDP policy H5, which requires flats to be provided with suitable living conditions.

Highways Issues

As the proposal involves a reduction from 3 flats at the site to 2 flats, it is considered that the proposal would not be likely to lead to additional on-street parking within the vicinity of the application site.

Therefore, the proposal would satisfy part (d) Of UDP policy H14 which requires schemes to have an acceptable impact upon highway safety.

RESPONSE TO REPRESENTATIONS

A substantial number of the issues raised within neighbours' representations have been covered in the above assessment.

In relation to the outstanding material planning considerations, the following comments can be made:

- The property at No. 455A Glossop Road benefits from consent, and it does not require an escape route through the application site.
- The neighbour notification undertaken is fully in compliance with the Statement of Community Involvement, with 9 individual letters distributed to neighbouring occupants, supplemented by a site notice and press advert.
- The proposed flat has been confirmed to be a C3 use, rather than a C4 House in Multiple Occupation. As such it would not be possible for the property to become multi-occupation accommodation.

SUMMARY AND RECOMMENDATION

The application relates to a terrace property within Broomhill Conservation Area. It seeks consent to form a front elevation light well, a two storey rear extension and a rear access staircase, to enable the conversion of the two existing flats at ground and lower ground to a single flat, whilst retaining the first floor flat at No. 13A College Street.

The proposal would have an acceptable impact upon the character of the Conservation Area, avoid having a detrimental impact upon the amenities of neighbouring occupiers, provide an appropriate amenity for occupants of the flat and have no significant impact upon local highway safety circumstances.

On this basis the proposal is considered to meet the requirements of the relevant UDP and Core Strategy policies, along with the relevant parts of the Supplementary Planning Guidance.

Therefore, the scheme is considered to be acceptable and conditional approval is recommended.

Case Number	13/02050/FUL (Formerly PP-02523452)
Application Type	Full Planning Application
Proposal	Demolition of existing single storey garages and erection of a 2/2.5 storey split level residential/supported housing development comprising 20 one bed supported flats with ancillary accommodation and associated car parking (amended as per plans received on 20/08/13)
Location	Garage Site At Rear Of 33 To 35 Daisy Walk, Adjoining 49 - 65 Lilac Road And Sevenairs Road Beighton Sheffield S20 1FT
Date Received	18/06/2013
Team	City Centre and East
Applicant/Agent	Self 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 refs:

4002-01 Rev H
4002-04 Rev D
4002-05 Rev D
4002-06 Rev D
4002-07 Rev C
4002-08 Rev C
4002-09 Rev D received on 20/8/2013,

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 No development shall take place unless and until a planning agreement, under Section 106 of the Town & Country Planning Act, in the form or substantially in the form of the draft attached to this consent has been completed.

In order to meet the requirements of Policy H16 of the Unitary Development Plan.

- 4 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.

- 5 A sample panel of the proposed masonry shall be erected on the site and shall illustrate the colour, texture, bedding and bonding of masonry and mortar finish to be used. The sample panel shall be approved in writing by the Local Planning Authority prior to the commencement of the building works and shall be retained for verification purposes until the completion of such works.

In order to ensure an appropriate quality of development.

- 6 Large scale details, including materials and finishes, at a minimum of 1:50 of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:

Window reveals
Eaves and verges
Balconies
Entrance canopies
Rainwater goods

Thereafter, the works shall be carried out in accordance with the approved details.

In order to ensure an appropriate quality of development.

- 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 No development shall take place until the landscape improvements to the open space to the south of the application site listed below have either;

- a) been carried out; or
- b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the building is brought into use.

Improvements:

Additional tree planting and provision of (2 no.) bench seating.

In the interests of the visual amenities of the locality.

- 9 Prior to the landscape improvement works indicated in the preceding condition being carried out, full details of these improvement works shall have been submitted to and approved in writing by the Local Planning Authority.

In the interests of the visual amenities of the locality.

- 10 The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced unless otherwise approved by the Local Planning Authority.

In the interests of the visual amenities of the locality.

- 11 The development hereby approved shall be constructed to achieve a minimum rating of BREEAM 'very good' and before the development is occupied (or within an alternative timescale to be agreed) the relevant certification, demonstrating that BREEAM 'very good' has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.

In the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS64.

- 12 No development shall take place unless confirmation that a minimum of 10% of the predicted energy needs of the completed development will be obtained from photovoltaic/solar panels, as suggested in the Sustainability Statement and Design and Access Statement, or a report identifying an alternative method of achieving this percentage from other decentralised and renewable or low carbon energy, shall be submitted to and approved in writing by the Local Planning Authority. The agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources or additional energy efficiency measures shall have been installed before any part of the development is occupied and a post-installation report

shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS65.

- 13 Surface water and foul drainage shall drain to separate systems.

To ensure satisfactory drainage arrangements.

- 14 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.

To ensure satisfactory drainage arrangements.

- 15 Unless otherwise approved in writing by the local planning authority, no construction of buildings or other structures shall take place until measures to divert or otherwise formally close the sewers that are laid within the site have been implemented in accordance with details that have been submitted to and approved by the Local Planning Authority.

To ensure satisfactory drainage arrangements.

- 16 No piped discharge of surface water from the application site shall take place until surface water drainage works including off-site works have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

To ensure satisfactory drainage arrangements.

- 17 The surface water discharge from the site shall be reduced by at least 30% compared to the existing peak flow and detailed proposals for surface water disposal, including calculations to demonstrate the reduction, must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, or an alternative timeframe to be approved in writing by the Local Planning Authority. In the event that the existing discharge arrangements are not known, or if the site currently discharges to a different outlet, then a discharge rate of 5 litres/hectare should be demonstrated. The development shall thereafter be carried out in accordance with the approved details.

In order to mitigate against the risk of flooding.

- 18 Remedial or construction works shall not commence until results from any additional intrusive investigations, as are required by the Local Planning Authority, have been submitted to and approved in writing by the Local Planning Authority. The report(s) shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

In order to ensure that any contamination of the land is properly dealt with.

- 19 Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

In order to ensure that any contamination of the land is properly dealt with.

- 20 All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy, or unexpected contamination is encountered at any stage of the development process, works should cease and the Local Planning Authority and Environmental Protection Service (tel: 0114 273 4651) should be contacted immediately. Revisions to the Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

In order to ensure that any contamination of the land is properly dealt with.

- 21 Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development or any part thereof shall not be brought in to use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

In order to ensure that any contamination of the land is properly dealt with.

- 22 No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof have first been submitted to and approved in writing by the Local Planning Authority, and once installed such plant or equipment should not be altered without prior written approval of the Local Planning Authority.

In the interests of the amenities of the locality and occupiers of adjoining property.

- 23 The building shall not be used unless the car parking accommodation for 12 cars as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

- 24 No development shall commence until the improvements (which expression shall include traffic control, pedestrian and cycle safety measures) to the highways listed below have either;

- a) been carried out; or
- b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the development is brought into use.

Highway Improvements:

- A footpath to adoptable standards should be provided to connect the existing footpath on Sevenairs Road to Daisy Walk / Violet Avenue

To enable the above-mentioned highways to accommodate the increase in traffic, which, in the opinion of the Local Planning Authority, will be generated by the development.

- 25 Prior to the improvement works indicated in the preceding condition being carried out, full details of these improvement works shall have been submitted to and approved in writing by the Local Planning Authority.

In the interests of highway safety and the amenities of the locality.

- 26 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.

- 27 Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of proposals for the inclusion of public art within the development shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall then be implemented prior to the occupation of the development unless otherwise authorised in writing by the Local Planning Authority.

In order to satisfy the requirements of Policy BE12 of the Unitary Development Plan and to ensure that the quality of the built environment is enhanced.

Attention is drawn to the following directives:

1. 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.

2. 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

3. You are required as part of this development, to carry out works within the public highway: As part of the requirements of the New Roads and Street Works Act 1991 (Section 54), 3rd edition of the Code of Practice 2007, you must give at least three months written notice to the Council, informing us of the date and extent of works you propose to undertake.

The notice should be sent to:-

Sheffield City Council
2-10 Carbrook Hall Road
Sheffield
S9 2DB

For the attention of Mr P Vickers

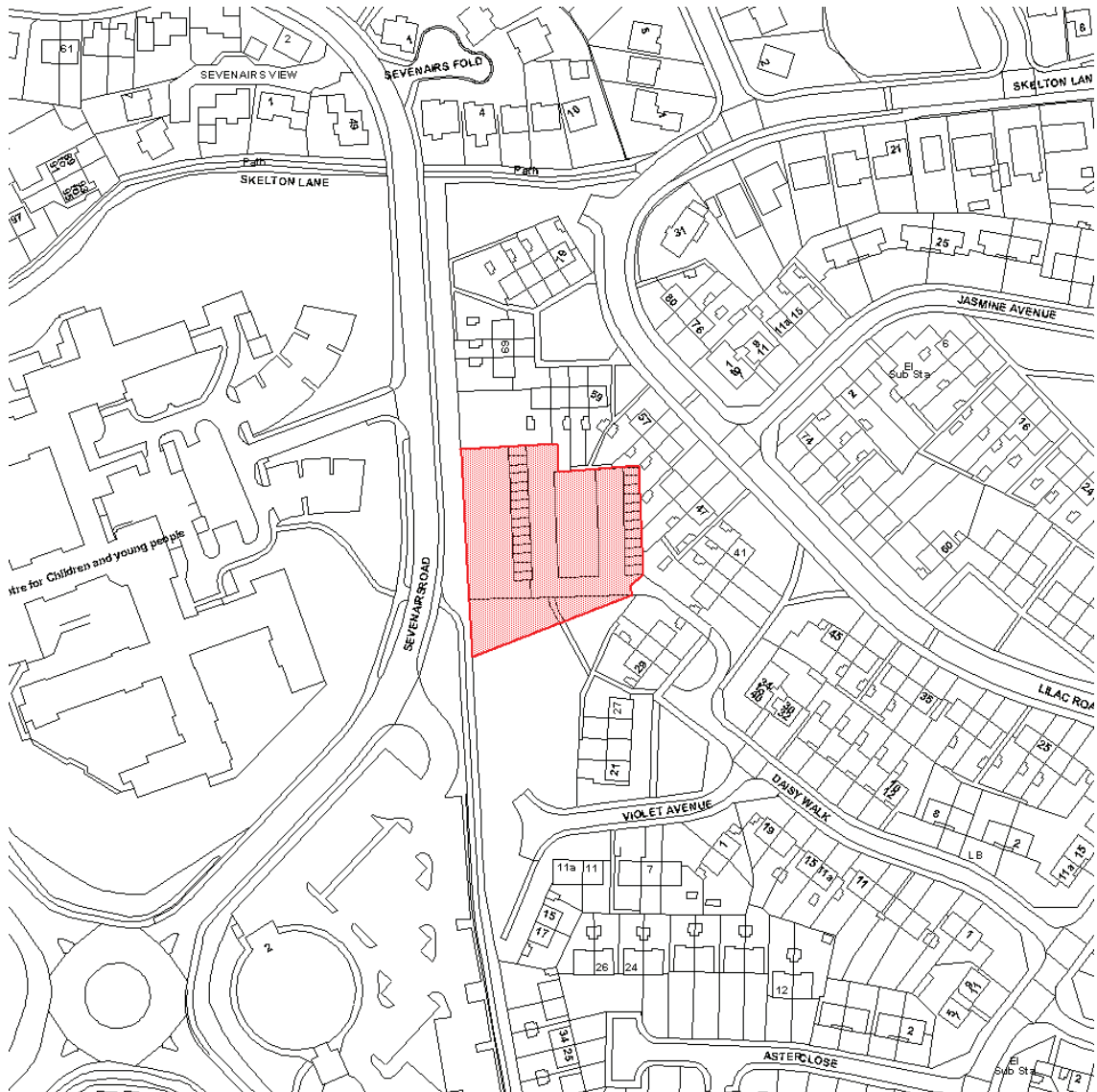
Please note failure to give the appropriate notice may lead to a fixed penalty notice being issued and any works on the highway being suspended.

4. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0800 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from the Environmental Protection Service, 2-10 Carbrook Hall Road, Sheffield, S9 2DB: Tel - 0114 2734651.
5. 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 or apply online at www.planningportal.gov.uk. The charge for this type of application is £97 or £28 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.

6. The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

Site Location



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LOCATION AND PROPOSAL

Located on the eastern side of Sevenairs Road, in a designated Housing Area as defined in the Unitary Development Plan (UDP), the application site comprises largely of a disused garage site, though the southern part of the site extends into the adjoining area of informal greenspace.

The site is surrounded by housing to the north, east and south east - typically small, two storey brick built terraced and semi-detached dwellinghouses adjacent and to the east of the site with larger detached and semi-detached dwellinghouses at the northern end of Sevenairs Road.

To the immediate south west of the adjoining greenspace, Damon's restaurant and car park lies at the junction of Sevenairs Road with Eckington Way, while the Crystal Peaks Shopping Centre is situated on the south side of Eckington Way. Land on the western side of Sevenairs Road is occupied by the Becton Centre, a centre for children and young adults with mental health issues and learning difficulties which forms part of Sheffield Children's NHS Foundation Trust.

The land falls gently to the east. Consequently the site, which has been cleared of most of the garages save for those along the eastern site boundary, is slightly lower than Sevenairs Road.

Planning permission is sought for the demolition of the remaining garages and the erection of a 2 to 2.5 storey supported housing development comprising of 20 one bedroom flats with ancillary accommodation and a car park for 15 vehicles. The development will provide independent living accommodation for people with mental health issues and includes some communal areas for residents such as a lounge and activity area as well as offices and facilities for support staff. Residents will receive support aimed at helping them to establish themselves in their own homes. There are currently no supported housing units for people with mental health issues in the south east of the city. The development is not a secure unit, hospital or crisis house. It will be owned and run by Guinness Northern Counties Housing Association.

RELEVANT PLANNING HISTORY

No relevant planning history.

SUMMARY OF REPRESENTATIONS

38 representations were received in relation to the proposed development, all of whom raised objections to the proposals.

Correspondence was also received from Councillor Helen Mirfin-Boukouris on behalf of one of her constituents who also objects to the proposed development.

Very many people raised objections relating to the type of development and the nature of future occupants, i.e supported housing for people with mental health issues. This matter is discussed further in 'Response to Representations'.

Other concerns raised by objectors include:

- The development will result in overlooking and loss of privacy to the rear of properties on Daisy Walk.
- The development will block light to the rear of properties on Daisy Walk.
- The path between numbers 27 and 29 Daisy Walk is not a public right of way but access for residents to their rear gardens. It cannot be used for access to the development.
- The proposed building will be an eyesore, overlook gardens and cut off a footpath and public area.
- The boundary wall to the rear of the remaining garages will fall down if the garages are removed.
- The proposed building is too big for this small site. It is too tall and the upstairs windows will look directly into neighbouring properties.
- The development is not in-keeping with the existing settlement pattern. It represents a large institutional block which would be an incongruous feature in the existing environment in which the road provides a clear distinction between the housing area and the institution area to the west.
- The building is orientated to the north and does not respond effectively to the road network.
- The density, scale and massing of the development is too great for the site and uncharacteristic of the area.
- There is too little parking. There should be 1.5 spaces per dwelling. With 20 flats there should be 30 spaces. The overflow will spill onto the highway which is severely congested already.
- The area is becoming overdeveloped.
- The building overlooks the rear of properties on Lilac Road.
- The development will result in a loss of some of the public open space.
- The car park will result in noise nuisance, light pollution and air quality issues in the adjoining gardens.
- The development will result in a loss of light to neighbouring properties on Lilac Road.
- We already have a problem with commuters and workers from Crystal Peaks parking their cars here for the day.
- Parking is extremely bad on both sides of Sevenairs Road during the day and particularly at weekends. Existing development at Crystal Peaks, Drakehouse Retail Park and the Becton Centre generate a lot of traffic and demand for parking.
- There has already been one serious traffic accident on Sevenairs Road. Parking on both sides renders the road single file for over 100 metres on a bend.
- This land should be made into a car park to relieve existing parking problems.
- The proposed development will be overbearing when viewed from neighbouring properties.

In addition a petition with 379 signatures was received. The petition requests that a full impact study be undertaken to show how the development will affect the local

community in relation to safety, parking and privacy, as well as a full risk assessment in relation to future occupants.

PLANNING ASSESSMENT

Land Use

The site lies within a designated Housing Area as defined in the UDP. Policy H10 of the UDP (Development in Housing Areas) describes housing as the preferred use of land in such areas. The proposed supported housing development falls within the definition of housing and so the proposed use is therefore acceptable in principle.

In order to provide on-site car parking, the application site extends south into the adjoining informal greenspace. An open space assessment for the site shows that open space provision in the local area is currently 4.46 hectares (ha) per 1000 people. With the proposed loss, this would decrease to 4.43 ha per 1000 people, only just above the level of an overall quantitative shortage (4ha/1000), and significantly short of the recommended provision of 7.02ha per 1000 people. In addition, the adjoining greenspace, which was assessed in the 2009 Open Space Audit as being of good quality, comprises of informal open space of which there is a specific shortage (currently 2.46ha per 1000 against a recommended provision of 2.7ha per 1000). Therefore the loss of this small area of open space is technically contrary to Policy CS47 of the Core Strategy (Safeguarding of Open Space) as it would result in an increase in the quantitative shortage of informal open space.

However, the area of open space to be lost is relatively small (0.06ha), the development's impact on the character of the remaining open space will be minimal and minor improvements to the open space will be secured through condition (including additional tree planting and the provision of bench seating). Furthermore, it could be argued that the demonstrable need for this type of scheme in this part of the city outweighs the loss of a small part of the open space and that the need for on-site parking is critical in order to reduce the impact of the development on the surrounding highway network. It is therefore considered that the loss of a 0.06ha of informal open space does not warrant refusal of the proposed development in this instance.

Design and Amenity Issues

Policy H14 of the UDP (Conditions on Development in Housing Areas) expects new buildings to be well designed and in keeping with the scale and character of other buildings in the area. Sites should not be overdeveloped or deprive existing residents of light, privacy or security.

Policy H15 (Design of New Housing Developments) requires new buildings to be easily accessible, to provide adequate private gardens or communal open space and good quality boundary treatments.

Policy BE5 (Building Design and Siting) states that all new buildings should complement the scale form and architectural style of surrounding buildings, use

good quality materials and be designed to encourage the conservation of energy and natural resources.

The proposed development is essentially a two storey building with some accommodation in the roof at its western end and, because of the gently sloping nature of the site, a step down towards the eastern end of the site which allows the formation of a partly exposed basement level, hence the reference to two and a half storeys in the description. While the mass of the building, essentially an apartment block compared to its semi-detached and terraced neighbours, is greater than dwellings to the north, east and south east, it is not significantly higher and so is considered to reflect the general scale of development in the locality. Further reference is made to the local context through the extensive use of red brick, pitched roofs and simple, domestic detailing - interspersed with a small number of contemporary features including the Eternit or standing seam clad projecting bays and glazed balustrades and balconies. What's more, given its position on the very edge of the designated Housing Area, adjacent to a busy road, it arguably forms a suitable transition between the domestic scale of buildings in the housing area and the larger forms of the Institution; Health Area to the west and the district shopping area dominated by Crystal Peaks on the south side of Eckington Way.

The proposed building forms a 'C' shape, creating a south facing landscaped courtyard that benefits from a solar gain and helps surveillance of the public greenspace to the south. Though it was impractical to locate the main entrance on the west facing elevation of the building due to changes in level and the location of the car park, positioning communal and office areas along the western edge provides a degree of activity and interaction with Sevenairs Road. The main entrance is located on the north facing elevation of the building, adjacent the car park and drop off area, creating a minimum window to window distance of approximately 33 metres between it and the nearest parallel properties to the north, well in excess of minimum 21 metre privacy distance. A new 1.8 metre high timber fence and hedge planting will help to reduce the impression of overlooking.

Taking on board the concerns of neighbours, the building has been amended at the northern end of its eastern edge to increase its distance from the common boundary to 5.4 metres (from 3.3m previously) and to incorporate a hipped rather than a gable roof in the north east corner. Thus, the impact of the development on those properties to the north east that may have experienced some loss of sun light during the late afternoon and early evening has been reduced. Moreover, the approximately 2.8 metre high rear wall of the existing garages which runs along most of the eastern site boundary is to be retained (or re-built if it is not possible to retain) and softened in appearance with hedge planting. Therefore, views of the development from properties to the east will be partially obscured - neighbours will see the proposed development above the boundary wall, particularly from their first floor windows, but having been set back at its nearest point a further 2 metres, achieving a minimum separation of 16 metres at the northern end of the eastern site boundary and 14 metres at the southern end, it is considered that views of the development will not be overbearing. Properties at the southern end of the eastern boundary will not experience any loss of light as the building does not interrupt the sun path. Moreover, as windows on the eastern elevation of the building sit

obliquely to the neighbouring properties to the east and have been obscured in places, it is considered that the occupants of neighbouring dwellings should not suffer from a significant loss of privacy.

Occupiers of the proposed development will benefit from use of the communal central courtyard as well as the quieter garden areas along the north, east and southern boundaries of the site.

The proposals are therefore considered to comply with policies H14, H15 and BE5 of the UDP.

Highway Issues

Policy H14 (Conditions on Development in Housing Areas) expects new developments to provide safe access to the highway network and appropriate levels of off-street parking.

Sevenairs Road is heavily parked on both sides, particularly at its southern end close to Eckington Way. Consequently it was essential that the proposed development did not contribute to existing parking problems.

The development includes a car park for 15 cars (including 2 spaces for people with disabilities) plus facilities for cycle and motorcycle parking. Given the nature of the development it is likely that only a small proportion of future residents will have their own cars. Though the site is very well served by public transport facilities, including nearby bus and tram lines, provision is also required for staff and visitor parking.

No category exists within the UDP Parking Guidelines for supported housing, however similar developments would be expected to provide 1 parking space per 5-10 residents and 1 space per 3 non-resident staff. In consultation with the Council's Highways Department it is considered that the proposed 15 space car park is more than sufficient to provide for the needs of the development and to prevent overspill onto the adjoining highway. Access will be gained from the northern half of the site where visibility is good.

In addition, it is worth noting that some of the cars that currently park along Sevenairs Road are overspill from the neighbouring Becton Centre. An application is currently under consideration for a 40 space extension to the Becton Centre car park (13/02162/FUL) which should alleviate some of the on-street parking problems.

Sustainability

Policy CS 64 of the Core Strategy (Climate Change, Resources and Sustainable Design of Developments) requires all new buildings to be energy efficient and to use resources sustainably and advises that all new developments of 5 dwellings or more should achieve Code for Sustainable Homes Level 3, or a BREEAM rating of 'very good'.

The applicant has submitted a report prepared by the Energy Council which suggests that a BREEAM 'very good' rating is achievable.

Policy CS 65 (Renewable Energy and Carbon Reduction) requires new developments to provide 10% of their energy needs from decentralised and renewable or low carbon energy. The developer proposes to generate energy on site through the installation of photovoltaic panels.

The provision of these proposals is reserved by condition.

Landscape

As previously described, the development will occupy a small area of the adjoining informal greenspace. As such it was considered appropriate for the applicant to contribute towards improvements to the remaining greenspace, which will include the provision of a new footpath to adoptable standards linking the existing footpath along Sevenairs Road to Violet Avenue and Daisy Walk, additional tree planting and the provision of bench seating. There will be no other footpaths created in association with the proposed development (the original proposals having been amended).

Planting within the site boundary, particularly along the boundaries will help to soften the appearance of the development and help it to blend into the adjoining greenspace. The detailed planting proposals are reserved by condition.

Open Space Enhancement Contribution

Policy H16 of the UDP (Open Space in New Housing Developments) requires that the developer make a financial contribution towards the provision or enhancement of public open space within the vicinity of the application site. The applicant has agreed to enter into a unilateral planning obligation to pay the Council the sum of £11,536.00. However, as purchase of the currently Council owned land is subject to the granting of planning permission, submission of the signed legal agreement has been reserved by condition.

RESPONSE TO REPRESENTATIONS

For fear and concern of crime to be a material consideration, there must be reasonable evidential basis for that fear. Unjustified fear motivated by prejudice is not a material consideration when assessing a planning application.

Planning permission is being sought for a supported housing development comprising of 20 one bedroom flats with ancillary accommodation and a car park for 15 vehicles. The development will provide independent living accommodation for people with mental health issues and includes some communal areas for residents such as a lounge and activity area as well as offices and facilities for support staff. The development is not a secure unit, but once up and running there will always be a member of staff on site.

Residents will receive support aimed at helping them to establish themselves in their own homes. For example they will be helped to manage a budget, apply for benefits and access training or employment. The range of mental health issues will vary but may include obsessive compulsive disorder (OCD), post-traumatic stress disorder, anxiety or depression. All residents will be in recovery and receiving health and social care support from their GP and/or a Community Mental Health Team. While they will have risk assessment and risk management plans in accordance with usual procedures, the applicant has confirmed that none of the people who will live in the new apartments will pose a threat to public safety.

There is no evidence to suggest that the character or perception of the area will change and it is considered that there will be no unacceptable effects on the living conditions of residents in the area in terms of anti-social behaviour, crime or the fear of crime.

SUMMARY AND RECOMMENDATION

The proposed supported housing development is an acceptable use in the designated housing area and its design is considered to achieve an appropriate balance between the domestic properties to the north, east and south east and the larger institutions to the south and west.

Following amendments to the proposals, it is felt that the occupiers of neighbouring properties should not suffer any significant loss of amenity and the level of parking provision is sufficient to provide for the development and prevent any overspill onto the adjoining road network.

Improvements to the adjacent informal greenspace are sought in lieu of a minor loss of the open space and a contribution towards the further provision of open space in the locality will be secured through a legal agreement.

The proposals are considered to comply with policies H10, H14, H15, H16 BE5, CS64 and CS65 of the UDP and Core Strategy and it is therefore recommended that Members grant planning permission subject to the proposed conditions.

Case Number 13/01810/CHU
Application Type Planning Application for Change of Use
Proposal Use of public house as a dwellinghouse
Location Crossfield Tavern
201 Mortomley Lane
Sheffield
S35 3HT
Date Received 13/05/2013
Team West and North
Applicant/Agent Mrs Anne-Marie Watkinson
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:

Received 13/05/13,

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.
- 3 Unless otherwise indicated on the approved plans no tree, shrub or hedge shall be removed or pruned without the prior written approval of the Local Planning Authority.

In the interests of the visual amenities of the locality.
- 4 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 building shall be constructed

without prior planning permission being obtained from the Local Planning Authority.

In the interests of the amenities of the locality and occupiers of adjoining property.

- 5 The existing front stone boundary wall fronting Mortomley Lane shall be retained and shall not be removed or altered without the prior notification to the Local Planning Authority. The existing boundary treatments to the rear and to the sides of the site curtilage shall be retained and shall not be removed or altered without the prior notification to the Local Planning Authority.

In the interests of the visual amenities of the locality.

Attention is drawn to the following directives:

1. The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

Site Location



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LOCATION AND PROPOSAL

The site is located within the High Green district of Sheffield. The application property relates to a vacant Public House.

Planning permission is being sought for the change of use of the vacant public house to a dwellinghouse. The plans show a large garden/hard standing area to the rear and sides. No changes to the external elevations of the building are proposed. Internally, the ground floor will change to accommodate a kitchen and lounge area whilst the first floor will remain the same incorporating the same floor layout for the bedrooms as the existing premises.

SUMMARY OF REPRESENTATIONS

18 letters of objection (Note: 3 are from one author and 2 from another) have been received and a petition containing 102 signatures has also been received. The objections are summarised below-

- loss of a community facility;
- potential redevelopment of site for a larger scheme (flats);
- inaccurate information submitted regarding loss of vegetation;
- no site notices displayed;
- applicant has not informed the neighbouring properties;
- excessive parking area for a domestic use;
- increase on potential highway problems;
- increase on noise pollution (during construction);
- other civil matters regarding rights of land;
- other non-planning issues.

A letter supporting the objection letters from neighbouring properties has been received from the local MP Angela Smith.

Bradfield Parish Council has raised no objections and has suggested that the building retain its original name for historic purposes.

PLANNING ASSESSMENT

The site is within a Housing Area as defined within the UDP. Policy H10 of the UDP states that housing is a preferred use in such areas subject to compliance with Policy H14 of the UDP. Policy H14 relates to conditions on development within housing areas and states amongst other things that change of use schemes should not harm the character of the neighbourhood, provide safe access to the highway network and entail appropriate parking, not lead to a concentration of non-housing uses, nor have an impact of the living conditions of neighbouring dwellings in terms of noise, smell, excessive traffic levels, or other nuisance and be in scale with the residential character of the area. Accordingly, in principle, the change of use of the pub to a dwellinghouse, which is the preferred use in accordance with Policy H10 and is consistent with the predominant character of the surrounding area, is acceptable.

With regard to the objections raised regarding the loss of a community facility, Members are advised to note that the UDP defines a community facility as including community centres, drop-in centres, meeting places, youth clubs, crèches and nurseries, religious meeting places, non-residential schools and colleges, training centres, medical and health centres, toilets, libraries, information and advice centres, lecture theatres, museums and art galleries. Whilst accepting that public houses can have a social function within the community, UDP policy does not specifically refer to them such that the policies in the UDP that relate to the retention of community facilities cannot be readily applied. Accordingly, it is considered that a refusal on this basis could not be justified as the change of use is acceptable in accordance with Policy H10 of the UDP and it is also noted that there are other public houses in close proximity to the site.

Design/amenity space/parking

With regard to design considerations, no change to the existing building are proposed; the plans show the existing structure to be retained with no alterations to the external elevations of the building or to the curtilage of the site. As such there is no disparity with Policy H14.

Although the private amenity space is shown to be hard surfaced and thus retaining the existing situation, it is advised that it will be difficult to enforce a requirement that the area be grassed and a refusal on this basis cannot be justified. Nevertheless the boundary to the rear entails natural vegetation, which separates the neighbouring buildings to the site in question; a condition will be imposed to retain the existing boundary treatments and the mature trees within the site to ensure that there is some natural vegetation within the curtilage of the site to give some amenity value to the site. Similarly the front boundary wall is stone built and adds to the character of the existing building and gives a pleasant feature to the street scene, accordingly, a condition will be imposed to retain this boundary wall.

Ample parking is also shown and the existing drive will be retained such that Highways Officers have raised no objections

Impact on the locality and neighbouring property

It is considered that the effect on neighbouring properties, in terms of overlooking, overshadowing or overbearing will not be detrimental as there is no change to the existing building. Windows that look directly onto the rear properties on Mortomley Croft are located approximately 27 metres away; the properties located opposite the site on Mortomley Lane are approximately 21 metres away; both are considered to be at a sufficient distance from the site in question. Neighbouring properties located either side of the existing public house, in particular No.205 Mortomley Lane, is approximately 21 metres from the site and is separated by the existing public house driveway. Although the existing public house is slightly elevated, the distance and the site situation suggest that this neighbouring property will also not be significantly affected by the proposed change of use. Similarly, as there is no change to the external elevation of the public house, the neighbouring

property at No.199 Mortomley Lane will also not be affected by the proposed change of use.

RESPONSE TO REPRESENTATIONS

Neighbours have raised the concern of a potential redevelopment of the site to accommodate residential flats. Members are advised that there has been no discussion to this effect with the applicant and in any event, it is the case that Members must consider only this application for the change of use of the public house to a residential property. Should a scheme come forward in the future for any redevelopment of the site, this would clearly be subject to a requirement for planning permission and a separate public consultation and it would have to be considered on its merits at that time.

With regard to the concern about inaccurate information submitted regarding loss of vegetation, as noted in the report above, it is proposed to impose a condition requiring the retention of trees within the site unless otherwise approved.

In response to the concern that no site notices were displayed, in this case, neighbours were notified by means of direct neighbour notification, which is compliant with planning procedure. There is also no requirement for the applicant to inform the neighbouring properties as the direct consultation is undertaken as part of the planning procedure.

Finally, with regard to the potential for noise pollution during construction, only minor internal works are proposed, which are unlikely to be unduly disruptive and will, in any event, be of a temporary nature. Other issues relating to the hardstanding and highway matters are addressed in the report above.

RECOMMENDATION

This application proposes the change of use of the vacant public house to a dwellinghouse. The plans show a large garden/hard standing area to the rear and sides. No changes to the external elevations of the building are proposed.

The building is situated within a Housing Area as defined within the Sheffield UDP where housing is preferred such that the principle of the change of use accords with Policy H10 of the UDP. With regard to neighbour concerns regarding the loss of a community facility, UDP policy does not specifically refer to them such that the policies in the UDP that relate to the retention of community facilities cannot be readily applied. Accordingly, it is considered that a refusal on this basis could not be justified as the change of use is acceptable in accordance with Policy H10 of the UDP and there are other public houses in close proximity to the site.

The plans show no alterations to the building and as such it is considered that there will be no impact on the street scene, particularly as conditions are proposed to retain the existing boundary treatment and planting within the site.

It is also considered that as the proposed development is for a single dwelling, the change of use will have a lesser impact on the neighbouring properties and the

locality than the current public house in terms of noise issues, and general disturbance.

The proposed development is therefore considered to comply with the relevant policies outlined above and is recommended for approval subject to conditions.

Case Number	13/01764/FUL (Formerly PP-02664241)
Application Type	Full Planning Application
Proposal	Change of use from B2 bakery to sauna/massage parlour (sui generis) (Retrospective Application)
Location	Pastry Plus 8 Finchwell Close Sheffield S13 9DF
Date Received	23/05/2013
Team	City Centre and East
Applicant/Agent	Architectural Design Consultant
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:

Block Plan received 24th May 2013
Proposed internal layout ground floor plan ref: June 12 rev A,

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.
- 3 The building shall be used for the above-mentioned purpose only between 1000 hours and 2100 hours on any day, unless otherwise agreed in writing with the Local Planning Authority.

In the interests of the amenities of the locality and occupiers of adjoining property.

Attention is drawn to the following directives:

1. The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

Site Location



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LOCATION AND PROPOSAL

The application site is in a designated Business Area as defined in the adopted Sheffield Unitary Development Plan (UDP) and comprises of a single storey pitched roofed building formerly used for industrial purposes. The property is located at the end of Finchwell Close which is a small Cul de Sac which provides access to an established industrial estate.

This application has been submitted following planning enforcement investigations and retrospective planning permission is sought to use the premises as a massage parlour/sauna (sui generis use).

RELEVANT PLANNING HISTORY

No relevant planning history.

SUMMARY OF REPRESENTATIONS

Consultation letters were sent out to local residents and businesses and a public meeting organised and attended by South Yorkshire Police was held with residents on the 1st August 2013 at Handsworth Methodist Church

70 letters of representation have been received including an objection from Councillor Mary Lea.

The issues raised are summarised as follows:

Noise and disturbance from operation of the business.
Business operates until late in the evening.
Inappropriate use which is out of character in a residential area.
The Handsworth Area is undergoing improvements.
The proposal will put women and children at risk and attract undesirable people to the area.
The use should be located elsewhere such as Attercliffe where there is already a concentration of these uses.
Increase in kerb calling.
Brothel should be investigated for illegal trafficking of girls.
Increase in drugs/crime.
The site is too close to housing, a nursery, local schools and a public park/play area.
Young vulnerable people will pass by the unit.
Impact on property prices.
The building is being used as a brothel.
The proposal will lead to an increase in traffic and air pollution.
Public consultation was inadequate.

PLANNING ASSESSMENT

Policy Issues.

The application is located within an area designated as a 'Business Area' in the Council's adopted Unitary Development Plan (UDP).

Members are reminded that the main consideration in the determination of this planning application is the proposed change of use of the premises from a (B2) industrial use to a massage parlour/sauna which is a Sui generis use which falls in a use classification of its own. Moral issues surrounding a sauna/massage parlour or the clientele it is perceived to attract can hold no weight in the decision as they are not material planning considerations.

UDP Policy IB7: 'Development in Business Areas' identifies preferred, acceptable and unacceptable uses in the policy area. Business (B1) is identified as a preferred use, however a range of other uses including retail, food and drink uses (Class A uses) and Leisure and recreation facilities (D2) are also considered acceptable. Sui generis uses such as that proposed in this application must be considered on their individual merits.

UDP Policy IB9: 'Conditions on Development in Industry and Business Areas' part (a) seeks to ensure that the change of use of a premise will not lead to a concentration of uses which would prejudice the dominance of preferred B1 uses or cause the loss of important industrial sites.

The UDP defined 'Business Area' includes the existing commercial premises accessed from Finchwell Close as well as commercial premises located on the northern side of Finchwell Road. The change of use of the building to a massage parlour/sauna does not affect the overall dominance of preferred uses in the policy area or lead to the loss of an important industrial site as such the principle of the change of use to massage parlour/sauna is considered to accord with policy IB7 and IB9 part (a).

Amenity Issues

Policy IB9: Conditions on Development in Industry and Business Areas, part (b), seeks to ensure that new development or change of use applications do not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

The application site is in a relatively busy Business Area where there are a number of established commercial uses including heavy industrial uses that generally operate without restriction. There are residential uses in the locality, the closest of which are located on Finchwell Crescent some 70 metres to the west of the site located at a higher level and separated from the application site by intervening land uses.

The proposal is not considered to generate any significant noise or disturbance from its operation or from customers coming and going to and from the premises.

Due to the nature of the proposal it is considered to generate significantly less noise than the previous industrial use.

The applicant has stated on the application forms that they wish to operate between 1000 and 2100 hours 7 days a week. Taking account of the nature of the use and location of the building at the end of a Cul de sac in an established business area, some 70 metres from the nearest residential dwellings and not visible from them, the proposal is not considered to give rise to any amenity issues. Subject to the hours of use being conditioned, it is concluded that the proposal will not detrimentally affect the living conditions of adjoining properties and therefore complies with Policy IB9 part (b).

Highways Issues

The application site is located in a busy established Business Area with a number of other residential uses in the area. Finchwell Road is used by all the existing traffic from the industrial estate and surrounding residential area to access Handsworth Road and the rest of the city. The proposed use is not considered to generate a significant number of vehicle trips that would be harmful to highway safety. In fact due to the nature of the proposed use there is likely to be a reduction in large vehicle movements which would normally be associated with the previous industrial use.

Parking provision for 6 vehicles is provided on site inclusive of 1 disabled space, with additional space in the yard area should there be any requirement for additional parking.

In light of the above the proposal is not considered to give rise to any unacceptable highways issues.

RESPONSE TO REPRESENTATIONS

The objections received in relation to this application proposal are noted. It is considered that planning issues raised have been addressed in the main body of this report.

Perceived Increase in crime generated by the use are a policing issue and not a material planning consideration, neither are moral or social objections to the principle of the use.

Impact on property values is not a planning issue.

Issues to do with late night noise/disturbance can be controlled by planning conditions.

The proposal is not considered to generate significant volumes of traffic and as such is not considered to have a detrimental effect on air quality.

Allegations that the site is being used as a Brothel or to traffic women are a police matter.

Concerns have been raised with regard to the proximity of the development to schools, a nursery and a public park. The proposal could not be refused for being in the proximity of such facilities. As noted above the site occupies a relatively concealed position at the end of a Cul de sac and is screened from the park by mature tree coverage to rear of the site.

SUMMARY AND RECOMMENDATION

The application is retrospective. The main consideration is the proposed change of use from B2 to a sui generis massage parlour/sauna. Moral issues relating to the operation of a massage parlour/sauna and associated behaviour are not material planning considerations.

The application site is located in a relatively concealed position at the end of a Cul de sac in an established Business area surrounded by existing commercial premises. The preferred use in this area is B1 (Business) but other uses are acceptable, and sui generis uses such as the proposal must be considered on their merits, as long as they would not have a significant effect on the dominance of preferred uses in the area.

The proposed change of use would not affect the dominance of preferred B1 uses and is therefore considered acceptable in principle in accordance with policies IB7 and IB9 part (a) of the UDP.

Despite the presence of residential accommodation in the vicinity, the operation of the unit as a massage parlour is not considered to give rise to any noise and disturbance issues in this location where there are already established commercial premises, and hours of use will be controlled by planning condition.

The proposal is not considered to give rise to any highways or parking issues.

For the reasons given above, it is concluded that the development complies with the relevant policies and proposals in the Unitary Development Plan and is not considered to detrimentally affect the character of the area or give rise to any amenity issues or highways issues which would warrant the refusal of this application.

The application is therefore considered to be acceptable and it is recommended that planning permission is granted conditionally for the proposed change of use.

Case Number	13/00838/FUL (Formerly PP-02510040)
Application Type	Full Planning Application
Proposal	Erection of building and use of land as a vehicle repair garage and MOT Testing Centre
Location	1A Halfway Centre Sheffield S20 4TA
Date Received	15/03/2013
Team	City Centre and East
Applicant/Agent	Halfway Autotechnics
Recommendation	Refuse with Enforcement Action

Subject to:

- 1 The Local Planning Authority considers that the design of the proposed extension by reason of its external appearance, materials, size and prominent siting is considered out of character in this residential area and would be detrimental to the visual amenities of the locality and appearance of the streetscene. This would be contrary to Policies BE5 and H14 of the Unitary Development Plan.
- 2 The proposed development would result in overdevelopment of the site resulting in inadequate parking and turning facilities on site and an over-intensification of the use of an existing single width means of vehicular access which the Local Planning Authority consider would be detrimental to highway safety. As such, the proposal is contrary to Unitary Development Plan Policy H14.
- 3 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 owing to the noise, and general disturbance which would be generated by the use of the building for the purposes of Vehicle repair/MOT testing centre. The proposal is therefore contrary to Policy H14 of the Unitary Development Plan.

Site Location



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LOCATION AND PROPOSAL

The application relates to a single storey pitched roofed building formerly used for the storage of equipment associated with the maintenance of the adjoining Halfway Junior school playing fields. It is proposed to use the building for vehicle repair purposes and extend the property to provide a new MOT testing centre and parts store. This application is in part retrospective as the existing single storey building is currently being used for vehicle repair purposes without permission.

The site is located on the northern boundary of Halfway Junior school playing fields to the rear of the former caretaker's house. To the north of the site are established residential properties and to the west is a car parking area associated with the Double Top Public House.

The Council's land and property service originally leased the building to the applicant for storage of his personal vehicles, however soon after the applicant began to operate a vehicle repair garage (use class B2) from the premises without consent. The applicant has been allowed an extended period of time to find alternative premises, in order to continue to operate the business, however to date no other sites have been found. As such this application has been submitted to extend the existing premises and occupy the site on a permanent basis.

The application site is in a Housing Area as defined in the adopted Sheffield Unitary Development Plan.

RELEVANT PLANNING HISTORY

No relevant planning history

SUMMARY OF REPRESENTATIONS

1 letter of representation have been received and a 261 signature petition in support of the application. The issues are summarised as follows:

In support

The MOT centre and garage would be good for the community.

In objection

- Concerned with an increase in traffic using the parking facilities.
- Vehicles are currently parked on the edge of the of the school fields without permission which kills the grass and prevents it from being cut and maintained properly.

PLANNING ASSESSMENT

Policy and amenity Issues

The application site is in a Housing Area as defined in the adopted Sheffield Unitary Development Plan.

Policy H10 'Development in Housing Areas' identifies preferred, acceptable and unacceptable uses in the policy area. Housing (C3) uses are identified as preferred uses in the policy area. A range of other uses are considered acceptable, however general industrial uses (B2) which vehicle repair garages are classified as are considered unacceptable. MOT testing stations are considered sui generis uses. The proposed MOT testing bays are almost twice the size of the footprint of the vehicle repair garage, as such the use is considered to be sui generis, and in accordance with policy H10 must be considered on its merits.

Policy H14 "Conditions on Development in Housing Areas" part (i) states that non housing uses should only occupy a small area and not lead to a concentration of non-housing uses which would threaten the residential character of the area. The existing property has not previously been in residential use as such the proposed change of use and extension of the premises will not affect the dominance of the Housing uses in the policy area.

MOT testing uses where no vehicle repair takes place can in principle be considered acceptable in residential areas as they do not give rise to any significant noise and disturbance. However in this case the proposal includes a vehicle repair element which is clearly industrial in character, therefore whilst the use is sui generis it is considered industrial/commercial in character and therefore is clearly out of character with this residential area.

Amenity Issues

Policy H14 'Conditions on Development in Housing Areas' part (k) states that development should not lead to air pollution, noise, smell, excessive traffic levels or other nuisances or risk to health and safety of people living nearby.

The proposed use is located within a housing area in very close proximity to established residential properties the closest of which are located approximately 12.5 metres from the site. It is considered that the operation of the proposed use which includes vehicle repair will give rise to significant noise and disturbance. The noise and disturbance associated with an increase in vehicle movements to and from the site as a result of the extension and commercial use of the property is also considered to unacceptably affect the living conditions and amenity of adjoining properties. As such the proposal is considered contrary to policy H14 part (k).

Design Issues

Policy H14 'Conditions on Development in Housing Areas' part (a) seeks to ensure that new buildings are well designed and would be in scale and character with neighbouring dwellings.

The application site is located in a housing area on the edge of the existing school playing fields which are allocated Open Space in the UDP. The existing building on site is relatively inconspicuous due to its design, its very limited size and its positioning to the rear of the former caretakers house. The proposed extension to form the MOT testing bay is approximately 12 metres wide, 11 metres deep and 6 metres high and will be attached to the existing single storey brick building. The proposed extension to the premises is typically commercial in character comprising of two roller shutter doors and clad in steel profile metal cladding with a shallow pitched roof. The proposed building owing to its size and design is considered a prominent and incongruous feature that is completely out of character with the established built form in this residential area. The building will be highly visible due to its position adjacent to the playing fields and the wider views of the site that are available from public vantage points to the west of the site.

Due to inadequate parking provision on site the applicant is parking vehicles on the adjoining open space which is considered harmful to the visual amenities of the area and leads to an unacceptable encroachment of development into an open space area.

In light of the above the proposal is considered to detrimentally affect the character and appearance of the streetscene and visual amenities of the area and is therefore considered contrary to policy H14 part (a).

Highways Issues

Policy H14 part (d) and (k) seek to ensure that development provides safe access to the highways network, appropriate parking and does not generate excessive traffic.

It is clear that there is inadequate car parking associated with the existing unauthorised use of the premises, as vehicles are being parked on the adjoining school playing fields without permission in order to avoid blocking the access road to the site. The extension of the premises to form two MOT testing bays would build over a large majority of the remaining yard area, removing all of the existing very limited on site parking provision and making manoeuvring in and out of the existing garage and the proposed MOT testing station very difficult. There is publicly available car parking to the west of the site; however this is not in the applicant's control and cannot be relied upon to provide parking for the proposed use.

The application site is accessed via a private drive from a shared car parking area for the Double Top public house and Local Shopping area. The private drive was primarily designed to serve the former caretakers dwelling, with occasional access to the former storage shed. Clearly it was not designed to cater for traffic and vehicle movements associated with the operation of a vehicle repair and MOT business. The access road is single width and due to the lack of turning space and parking space available on site vehicles are often forced to reverse the length of the drive.

In light of the above the proposed development is considered to provide inadequate car parking provision and turning space and is therefore considered harmful to highway safety. The proposal is therefore contrary to policy H14.

ENFORCEMENT

Members are requested to authorise the Director of Regeneration and Development Services or the Head of Planning to take all necessary step, including enforcement action, service of stop notice if necessary and the institution of legal proceedings, if necessary to secure the cessation of the unauthorised use of the building and land as a vehicle repair garage.

SUMMARY AND RECOMMENDATION

The application site comprises of a single storey pitched roofed building formerly used for the storage of equipment associated with the maintenance of the Halfway Junior school playing fields. This application seeks permission to use the building for vehicle repair purposes and extend the property to provide a new MOT testing centre and parts store. The proposal is considered to be a sui generis use. This application is in part retrospective as the existing single storey building is currently being used for vehicle repair purposes without permission.

The application site is located on the edge of a school playing field in an allocated Housing Area. Policy H10 identifies that Sui generis uses must be considered on their own merits however the use is clearly commercial/industrial in character and is therefore considered out of character with this established residential area.

The proposed use is located in very close proximity to residential properties and it is considered that the operation and extension of the premises to provide two MOT testing bays and the associated increase in traffic movements to the site would give rise to significant noise and disturbance which would detrimentally affect the amenity of adjoining residents contrary to policy H14.

Inadequate parking provision is available on site at present, evidenced by the fact that the applicant is parking vehicles on the adjoining playing fields without consent. The proposed extension to the premises to form the MOT testing bay further reduces the parking and turning areas available on site. In addition the established access to the site is single width and was not designed to take the additional movements and traffic that would be generated from a commercial use operating from the site. As such the proposal is considered unacceptable from a highways perspective contrary to policy H14.

The proposed extension to the premises is commercial in appearance and owing to its design, size and siting adjacent to school playing fields the proposal is considered to form a prominent and incongruous feature which detrimentally affects the visual amenities of the locality contrary to policy H14.

In light of the above the proposal is considered contrary to policy H14 of the UDP and it is recommended that planning permission is refused and enforcement action authorised to secure cessation of the use.

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