

# **City Centre, South and East Planning and Highways Committee**

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**Monday 26 November 2012 at 2.00 pm**

**To be held at the Town Hall, Pinstone Street, Sheffield, S1 2HH**

**The Press and Public are Welcome to Attend**

## **Membership**

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Councillors Alan Law (Chair), David Baker, Richard Crowther, Tony Downing, Jayne Dunn, Ibrar Hussain (Deputy Chair), Peter Price, Janice Sidebottom and Diana Stimely

## **Substitute Members**

In accordance with the Constitution, Substitute Members may be provided for the above Committee Members as and when required.

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## **PUBLIC ACCESS TO THE MEETING**

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The areas covered by the City Centre, South and East Planning and Highways Committee, include Arbourthorne, Beauchief, Birley, Dore, Ecclesall, Gleadless, Graves Park, Greenhill, Nether Edge and Totley.

The Committee is responsible for planning applications, Tree Preservation Orders, enforcement action and some highway, footpath, road safety and traffic management issues. It is also responsible for determination of City Centre planning, development of transport matters and strategic development projects affecting the City as a whole.

A copy of the agenda and reports is available on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk). You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday, or you can ring on telephone no. 2734552. You may not be allowed to see some reports because they contain confidential information. These items are usually marked \* on the agenda.

Planning and Highways Committee meetings are normally open to the public but sometimes the Committee may have to discuss an item in private. If this happens, you will be asked to leave. Any private items are normally left until last.

Further information on this or any of the agenda items can be obtained by speaking to Martyn Riley on 0114 273 4008 or email [martyn.riley@sheffield.gov.uk](mailto:martyn.riley@sheffield.gov.uk).

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## **FACILITIES**

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There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

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**CITY CENTRE, SOUTH AND EAST PLANNING AND HIGHWAYS COMMITTEE  
AGENDA  
26 NOVEMBER 2012**

**Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public
- 3. Apologies for Absence**
- 4. Declarations of Interest**  
Members to declare any interests they have in the business to be considered at the meeting.
- 5. Minutes of Previous Meeting**  
Minutes of the meeting of the Committee held on 5<sup>th</sup> November, 2012.
- 6. Sheffield Conservation Advisory Group**  
Minutes of the meeting of the group held on 23<sup>rd</sup> October, 2012.
- 7. Site Visit**  
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee.
- 8. Applications Under Various Acts/Regulations**  
Report of the Director of Development Services.
- 9. Quarterly Overview of Enforcement Activity**  
Report of the Director of Development Services.
- 10. Quarterly Enforcement Update: City Centre And East Area**  
Report of the Director of Development Services.
- 11. Quarterly Enforcement Update: South Area**  
Report of the Director of Development Services.
- 12. Record of Planning Appeal Submissions and Decisions**  
Report of the Director of Development Services.
- 13. Date of Next Meeting**  
The next meeting of the Committee will be held on 17 December, 2012.

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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New standards arrangements were introduced by the Localism Act 2011. The new regime made changes to the way that members' interests are registered and declared.

If you are present at a meeting of the Council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest** (DPI) relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period\* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

\*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -
  - under which goods or services are to be provided or works are to be executed; and
  - which has not been fully discharged.
- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) -
  - the landlord is your council or authority; and
  - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
  - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
  - (b) either
    - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Under the Council's Code of Conduct, members must act in accordance with the Seven Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership), including the principle of honesty, which says that 'holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest'.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life.

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously, and has been published on the Council's website as a downloadable document at [-http://councillors.sheffield.gov.uk/councillors/register-of-councillors-interests](http://councillors.sheffield.gov.uk/councillors/register-of-councillors-interests)

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Standards Committee in relation to a request for dispensation.

Further advice can be obtained from Lynne Bird, Director of Legal Services on 0114 2734018 or email [lynne.bird@sheffield.gov.uk](mailto:lynne.bird@sheffield.gov.uk)

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## SHEFFIELD CITY COUNCIL

### City Centre, South and East Planning and Highways Committee

#### Meeting held 5 November 2012

**PRESENT:** Councillors Alan Law (Chair), Richard Crowther, Tony Downing, Jayne Dunn, Ibrar Hussain (Deputy Chair), Peter Price, Janice Sidebottom and Diana Stimely

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#### **1. EXCLUSION OF PUBLIC AND PRESS**

- 1.1 No items were identified where resolutions may be moved to exclude the public and press.

#### **2. APOLOGIES FOR ABSENCE**

- 2.1 An apology for absence was received from Councillor David Baker.

#### **3. DECLARATIONS OF INTEREST**

- 3.1 Councillor Alan Law declared an interest in an application for planning permission for a single-storey rear extension and first-floor rear extension to dwellinghouse (as per amended plans received 18.10.12) at 21 Twitchill Drive (Case No. 12/02949/FUL) as a close friend of the applicant. Councillor Law left the room prior to consideration of the item and took no part in the discussion or vote on the application.

#### **4. MINUTES OF PREVIOUS MEETING**

- 4.1 The minutes of the meeting of the Committee held on 15<sup>th</sup> October 2012 were approved as a correct record and, arising therefrom it was reported that, in relation to the decision to refuse with enforcement an application for planning permission for lowering of dry stone wall and erection of 4ft fencing panels on top at Amberley, 8 Thornsett Gardens (Case No. 12/02245/FUL), representations had been received from the applicant that he did not believe the officer report to be accurate. As a result the decision notice had not been issued and a report would be submitted to a future meeting.

#### **5. SHEFFIELD CONSERVATION ADVISORY GROUP**

- 5.1 The Committee received and noted the minutes of the meeting of the Sheffield Conservation Advisory Group held on 18<sup>th</sup> September 2012.

#### **6. SITE VISIT**

- 6.1 **RESOLVED:** That the Director of Development Services, in liaison with the Chair, be authorised to make arrangements for a site visit on

Thursday 22<sup>nd</sup> November 2012 in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

## **7. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS**

- 7.1 RESOLVED: That (a) the applications now submitted for permission to develop land under the Town and Country Planning Act 1990 and the Regulations made thereunder and for consent under the Town and Country Planning (Control of Advertisements) Regulations 1989, be decided, granted or refused as stated in the report to this Committee for this date in respect of Case No. 12/02617/CHU and other applications considered be amended as in the minutes of this meeting, and the requisite notices issued; the granting of any permission or consent shall not constitute approval, permission or consent by this Committee or the Council for any other purpose;
- 7.2 (b) following consideration of a correction to the report that the third sentence of the penultimate paragraph on page 60 should read 'This has been a clear and consistent development plan policy since 2008', as outlined in a supplementary report circulated at the meeting, an application for planning permission for demolition of buildings on plots 3 and 4, erection of a retail unit including garden centre, car dealership and drive-through coffee shop and provision of associated car parking accommodation on plot 5 and partial removal of embankment and stockpiling of soil of plots 3 and 4 at land and buildings at Meadowhall Way, Meadowhall Drive, Vulcan Road and Weedon Street (Case No. 12/01017/FUL) be refused as the Committee considered that (i) the proposal failed the sequential approach since there was a sequentially preferable site at Moorfoot/St. Mary's Gate on the edge of the City Centre and it was therefore contrary to paragraphs 24 and 27 of the National Planning Policy Framework, (ii) Sheffield City Centre was in a uniquely vulnerable position being in a fragile state with two major retail-led regeneration schemes at a critical stage in their planned development and delivery. Given this context it was considered that the proposal will have a harmful impact on investor and retailer confidence in planned investment in Sheffield City Centre which could undermine the delivery of these schemes which were critical to ensuring the future vitality and viability of the city centre (and identified as key regeneration schemes in Core Strategy Policy CS14). The proposal was therefore contrary to paragraph 26 of the National Planning Policy Framework and (iii) the proposal will result in major non-food retail development in an out of centre location and result in the significant expansion of Meadowhall which was contrary to Core Strategy Policies CS7 and CS14 and Unitary Development Plan Policy S8;
- 7.3 (c) following consideration of an additional representation, and subject to an amended description and an amendment to condition 2, as outlined in a supplementary report circulated at the meeting, an

application for planning permission for a single storey rear extension and first floor rear extension to dwellinghouse (as per amended plans received 1.11.12) at 21 Twitchill Drive (Case No. 12/02949/FUL) be granted, conditionally;

- 7.4 (d) notwithstanding the officers recommendation, consideration of applications for listed building consent and planning permission for retention of existing wall and associated railings and gates (retrospective application) at Viper Rooms, 35 Carver Street (Case Nos. 12/02941/LBC and 12/02884/FUL) be deferred pending further discussions between the applicant and officers;
- 7.5 (e) following consideration of additional representations, as outlined in a supplementary report circulated at the meeting, an application for planning permission for use of building as House in Multiple Occupation for 8 occupants, and replacement of basement level door with fire escape window on front elevation to provide a 1-person studio unit (use class C3) (in accordance with amended drawings 17.10.12) at 102 Harcourt Road (Case No. 12/02793/FUL) be granted, conditionally; and
- 7.6 (f) (i) an application for planning permission for retention of summerhouse, raised decking and climbing frame and use of land as domestic garden area (retrospective application) at land adjacent the Old Dairy 8, White Lane, Gleadless (Case No. 12/00392/FUL) be refused as the Committee considered that (a) the use of land as an extension of the domestic curtilage/garden area of the Old Dairy was inappropriate development that leads to the encroachment of urban development into the Green Belt which would detrimentally affected the open character and appearance of the Green Belt. It was, therefore, contrary to the Urban Development Plan Policies GE1 and GE4 and Policy CS71 of the Core Strategy and the National Planning Policy Framework and (b) the summer house, decking area and climbing frame were inappropriate development, and by the virtue of their size, siting, design and appearance of the Green Belt and lead to the encroachment of urban development into the Green Belt. The proposal was, therefore, contrary to Urban Development Plan Policies GE1, GE3 and GE4 of the Unitary Development Plan, Policy CS71 of the Core Strategy and the National Planning Policy Framework and (ii) authority be given to the Director of Development Services or Head of Planning to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary to secure the removal of the unauthorised structures, discontinuance of the land as domestic garden area and reinstatement to a natural appearance.

## **8. ENFORCEMENT OF PLANNING CONTROL: 29 RATCLIFFE ROAD**

- 8.1 The Director of Development Services submitted a report informing Members of breaches of control in relation to the breach of condition 2 of planning permission 07/02026/FUL and the unauthorised erection of

- a single storey extension to the rear of 29 Ratcliffe Road and making representations on any further action required.
- 8.2 The report stated that a complaint was received concerning a rear extension to number 29 and investigations revealed that it was single storey; brick built with a slate covered mono-pitched roof, and had been added to an existing offshoot.
- 8.3 Correspondence was entered into with the property owner advising that, because of its size the extension exceeded permitted development limits set out in the General Permitted Development Order, relating to house extensions and therefore planning permission was required. The owner was also advised that it was unlikely that planning permission would be recommended for approval for the reasons outlined in the report.
- 8.4 The owner was further advised that the extension could be reduced in size by 2.65m to comply with permitted development rights; so as not to require an application. The owner responded by stating that because the extension did not project 3m beyond the original single storey offshoot it was permitted development, however further investigation proved this to be incorrect because the extension was more than half the width of the original property and extended beyond the rear elevation; therefore, permitted development rights did not apply to the development.
- 8.5 Responding to a second complaint regarding the erection of a front dormer window, it was discovered to have been built in breach of condition 2 of planning permission 07/02026/FUL in that the material used to clad the dormer front and side cheeks did not match the existing roof covering.
- 8.6 In spite of further correspondence, reminding the owners of the two breaches of control identified, they had not applied for retrospective planning permission for the extension; nor had they taken any steps to comply with the condition requiring front dormer to be finished in materials which were in keeping with the existing roof.
- 8.7 RESOLVED: That the Director of Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure compliance with condition 2 of planning permission 07/02026/FUL and secure the removal of the unauthorised rear extension at 29 Ratcliffe Road.
- 9. ENFORCEMENT OF PLANNING CONTROL: 64 TO 68 WICKER**
- 9.1 The Director of Development Services submitted a report informing Members of a breach of planning control in relation to the unauthorised erection of flues at the rear of 64 and 66 Wicker, the unauthorised

erection of first floor rear extension and railings at 66 Wicker and the unauthorised erection of rear extension, steps, railings and the creation of an entrance door at the side of 68 Wicker, and the untidy appearance of the side elevation of 68 Wicker, S3.

- 9.2 The report stated that a written enquiry was received regarding an extension at the rear of 68 Wicker when officers investigated this they found that the extension had planning consent (11/00222/FUL), however, none of the planning conditions attached to the planning permission had been discharged and officers also noticed a number of other planning breaches at the rear of these properties.
- 9.3 At 64 and 66 Wicker two flues had been erected at the rear of the property to the side of No. 64 adjacent to No. 66. Enforcement action was taken against one of the flues in 2008 and this was subsequently removed. However, since then the flue that was removed had been re-erected together with another unauthorised flue.
- 9.4 At No. 66 Wicker a rear first floor extension had been erected without planning consent. At No. 68 an unauthorised rear ground floor extension had been erected. A stop notice was served in April 2010. A subsequent planning permission (11/00222/FUL) was obtained on 17<sup>th</sup> June 2011 for the single storey rear extension and alterations to shop front of No. 68, increased height to rear extension at No. 66, external stair way to side of No. 68 and over the single storey rear extension of No. 66. This planning consent required the unauthorised extension to be removed and rebuilt in accordance with the approved plans. This had not happened and furthermore none of the planning conditions had been complied with yet. A second external staircase had also been erected at the side of the property leading to an unauthorised entrance that had been created at first floor level.
- 9.5 Metal railings had been erected around the flat roof of the ground floor rear extensions at 66 and 68 Wicker creating an enclosed area.
- 9.6 It was considered expedient that these matters were reported directly for enforcement action because of the extensive nature of the problems and the fact that the owner had been un-cooperative in the past with these and other properties within Sheffield and in many cases the Council has had to take legal action against the owner to resolve the issues and ensure that they complied with the notices.
- 9.7 **RESOLVED:** That authority be given to the Director of Development Services or the Head of Planning to take all necessary steps:
- (a) Including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the unauthorised flues at 64-66 Wicker, the rear first and ground floor extensions and the railings at 66 and 68 Wicker and the unauthorised steps and door at the side of 68 Wicker;

- (b) including the service of a Breach of Condition Notice and the institution of legal proceedings to comply with the Breach of Condition Notice and thereafter take all necessary action required to ensure compliance with the conditions of the planning approval 11/00222/FUL dated 17<sup>th</sup> June 2011 for 68 Wicker; and
- (c) including the service of a S215 Notice and the institution of legal proceedings, if necessary, secure the removal of the boards and replace them with glazing, render the area of exposed brick work at the side of the building at ground floor level with cream render, and pebbledash the exposed brick work at first floor level area to match the existing pebbledash as approved by planning permission 11/00222/FUL, and generally tidy the ground at the side of No. 68 Wicker by creating permeable paving.

#### **10. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS**

- 10.1 The Committee received and noted a report of the Director of Development Services detailing (a) planning appeals recently submitted to the Secretary of State and (b) the outcome of recent planning appeals along with a summary of the reasons given by the Secretary of State in his decision.

#### **11. DATE OF NEXT MEETING**

- 11.1 The next meeting of the Committee will be held on Monday 26<sup>th</sup> November 2012 at 2.00pm at the Town Hall.

## SHEFFIELD CONSERVATION ADVISORY GROUP

### Meeting held 23rd October, 2012

PRESENT:	<u>Name</u>	<u>Organisation</u>
	Dr. Philip Booth (Chair)	Co-opted Member
	Mr. Tim Hale (Deputy Chair)	Sheffield Chamber of Commerce
	Prof. Clyde Binfield	20th Century Society
	Mr. Patrick Burns	Co-opted Member
	Mr. Howard Greaves	Hallamshire Historic Buildings Society
	Mr. Graham Hague	Victorian Society
	Mr. Stanley Jones	Hunter Archaeological Society
	Mr. Philip Moore	Sheffield Society of Architects

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#### 1. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Mr. Lee Barron (Royal Institute of Chartered Surveyors), Mr. Rod Flint (Georgian Group), Mr. Bob Hawkins (Council for the Protection of Rural England), Dr. Malcolm Tait (University of Sheffield) and Dr. Alan Watson (Institution of Civil Engineers).

#### 2. **MINUTES,**

The minutes of the meeting held on 18th September, 2012 were approved as a correct record and, arising therefrom, the Group (a) noted that:-

- (i) St John's Methodist Church, Sharrow Lane was not a listed building and was not situated within a conservation area;
- (ii) (A) the organ at the City Hall was a heritage asset,(B) it was in good condition and it was used regularly, and (C) although it had not been restored within the programme of restoration of the City Hall, it was maintained by a group of professional organists and (D) its estimated value was £1million;
- (iii) the Head of Planning would report to the next meeting on the unauthorised advertising hoardings at the TESCO site, facing the Wicker Arches;
- (iv) the auction of the Abbeydale Picture House would take place on 30th October next. The seats still in place would be part of the sale; and
- (iv) Mr. Hawkins would report, at the next meeting, on the significant changes which had been made to the roofs of crucible furnaces within the City, including the ones at Effingham Road and St. Philip's Road, and

(b) regretted the loss of St John's Methodist Church, Sharrow Lane, which was a characterful building in a distinct setting, with which it was very much of a piece.

3. **CHAIR'S REPORT**

The Group noted that there was nothing to report under this item of business.

4. **SHEFFIELD SUSTAINABLE DEVELOPMENT AND DESIGN PANEL**

The Group noted that the next meeting of the Sheffield Sustainable Development and Design Panel on 8th November, 2012, had been cancelled, due to a lack of business.

5. **NEW STREET LIGHTING**

Ian Kirby and James Tweddle gave a presentation on the Streets Ahead Project which would improve the City's roads, pavements and streetscene, particularly with reference to the impact of the Project on listed lighting structures and the street lighting within conservation areas.

The Group thanked Mr. Kirby and Mr. Tweddle for their presentation and expressed the opinion that, in general terms, the likely impact of the Project appeared to be positive. The Group accepted that the listed Webb Patent Sewer Gas Lamps within the City would not provide white light, but their light level would be adequate. The Group requested that information be provided, regarding the proposals for road surface treatment within the Project and that the effect of the Project on heritage assets and conservation areas, be made a regular item of business at its future meetings. The Group expressed regret that the cast iron lamps on Council estates, within the City, were not salvageable due to their condition.

6. **HEAD OF PLANNING'S REPORT**

The Head of Planning reported that :-

(a)(i) English Heritage had carried out a survey of twenty metal trades buildings at risk, within the City;

(ii) a certain amount of funding was available, to enable the owners of properties at risk to carry out repairs;

(iii) the Kelham Island, Well Meadows and Sheffield General Cemetery Conservation Areas, were at risk; and

(iv) Mr. Bob Hawkins would provide up-to-date information on the these matters, at the next meeting;

(b) a crucible furnace at 2 Topside, Grenoside had been added to the Statutory List; and

(c) the mausoleum of the Bright family, at Rodside, Stannington, which had been demolished, was located within the Peak Park.

The Group noted the information.

7. **HERITAGE ASSETS**

The Group considered the following applications for planning permission for development affecting Heritage Assets and made the observations stated:-

- (a) **Demolition of the Edwardian Extension of the former Jessop Hospital for Women and the construction of a five storey plus basement**



**building to provide up to 19,725 sq. m. of educational floorspace, plus landscaping and servicing on site of Jessop's Hospital For Women, Leavy Greave Road (Case Number: 12/02874/LBC & 12/02873/FUL).**

The Group deplored the proposal to demolish the Edwardian Building, which was not simply an extension to the Victorian building, but had been a building in its own right with a distinct contribution to the Hospital. Apart from its contribution as part of the historic hospital, the Edwardian wing made an important impact on the townscape of Brook Hill, which was all the more important because of the demolition of the 1930s St George's Wing. The Group considered the proposed replacement building to be unsatisfactory in both massing and detail in its relation to the setting of the Victorian wing of the hospital, which it would overwhelm, and the Grade II\* St George's Church. The Group did not think that all the options, either for locating the new Engineering Building on another site, or for developing the site while retaining the Edwardian wing, had been properly explored. There appeared to be some inefficiencies in the use of space in the proposed building, which, if eliminated, could ensure the retention of the Edwardian wing. The Group also noted that since the beginning of the century, very few listed buildings had been demolished and none as important as the Jessop Edwardian wing. The Group requested the Chair to write to the Head of Planning, stating the Group's objections to the scheme and to request a meeting with John Mothersole, Chief Executive and Simon Green, Head of Place, Sheffield City Council.

(b) **Internal alterations including removal of internal walls and external repairs including the formation of 2 new entrances at former Head Post Office Fitzalan Square (Case Number: 12/02757/LBC)**

The Group welcomed the proposal to bring the building back into use and to repair it. The Group considered that the intended use was suitable, as it preserved the character of the building. The Group had no objection, in principle, to the scheme, provided that the development was in keeping with the original condition of the building, to the satisfaction of the Head of Planning.

## 8. MISCELLANEOUS ITEMS

Members of the Group reported on developments affecting Heritage Assets and Conservation Areas and the Group noted that:-

- (a) the Head of Planning would investigate and report on (i) the condition of the community monument at the Almshouses, close to Dore Station and (ii) an unauthorised door at one of the Almshouses; and
- (b) The Victorian Society had recently published 'Building Schools for

Sheffield 1870-1914'.

(NOTE: The above minutes are subject to amendment at a future meeting)



REPORT TO CITY CENTRE SOUTH AND EAST PLANNING DATE 26/11/2012  
AND HIGHWAYS COMMITTEE

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REPORT OF  
DIRECTOR OF DEVELOPMENT SERVICES ITEM 8

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SUBJECT  
APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

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SUMMARY

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RECOMMENDATIONS

SEE RECOMMENDATIONS HEREIN

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

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FINANCIAL IMPLICATIONS

CLEARED BY N/A PARAGRAPHS

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BACKGROUND PAPERS

CONTACT POINT FOR  
ACCESS

Chris Heeley  
Lucy Bond

TEL 0114 2736329  
NO: 0114 2734556

AREA(S) AFFECTED



CATEGORY OF  
REPORT

OPEN



Application No.	Location	Page No.
12/03171/FUL (Formerly PP-02245913)	6 Rosamond Place Sheffield S17 4LX	21
12/03074/FUL (Formerly PP-02153668)	Land Between Aldi And The Sword Dancer Handsworth Road Sheffield S13 9BS	34
12/03005/FUL (Formerly PP-02217676)	Site Of Abbeydale Garden Centre Abbeydale Road South Sheffield S17 3LB	51
12/02716/CHU (Formerly PP-02177804)	485 Ecclesall Road Sheffield S11 8PP	61
12/02670/FUL (Formerly PP-02163230)	Firth Rixson Forgings Ltd Meadowhall Road Sheffield S9 1HD	70
10/01393/LBC	Anglican Chapel Sheffield General Cemetery Cemetery Road Sheffield S11 8FT	95
10/01385/FUL	Anglican Chapel Sheffield General Cemetery Cemetery Road Sheffield S11 8FT	100





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SHEFFIELD CITY COUNCIL

Report of The Head of Planning  
To The City Centre, South and East Planning and Highways Committee  
Date of Meeting: 26/11/2012

LIST OF PLANNING APPLICATIONS FOR DECISION OR INFORMATION

\*NOTE\* Under the heading "Representations" a Brief Summary of Representations received up to a week before the Committee date is given (later representations will be reported verbally). The main points only are given for ease of reference. The full letters are on the application file, which is available to members and the public and will be at the meeting.

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Case Number	12/03171/FUL (Formerly PP-02245913)
Application Type	Full Planning Application
Proposal	Two storey side extension, including rear dormer window and single storey front and rear extensions with new steps to front door and associated landscaping to front
Location	6 Rosamond Place Sheffield S17 4LX
Date Received	12/10/2012
Team	SOUTH
Applicant/Agent	Mr Neil Fieldhouse
Recommendation	Grant Conditionally

Subject to:

- 1 The development, as approved in this application, shall be completed in its entirety within 6 months of this decision notice.

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

- 2 Within two months of the date of this decision, a comprehensive and detailed hard and soft landscape scheme for the front of the site, including level information, shall be submitted to and approved in writing by the Local Planning Authority.

In the interests of the visual amenities of the locality.

- 3 Before any hard surfaced areas are constructed, full details of all those hard surfaced areas within the site shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall provide for the use of porous materials, or for surface water to run off from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse. Thereafter the hard surfacing shall be implemented in accordance with approved details.

In order to control surface water run off from the site and mitigate against the risk of flooding.

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

Drawings dated 15th October 2012 and Amended drawings received by email dated 12 November 2012

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

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

In the interests of the visual amenities of the locality.

- 6 The proposed roofing materials shall match the roofing materials to the existing building.

In the interests of the visual amenities of the locality.

- 7 The cheeks and frontages of the dormer windows shall be hung with tiles that are similar to the existing roof materials in terms of colour, size and texture.

In order to ensure an appropriate quality of development.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (and any order revoking and re-enacting the order) no windows or other openings shall be formed in the side elevations of the extensions hereby permitted without the prior written approval of the Local Planning Authority.

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

- 9 The soft landscaped areas shall be managed and maintained for a period of 5 years from the date of implementation and any plant failures within that period shall be replaced in accordance with the approved details.

In the interests of the visual amenities of the locality.

- 10 The Local Planning Authority shall be notified in writing when the landscape works are completed.

In the interests of the amenities of the locality owing to the design and external appearance of the .

Attention is drawn to the following justifications:

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

BE5 - Building Design and Siting

H14 - Conditions on Development in Housing Areas and SPG - Designing House Extensions

CS74 - Design Principles

The design of the proposal is considered to be sympathetic to the surrounding built area and the dwellings original built form. Furthermore, owing to the design of the alterations, together with their siting, it is not considered that the alterations would have a significant impact upon the amenities of the neighbouring properties.

As such, the proposal is considered to be acceptable in terms of its scale, built form, massing, materials and details. It is therefore considered to be satisfactory with regards to UDP policies BE5 and H14, Core Strategy CS74 and SPG guidelines.

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

Attention is drawn to the following directives:

1. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at [www.sheffield.gov.uk/planning](http://www.sheffield.gov.uk/planning) or apply online at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). The charge for this type of application is £85 or £25 if it relates to a condition on a householder application for development.

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

# Site Location



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#### LOCATION AND PROPOSAL

The application relates to a semi detached dwelling on Rosamond Place. Set within a cul-de-sac, the property is located approximately 4.5 km from the city centre of Sheffield. The property is sited within a Housing Area as defined in the Local Planning Authority's Unitary Development Plan.

The property is a 1970's styled, brick and tile built property. The building is set in between front and rear gardens and a driveway at the front, originally led to an attached garage. The property is set slightly higher than the neighbouring property no. 4 Rosamond Place and the land slopes down from the south to north.

The dwelling has been granted consent for various extensions in the past and works have are well advanced. This application seeks to make various alterations to the permission that has already been granted and this application is retrospective, in so far as some of the works have already been carried out.

This application has been received following the dismissal at appeal of a planning application which was determined earlier this year. This application seeks permission for the retention of a two storey side extension to the dwelling, together with single storey front /rear extensions and a rear dormer window. The rear extension will project from the rear elevation of the dwelling by approximately 2.1 metres. It requires planning consent as it spans the entire width of the original dwelling and the width of the previously granted side extension. Likewise, the smaller of the two dormer windows requires planning consent as it is not situated within the roof plane of the original dwelling.

In essence, this application differs from the application refused by elected Members and subject of the recent appeal, in so far as; there is no excavation to the drive way and a dwarf boundary wall and flower bed, which was originally within the site, will be rebuilt. The staircase will only project form the front elevation by 1.15 metres rather than 2.3 metres and the dormer window is shown as constructed on site but, with a smaller area of glazing. The front garden is now proposed to be level with the edge of the footway.

#### RELEVANT PLANNING HISTORY

In 2010 an application (Reference 10/03761/FUL) was submitted proposing to erect a two-storey side/front extension including garage at basement level, single-storey front extension, single-storey rear extension and erection of rear dormer windows to dwellinghouse.

This application was refused as it was considered that the design of the extension by reason of its built form, scale, massing and details would be out of keeping with the design of the existing dwellinghouse and would be injurious to the character of the property itself and the street scene.

A second application was submitted in early 2011(11/00619/FUL) and this proposal did not include the basement garage element of the first application, or the excavation of the front garden to accommodate the garage. It also removed the large two storey gable ended front extension. The plans also re-arranged the front first floor windows and overall design was considered to remedy the previous concerns. This application was subsequently approved on 14 April 2011.

An enforcement enquiry was received in June 2011 and the site was subsequently visited. The complainant had raised concerns that the works on site were taking

place to enable the refused basement garage to be built. This was owing to excavation works being carried out to the front garden.

After several site visits and conversations with the owner of the property, a Temporary Stop Notice was served along with a Planning Contravention Notice to establish exactly what was being done. The excavation works were said to be necessary to construct the foundations and facilitate the development.

A planning application was subsequently received, referenced 11/03971/FUL and this sought permission to retain part of the rear extension that did not have approval, small changes to the rear dormer windows and to retain some excavation of the front garden and the changes to the front door steps. As Members may recall, this application was refused and authority was given to take enforcement action.

An enforcement notice was served upon the applicant to remove the unauthorised works and the applicant did not lodge an appeal against this enforcement notice. However, before the compliance period ended, the appeal to the Planning Inspector relating to the refusal of planning permission was made.

An appeal was lodged against the refusal to grant planning consent. The Inspector limited her considerations to the changes that were made to the original approval of 2011. These considerations were the:

- a) increase in the depth and width of the rear single storey extension;
- b) lowering of the level of the front garden;
- c) redesigned front steps;
- d) reduced width of the upper floor front windows;
- e) insertion of French doors in place of a door and window to the kitchen.

She concluded that a, d and e were acceptable and that the dismissal was on the issues raised in b and c.

As the enforcement notice requires the removal of the rear extension and the alteration of the dormer windows, the applicant has submitted this application to seek the authorisation of the elements of the proposal that were considered to be acceptable at appeal. The application also tries to alleviate the concerns that the inspector had as indicated in points b and c.

#### SUMMARY OF REPRESENTATIONS

- There has been one letter of representation received in connection with this application. The letter is, however, signed by three of the neighbouring residents. The letter raises the following material planning issues:
- The proposal would retain excavation of the driveway and the drive now slopes down towards no. 4. This will lead to water flowing towards the neighbouring property no. 4 and this could lead to flooding.



- The design is not in keeping with the street and the tall and forward projecting stair tower would not complement or enhance the appearance of the host building;
- The dormer windows are already out of scale with the proposals setting as viewed from all directions;
- The proposal does not protect the reasonable living conditions of the occupiers of the nearby residential premises and does not accord with the objectives of the policies BE5, H14 and Core Strategy policy CS74;
- The proposal should be completed in accordance with the enforcement order [The plans approved in 2011]

The above comments are discussed in the following report.

## PLANNING ASSESSMENT

The following planning assessment is for a retrospective planning application. However, whilst works have been carried out, these actions should not prejudice any future decision made by the Local Planning Authority. The application has to be assessed accordingly against the Local Planning Authority's guidelines and policies.

### Policy Issues

As the application property is situated within a Housing Area, the most relevant planning policies are therefore outlined in UDP policies H14 and BE5. Owing to the nature of the proposal, the guidance stipulated in the Supplementary Planning Guidance: Designing House Extensions is also relevant.

In March 2009, Sheffield City Council adopted its Core Strategy policy document. Policy CS74 of the adopted Core Strategy further reinforces the need for high quality designs which respect the character and built form of the surrounding area.

### Design Issues

Policies H14 and BE5 of the UDP, seek high quality designs that enable a proposal to fit in comfortably within their surroundings without being detrimental to the visual amenities of the area. Similarly, policy CS74 of the Core Strategy further reiterates the need for high quality designs and also states that development should respect the topography of the surrounding area.

The proposal has been amended by the applicant and these drawings were received on 12 November 2012. The amended drawings indicate a scheme which is almost identical to the drawings that were originally approved in the application 11/00619/FUL. The drawings include a wider single storey rear extension and the front door steps have railings similar to what was originally there. There are seven steps down to the drive and the drive is indicated as being no lower than the original driveway.

The drive is to be level, but the front elevation indicates the fall of the public highway. A condition can be attached to any approval to ensure that excess rain

water drains within the curtilage of the site through the use of permeable paving. If such a condition is attached, the proposed alterations to the frontage of the dwelling would be very minimal compared to the original approved scheme.

The Planning Inspector raised concerns with the overall excavation to the drive and the height and massing of the staircase. As the previously refused drawings had removed all boundary treatments and increased the prominence of the stairs the Inspector considered the proposal would create a harsh unattractive, obtrusive and alien feature that would be detrimental to the character of the street.

These concerns are considered to have been overcome as the amended plans received have reduced the projection of the staircase from the front elevation of the property and also reinstated the original ground levels and boundary treatments and landscaping. The dwelling always had seven steps to the ground and this is the same within this proposed scheme. Unlike the previous refusal, the steps only project 1.15 metres from the front elevation, rather than 2.3 metres forward as indicated on the previous refusal. Railings are incorporated around the steps as these were a feature found on the original dwelling. This also limits the amount of facing brickwork viewed within the street.

The frontage of this proposal is very similar to the front garden and landscaping of the original site. The incorporation of landscaping and the boundary treatments will enhance the setting of the dwelling and it is considered that this proposal will satisfy the Inspectors concerns in this respect.

The proposal also seeks permission to erect a single storey rear extension across the entire width of the property. This element was dealt with by the Inspector and considered to be acceptable.

The large dormer window which has been proposed is wholly within the original roof and could be erected without planning consent under Class B of the General Permitted Development Order 2008. This planning application is therefore to assess the impact of the smaller dormer window within the proposed side extension. The Planning Inspector made reference to the appearance of the structure but concluded that the changes to the dormer window are a matter for the Local Planning Authority to assess.

The dormer window is closer to the side elevation of the extension than proposed in the approved drawings of 2011. However, the amount of glazing is much smaller. The frontage and cheeks of the dormer window would match the roof and the overall appearance is considered to be acceptable within the street. Whilst the dormer window is slightly larger than the original approval, when viewed from the rear, the tile hanging will reduce the overall visual impact, unlike the original approval which had a larger area of glass.

On balance, it is considered that the marginal increase in size is not to the detriment of the surrounding area, especially as the other improvements to the front of the dwelling have been made. The Inspector did not determine whether the dormer windows were acceptable, but made it clear that the combination of all the previous changes, including the dormer windows, would have a detrimental impact

upon the street. As outlined in the planning history, the Inspectors concerns are primarily with the front steps and the garden levels.

With this in mind, and whilst it is acknowledged that the proposal does increase the size of the original proposed extensions, the detailing of the extensions respect the original dwelling and are similar to other extensions that have been approved in the wider surrounding area. The design is considered to be acceptable and not detrimental to the character of the original building or the surrounding area.

This proposal is considered to respect the characteristics of the site and the character and appearance of the original building / surrounding area. It is considered that the proposal has taken note of the Inspectors findings and accordingly, the proposal is therefore considered to be acceptable in terms of Core Strategy policy CS74 and UDP policies BE5 and H14.

#### Amenity Issues

UDP policy H14 and guidelines 4, 5 and 6 of the SPG: Designing House Extensions, seek to protect the amenities of the neighbouring properties. Whilst policy 5 addresses the issues of overshadowing and loss of light, guidelines 4 and 6 seek to protect minimum levels of privacy.

It is worth noting here that the Inspector concluded that the proposed alterations to the approved scheme (the rear extension, insertion of French doors) did not have a significant impact upon the amenities of no.4 and 8. The following element of the report reiterates the Inspectors conclusions and outlines the material planning concerns relating to this application.

It is considered that the proposal would not significantly overbear/ overshadow the neighbouring property to a degree that would warrant a refusal, because:

- The rear single storey extension does not project along the shared boundary with the adjoining property by more than 3 metres and is therefore in line with SPG guideline 5;
- The side and rear extensions are sited next to the attached garage of neighbouring property no 4. It does not project beyond the attached garage and therefore prevent light into the rear ground floor windows of the neighbouring properties. Furthermore, owing to the siting of the extension, together with the existing boundary treatments, the proposal is also not considered to significantly overbear upon the rear amenity space of the neighbouring properties;
- The side windows in the neighbouring property do not appear to be the only sources of light to main habitable rooms;
- The application property and the neighbouring property no 4 are set at angles to each other which creates space between the properties;
- The proposed extensions do not extend past the front and rear elevations of the neighbouring properties to the extent of cutting a 45 degree angle with the front or rear ground floor windows.

With regards to the above, the proposal in this instance is considered to be acceptable in terms of SPG guideline 5 and UDP policy H14.

The proposed windows will have outlooks onto the rear garden and the wide public highway. The proposed front windows are over 21 metres away from neighbouring windows and this is in accordance with the Council's supplementary planning guidance.

The rear windows at first floor level will have an outlook which is identical to the existing first floor windows. These windows are not considered to compromise current levels of privacy. Furthermore, as there is up to 9 metres between the rear elevation of the property and the rear boundary, the proposed ground floor windows are considered to maintain the current levels of privacy.

The dormer window is set away from the side elevation of the extension by approximately 0.5 metres and is set significantly up on the plane of the roof. It is considered that the outlook is channelled along the rear garden rather than towards the neighbouring property. The dormer window is set over 10 metres from the rear boundary and is considered to meet the distance stipulated within supplementary planning guidance, guideline 4. The amount of glazing in this proposal is less than the amount stipulated within the original approval as the cheeks and frontage of the dormer window will incorporate hanging tiles. As such, this proposal is considered to be an improvement upon the drawings which were originally approved in 2011.

The rear garden has been levelled and the new height is proposed in line with the rear patio doors. The boundaries are marked with fencing and trees/ shrubs. Whilst it is acknowledged that the ground is higher than neighbouring property no 4, the existing privacy levels are not considered to be compromised to an extent that would warrant a refusal, owing to the existing boundary treatments on both sides of the shared boundaries.

Owing to the above, it is therefore considered that the proposal would not overlook the private amenity space of the neighbouring properties and is acceptable in terms of SPG guidelines 4 and 6 and, UDP policy H14.

#### Highways Issues

Whilst the proposal does increase the size of the building, the proposal is not considered to be contrary to the Council's parking standards and it is not considered that the proposal would be detrimental to highway safety. In this respect, the proposal is considered to be acceptable in terms of UDP policy H14 and SPG guidelines.

#### Enforcement Issues

There is currently an outstanding enforcement notice which has been served upon the applicant. It requires the applicant to build the extension in accordance with the approved plans of 2011. If Members are minded to grant this proposal, it is considered expedient to withdraw the enforcement notice as this would conflict with this improved proposal.

A condition should be attached to any approval giving the applicant 6 months to complete the works, and this could be enforced with a breach of condition notice should the applicant not comply.

Members should be informed that the applicant would be entitled to appeal any refusal of this application and enforcement action could not reasonably be taken whilst a further appeal is being undertaken.

#### SUMMARY AND RECOMMENDATION

The proposal's design is considered to be sympathetic to the surrounding built area and the dwellings original built form. Furthermore, owing to the design of the alterations, together with their siting, it is not considered that the alterations would have a significant impact upon the amenities of the neighbouring properties.

This proposal is considered to improve the quality and appearance of the front elevation of the building. As such, it is considered that the proposal satisfies the concerns outlined by the Planning Inspector.

Owing to the above reasons, the proposal is considered to be acceptable in terms of its scale, built form, massing, materials and details. It is therefore considered to be satisfactory with regards to UDP policies BE5 and H14, Core Strategy CS74 and SPG guidelines.

Accordingly, the application is recommended for approval.

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Case Number 12/03074/FUL (Formerly PP-02153668)

Application Type Full Planning Application

Proposal Provision of a restaurant with associated drive through, car parking and landscaping

Location Land Between Aldi And The Sword Dancer  
Handsworth Road  
Sheffield  
S13 9BS

Date Received 05/10/2012

Team CITY CENTRE AND EAST

Applicant/Agent Mr Matthew Carpenter - Planware Ltd

Recommendation Grant Conditionally

Subject to:

- 1 The development shall be begun not later than the expiration of three years from the date of this decision.

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

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

plan reference numbers  
4444\_8754\_0001 rev C  
4444\_8745\_0002 rev C  
444\_8745\_0004 rev E  
4444\_8745\_0006 rev A  
4444\_8745\_0006

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 Details of a suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority and the development shall not be used unless such means of site boundary treatment has been provided in

accordance with the approved details and thereafter such means of site enclosure shall be retained.

In the interests of the visual amenities of the locality.

- 4 Prior to the commencement development details of all proposed external materials and finishes, including samples, 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 Large scale details, including materials and finishes, at a minimum of 1:20 of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:

- Glazing
- Window reveals
- Doors
- Eaves and verges
- Brickwork detailing
- Entrance canopies
- Roof
- Ridge & valleys
- Rainwater goods

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

In order to ensure an appropriate quality of development.

- 6 Prior to the commencement of development details of the finished plot and floor levels shall be submitted to an approved in writing by the Local Planning Authority, thereafter the development shall be provided in accordance with the approved details.

In order to ensure an appropriate quality of development.

- 7 No development shall commence until details of the means of ingress and egress for vehicles engaged in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the arrangements for restricting the vehicles to the approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.

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

- 8 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.

- 9 The building shall not be used unless provision has been made within the site for accommodation of delivery/service vehicles in accordance with the approved plan/plans and delivery management system submitted as part of the transport statement ref:ADL/AJM/2521/08A unless otherwise agreed in writing with the Local Planning Authority.

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

- 10 The development shall not be used unless the car parking accommodation for the development 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.

- 11 The development shall not be used unless the cycle parking accommodation for the development as shown on the approved plans has been provided in accordance with those plans and, thereafter, such cycle parking accommodation shall be retained.

In the interests of delivering sustainable forms of transport, in accordance with the Transport Policies in the adopted Unitary Development Plan for Sheffield (and/or Core Strategy).

- 12 The development shall not be occupied until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the reconstruction of the footways fronting the application site (Handsworth Road) before the development is brought into use unless otherwise agreed in writing. The detailed materials specification shall have first been approved in writing by the Local Planning Authority.

In order to ensure an appropriate quality of development.

- 13 On occupation of the development the approved travel plan (report ref ADL/2521/AJM/19A dated July 2012) and measures contained there in shall be implemented, subject to any variations approved in writing by the Local Planning Authority.

In the interests of delivering sustainable forms of transport, in accordance with the Transport Policies in the adopted Unitary Development Plan for Sheffield (and/or Core Strategy).



- 14 Car parking shall be available for users of the wider development (supermarket and other commercial units on the former Turner Business Park) unless otherwise agreed in writing with the Local Planning Authority. The applicant may operate time restricted parking and sanctions may be enforced against any vehicles that exceed those restrictions. Prior to the implementation of any parking sanctions/restrictions details shall be submitted to and approved in writing by the Local Planning Authority.

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

- 15 A comprehensive and detailed hard and soft landscape scheme for the site to include the planting of extra heavy standard trees within the car parking area and site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority.

In the interests of the visual amenities of the locality.

- 16 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.

- 17 The use of the building shall be in accordance with Class A3/A5 of the Town and Country Planning (Uses classes) Order, 1987, as amended.

In order to define the permission.

- 18 The development shall not be used unless the access and facilities for people with disabilities shown on the plans have been provided in accordance with the approved plans and thereafter such access and facilities shall be retained.

To ensure ease of access and facilities for disabled persons at all times.

- 19 Amplified sound or live music shall only be played within the restaurant (Use Class A3/A5) hereby approved in such a way that noise breakout to the street does not exceed:

- i) Background noise levels by more than 3dB(A) when measured as a 15 minute LAeq;
- ii) Any octave band centre frequency by more than 3dB when measured as a 15 minute Leq, when measured at the façade of the nearest residential property opposite the site on Handsworth Road.

Unless otherwise agreed in writing with the Local Planning Authority.

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

- 20 No bins shall be stored externally, prior to the commencement of development details of a bin storage area shall have been submitted to and approved in writing by the Local Planning Authority and thereafter the bin store shall be provided in accordance with the approved details.

In the interests of the visual amenities of the area.

- 21 The fire exit doors shall only be used as an emergency exit and shall not at any other time be left standing open.

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

- 22 No loudspeakers shall be fixed at any time outside the building.

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

- 23 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.

- 24 No deliveries to the building shall be carried out between 2300 hours to 0700 hours (on the following day) Monday to Saturday and 2300 hours to 0900 hours Sundays and Public Holidays.

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

- 25 No movement, sorting or removal of waste bottles, materials or other articles, nor movement of skips or bins shall be carried on outside the building/s within the site of the development (shown on the plan) between 2300 hours and 0700 hours (on the following day) Monday to Saturday and between 2300 hours and 0900 hours on Sundays and Public Holidays.

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

- 26 The development shall not be used for the purposes hereby permitted unless a scheme for the installation of equipment to control the emission of fumes and odours from the premises is submitted for written approval by the Local Planning Authority. These details shall include plans showing the location of the fume extract terminating point. The use shall not be commenced until the approved equipment has been installed and is fully operational.

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

- 27 The site shall be developed with separate systems of drainage for foul and surface water on an off site.

To ensure satisfactory drainage arrangements.

- 28 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to an approved in writing with the local planning authority before development commences.

To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

Attention is drawn to the following justifications:

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

IB6 - Development in Fringe Industry and Business Areas

IB9 - Conditions on Development in Industry and Business Areas

BE5 - Building Design and Siting

S5 - Shop Developments outside the Central Shopping Area and District Centres

S7 - Development in District and Local Shopping Centres

CS66 - Air Quality

CS74 - Design Principles

National Planning Policy Framework

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

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

Attention is drawn to the following directives:

1. The applicant is advised that responsibility for the safe development and occupancy of the site rests with the developer. The Local Planning Authority has evaluated the risk assessment and remediation scheme on the basis of the information available to it, but there may be contamination within the land, which has not been discovered by the survey/assessment.
2. The developer is advised that in the event that any un-natural ground or unexpected contamination is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority.
3. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Engineers in their document "Guidance Notes for the Reduction of Light Pollution". This is to prevent obtrusive light causing disamenity to neighbours. The Guidance Notes are available from the Institute of Lighting Engineers, telephone number (01788) 576492 and fax number (01788) 540145.
4. 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.

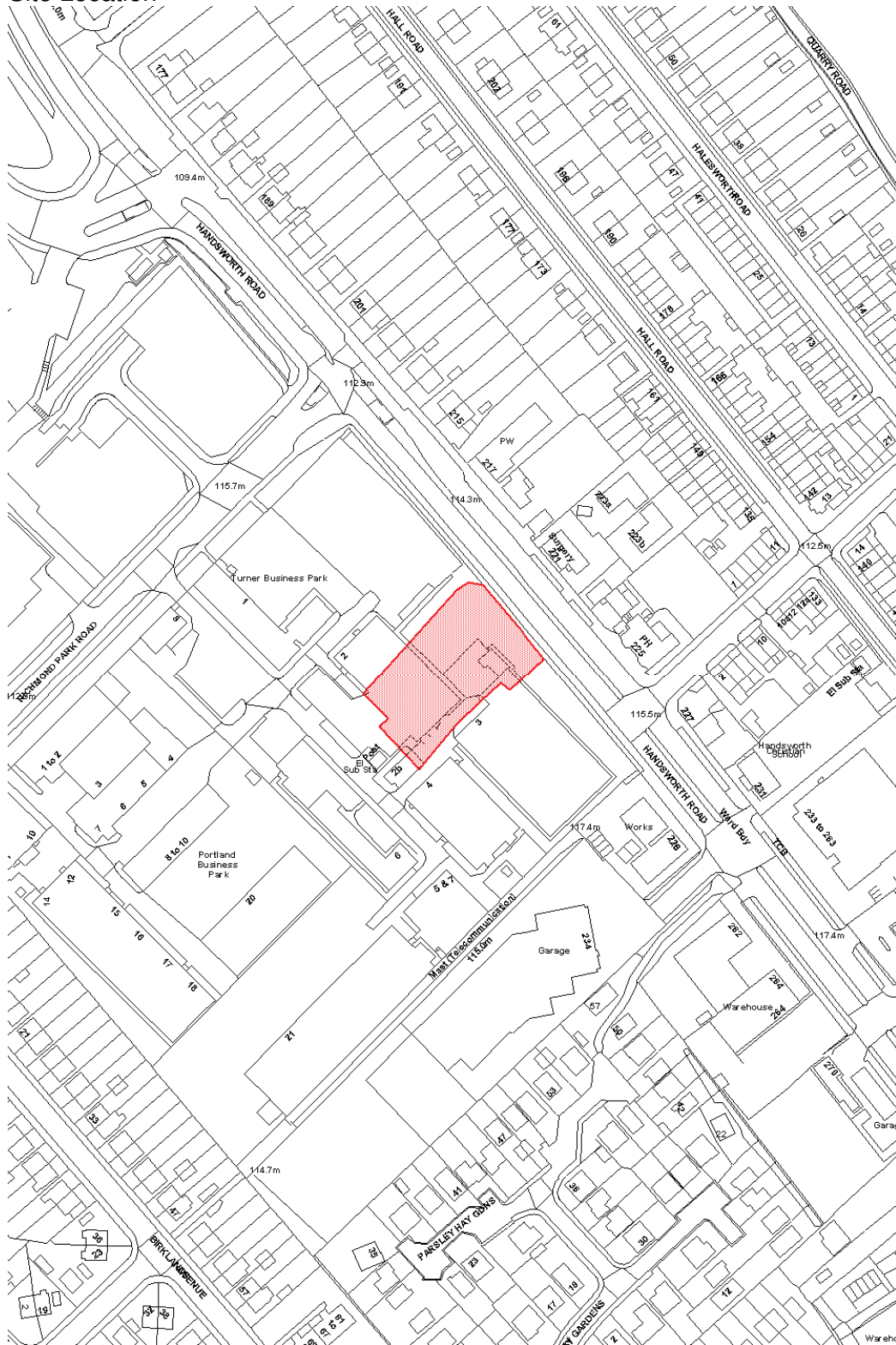
5. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received a signed consent under the Highways Act 1980. An administration/inspection fee will be payable and a Bond required as part of the consent.

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

# Site Location



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## LOCATION AND PROPOSAL

This application seeks permission to erect a drive through restaurant (452 sq metres in area) on part of the former Turner Business Park, Handsworth Road. The application site is approximately 0.30 hectares in area and is situated between two recently completed developments which comprise of an Aldi supermarket to the north west and a public house to the south east. All three sites benefit from shared access and egress on to Handsworth Road and Richmond Park Road.

Planning consent has been granted previously for the redevelopment of the whole of the former Turner Business Park which included full permission for a retail unit (use class A1) with associated roads, car park and landscaping and outline permission for a public house (Use Class A4), hybrid business units with ancillary retail (Use Class B1 (b) and (c)), car parking and landscaping.

The application site is in an allocated Business Area as defined in the adopted Sheffield Unitary Development Plan. The application site comprises a cleared generally level site located approximately 1 metre above the level of Handsworth Road.

The locality is mixed in character, with residential and commercial properties opposite the site on Handsworth Road. To the north west is the Aldi and Asda supermarkets. The premises on Richmond Park Road to the rear of the site are primarily commercial and include the driving test centre and the Thrifty car hire centre located on the Portland Business Park.

## RELEVANT PLANNING HISTORY

10/03141/FUL - Erection of retail unit (use class A1) with associated roads, car park and landscaping (full application) and public house (Use Class A4), hybrid business units with ancillary retail (Use Class B1 (b) and (c)), car parking and landscaping (outline application) – Granted Conditionally.

11/02241/FUL - Construction of roads, pavements and car parking accommodation in connection with redevelopment of site (As amended plan received 05/09/11) – Granted Conditionally.

11/03923/FUL - Erection of public house/ restaurant Class A3/A4 with ancillary residential accommodation at first floor and associated external play area, together with means of access, car parking (85 spaces), landscaping and ancillary works. – Granted Conditionally

## SUMMARY OF REPRESENTATIONS

15 letters of objection to this application have been received including comments from Councillors Harpham and Rooney and a 179 signed named petition, the issues raised are summarised as follows:

Councillor Harpham  
- Lack of adequate consultation with residents.

- Previous assurances given to residents regarding future use of the site.
- Increase in traffic already on congested roads and results of extra traffic on air quality in the area.

#### Councillor Rooney

- Increased traffic, litter and noise.
- Over provision in the area of fast food takeaway outlets.

#### Local residents

- Already a number of existing takeaways in the locality which would suffer as a result of another fast food restaurant.
- There is already a litter problem in the area, especially along the gennel to the side of the development which would be made worse.
- 24 hour opening would give rise to noise and disturbance.
- There is already a drive through McDonalds less than 2 miles from the site and an additional restaurant would detract from the area.
- Increase in antisocial behaviour.
- Vandalism has taken place while the other buildings on site have been constructed.
- Increased traffic congestion and traffic safety issues.
- Fast food restaurants give rise to obesity and do not promote a healthy lifestyle.
- Increase in vermin.
- Development will affect future house prices.
- Design of the development must reflect the character of the area.
- The proposals will make air quality worse in the area.

### PLANNING ASSESSMENT

#### Policy Issues

Within the Unitary Development Plan, the application site is designated as a Business Area. Policy IB6 of the UDP relates to development in such areas and advises that Business (Use Class B1), General Industry (B2) and Warehousing (B8) uses are preferred uses of land, however Policy IB6 also identifies that food and drink uses (A3/A4 and A5) can also be acceptable subject to the provision of other national and local planning policies.

Policy S5 'Shop Development outside the Central Shopping Area and District centres' only permits retail development outside of District and Local shopping areas where it would not undermine the vitality and viability of the local centre, it would be easily accessible by public transport facilities, it would not generate significant traffic volumes and would not take up land or give rise to shortages of land for preferred uses. More up to date policy on out of centre shopping uses is however now contained in the National Planning Policy Framework (NPPF).

Para 26 of the NPPF requires impact assessments to be completed on retail proposals over 2,500m sq, the council set a level of 1000sq m. The proposed restaurant has a gross floor area of 452 m sq and as such does not require an impact assessment. A restaurant is however identified as a town centre use in the



NPPF and as such any identified sequentially preferable sites must be assessed for suitability, viability and availability before any out of centre sites area considered.

The applicant has identified that a minimum site area of 0.3 hectares is required to accommodate the development associated parking and drive thru element of the restaurant. The NPPF advocates a flexible approach to consideration of development, in this case the provision of the drive thru element alongside the restaurant is considered intrinsic to the business offer and disaggregation of these elements affects the principle of the development, a view which has recently been supported by the planning inspectorate. The sequential approach has therefore been undertaken to consider in centre, edge of centre, and out of centre sites of 0.3 hectares in area.

A number of alternative sites have been considered as part of the sequential approach these include the Handsworth working Men's club (Handsworth Road), Parkway Service Station (Prince of Wales Road) Red Lion Hotel (Gleadless Road), The Elm Tree (980 City Road), Former Park and Arbourthorne Working Mens Club (City Road). Three of the five sites are not currently available for sale and all five sites fall below the required 0.3 hectares in area required to accommodate the development. As such there are not considered to be any sequentially preferable sites to the proposed development. The application site is considered to be highly accessible by various means of transport and forms part of an established small retail/commercial park. The proposal is therefore considered to be the sequentially preferable out of centre site in this case and complies with the provision of the NPPF and Local Planning Policy.

The proposed restaurant (A3/A5) is also not identified by Policy S7 of the UDP as a preferred retail (A1) use in a District and Local Shopping Area and as such is not considered to detract from or affect the viability of existing centres.

A number of concerns have also been raised regarding the impact on existing hot food takeaways in the locality and the number of established A3 and A5 uses already in the area. Whilst the local centre and general locality has established provision for hot food takeaway services, competition between rival businesses is not a planning matter.

## Design

Policy BE5 of the UDP relates to building design and siting and advises that good design and the use of good quality materials will be expected in all new developments. It seeks to achieve original architecture and a design on a human scale with varied materials that break down the overall mass of development. Policy CS74 of the SDF Core Strategy, which relates to design principles, advises that high-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods. Policy IB9 (c) also seeks that developments are well designed with buildings and storage of a scale and nature appropriate to the site.

The proposed building is a single storey structure, with its main entrance taken from the newly created estate road to the side of the building. The building occupies a similar position to the previously approved business units on the Handsworth Road frontage of the site. The building's internal layout essentially comprises of kitchen and service areas, which occupy over half of the building's footprint and a restaurant comprising of a seating area for customers. The seating area is highly glazed and wraps around the front, side and rear elevations of the building and will be visible from Handsworth Road helping to animate the street and create some activity.

The design approach to the building is modern incorporating timber cladding and louvers, stone coloured masonry, glazing and green cladding materials. The building has deep projecting eaves which add modelling and depth to the elevation, provide solar shading and screen roof mounted plant and equipment. The contemporary design approach is considered to complement the neighbouring supermarket and will likely reflect the future modern design approach to the rest of this business/retail park development. The neighbouring public house has a more traditional aesthetic incorporating a tiled pitched roof and brick detailing, however the street scene along Handsworth Road is varied incorporating many different building styles and the proposed development is considered a welcome modern addition that will infill a currently vacant cleared site.

Externally the car parking area and drive thru element of the restaurant are located to the rear of the site screened from Handsworth Road by the proposed building. The car parking area will be landscaped, secured by planning condition to following the landscaped principles established by the original outline planning consent for the whole site. In light of the above the proposal is considered acceptable from a design perspective and complies with BE5, CS74 and IB9.

#### Amenity issues

Policy IB9 (b) seeks to ensure that development does not cause residents to suffer from unacceptable living conditions. The building is well separated from noise sensitive uses (residential properties). The closest residential property to the site is the managers flat located above the neighbouring public house (The Sword Dancer), with the next closest residential properties located on the opposite side of Handsworth Road.

Handsworth Road is a busy arterial route in the city and as such there are relatively high background noise levels in the area already. The applicant is seeking flexibility to operate the restaurant (inclusive of use of the drive thru) 24 hours a day based on demand. There are already premises in the locality that operate on a 24 hour basis including the much larger Asda supermarket to the north of the site and more recently the adjoining public house has been permitted to operate until 0000 hours Monday to Saturday. The proposed operation of the restaurant is not considered to give rise to any significant noise and disturbance, due to its location on the retail park and to the south of Handsworth Road which provides an acceptable separation between the proposed commercial and existing residential properties to the north. Any late evening or early morning visits to the restaurant by either foot or car are unlikely to cause any significant noise and disturbance

again due to the sites location with the building also providing screening to the drive thru element of the restaurant. A small outdoor seating area common to nearly all out of centre McDonald's restaurants is located close to building entrance set back from Handsworth Road. The seating area is small and incidental to the main restaurant and again due to the site's position it is not considered to give rise to any amenity issues.

A fume extraction system which incorporates an odour filtration system which removes airborne odours from the cooking process is proposed, details of which will be secured by planning condition. In light of the above the proposal is considered to comply with policy IB9.

#### Antisocial behaviour issues

Anti-social behaviour issues are a matter for the police, however there is no evidence to suggest that the proposal will give rise to such issues. The proposed development will increase activity and natural surveillance on a currently vacant construction site. The applicant has also indicated that CCTV is to be employed on site for customer and staff safety

#### Highways

Access to the wider site is gained via the recently formed junctions onto Handsworth Road and Richmond Park Road which also serve the supermarket and public house. The proposed restaurant will take access off the newly created estate roads and operate a separate 'in and out' access to ensure efficient operation of the car park and drive through restaurant facility.

The applicant has submitted a transport statement which has analysed the potential traffic generation from the development. A detailed transport assessment was also prepared for the previous outline application which included consideration of the traffic generation from the supermarket and public house now erected, and three commercial units with a total floor space of 1609 sq metres, the report concluded that there were no significant highways implications from the development. Two of the commercial units with a combined floor space 1,031 previously approved on the application site are proposed to be replaced with the restaurant with a floor space of 452sq m. This results in an overall reduction in floorspace on the site from the previously approved scheme of 579 sq metres. Whilst a drive thru restaurant may be considered to generate more vehicle movements than an office unit of an equivalent size, the applicant's transport assessment has indicated that a number of the trips to the development would already be on the network in the form of pass by trips from vehicles that are already using Handsworth Road, or linked trips with the adjoining supermarkets.

Taking account of the significant reduction in the previously approved commercial floor space in order to accommodate the development the proposal is not considered to generate any significant additional traffic, which would be harmful to the safe operation of the highway network.

Service vehicle access will be taken from the Handsworth Road or the Richmond Park Road access to the site. A service vehicle has been tracked to show that it can enter the site, manoeuvre and exit the site in a forward gear. McDonald's use a sole distributor for delivery of its products and servicing takes place three times a week and lasts 15-45 minutes, multi temperature lorries that are capable of delivering all required products in a single delivery are used to minimise trips. A sophisticated computer scheduling system is used to timetable deliveries in advance so that the necessary parking spaces on the site can be coned off to accommodate the delivery vehicle turning requirements.

The application proposes a total of 35 car parking spaces including 2 accessible spaces, 2 waiting grill spaces and 3 cycle racks capable of accommodating 6 bikes. An additional 38 parking spaces are also available to the applicant being in shared use by the applicant and any future phase of the development of the rest of the business park. The site is highly accessible to public transport and is served by 5 bus routes with 4 bus stops within 400 metres of the site as well as having a large walk-in catchment from the surrounding residential area. The applicants has also prepared a Travel plan which is considered acceptable and details of which will be secured by planning condition.

The site is considered be in a sustainable location and the level of parking provision proposed is considered acceptable. Therefore the proposal is considered acceptable from a highways perspective.

#### Air Quality

Policy CS66 of the Core Strategy also advises that action to protect air quality will be taken in all areas of the City and action to improve air quality will be taken across the built up area and particular where residents in road corridors with high levels of traffic are directly exposed to levels of pollution above national targets'.

Air quality issues were considered as part of the approved hybrid outline planning application for the whole of the former turner business park and an Air Quality Assessment was submitted to analyse the potential traffic emissions associated with the approved mixed-use development.

The AQA considered the current conditions in the area of the site, the impacts arising from traffic movements generated on the local road network during the operation of the scheme and any necessary mitigation measures proposed to avoid or reduce any impacts that are identified.

The AQA considered data from the community diffusion tubes for nitrogen dioxide that are presently based on Handsworth Road, which enabled the AQA to accurately review the modelled air quality impacts

The Air Quality Assessment considered traffic flows arising from the approved development and noted the conclusions of the Traffic Assessment that overall, it is predicated that there will be a minor decrease in the 'developed site' traffic scenario when compared to the potential traffic generation arising from the site's previous industrial uses and as such may result in an improvement in air quality

over the previous use of the site. The development which is being considered as part of this application removes approximately 579 sq metres of permitted office space from the previously approved hybrid outline scheme, and therefore the traffic movements associated with that amount of floor space. Whilst it is acknowledged that a drive thru restaurant is likely to generate more vehicle movements than an office unit, the applicant's transport statement has demonstrated that a majority of vehicle movements associated with the development will already be on the highway network in the form of pass by trips or linked trips with other established premises in the area, and the number of new trips associated with the development is very small. As such the proposed development is not considered to have any detrimental impact on air quality.

Regardless of the above a number of air quality mitigation measures have been installed on the wider site already including three electrical car charging points which are available to be used by the applicant's customers. In light of the above the proposal is considered to comply with policy CS66 and does not give rise to any detrimental air quality issues.

### Sustainability

The proposed building is less than 500 sq metres and therefore is not required to satisfy the requirement of policy CS64 and 65 with regard to the provision of renewable energy and achieving a BREEAM very good rating. However the development includes a number of sustainability measures embedded in both the construction and design of the building. These include the use of recyclable aggregates to form the concrete sub base, glazed frontages to maximise solar gain, sustainable drainage systems are used to minimise water consumption and cooking oil is recycled into biodiesel which is then used as a fuel for McDonalds' delivery vehicles, which results in significant carbon savings. They also have a waste management strategy which seeks to reduce, reuse and recycle all materials where possible. As such the proposal is considered acceptable from a sustainability perspective.

### Litter

A number of concerns have been raised with regard to the spread of litter in the locality. McDonald's have confirmed that it is company policy to undertake three daily litter patrols, not only collecting McDonalds' litter but also other litter in the vicinity. Litter bins are provided at all restaurants and anti littering signage is also displayed within the site to encourage customers to dispose of litter responsibly. The applicant has also indicated that it is a founding Member of the 'Love Where you Live' anti-littering campaign and organises regular clean up events in the local community. McDonald's also undertakes its own anti littering initiatives, such as litter picking sessions with local community groups or schools

### RESPONSE TO REPRESENTATIONS

Issues to do with the perception of healthy food and diet are not planning matters. There is no evidence to suggest that the proposal will increase vermin in the area, however should this issue arise it is a matter for environmental protection services.

Impact on house prices is not a planning matter. All other issues are covered in the main body of the report.

## SUMMARY AND RECOMMENDATION

The principle of providing a restaurant on this site is considered acceptable, there are no available, viable or sequentially preferable sites available in the area and the proposed development is considered to be in a highly accessible out of centre location. In addition the proposed development is not a retail use which in accordance with policy S7 is the preferred use of land in Local Shopping Areas and as such the development is not considered to affect the vitality and viability of the existing Local and District centres.

The proposed development makes use of an existing vacant site fronting Handsworth Road located between the newly constructed Aldi supermarket and the Sword Dancer public house. The proposed building is a modern contemporary design which is considered to complement the adjoining new buildings and will not appear out of place in the streetscene given the varied character and appearance of the street. The building has been appropriately orientated to face the Handsworth Road frontage of the site. The site is in a sustainable location accessible by both public transport and on foot due to its proximity to housing areas in the vicinity. Appropriate parking provision is provided on site and as such the proposal is considered acceptable from a highways perspective. The proposal does not give rise to any amenity or air quality issues. In light of the above the proposals are considered to comply with the NPPF. policy IB6, IB9, S7 and S5 and BE5 of the UDP and policies CS66 and 74 of the Core Strategy and therefore it is recommended that planning permission is granted conditionally.

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Case Number	12/03005/FUL (Formerly PP-02217676)
Application Type	Full Planning Application
Proposal	Commencing use of approved park and ride facility before pedestrian crossing has been provided (Application under section 73 to vary condition 7 (highway improvements) of planning permission no. 11/01522/FUL (Provision of park and ride facility))
Location	Site Of Abbeydale Garden Centre Abbeydale Road South Sheffield S17 3LB
Date Received	28/09/2012
Team	SOUTH
Applicant/Agent	South Yorkshire Passenger Transport Executive
Recommendation	Grant Conditionally

Subject to:

- 1 The development must be begun not later than the expiration of three years from the date of 5 September 2011.

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

- 2 Before any work on site is commenced, a comprehensive and detailed hard and soft landscape scheme for the site shall have been submitted to and approved by the Local Planning Authority. The landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first agreed in writing with the Local Planning Authority. Thereafter the landscaped areas shall be retained and shall not be used for any other purpose without the prior consent of the Local Planning Authority. 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.

In the interests of the amenities of the locality.

- 3 The soft landscaped areas shall be managed and maintained for a period of 5 years from the date of implementation and any plant failures within that period shall be replaced to the satisfaction of the Local Planning Authority.

In the interests of the amenities of the locality.

- 4 The Local Planning Authority shall be notified when the landscape works are completed.

To ensure that the Local Planning Authority can confirm when the maintenance periods specified in associated conditions/condition have commenced.

- 5 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 amenities of the locality.

- 6 Before any work on site is commenced, measures to protect the existing trees, shrubs and hedges to be retained shall be provided, in accordance with details which shall be submitted to and approved by the Local Planning Authority. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2005 (its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development unless otherwise agreed in writing.

In the interests of the amenities of the locality.

- 7 The development shall not be begun until 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 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 end of March 2014.

Highway Improvements;

Pedestrian Crossing Facility - Abbeydale Road South.

Traffic Regulation Order - Abbeydale Road South.



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.

- 8 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 traffic safety and the amenities of the locality.

- 9 Before the development is commenced, details of the signing of the one-way system within the site shall have been submitted to and approved in writing by the Local Planning Authority. The signage shall be provided in accordance with the approved plans before the park and ride scheme is used and thereafter, such signage shall be retained and maintained.

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

- 10 The park and ride scheme shall not be used unless all redundant access have been permanently stopped up and reinstated to footway, and means of vehicular access shall be restricted solely to those access points indicated in the approved plans.

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

- 11 Before the development is commenced, full details of the proposed layout and setting out of the cycle parking accommodation shall have been submitted to and approved in writing by the Local Planning Authority. The park and ride shall not be used unless the cycle parking accommodation has been provided in accordance with the approved plans and thereafter, such cycle parking shall be retained.

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

- 12 The park and ride shall not be used unless suitable access and facilities for people with disabilities, both to and within the site and also within the curtilage of the site, have been provided but, before such access and facilities are provided, full details thereof shall have been submitted to and approved in writing by the Local Planning Authority. When the access and facilities have been provided, thereafter such access and facilities shall be retained. (Reference should also be made to the Code of Practice BS8300).

To ensure ease of access and facilities for disabled persons at all times.

- 13 Surface water discharge is subject to a reduction of at least 30% compared to the existing peak flow and detailed proposals for surface water disposal, including calculations to demonstrate the reduction, shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of development. In the event of the existing discharge

arrangements not being known or if the site currently discharges to a different outlet, then a discharge rate of 5 l/s/Ha is required.

In order to mitigate against the risk of flooding.

- 14 Details of the lights and lighting columns shall be submitted to and agreed in writing by the Local Planning Authority before the development is commenced. Thereafter, such lighting shall be carried out in accordance with the approved details.

In order to ensure an appropriate quality of development.

- 15 The development must be carried out in complete accordance with the following approved documents;

Drawings numbered LSK-06 RevB and DS-GA-001 P4

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 16 Details of existing and proposed levels shall be submitted to and agreed in writing by the Local Planning Authority before the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

To secure ease of access and egress of vehicles.

- 17 Replacement trees shall be of the semi mature variety.

In the interests of the visual amenities of the locality.

- 18 Details of the drainage and underground water storage tank shall be submitted to and agreed in writing by the Local Planning Authority before the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

To ensure satisfactory drainage arrangements.

Attention is drawn to the following justifications:

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

H14 - Conditions on Development in Housing Areas

CS51 - Transport Priorities

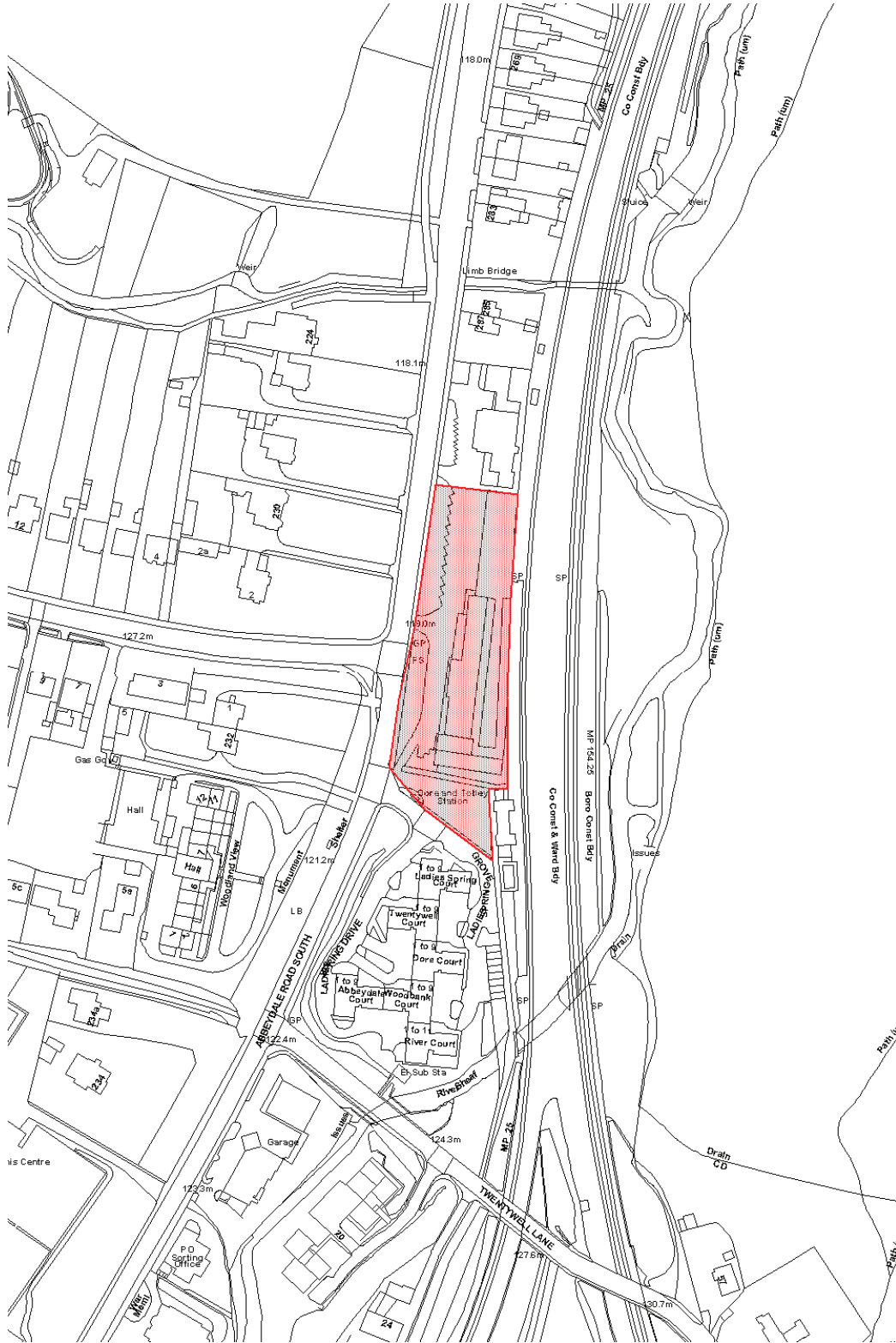
CS53 - Management of Demand for Travel

CS57 - Park-and-Ride and Car Parking in the City Centre

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

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

# Site Location



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## LOCATION AND PROPOSAL

This site is that of the former Godley Garden Centre, now demolished, that was located next to Dore station. The cleared site is a level area of concrete and tarmac that has been enclosed by blue, wooden security fencing. Along the frontage with Abbeydale Road South there is a line of mature trees, including a number of flowering cherries. To the south, the station approach separates the site from apartments and along this edge of the site are conifer trees.

To the east is the station, which is at a higher level and there are trees and bushes here also. To the south is a restaurant and shop with parking at the front. All other uses in the vicinity of the site are residential.

Members may recall that an application to use this site as a Park and Ride facility for 130 cars was approved at the City Centre, South and East Planning Committee of 6 September 2011. Condition 07 attached to this consent reads as follows.

‘The development shall not be begun until 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 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 park and ride scheme is brought into use.

Highway Improvements:

Pedestrian Crossing Facility – Abbeydale Road South.  
Traffic Regulation Order – Abbeydale Road South.’

This new application has been submitted under section 73 of the Town and Country Planning Act to vary the wording of condition 07 so that the Park and Ride scheme can either be implemented before the pedestrian crossing is put in place or any agreement is in place to ensure that the crossing will be provided.

The applicant, South Yorkshire Passenger Transport Executive (SYPTTE) have confirmed that the Traffic Regulation Order (Parking restrictions along Abbeydale Road South at the site boundary) controlled by condition 07 will be implemented in accordance with the wording of the condition but has set out the following reasons for wishing to provide the crossing at a later date.

SYPTTE are anxious to proceed with the Park and Ride scheme as soon as possible and funding is now in place to allow this to happen. This would reduce the pressure on parking on Dore Road and meet community aspirations in this respect. A much needed parking facility would be put in place.

Funding for the pedestrian crossing is not yet in place and will not be available until the financial year 2013/2014. SYPTE anticipate being able to deliver the crossing during that year and this application seeks to incorporate this flexibility.

#### RELEVANT PLANNING HISTORY

11/01522/FUL. Provision of a Park and Ride facility, including 130 car parking spaces, 20 cycle parking spaces, closure of the means of access from Abbeydale Road South and alterations and improvements to access at the south of the site approved on 6 September 2011.

#### SUMMARY OF REPRESENTATIONS

13 letters have been submitted by neighbours.

One letter objects to the application because, without the crossing, pedestrians would be at risk when crossing the road to the station.

One letter expresses concern that, without the crossing, there would be uncertainty about pedestrian safety as the existing refuge is too far away to the north to be useful. However, support for the early implementation of the park and ride is also urged.

Eleven letters support the application, making the following comments.

Dore Road is used as a Park and Ride scheme now and with these cars transferred to the site, this would mean less cars on Dore Road and fewer people crossing Dore Road, which would be much safer.

The sooner the works begins the better, as the Park and Ride scheme is long overdue.

The current situation of commuter parking on Dore Road is unacceptable because it causes chronic congestion and disruption to local residents.

The parking on Dore Road is on both sides of the road at the lower end and reduces the road down to one lane.

The amenities of the area will be improved even if there is a delay in providing the crossing.

It is much more important to provide the parking than wait for the crossing to be built as well.

## PLANNING ASSESSMENT

### Land Use Policy.

The adopted Unitary Development Plan (UDP) shows that the site is part of a housing policy area. The principle of the use of this site for park and ride purposes has already been established by way of the earlier consent.

Policies CS51 and CS53 of the adopted Core Strategy seek to control and manage transport respectively, encouraging the use of alternative modes of transport where possible.

Core Strategy policy CS57 deals with park and ride schemes and parking in the city centre but does also say that park and ride will be provided outside the centre and the list of strategic locations includes Abbeydale Road.

The provisions of these policies have already been met in the earlier consent.

The condition was attached to the consent because of the likely impact on pedestrian safety. The introduction of the park and ride facility is likely to increase vehicle and pedestrian activity around the site significantly. Abbeydale Road South at this point is very busy, particularly during the morning and evening peaks and this activity will be increased by the park and ride scheme.

At the time of assessing the earlier application, it was considered necessary specify the crossing to ensure that pedestrian safety was maintained in the light of increased vehicle movements in the area. The single issue in assessing this application to vary the wording of condition 07 is whether delaying the provision of the crossing would have an unacceptable impact on pedestrian safety.

### Impact of Delaying the Crossing on Pedestrian Safety.

UDP policy H14 says that new development should not endanger pedestrians and Core Strategy policy CS51 seeks to improve road safety.

The applicant, as part of the submission of this application, argues that they do not wish to delay the introduction of the scheme because the funding is available during this financial year and the intention is to have the scheme operational before the end of March 2013. There is strong demand for the park and ride facility borne out by the high levels of informal parking along the lower end of Dore Road and implementation of the park and ride would remove this informal street parking which is to the detriment of road safety and residents' amenities.

The pedestrian crossing would be delivered during the 2013/14 financial year when funding would be made available and SYPTE feel that the benefits of an early implementation of the park and ride outweigh the delay in providing the crossing.

It would be the case that a delay of up to a year in providing the crossing would be to the short term detriment of pedestrian safety. However, it is considered that there are long term benefits that outweigh this.

There is funding available during this financial year for the park and ride facility and there may be uncertainty of this funding remaining available if it is delayed. The delay might even mean that the funding is lost altogether.

Numerous cars park on Dore Road and the drivers currently cross Abbeydale Road South to reach the station. If all these cars park in the new park and ride facility, the drivers will then not have to cross the road, which would be safer.

The early removal of the informal street parking on Dore Road will make driving along here safer and improve residents' amenities.

Implementing the scheme will meet an identified need and resolve concerns amongst the community about the current parking situation on Dore Road.

In conclusion, there would be no pedestrian crossing in the short term when the park and ride has become operational. However, at present, all the people who park at the bottom of Dore Road currently cross Abbeydale Road South and they will be transferred to the Park and Ride scheme and they will no longer need to cross the road, which will be safer. In the long term the crossing will be provided to complement the parking scheme.

On balance, it is considered that policies H14 and CS51 have been satisfied.

#### SUMMARY AND RECOMMENDATION

This application seeks to vary the wording of condition 07 attached to planning consent no 11/01522/FUL which is for a Park and Ride scheme at Abbeydale Road South to allow for a delay in providing the pedestrian crossing required by the condition. On balance, this is considered to be acceptable.

It is proposed that the condition is revised to read as follows:

'The development shall not be begun until 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 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 end of March 2014.

Highway Improvements;

Pedestrian Crossing Facility – Abbeydale Road South.  
Traffic Regulation Order – Abbeydale Road South.'

The application satisfies appropriate policy criteria and is recommended for approval.



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Case Number 12/02716/CHU (Formerly PP-02177804)  
Application Type Planning Application for Change of Use  
Proposal Use of unit for A3 purposes (Restaurants and cafes)  
Location 485 Ecclesall Road  
Sheffield  
S11 8PP  
Date Received 05/09/2012  
Team SOUTH  
Applicant/Agent CadenzaVM Architecture + Design  
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 numbers:

524-03

524-04

524-05

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 The development shall not be used for the purpose hereby permitted unless suitable apparatus for the arrestment and discharge of fumes or gases has been installed. Before such equipment is installed details thereof shall have been submitted to and approved by the Local Planning Authority. After installation such equipment shall be retained and operated for the purpose for which it was installed.

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

- 4 No customer shall be permitted to be on the premises outside the following times: 0900 - 2330 on Monday to Saturday and 0900 - 2300 on Sundays and Public Holidays.

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

- 5 Site servicing shall be carried out from Ecclesall Road, between 0800 hours and 1900 hours Mondays to Fridays and between 0800 hours and 1400 hours on Saturdays, with no servicing on Sundays or Bank Holidays.

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

- 6 No external movement, sorting or removal of waste materials, skips or bins shall take place from 2100 hours until 0700 hours Mondays to Saturdays or at any time on Sundays and Bank Holidays.

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

- 7 No live music or amplified sound shall be played within the building unless a scheme of sound attenuation works has been installed and thereafter retained. Such scheme of works shall:

a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey,

b) Be capable of restricting noise breakout from the building to the street to levels not exceeding:

(i) the background noise levels by more than 3 dB(A) when measured as a 15 minute Laeq,

(ii) any octave band centre frequency by more than 3 dB when measured as a 15 minute linear Leq.

Before such scheme of works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority.

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

- 8 There shall be no provision of external tables, chairs or smoking facilities, nor any external eating, drinking or smoking, at the premises, without the written consent of the Local Planning Authority.

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

- 9 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 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.

- 10 Any mechanical plant, such as air conditioning, fans, heat pumps, etc, shall be switched off at closing time, to reduce night-time noise.

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

Attention is drawn to the following justifications:

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

S7 - Development in District and Local Shopping Centres  
S10 - Conditions on Development in Shopping Areas

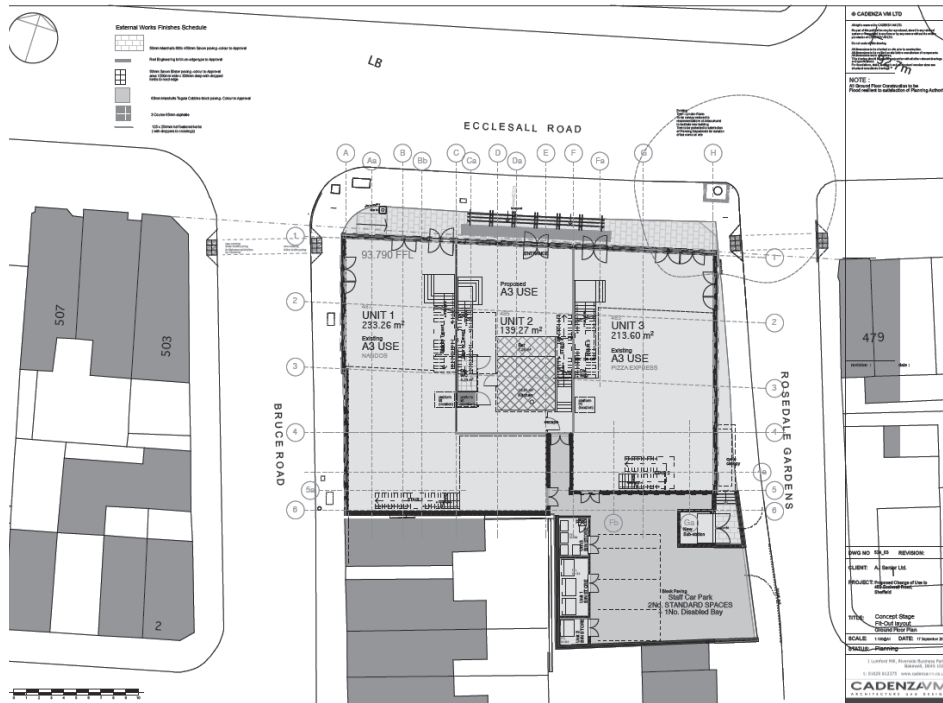
Overall it is considered that the development complies with the relevant policies and proposals in the development plan, and would not give rise to any unacceptable consequences to the environment, community or other public interests of acknowledged importance.

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

Site Location



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## LOCATION AND PROPOSAL

The application relates to the middle unit within a newly constructed building containing three units for commercial usage at ground floor.

The unit is two storeys in height with additional storage in the roof space.

The unit is currently lying vacant and has in fact not been occupied since the building was completed. The unit is flanked by A3 uses (Pizza Express to the north and Nando's to the south)

To the rear of the premises there is an open yard/hardstanding area used for staff car parking. However, the rear of the unit (No.2) in question does not extend to the rear of the building as unit 1 (Nando's) has a footprint that wraps around the rear of the Unit 2.

The character of Ecclesall Road at this point is mixed. The south side of the road is predominantly commercial in nature and is allocated as District Shopping Area in the Unitary Development Plan. The north side is almost exclusively residential and is allocated as Housing Area.

It is proposed to change the use of the unit to a restaurant.

## RELEVANT PLANNING HISTORY

Permission was granted for the entire building in 2009 (09/01880/FUL) and included two units for A3 use and a single unit for A1 use. The site had been vacant for some time but was formerly occupied by a petrol filling station.

Permission was granted in 2011 (11/00992/FUL) to reduce the staff car parking provision from 4 spaces to 3.

## SUMMARY OF REPRESENTATIONS

There have been 5 representations regarding this application including one from the Botanical Gate Community Association.

### Summary of points raised by the BGCA

- The proposal will exacerbate existing noise and disturbance on nearby residential streets.
- The change of use will adversely affect the balance of retail to non retail uses on Ecclesall Road.
- At present less than 50% of the units occupying the length of Ecclesall Road between Berkeley Precinct and Hickmott Road are in retail use and a permission would contribute towards an unacceptable concentration of non retail uses.

### Additional matters raised by other representations.

- The proposal will exacerbate existing noise and disturbance on Ecclesall Road and nearby residential streets.
- The proposal will increase littering to the street.
- The proposal will exacerbate existing car parking difficulties in the locality.

## PLANNING ASSESSMENT

### Policy Issues

The site lies within an allocated District Shopping Area and therefore the following policies apply:

Policy S7 states that food and drink outlets are an acceptable use in a Shopping Area subject to the provisions of Policy S10.

Policy S10 states that such a use will be permitted provided that it does not lead to a concentration of uses which would prejudice the dominance of the preferred use (retail) and would not cause occupiers of nearby residential property to suffer unacceptable living conditions.

Policy C4 of the Sheffield Development Framework (City Policies and Sites Consultation draft) states that changes of use will be acceptable in such areas if more than half the length of the units in the centre within 50 metres either side of the site would still be in use as shops. However, this policy has been objected to at consultation stage and as such cannot be afforded significant weight.

## Dominance

This change of use would not represent a significant shift in the balance between retail and non retail properties within the Shopping Area as whole. The most recent survey data indicates that 98 of the 153 units in the Centre are occupied by retail users (64%). This is well in excess of the 50% required by Policy S10. In terms of street frontage throughout the DSC 57% of the available frontage is in retail use.

As such the proposal is satisfactory when tested against Policy S10.

The more localised assessment of the centre as specified in emerging policy indicates a significantly more balanced situation with retail uses currently occupying 53% of the uses (7 of 13 units). This would fall to 46% if permission were granted.

This measure of dominance in terms of units needs to be qualified by the understanding that several of the non retail uses occupy units with greater frontage width than their retail counterparts.

It is also worthy of note that, should permission be granted, the resultant combined frontage of non retail uses in the building would amount to a 30 metre stretch with no retail presence. However, this is not a dissimilar scenario to that existing at 509-523 Ecclesall Road (combination of Mud Crab and La Tasca)

A refusal of permission would need to be based on the premise that:

1. A 30 metre length of frontage without retail use in itself would harm the vitality and viability of the District Shopping Centre, or that;
2. The addition of a further non retail use would contribute to a significant over concentration of such uses within a localised area (i.e. the 100 metres straddling the site as identified by an emerging policy)

In these cases it cannot be determined exactly to what degree the existing breaks in retail frontage such as the Mud Crab/La Tasca contribute to a reduction in footfall along the length of the District Centre, if any.

Finally, given that the localised scenario is finely balanced rather than significantly weighted towards non retail uses it is considered that the key consideration in this case must be the requirements of Policy S10 (a). This is the only policy that carries the full weight of adoption.

Therefore, having considered all of the above it is felt that, on balance, the weight of adopted policy should prevail. The overall retail offer of 64% within the DSC is not so marginal so as to render the localised level of concentration an outweighing factor.

The proposal is considered acceptable and compliant with Policy S10 (a).

## Residential Amenity

The nearest residential properties from the application site are the flats above other commercial properties on Ecclesall Road and dwellings to the rear on Rosedale Gardens and Bruce Road.

Any likely impact upon residential amenities will therefore be measured primarily against these properties.

Ecclesall Road is one Sheffield's busiest main roads and therefore, generates a considerable amount of ambient noise immediately adjacent to the site and the first floor flats.

In addition to this background noise it is not considered reasonable to expect that residents fronting this major road should enjoy the same level of amenity that might be afforded in a solely residential area.

It is not considered that the use will impact on residents to the rear of the premises as to-ings and fro-ings at the front of the unit will be masked by the mass of the building itself.

The application is for a café/restaurant use rather than a hot food take-away. It is considered that an A3 use is less likely to generate significant vehicular movements/ parking on nearby residential streets than an A5 use and as such it is not considered that the proposal would lead to significant disturbance on nearby residential streets.

Overall the proposal is considered acceptable in the light of Policy S10 (b).

## Highway Issues

The site does not have any facilities for off-street parking. There is some on-street parking available but it is not felt that the proposal would introduce a significant intensification, over and above existing, in terms of trip generation and on street parking so as to justify a reason for refusal.

## Flood Risk

The site lies within Flood Zone 3a (High Probability). However the extant use and that proposed are identified as being in the same vulnerability group by the National Planning Policy Framework. As such there is no likelihood of exacerbation of flood risk potential. The original building was designed with a minimum floor level of 93.85 m A.O.D. in order to mitigate against flooding.

## Response to representations

Matters relating to retail dominance, noise and disturbance and car parking have been addressed in the main body of the report.



As the application is for a restaurant there is no reason to believe that the scheme will result in littering to the street.

#### SUMMARY AND RECOMMENDATION

This is an application for a change of use of a vacant unit with established A1 use into a restaurant. It is considered that the introduction of this use would not give rise to disamenity to nearby residents in terms of noise and disturbance, smells/odours and the proposal would not adversely affect the vitality and viability of the Shopping Area as a whole or within the immediate locality.

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Case Number	12/02670/FUL (Formerly PP-02163230)
Application Type	Full Planning Application
Proposal	Erection of industrial unit to house a steel forging press, erection of adjoining pump room building and provision of parking accommodation
Location	Firth Rixson Forgings Ltd Meadowhall Road Sheffield S9 1HD
Date Received	30/08/2012
Team	CITY CENTRE AND EAST
Applicant/Agent	Gordon Stephenson Chartered Architect
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:
  - Site Plan as Existing - Dwg. No. 726/7A
  - Site Plan as Proposed - Dwg. No. 726/11C
  - Plan showing South East Elevation & North East Elevation - Dwg. No. 726/5B
  - Plan showing South West Elevation & North West Elevation - Dwg. No. 726/6B
  - Ground Floor Plan - Dwg. No. 726/2K
  - Section thru' car park - Dwg. No. 1242/01/SK05
  - Indicative Levels Layout - Dwg. No. 1242/01/SK12
  - Cross Section - Dwg. No. 726/12
  - Proposed Levels - Dwg. No. 726/8C
  - Landscape Masterplan - Dwg. No. FRM 06 Rev. D

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 Details of all proposed external materials and finishes, including samples, 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.

- 4 Prior to implementation, full details of any signage and lighting proposals intended to be installed on the new forge building, the associated pump room or staff car park area shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided as proposed and shall thereafter be retained.

In the interests of the amenity of the site and to ensure an appropriate quality of development at such a prominent M1 gateway location.

- 5 The forge building hereby approved shall not be used unless the car parking accommodation for 132 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.

- 6 Prior to installation on site, full details of the proposed cycle storage accommodation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

To ensure satisfactory parking provision and the promotion of sustainable transport activities.

- 7 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.

- 8 The approved landscape works (shown on Drawing Number: FRM 06 Rev.D "Landscape Masterplan) 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.

- 9 The development hereby permitted shall proceed in accordance with the drainage details, relating to pollution prevention, set out in the letter from Allan Poyser of ARP Associates to the Environment Agency, dated 2 April 2012 (Ref. 1242/01/ARPMjs).

To reduce the risk of pollution to Blackburn Brook to an acceptable level.

- 10 Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 6.0 (six) metres either side of the centre line of the water main, which crosses the site.

In order to allow sufficient access for maintenance and repair work at all times.

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

To ensure satisfactory drainage arrangements.

- 12 Prior to being discharged into any watercourse, surface water sewer or soakaway system all surface water drainage from parking areas and hardstandings shall be passed through a petrol/oil interceptor designed and constructed in accordance with details to be approved in writing by the Local Planning Authority.

To prevent pollution of the Water Environment.

- 13 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, including acoustic performance details, have been first submitted to and approved by the Local Planning Authority. 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.

- 14 Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation 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 CLR 11 (Environment Agency 2004).

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

- 15 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.

- 16 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.

- 17 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.

- 18 Unless otherwise approved by the Local Planning Authority, the development hereby approved shall be constructed to achieve a minimum rating of BREEAM 'good' and before the development is occupied (or within an alternative timescale to be agreed) the relevant certification, demonstrating that BREEAM '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.

- 19 Before development of the staff car park is commenced a visual reptile search should be carried out in the areas where works are to take place, including working zones for machinery and the storage of materials, as recommended by the Ecological Assessment produced by Weddle Landscape Design (Revision A July 2012). In the event that protected

species are found to be present then a specialist re-survey should be carried out. This re-survey and a scheme for translocation shall then be submitted to and approved in writing by the Local Planning Authority. Thereafter, the methods of translocation shall be implemented as agreed.

In the interests of nature conservation and development, and to ensure that amphibians and reptiles are not harmed by the proposed development.

- 20 In accordance with the recommendations of the Ecological Assessment produced by Weddle Landscape Design (Revision A July 2012), no construction work which will disturb nesting birds should take place during the bird breeding season (March - August) unless otherwise agreed in writing by the Local Planning Authority.

In the interests of nature conservation and development, and to ensure that birds and their nests are not harmed by the proposed development.

- 21 Prior to installation, final design details on the sub-station, waste water facility and cooling towers identified on the proposed site plans shall be first been submitted to and approved by the Local planning Authority. Thereafter, the buildings shall be implemented in accordance with the approved details.

In order to ensure an appropriate quality of development.

Attention is drawn to the following justifications:

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

IB6 - Development in Fringe Industry and Business Areas

IB9 - Conditions on Development in Industry and Business Areas

BE5 - Building Design and Siting

BE12 - Public Art

GE10 - Green Network

GE11 - Nature Conservation and Development

GE15 - Trees and Woodland

GE17 - Rivers and Streams

GE22 - Pollution

GE23 - Air Pollution

GE24 - Noise Pollution

GE25 - Contaminated Land

GE26 - Water Quality of Waterways

CS5 - Locations for Manufacturing, Distribution/Warehousing and other Non-office Businesses

CS63 - Responses to Climate Change

CS64 - Climate Change, Resources and Sustainable Design of Developments

CS65 - Renewable Energy and Carbon Reduction

CS66 - Air Quality  
CS67 - Flood Risk Management  
CS74 - Design Principles  
CS75 - Improvements to Gateway Routes into and through the City

The proposal represents a new addition to the existing Firth Rixson steelworks and is a significant investment into Sheffield - creating 60 new jobs and knock-on benefits. The new buildings will accommodate a new forge facility, including hydraulic press which will be one of the largest of its type.

The site has a prominent location and is highly visible from surrounding roads (regarded as gateways to the City), the railway and the Supertram route.

The principle of development in land use terms is acceptable. It is located within a designated 'Fringe Industry and Business Area' in the adopted UDP and a locations identified for Manufacturing, Distribution/Warehousing and other Non-office Businesses in the SDF.

There are considered to be no significant noise or vibration issues associated with the proposed use. The site is an existing steelworks and the information submitted demonstrates that acceptable amenity will be maintained for the nearest residential properties. Furthermore, the impact on air quality is satisfactory and the outstanding contaminated land issues identified can be resolved by condition.

The Blackburn Brook runs through the site and is a material consideration in terms of flooding for the site and water pollution into the Brook. The site lies within Flood Zones 2 and 3 which offer the greatest chance of flood, however the Sequential Test indicates that the site is the most suitable option available for Firth Rixson and the Flood Risk Assessment demonstrates that flooding will be addressed as part of the development. In terms of pollution, it is considered that the design of the scheme will not be harmful to the Blackburn Brook subject measures being implemented as proposed.

In terms of design, it is accepted that the site is located within an industrial setting. The architectural form and appearance of the building is led by its overall function. It is considered that the proposed size and scale, in fact, represents an opportunity on such a visible site to both celebrate and highlight the presence and continued role of engineering/steelwork in Sheffield at this important gateway location.

There are considered to be no significant highway issues associated with the proposal. Following sufficient justification, a financial contribution towards the Tinsley Link Road Improvement is not required. The position, layout and access to the new car are all deemed acceptable, subject to conditions.

The creation of the new car park (110 spaces) will involve extensive excavation works and the removal of existing vegetation which will have an impact on the Green Corridor. However, use of the existing railway embankment is deemed the most suitable option for Firth Rixson and the vegetation contained within the embankment is not of a high quality. Furthermore, the proposed new landscaper works are considered to be of a good quality and will help to preserve the green link. Furthermore, the inclusion of native plant/tree species will help to enhance the ecology value of the site which is currently low to moderate.

The sustainability credentials of the scheme are not so high and only a BREEAM rating of 'Good' is possible. However, it is accepted that the proposed new buildings are essentially cladding to protect machines which carry out the steel forging process, which is neither a sustainable or energy efficient activity. Furthermore, given the energy consumption required from the forging process it is accepted that 10% of predicted energy needs from decentralised and renewable or low carbon energy is not achieved because it is neither feasible nor viable.

In light of the above, it is concluded that this application is consistent with the UDP and SDF Core Strategy Policies referred to and it is for this reason why planning consent has been granted for the proposal, subject to the recommended conditions and directives listed.

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

Attention is drawn to the following directives:

1. With regard to the storage of oils on site, the applicant is advised that any facilities, above ground, for the storage of oils, fuels or chemicals shall be provided with adequate, durable secondary containment to prevent the escape of pollutants. The bunded area shall be designed, constructed and maintained in order that it can contain a capacity not less than 110% of the total volume of all tanks or drums contained therein. All filling points, vents, gauges and sight glasses should be bunded. Any tank overflow pipe outlets shall be directed into the bund. Associated pipework should be located above ground and protected from accidental damage. There shall be no gravity or automatic discharge arrangement for bund contents. Contaminated bund contents shall not be discharged to any watercourse, land or soakaway. The installation must, where relevant, comply with the Control of Pollution (Oil Storage) (England) Regulations 2001 and the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991 and as amended 1997. Site occupiers intending to purchase or install pollutant secondary containment (bundings) should ensure that the materials are not vulnerable to premature structural failure in the event of a fire in the vicinity.



2. With regard to controlled waste, the applicant is advised that if any controlled waste is to be removed off site, then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably permitted facility.
3. With regard to Duty of Care, the Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations.
4. With regard to the use of waste material, the applicant is advised that if any waste is to be used onsite, the applicant will be required to obtain the appropriate waste exemption or permit from us. We are unable to specify what exactly would be required if anything, due to the limited amount of information provided.

Excavated material arising from site remediation or land development works can sometimes be classified as waste. For further guidance on how waste is classified and best practice for its handling, transport, treatment and disposal please see our waste pages at <http://www.environment-agency.gov.uk/business/topics/waste/default.aspx>

5. With regard to waste hierarchy, the applicant is advised that the developer must apply the waste hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal options. Government Guidance on the waste hierarchy in England is at: <http://www.defra.gov.uk/publications/files/pb13530-waste-hierarchy-guidance.pdf>

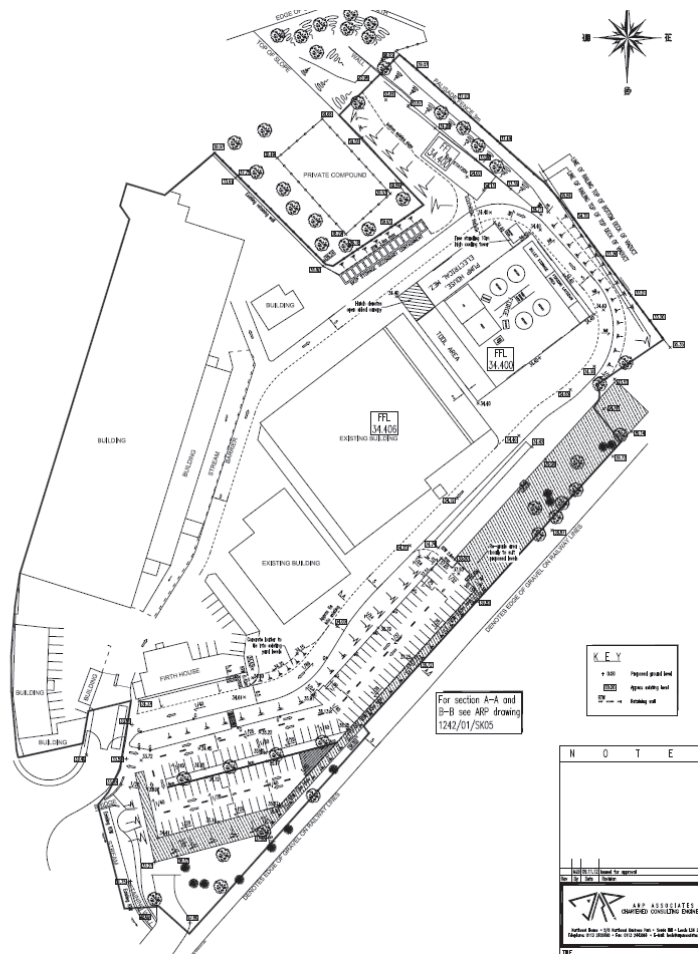
For further information on any of the above points the applicant is advised to contact the Environment Management team at our Templeborough office on 01709 312895, our customer service line 08708 506506 or refer to guidance on our website <http://www.environment-agency.gov.uk/subjects/waste>

6. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.
7. In relation to Condition 6, the Applicant is advised that any cycle parking proposed should be covered and secure.
8. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document 'Guidance Notes for the Reduction of Obtrusive Light (GN01: 2011)'. This is to prevent obtrusive light causing disamenity to neighbours.

The Guidance Notes are available for download from the Institution of Lighting Professionals' website, or telephone (01788) 576492.

9. The applicant is advised that responsibility for the safe development and occupancy of the site rests with the developer. The Local Planning Authority has evaluated the risk assessment and remediation scheme on the basis of the information available to it, but there may be contamination within the land, which has not been discovered by the survey/assessment.
10. The developer is advised that in the event that any un-natural ground or unexpected contamination is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority.
11. Plant and equipment shall be designed to ensure noise levels do not exceed 10dBA (LA90) below background noise levels when measured at the site boundary.
12. The Applicant is advised that there are two large stands of Japanese Knotweed identified on the site which will need to be removed. The most effective way of dealing with Japanese Knotweed is chemical control. Glyphosate containing products (e.g. Roundup Biactive) are very effective. If it is to be sprayed near the watercourse (Blackburn Brook) then the Environment Agency should be contacted for permission. If cutting and removing from site is used then it will need to go to a licensed landfill site. The Japanese Knotweed should not be mowed as this method generates a risk of contamination of non-infected adjacent land. The risings should be disposed of also via a licensed landfill or stored on site.





## LOCATION AND PROPOSAL

The application site is Firth Rixson Forgings Ltd's steelworks on Meadowhall Road in the Lower Don Valley. The site occupies a parcel of land that is roughly rectangular in shape and has an overall area of approximately 0.25 hectares.

The site has a prominent position adjacent to key infrastructure routes which pass through this part of the City. To the immediate north there is the M1 motorway and the A631 Tinsley Viaduct. To the northwest there is Junction 34 north of the M1. To the immediate east and south there is the railway, and to the immediate west there is Meadowhall Road.

Beyond the immediate infrastructure, there are a variety of land uses in the locality which includes another factory/manufacturing premises (Chesterfield Special Cylinders Ltd.), a hotel (Travelodge), offices, and overspill land associated with the Meadowhall Shopping Centre and owned by British Land.

The existing site is a functioning steelworks and operations currently occur in existing buildings across the site. The main buildings comprise of three large factory buildings; the largest building is a forge that is situated along the western boundary of the site and forms part of its boundary with Meadowhall Road. The remaining factory buildings are located in the centre of the site and comprise of a

machine shop and a finishing shop. At the main site entrance there are two office buildings (both 2-storeys high) which is the Company's Head Office for the Sheffield area and this is surrounded by visitor car parking.

The remainder of the site comprises associated outbuildings, service yard areas and car parking accommodation associated with uses on site as well as part of the existing railway embankment which is owned by Firth Rixson. This land is vegetated and separates the steelworks from the railway. The main existing car park area is situated at the site's northern end, adjacent to the Tinsley Viaduct, and it currently contains approximately 90 car spaces for existing employees.

This application seeks Full Planning Permission to carry out the following development:

1. New Forge: Erect a large industrial unit to house a hydraulic steel forging press, four tempering forges, and associated infrastructure including cranes, storage and control areas. It is proposed to construct this building on the land that is currently the employee car park.
2. Pump Room: Erect an additional building to house the pump room which generates the energy to power the machines in the new forge.
3. Car Parking: It is proposed to relocate existing the existing staff car parking and create new accommodation on land that is currently part of the railway embankment and situated along the eastern boundary of the site. It is proposed to provide 110 new car parking spaces in total which will serve the whole site.

It is intended that this new facility will generate approximately 60 new jobs as well as have knock-on effects (including potential additional shifts) for other businesses who currently supply Firth Rixson.

#### RELEVANT PLANNING HISTORY

There is no recent planning history relevant to Firth Rixson Forgings Ltd. and the industrial processes which occur on site. The main history relates to telecommunications equipment which currently exists on the site but will be removed in order to accommodate this new proposed development.

#### SUMMARY OF REPRESENTATIONS

The application has been advertised by press advert (Sheffield Telegraph), by site notice and by neighbour notification letter.

1 letter of representation has been received from a member of the public which supports the proposal, in summary, states:

- Wonderful news for the British and Sheffield economy.
- Just what we need – skilled engineering private sector jobs, especially now the public sector is being squeezed.

- Hope that Councillors understand that a forging press is a quiet process and is not a hammer. A press will be a lot quieter than the sound of traffic on the motorway!
- Additional comments about other developments in the City which are not relevant to this proposal.

Rotherham Metropolitan Borough Council has been consulted and raised no objections to the planning proposal.

Also, the Highways Agency has provided a response and offers no objection to the planning proposal.

## PLANNING ASSESSMENT

### Policy Issues

The application site lies within a designated 'Fringe Industry and Business Area' on the Unitary Development Plan Proposals Map. UDP Policy IB6 'Development in Fringe Industry and Business Areas' states that the preferred uses are business (B1), general industry (B2), and warehousing excluding open storage (B8). The proposal – which is a general industry use – is considered to be fully in accordance with this policy in terms of the proposed use and, therefore, it is acceptable under Policy IB6.

Core Strategy Policy CS5 'Locations for Manufacturing, Distribution/Warehousing and other Non-office Businesses' identifies where these uses should be located. Part (a) identifies the Lower Don Valley as one of the priority locations for manufacturing and distribution/warehousing uses. This area is identified as a strategic employment location and, therefore, the proposed B2 use complies with this policy requirement.

The National Planning Policy Framework (NPPF) states that from the day of publication, decision-takers may give weight to relevant policies in emerging plans (para. 216). This site is identified as being located within a proposed 'Business and Industrial Area' in the draft City Policies and Sites document. Therefore, the proposal represents a Preferred Use in this area, which is acceptable in future policy aspiration terms.

### Design Issues

UDP Policy IB9 'Conditions on Development in Industry and Business Areas' states that development in industry and business areas should be well designed with buildings and storage of a scale and nature appropriate to the site.

UDP Policy BE5 'Building Design and Siting' expects good design and the use of good quality materials as part of new development.

Core Strategy policy CS74 'Design Principles' states that high quality development will be expected and should take advantage of the distinctive character of the area. It should contribute to place making, contribute to a sustainable environment that

promotes the city's transformation as well as helping to transform physical environments that have become run down.

Core Strategy policy CS75 'Improvements to Gateway Routes into and through the City', part a), states that gateway routes with priority for improvement will include locations on the M1 junctions.

The application site is in an extremely prominent location, and highly visible from the Tinsley viaduct and the raised level of the M1 motorway, as well as being adjacent to the main train line and tram route. It is anticipated that the proposed size of the building, especially its height (25m to ridge), will make it visible from all of these various vantage points.

The main forge building is rectangular in shape with a shallow pitched roof to reduce the speed of rainwater run-off (6 degrees); overall it measures approximately 50 metres (long) x 35 metres (wide) and is 23.35 metres high to the eaves and 25.10 metres to the pitch of the roof. The ancillary building, containing the energy requirements of the forge, will measure 33.8m (long) x 10.5m (wide) and 14.5m to the eaves and 15.38m to the roof. This building will be positioned to the immediate north of the forge and, as such, it will be read as part of this larger new building rather than separate from it.

The buildings will mainly be constructed from steel trapezoidal cladding laid horizontally and coloured black. Given their size and in order to break up the mass of black it is intended to include a number of features that will have a grey colour finish. This includes flat panels above the large workshop doors on the building's north-east and south-east elevations, and louvres at roof level under a raised ridge detail and main eaves. Finally, the buildings' design includes bands of windows which extend horizontally across the elevations and will be made from translucent plastic sheets. In terms of function, the proposed louvres will provide natural ventilation to the building and the glazing bands will allow daylighting into deep and perimeter spaces of the building.

Regarding the proposed position on the site, it is the case that this is the only available location for such a large building. Notwithstanding this, it is considered that the building can be reasonably accommodated on the site without a significant impact on the site or the surrounding environment. The building will be positioned approximately 12m away from the motorway and viaduct but on land owned by Firth Rixson. The submission states that the building's size and scale is led by the installation of the extremely large hydraulic press machine, which it will house and will be one of the largest in the World of its type.

Overall, the proposed buildings are considered to be acceptable in design terms. Despite their prominence, the site is located within an existing and historical industrial setting and it has a design whereby its architectural form and appearance is led by its overall function. The design approach is simple and material/colour palette for this industrial building is supported and it is considered to work well with the sheer scale of the building. Indeed, it is considered that the proposed size and scale, in fact, represents an opportunity on such a visible site to both celebrate and highlight the presence and continued role of engineering/steelwork in Sheffield at

this important gateway location. The building will replace an existing car park that has no design merit or character.

Therefore, the design of the building is considered to be acceptable and meets the objectives of the design policies listed above.

Finally it is considered that one possible approach to enhance the building's appearance would be to place eye-catching signage on it or light it, especially the elevations which overlook the motorway and viaduct. Members are advised that this idea has been raised by Officers with the Applicant and they are currently exploring possible signage ideas as well as methods of lighting the building at night. No final decisions have been made about signage/lighting and, therefore, it is recommended that these elements of the final design be controlled by condition.

### Sustainability Issues

Core Strategy Policy CS 63 'Responses to Climate Change' seeks to give priority to development in areas well served by public transport and promotes development that is energy efficient, reduces energy consumption, and generates renewable energy. It encourages development of previously developed land and development that promotes biodiversity. It expects development to take into account flood risk.

Policy CS 64 'Climate Change, Resources and Sustainable Design of Developments' promotes sustainable design by requiring all new developments over 500 sqm to achieve a BREEAM 'Very Good' rating. Given the size of the building this policy requirement is relevant.

Policy CS 65 encourages 'Renewable Energy and Carbon Reduction' and requires developments to meet 10% of their predicted energy needs from decentralised and renewable or low carbon energy, unless it can be shown not to be feasible or viable.

The construction of this building is a simple steel frame structure with a single skin cladding. It is understood that there will be no heating or cooling, no office area, and no facilities (W/C, kitchenette, etc.). The interior will be electrically lit with daylight provided via translucent sections. There will be large openings for vehicle access.

The Applicant has submitted a BREEAM New Construction 2011 – Industrial pre-assessment report which outlines the performance of the building against the relevant criteria. This has been submitted to demonstrate compliance with Policy CS 64 and achievement of BREEAM 'Very Good'.

The BREEAM statement sets out that the highest indicative level that can be achieved is BREEAM rating of 'Good'. This falls short of the policy requirement to achieve 'Very Good', but given the nature of the building and the evidence from the BRE it is considered that 'Good' is the most realistic that could be achieved. Although, the BRE does not exclude the possibility of assessing such buildings, it does advise that heavy industrial buildings would not be expected to be suitable for



BREEAM assessment due to the specific design requirements, which can limit the score and rating achievable, e.g. controlled environmental conditions for operational purposes, non-typical building fabric specifications etc.

Therefore, it is considered that it would be unreasonable to refuse this proposal because 'Very Good' has not been met. Therefore, in light of the details contained in the Pre-Assessment referred to above, it is considered that a condition should be applied which requires a rating of BREEAM 'Good' to be achieved and evidenced.

The building will not achieve 10% of its predicted energy needs from decentralised and renewable or low carbon energy. This is essentially because the industrial processes within the building will have high energy demands. Indeed, the furnaces burners are rated at 4,500KW per hour while they are on fire to reach operating temperature and this is required around 5 hours per week and at a reduced rate for a further 140 hours per week. It is understood that 4,500KW hours is similar to the equivalent of what is used by an average household in a year and, therefore, it is clear that energy demand is high. Furthermore, the new buildings are essentially skin covers for the machinery and have no heating, conditioned space, toilets or hot water.

The inclusion of solar panels to help light the building have been suggested but it is advised that the plant within the building necessitates that panels within the roof structure will need to have the facility to be removed to assist the erection/dismantling of the press and for maintenance purposes. Therefore, solar panels are not considered to be appropriate.

Notwithstanding the above, it is advised that the furnace burners will be designed to be energy saving and as efficient as possible. It is also advised that where lighting is to be installed in the new staff car park facility, these will be solar generated to assist in reducing energy consumption for the scheme.

In light of the above, it is accepted that 10% of predicted energy needs from decentralised and renewable or low carbon energy is not achieved because it is neither feasible nor viable for this facility.

#### Amenity Issues

UDP Policy IB9 states that development in industry and business areas should not cause residents to suffer from unacceptable living conditions.

UDP Policy GE24 'Noise Pollution' states that development will be permitted only where it would not (a) create noise levels which would cause nuisance; or (b) locate sensitive uses and sources of noise pollution close together.

#### (a) Noise Issues

The site is located on an existing steelworks and within an area that is already characterised by industrial and commercial land uses as well as the M1 motorway, A631 Tinsley Viaduct and Travelodge hotel. The closest residential properties are

situated on Meadow Bank Road (over 200m away on the opposite side of the motorway in Rotherham) and on Barrow Road and nearby side streets (over 400m away to the west).

A Noise Impact Assessment supports the application and assesses the potential noise impact of the proposal at this site and on the surroundings. It states that although the new press is intended to be larger than the existing press, the nature of the press operation means that noise levels will be no higher. The press is to be located within a 14m pit within the building and it is likely that resulting noise levels at the perimeter of the building will be slightly lower than the existing press.

The press will operate 24 hours a day and the main noise sources associated with the new press building are identified as being:

- i. Press operations within the building including noise from the press, furnaces, descalers and product handling;
- ii. the pump house (to be located within the building) where all the hydraulic pumps and associated motors for the press are to be located;
- iii. the furnace air intake fan louvre. To be mounted at low level on the building façade; and
- iv. the cooling towers, to be located outside the building.

Noise levels have been taken at 3 sensitive locations in the area which are a) Tyler Street, b) Meadow Bank Road, and c) opposite the Travelodge on Barrow Street. Levels were taken in the early hours of the morning when background noise levels outside the closest residential properties (including motorway noise) would be at their lowest.

The Noise Assessment refers to BS4142 which relates to the 'Method for Rating industrial noise affecting mixed residential and industrial areas' and identifies that the noise climate around the site is dominated by road traffic on the M1 and A631 viaduct and there is also regular road traffic on local roads even in the early hours. It is shown that Rating Levels of noise from the new press building will be below the lowest existing night-time background noise levels outside the nearest dwellings. Also, it is explained that noise from the new press facility would be less than 'of marginal significance' as outlined in BS4142. Therefore, the assessment concludes that the proposed new press development will have no significant noise impact on the nearest dwellings.

The Council's Environmental Protection Service (EPS) has considered the noise assessment described above. In light of the findings of the report and based on the calculation details, it is confirmed that there will be no significant noise impact associated with the new press at the nearest noise sensitive properties. Therefore, there are no objections raised in relation to this proposal, as long as conditions placing restrictions on externally mounted plant and equipment are attached to a favourable consent.

(b) Vibration Issues

The Noise Report states that there is no stamping or impact driven process associated with the press and there will be no significant vibration generated within the new building. Following discussions with the Applicant's consultants it has been confirmed that there are no anticipated vibration issues. Therefore, it has been confirmed that this is acceptable and a vibration report has not been required as part of the application submission by the Environmental Protection Service (EPS).

In light of the above, the proposal does not raise any significant amenity issues. Despite being a large industrial facility and intensive 24hr process, there are no significant amenity concerns for the closest sensitive properties and, therefore, it is concluded that the proposal complies with the relevant policy aspirations of UDP Policy IB9 and Policy GE24.

### Environmental Issues

UDP Policy GE22 'Pollution' states that development should be sited so as to prevent or minimise the effect of any pollution on neighbouring land uses or the quality of the environment and people's appreciation of it.

#### (a) Air Quality Issues

UDP Policy GE23 'Air Pollution' states that development will be permitted only where it would not locate sensitive uses where they would be adversely affected by sources of air pollution.

Additionally, Core Strategy Policy CS 66 'Air Quality' requires that action be taken to protect air quality in all areas of the city, particularly where residents in road corridors with high levels of traffic are directly exposed to levels of pollution above national targets.

Information has been provided to the Council which indicates that an "energy efficient burner system" will be employed in the forge, which is the latest technology available in burner train systems and includes self-recuperating burners which use the exhaust gases (carbon dioxide, nitrogen and water vapour) to pre-heat the combustion air. It is also anticipated that the new rotary forges will reduce natural gas consumption over the older forges by as much as 28%. The old forge will continue to operate on the site.

In light of the above, it is considered that the burner systems and the likely impact on local air quality are both satisfactory, in accordance with the relevant policies identified above.

#### (c) Contaminated Land Issues

UDP Policy GE25 'Contaminated Land' states that where contaminated land is identified, development will not be permitted on, or next to, the affected land unless the contaminated problems can be effectively treated so as to remove any threats to human health or the environment.

Various environmental reports have been produced for this site, which was previously occupied by railway lines and a large industrial building with a chimney (1930s – 1980s) – most probably associated to the steel industry. In response to the initial Tier 1 report, a Tier 2 Geo-Environmental Report has been produced and submitted for assessment. The Council's EPS has reviewed this submission and advised that the site investigation falls short of requirements to adequately characterise the site. Therefore, it is recommended that the outstanding issues identified be resolved by condition in order to ensure adequate assessment of potential risks to human health arising from ground contamination, bulk or trace gases, and potential pollution of ground or surface waters, are assessed in accordance with the Council's current standards. Subject to these conditions being satisfactorily addressed, it is considered the proposal would comply with the aspirations and requirements of UDP Policy GE25.

#### (d) Water Pollution Issues

UDP Policy GE26 'Water Quality of Waterways' states that development will be permitted only where it would not cause damage to the waterway environment and people's appreciation of it by reducing the water quality of rivers, streams and the Canal.

The Blackburn Brook runs through the site and its protection is a material consideration. The Environment Agency has identified that there is potential for pollution to Blackburn Brook from any flood waters that enter the proposed press pit and become contaminated with oils.

In response, it has been confirmed that any flood waters entering the pit will be pumped to a Water Treatment Plant where they will be treated before being discharged to the sewer. This method of flood water drainage is considered acceptable to the Environment Agency on water pollution grounds. It is recommended that this measure be secured by condition in order to maintain control and ensure compliance.

Yorkshire Water advise that surface water run-off from hardstanding (greater than 800 sq metres) and/or communal car parking (greater than 49 spaces) must pass through an oil, petrol and grit interceptor/separator of adequate design before any discharge to prospectively adoptable sewer/public sewer network. Given the size of the new car park facility, it is again proposed that this drainage facility be secured by planning condition.

Subject to the recommended conditions being applied to this proposal, it is considered that there will be no harmful damage to the waterway environment in accordance with UDP Policy GE26.

#### Highway Issues

The NPPF promotes sustainable transport modes comprising any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra low emission vehicles, car sharing and public transport.

Policy IB9 states that development in industry and business areas should be adequately served by transport facilities and provide safe access to the highway network with appropriate off street parking.

The proposed forge will be built on land that is currently used as the Firth Rixson's existing staff car park and contains 90 spaces. This provision will be displaced and a new staff car park is intended to be provided on land that is currently an overgrown railway embankment running along the south and south-eastern boundary of the application site. Overall, it is intended that the provision of this facility will result in a total of 132 car parking spaces being provided which will accommodate existing staff (267) and the anticipated 60 new employees required for the new forge.

A Transport Statement has been submitted with this application as well as a Travel-to-Work Survey to establish the existing and proposed travel patterns of staff and vehicle traffic. The Statement indicates that 21no. IT staff are proposed to be located away from the site to other locations in the City, which will result in an anticipated reduction of 16 cars from the application site at Meadowhall. The new facility will generate 60 new employees who will work the shift patterns of 24hr working (2 x 12hr shifts) and it is assumed that 50% of these additional employees will work during the daytime, resulting in 23No. additional car movements to the site. Based on the existing number of vehicles negotiating the Junction 34 roundabout of the M1, it is anticipated that approximately 12No. vehicles will travel to work during the morning and evening peaks to the new site, which is less than the 16No. car movements which will be removed from the site by the relocation of the I.T. staff. Therefore, on this basis, there is a reduction to the peak traffic flow periods on the Junction 34 of the M1 and consequently it has been demonstrated no contribution towards the Tinsley Link Road Improvement is required.

As part of the additional deliveries required to service the site's existing and new facilities, it is anticipated that there will be an additional 4No. articulated trucks and 2No. light service vehicles delivering materials to the works throughout the day. Therefore, there will be 6No. additional movements, as a result of the new forge operation, which is considered to have minimal impact on the highway network.

In terms of the new car park facility the proposed design, layout and position on the site is considered to be acceptable from a highway point of view and raises no concerns. In terms of car parking numbers, it is proposed that 132 parking spaces are provided, which is well below the maximum allowed for a gross floor area of existing and new buildings of 13,688m<sup>2</sup> which would allow a maximum of 183 parking spaces. Access to the site is as existing and no changes are proposed, and the number of vehicles using the access will increase minimally. The plans indicated that a significant amount of excavation will have to take place in order to level the land. Reductions range between approximately 3m and 5m, and this is accepted as it will help to create a flat car park, thus improving access to and from the facility for users as well as helping to reduce the prominence of the car park from the railway and surrounding roads.

Finally in terms of the car park's position, Members are advised that the Applicant has considered a number of other alternative locations, which mainly included using vacant land which is located close to the site but not within their ownership. These options were, however, discounted during the pre-application process because they proved to be either not feasible or not viable. Therefore, it was decided that the car park proposed was the best option and incorporates land that is owned by and within the Firth Rixson's control.

Members are reminded that the Highways Agency has raised no objection to the application. Given the anticipated size of construction traffic to carry the new machinery to site (including abnormal loads), the Applicant is encouraged to liaise with the Highways Agency at an early stage and they shall be reminded of this by directive attached to this decision.

In light of the above, it is concluded that the proposed highway works and parking provision is acceptable in highway policy terms.

#### Landscape Issues

A designated 'Green Corridor' as defined in the Council's UDP runs through the site. These are defined as being "...large swathes of open land which extend into the built-up area...".

UDP Policy GE10 'Green Network' states that Green Corridors and Green Links will be protected from development which would detract from their mainly green and open character or which would cause serious ecological damage. It also promotes that they should be enhanced and encouraged to increase their value for wildlife and recreation.

UDP Policy GE15 'Trees and Woodland' states that developers will be required to retain mature trees, copses and hedgerows, wherever possible.

UDP Policy GE17 'Rivers and Streams' expects that as part of development of the Green Network, all rivers and streams will be protected and enhanced. Part (c) expects new development to be set back to an appropriate distance from the banks of major rivers and streams to allow for landscaping.

It is considered that the new forge and ancillary buildings/infrastructure will have little impact on the existing landscape situated to the east of the application site because the site is mainly an existing tarmac car park. However, the requirement to relocate the car park will require the removal of approximately two-thirds of the vegetation which colonises the disused railway embankment running along the site's southern boundary. Submitted survey details indicate that this area includes semi-natural broadleaved woodland, dense/continuous scrub, tall ruderals, bare ground as well as Japanese Knotweed. It is advised that this vegetation is all low quality of only adequate condition.

The existing vegetation appears dense and offers a relatively large area of green space within a predominantly urban/industrial location. Therefore, the removal of

this vegetation is considered to be unfortunate because it will result in the loss of land that is potentially a green/habitat/wildlife corridor.

Notwithstanding the above, the economic/commercial merits of this application are recognised and assessed against the loss of the greenspace. The proposal, overall, will have a positive impact on Sheffield's economy - creating additional work and jobs, and the car park facility must be relocated in order to make the site function. Alternative locations have been investigated but have proven either unviable or unfeasible. The vegetation within the railway embankment has no formal protection and, therefore, this could be cut down and cleared by Firth Rixson without any prior consent or notification by the Council.

Further to the above, there is a new landscape scheme proposed for the land around the new car park, which is considered to be diverse and of good quality. It includes 37 new trees (mixed species) around the edges of the car park and within it, wildflower meadows, native hedge/shrub planting (mixed species), and native copse. The mixes being proposed for the replacement planting are considered to be acceptable in terms of species and habitat creation.

Overall the loss of the existing vegetation is regrettable, however the low quality of the space as well as the benefits of facilitating this important development and the provision of new considered planting and landscaping which varies in type, mix and species are all considered to outweigh the negatives of this loss. It is considered that the proposed landscape measures and the reduced levels proposed within the car park will help to ensure that the green character will be retained when viewed from outside the site.

### Ecology Issues

UDP Policy GE11 'Nature Conservation and Development' states that the natural environment will be protected and enhanced. The design, siting and landscaping of development should respect and promote nature conservation and include measures to reduce any potentially harmful effects of development on natural features of value.

A Phase 1 Habitat Survey has been submitted and contains an assessment based on a walk-over survey and a desk study. In summary, the assessment concludes that habitat areas within the site are low to moderate ecological value with no protected species recorded within the boundaries of the site. It is advised that the site contains a limited number of habitats typical of industrial sites and recommends that no further protected species field survey work is required.

In terms of the proposed landscape additions, the plan states that the native trees, wildflower meadow and shrubs/hedges that have been selected will provide a suitable habitat for invertebrate populations (including pollen, nectar and cover) and thereby a good feeding resource for birds, bats and other small mammals. It is also indicated that artificial roosting boxes will be incorporated into the building.

The Council's Ecology Unit has considered the application and offers no objection. It is advised that the species selected for planting are suitable and will provide

habitat and foraging opportunities for wildlife, and that bat boxes and the wildflower meadow will be biodiversity enhancements, subject to proper management. It is also advised that (a) the stands of Japanese Knotweed will need to be removed via approved methods; (b) a visual reptile search should be carried out prior to any work commencing on site; and (c) vegetation should be cleared outside of the bird breeding season (end of February – August) in order to remove breeding habitat. These matters can be addressed by condition.

In light of the above, it is concluded that the proposed ecological impact is acceptable and the proposed landscaping will include measures to help reduce any potentially harmful effects of the development on natural features of value, in accordance with UDP Policy GE11.

### Flooding Issues

Policy CS 67 'Flood Risk Management' seeks to reduce flood risk by reducing surface water run off by 30% on previously developed sites over 1 hectare where the developer can prove that there is existing surface water run off.

The Council's Strategic Flood Risk Assessment (SFRA) identifies the Firth Rixson site as being located within Flood Zone 2 (Medium Probability) and Flood Zone 3a(i) (Developed Floodplain). In terms of the application proposal, the proposed new car park is designated on land that is within Zone 2 and the new forge building is within Zone 3a(i).

A Sequential Test and Flood Risk Assessment have been submitted with the application, as required.

It is considered that the details submitted are acceptable for the following reasons:

- i. There are no other alternative sites that are reasonably available to the Applicant.
- ii. The proposal will not increase the risk of flooding to others or the surrounding.
- iii. The applicant has accepted the risk of flooding and put mitigation measures in place.
- iv. Unlikely to cause risk to employees as there will be few in the proposed building.
- v. The Flood Protocol – Action Plan outlines procedures to minimise the risk of flooding as well as to people/ employees.

No objection has been raised by the Environment Agency in relation to flooding risk, subject to improvements to the site's existing surface water disposal system being made. With regard to drainage, the applicant has confirmed that the permitted discharge rate to the sewer from the car park will be the existing discharge rate less 30%. The plans also demonstrate that a surface water runoff swale will be created to the north of the building to manage runoff. It is considered that these elements of the design will improve surface water disposal on site.



Yorkshire Water has confirmed that the new forge building and infrastructure will be sited over the public water supply infrastructure located within the site. This led to an initial objection because it could seriously jeopardise Yorkshire Water's ability to maintain the public water network, which is not acceptable. It is advised that this matter is currently being resolved between the Applicant's Consultant's and Yorkshire Water and a stand-off distance of 6.3 metres has been suggested. Unfortunately, this matter has not been resolved at the time of writing this report and, therefore, Members will be updated about the progress of these negotiations at the Planning Committee.

Subject to matters being agreed with Yorkshire Water, it is concluded that the proposal is acceptable in flood risk management terms and the requirements of Policy CS 67.

#### Public Art

UDP Policy BE12 'Public Art' states that the provision of works of public art in places which can be readily seen by the public will be encouraged as an integral part of the design of major developments. It identifies that public art can make a positive contribution to the built environment and help to create a sense of place.

Discussions are currently taking place with the Applicant about the provision of a financial contribution to be used by the Council towards the M1 Gateway Art Project. This Project relates to the development of an iconic public art work on or close to the site of the former cooling towers adjoining the M1 motorway at Tinsley; on the opposite side of the motorway to the application site.

Discussions have not been concluded at the time of writing this report. Members will be updated about the details of this contribution at the Planning Committee.

#### RESPONSE TO REPRESENTATIONS

The comments received by the representations are noted and there is considered no need to respond to the observations raised in this section of the report.

#### SUMMARY AND RECOMMENDATION

The proposal represents a new addition to the existing Firth Rixson steelworks and is a significant investment into Sheffield – creating 60 new jobs and knock-on benefits. The new buildings will accommodate a new forge facility, including hydraulic press which will be one of the largest of its type.

The site has a prominent location and is highly visible from surrounding roads (regarded as gateways to the City), the railway and the Supertram route.

The principle of development in land use terms is acceptable. It is located within a designated 'Fringe Industry and Business Area' in the adopted UDP and a locations identified for Manufacturing, Distribution/Warehousing and other Non-office Businesses in the SDF.

There are considered to be no significant noise or vibration issues associated with the proposed use. The site is an existing steelworks and the information submitted demonstrates that acceptable amenity will be maintained for the nearest residential properties. Furthermore, the impact on air quality is satisfactory and the outstanding contaminated land issues identified can be resolved by condition.

The Blackburn Brook runs through the site and is a material consideration in terms of flooding for the site and water pollution into the Brook. The site lies within Flood Zones 2 and 3 which offer the greatest chance of flood, however the Sequential Test indicates that the site is the most suitable option available for Firth Rixson and the Flood Risk Assessment demonstrates that flooding will be addressed as part of the development. In terms of pollution, it is considered that the design of the scheme will not be harmful to the Blackburn Brook subject measures being implemented as proposed.

In terms of design, it is accepted that the site is located within an industrial setting. The architectural form and appearance of the building is led by its overall function. It is considered that the proposed size and scale, in fact, represents an opportunity on such a visible site to both celebrate and highlight the presence and continued role of engineering/steelwork in Sheffield at this important gateway location.

There are considered to be no significant highway issues associated with the proposal. Following sufficient justification, a financial contribution towards the Tinsley Link Road Improvement is not required. The position, layout and access to the new car park are all deemed acceptable, subject to conditions.

The creation of the new car park (110 spaces) will involve extensive excavation works and the removal of existing vegetation which will have an impact on the Green Corridor. However, use of the existing railway embankment is deemed the most suitable option for Firth Rixson and the vegetation contained within the embankment is not of a high quality. Furthermore, the proposed new landscaper works are considered to be of a good quality and will help to preserve the green link. Furthermore, the inclusion of native plant/tree species will help to enhance the ecology value of the site which is currently low to moderate.

The sustainability credentials of the scheme are not so high and only a BREEAM rating of 'Good' is possible. However, it is accepted that the proposed new buildings are essentially cladding to protect machines which carry out the steel forging process, which is neither a sustainable or energy efficient activity. Furthermore, given the energy consumption required from the forging process it is accepted that 10% of predicted energy needs from decentralised and renewable or low carbon energy is not achieved because it is neither feasible nor viable.

In light of the above, it is concluded that this application is consistent with the UDP and SDF Core Strategy Policies referred to and therefore it is recommended that planning consent be granted for the proposal, subject to the recommended conditions and directives listed at the beginning of this report.

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Case Number 10/01393/LBC

Application Type Listed Building Consent Application

Proposal Alterations to building to form two dwellinghouses with associated car parking accommodation

Location Anglican Chapel  
Sheffield General Cemetery  
Cemetery Road  
Sheffield  
S11 8FT

Date Received 29/04/2010

Team SOUTH

Applicant/Agent Capital Design Studio

Recommendation Grant Conditionally

Subject to:

- 1 The development shall be begun not later than the expiration of three years from the date of this decision.

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

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

Drawings numbered:

0724.C.01A  
0724.C.02  
0724.C.04B  
0724.C.05C  
0724.C.17  
0724.20A  
0724.C.21  
0724.C.22  
0724.C.23

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 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.

- 4 Rooflights shall be conservation style whereby no part of the rooflight shall project above the surface of the roofing slates unless otherwise approved in writing by the Local Planning Authority.

In order to ensure an appropriate quality of development.

- 5 Details, specifications and finishes of all new external and internal doors, including frame section sizes, reveal depths and any mouldings and architraves at a minimum of 1:20 shall be approved in writing by the Local Planning Authority before that part of the development commences. Thereafter, the new doors shall be installed in accordance with the approved details.

In order to ensure an appropriate quality of development.

- 6 Details of the new internal floor structure and its abutment with the existing building structure shall be approved in writing by the Local Planning Authority before that part of the development commences.

In order to ensure an appropriate quality of development.

Attention is drawn to the following justifications:

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

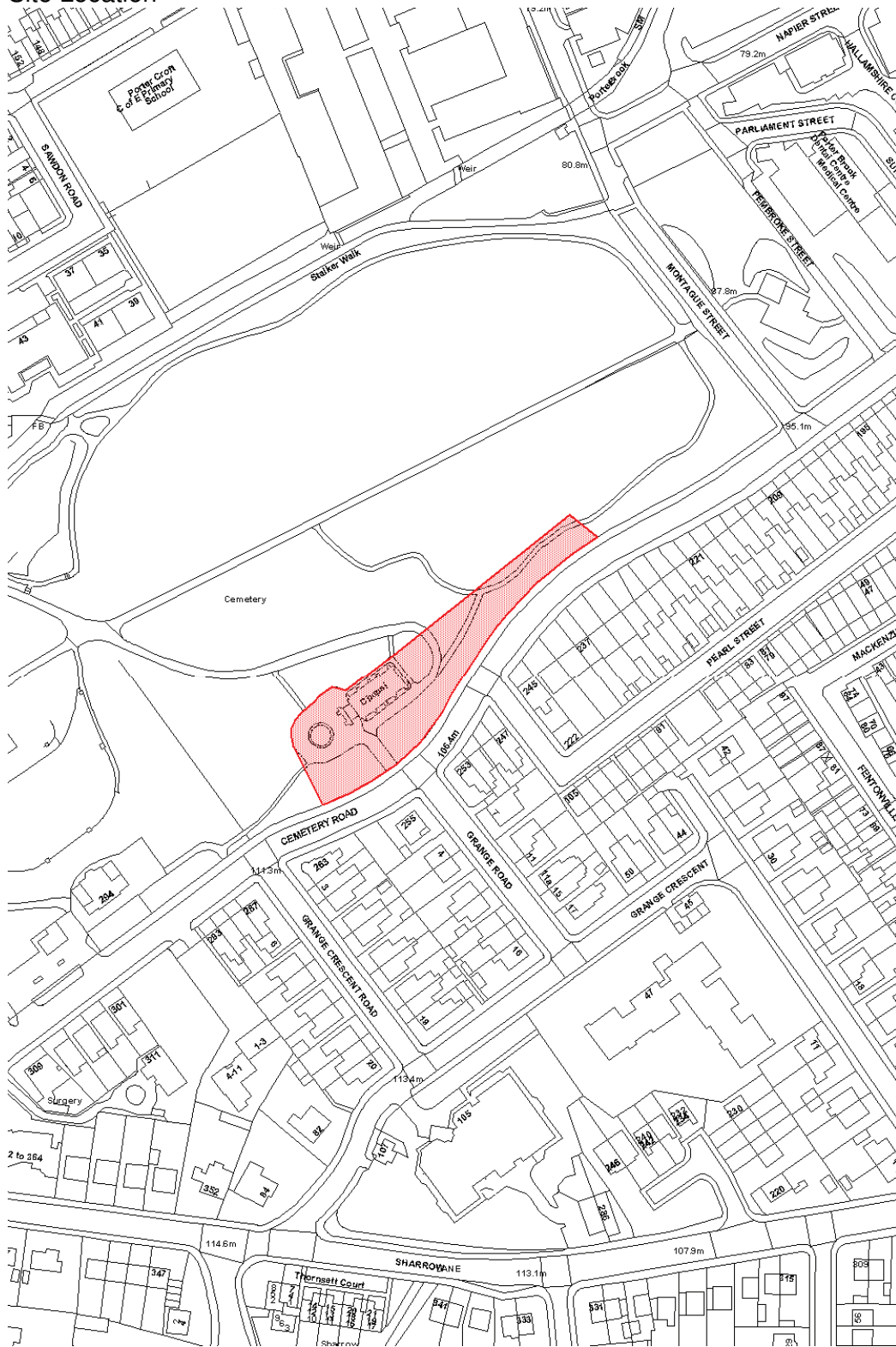
LR5 - Development in Open Space Areas  
LR9 - Cemeteries, Graveyards, and Crematoria  
BE5 - Building Design and Siting  
BE15 - Areas and Buildings of Special Architectural and Historic Interest  
BE16 - Development in Conservation Areas  
BE17 - Design & Materials in Areas of Special Character or Historic Interest  
BE19 - Development affecting Listed Buildings  
H14 - Conditions on Development in Housing Areas  
GE10 - Green Network  
GE11 - Nature Conservation and Development  
GE13 - Areas of Natural History Interest and Local Nature Sites  
GE15 - Trees and Woodland  
CS45 - Quality and Accessibility of Open Space  
CS47 - Safeguarding Open Space  
CS51 - Transport Priorities  
CS53 - Management of Demand for Travel

CS64 - Climate Change, Resources and Sustainable Design of  
Developments  
CS72 - Protecting Countryside not in the Green Belt  
CS73 - The Strategic Green Network  
CS74 - Design Principles

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

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

# Site Location



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## LOCATION AND PROPOSAL

This is the accompanying application for Listed Building Consent to 10/01385/FUL which also appears on this agenda. All matters relating to this application are set out in that report.

## SUMMARY AND RECOMMENDATION

Grant conditional – see 10/01385/FUL.

---

Case Number 10/01385/FUL

Application Type Full Planning Application

Proposal Alterations to building to form two dwellinghouses with associated car parking accommodation

Location Anglican Chapel  
Sheffield General Cemetery  
Cemetery Road  
Sheffield  
S11 8FT

Date Received 29/04/2010

Team SOUTH

Applicant/Agent Capital Design Studio

Recommendation Grant Conditionally

Subject to:

- 1 The development shall be begun not later than the expiration of three years from the date of this decision.

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

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

Drawings numbered:

0724.C.01A.  
0724.C.02.  
0724.C.04B.  
0724.C.05C.  
0724.C.17.  
0724.20A.  
0724.C.21.  
0724.C.22.  
0724.C.23.

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.



- 3 No development shall commence until details of the means of ingress and egress for vehicles engaged in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the arrangements for restricting the vehicles to the approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.

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

- 4 No development shall commence until full details of measures to protect the existing trees to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2005 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development unless otherwise approved.

In the interests of the visual amenities of the locality.

- 5 No development shall commence until a Landscape and Ecological Management Plan, including short, medium and long term aims and objectives, management responsibilities and maintenance schedules for all distinct areas, has been submitted to and approved in writing by the Local Planning Authority. The Landscape and Ecological Management Plan shall thereafter be implemented as approved.

In order to control surface water run off from the site and mitigate against the risk of flooding.

- 6 No development shall commence until a survey into the potential habitation of the building by bats has been carried out and submitted to the Local Planning Authority. Any remediation measures identified in the report shall be incorporated into the building works and thereafter retained.

In the interests of biodiversity.

- 7 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 shall be constructed without prior planning permission being obtained from the Local Planning Authority.

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

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

In order to ensure an appropriate quality of development.

- 9 Rooflights shall be conservation style whereby no part of the rooflight shall project above the surface of the roofing slates unless otherwise approved in writing by the Local Planning Authority.

In order to ensure an appropriate quality of development.

- 10 Details, specifications and finishes of all new external and internal doors, including frame section sizes, reveal depths and any mouldings and architraves at a minimum of 1:20 shall be approved in writing by the Local Planning Authority before that part of the development commences. Thereafter, the new doors shall be installed in accordance with the approved details.

In order to ensure an appropriate quality of development.

- 11 Details of the new internal floor structure and its abutment with the existing building structure shall be approved in writing by the Local Planning Authority before that part of the development commences.

In order to ensure an appropriate quality of development.

- 12 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.

- 13 No development shall commence until details of the location and design of a bin store have been submitted to and agreed in writing by the Local Planning Authority. Such agreed store shall be implemented prior to the occupation of either house and retained thereafter.

In the interests of the visual amenities of the locality.

Attention is drawn to the following justifications:

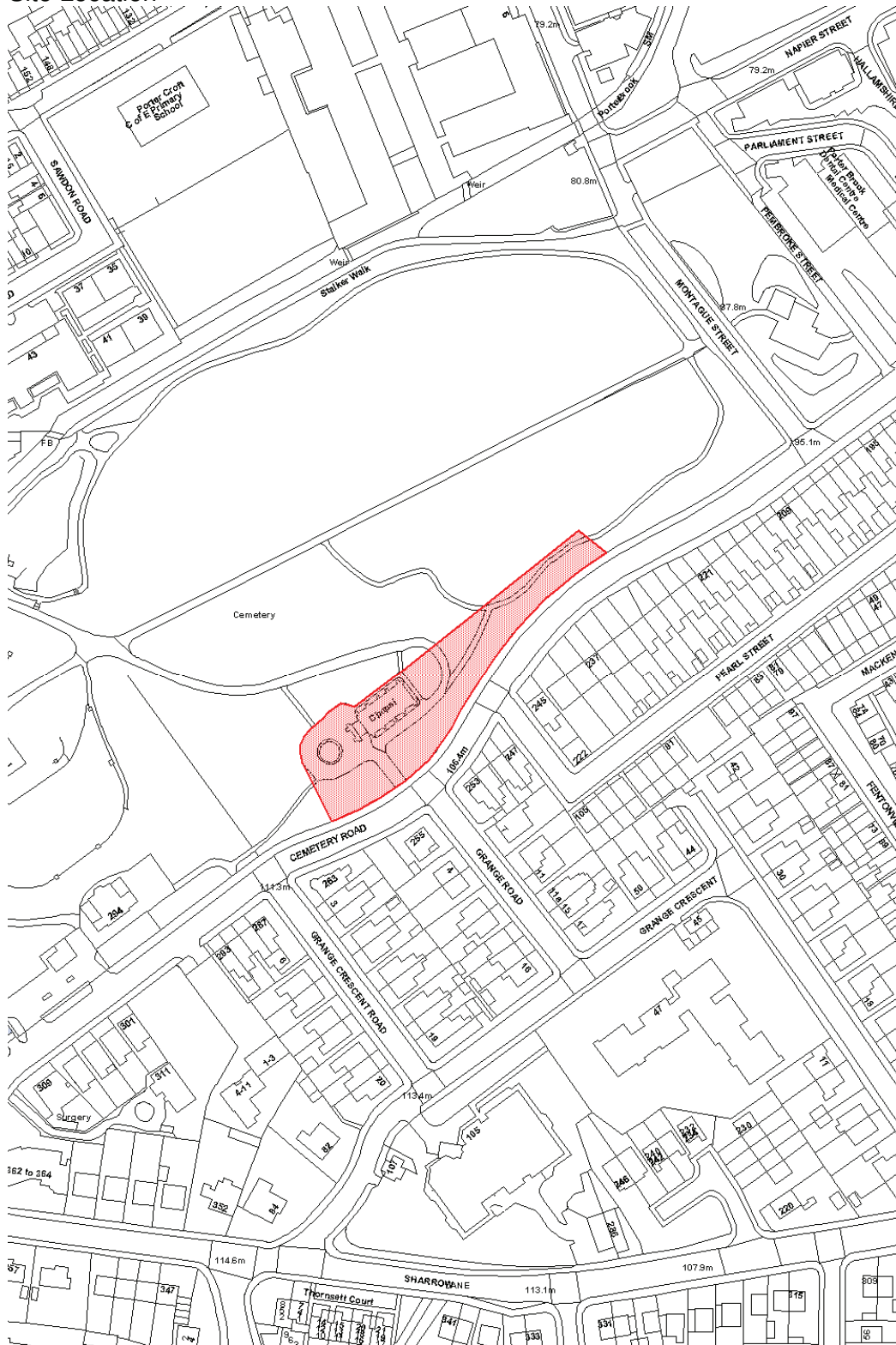
1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below:

LR5 - Development in Open Space Areas  
LR9 - Cemeteries, Graveyards, and Crematoria  
BE5 - Building Design and Siting  
BE15 - Areas and Buildings of Special Architectural and Historic Interest  
BE16 - Development in Conservation Areas  
BE17 - Design & Materials in Areas of Special Character or Historic Interest  
BE19 - Development affecting Listed Buildings  
H14 - Conditions on Development in Housing Areas  
GE10 - Green Network  
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CS47 - Safeguarding Open Space  
CS51 - Transport Priorities  
CS53 - Management of Demand for Travel  
CS64 - Climate Change, Resources and Sustainable Design of Developments  
CS72 - Protecting Countryside not in the Green Belt  
CS73 - The Strategic Green Network  
CS74 - Design Principles

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

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

# Site Location



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## LOCATION AND PROPOSAL

The Anglican Chapel lies within the grounds of the General Cemetery in the area that faces Cemetery Road. The chapel is a Grade 2 Listed Building that has been vacant for many years and is in a state of near dereliction.

The chapel is built in the Gothic Victorian style, constructed of stone and natural slate with a nave of four bays, each one defined by buttresses and a central arched window. At the west end of the chapel is a tower and spire that rises to a total height of about 35 metres.

A stone paved carriage track leads from a pillared gateway on Cemetery Road directly to the tower and there is a circular drive to the west of the tower that used to enclose a monument. The track also gives access to the cemetery to the rear. There are a number of monuments in the grounds which would not be affected.

The application site includes the grounds to the front, the circular drive to the west and also open land fronting Cemetery Road to the east for about 85 metres. The frontage with Cemetery Road comprises a low stone wall with pillars infilled with iron fencing. There are many mature trees along the frontage and within the site along with much uncontrolled planting. Although the extent of the grounds are identified on the site plan, there is no boundary treatment in place. The chapel grounds blend in to those of the cemetery which also contain mature trees and planting.

The application, as amended, is to convert the chapel into two dwellings. The scheme as originally submitted was unacceptable for a number of reasons which will be set out later in this report in the section dealing with layout and design but after extensive negotiations between your officers and the applicant, the current proposal stands as follows:

Conversion of the chapel into two living spaces.

The existing entrance would be retained which would lead to an inner lobby that gave entrance to both units.

House 1 would run the length of the ground floor on the side facing Cemetery Road with the east end of the nave being a lounge and dining area extending to the full width of the chapel and above this would be a void. The remaining accommodation for house 1 would be at first and second floor level in the central two sections of the existing nave.

House 2 would extend along the other side facing the cemetery for three sections of the nave apart from the upper two floors at the west end which would be the full width.

There would be no new openings created in the chapel which would be fully restored on the exterior.

The existing entrance and drive would remain providing vehicle access to an informal parking area that could accommodate up to four cars near to the tower.

All mature trees within the site would remain and the garden/amenity area associated with the two houses would remain open and not enclosed.

Members should be aware that the accompanying application for Listed Building Consent also appears on this agenda but details relating to this will be set out in this report.

#### RELEVANT PLANNING HISTORY

97/01365/FUL and 97/01366/LBC. Alterations to church for use as 6 flats with car parking and construction of vehicle access withdrawn.

06/01866/FUL and 06/01867/LBC. Alterations to chapel to form a house withdrawn.

#### SUMMARY OF REPRESENTATIONS

All representations relate to the scheme as originally submitted which officers considered to be unacceptable.

Two letters of support have been submitted saying that any improvement to the building would be beneficial.

Five letters of objection have been submitted setting out the following comments.

Skylights and solar panels on the roof are not acceptable on a Listed Building.

The parking proposals on site are not acceptable because of their impact and there is only limited visibility at the access.

Four parking spaces would take up too much room.

The new doorway is an insensitive treatment that is not in keeping with the character of the Listed Building.

The building should remain in public use and there would be a loss of community space.

The land around the chapel would have a domestic garden feel that would be unsuitable and the use of fences to mark boundaries is unsuitable.

Concern about possible loss of trees.

English Heritage wish to see the building brought back into use but oppose the application because the fenced gardens are inappropriate and would damage landscape of special interest.

The proposal was discussed at the Conservation Advisory Group meeting of 25 May 2010 and their comments were:

The Group observed that the property was not merely a building but it was a structure within a historic landscape, namely one of 14 registered landscapes designed by Robert Marnock. The Group felt that the design of the bin stores was particularly inappropriate and the floor plates, windows, roof lights and solar panels were highly inappropriate for the building. The Group considered, similarly, that the accompaniments of residential use or commercial use of the building would be inappropriate and ignored the significance of Marnock's landscape designs.

The Victorian Society supports the application subject to the following:

The solar water heaters and panels being removed from the roof slope on the principal elevation.

Remove the glazed porch and bin store.

The interior should be amended to a more open plan.

A more sensitive approach should be taken with the junctions between existing windows and inserted floors.

The new entrance should be more sympathetic.

Amending the subdivision of the grounds.

Having a less formal parking lay out.

Sheffield General Cemetery Trust supports the principle of residential development but it should only be for a single house. They also make the same points as the Victorian Society about the proposal as originally submitted.

The Ancient Monuments Society objects to the application on the following grounds:

This should not be dealt with in isolation.

The roof lights and external treatment are not acceptable.

The internal subdivision is too intense.

## PLANNING ASSESSMENT

Land Use Policy.

The adopted Unitary Development Plan (UDP) shows that the site is designated as part of an area of open space, a cemetery and the General Cemetery Conservation Area.

With respect to the principle of development of the chapel, UDP policy LR5 is relevant as it deals with development in open space areas. It says that new development will not be permitted if it would damage an Ancient Monument, cause damage to or loss of mature trees, detract from the green and open character of the Green Network, harm the setting of a listed Building, harm the character of a public open space or harm the character of the area.

UDP policy LR9 says that redundant cemeteries should be retained as open space. Any redevelopment should not prevent the public from paying their respects, should enhance public use and comply with policy LR5.

Core Strategy policy CS45 seeks to safeguard and improve the quality of existing open space which will take priority over the creation of new space.

Core Strategy policy CS47 aims to safeguard open space and says that development will not be permitted if it would result in a shortage of open space or a loss that would be off high quality space. If there was to be a loss of open space then this should be replaced elsewhere. Development would be permitted if it was ancillary to the open space and had a minimal impact on the use and character of the open space.

With respect to the principal of the development, there is no formal public access to the site as the whole site is in the private ownership of the applicant. Prior to that, it was within the ownership of the church. Consequently there would be no loss of land that has public access, therefore no need for any replacement space.

There would be no development of the land around the chapel. All development work would be to the building and the only difference to the space around would be that the drives and paths would be revealed and the uncontrolled planting would be tended and managed.

Layout, Design and External Appearance.

UDP policy BE5 expects good quality design to be applied to all refurbished buildings and good quality materials to be used.

Core Strategy policy CS74 requires high quality design that enhances the distinctive features of the city.

The design and layout as submitted was unacceptable for a number of reasons. The integrity of the original chapel would have been harmed by the insertion of a new door in the elevation facing Cemetery Road because it was proposed to divide the building on a vertical basis with two separate entrances. Five prominent roof lights were proposed as well as solar panels on the south facing roof plane that faces Cemetery Road. The internal subdivision was complex and cramped that would have had a detrimental impact on the internal character.

The proposals to the land around the chapel were also unacceptable because of the resultant suburban nature of them. It was proposed to create gardens for each of the houses marked by fencing which would have detracted from the open space



around the chapel and attracted clutter within the gardens further detracting from the building. A formal car park for four vehicles and a bin store attached to the rear, north facing elevation would have harmed the character and setting of the chapel.

Following this initial assessment, a long period of negotiation with the applicant began which has finally resulted in, what your officers consider to be a successful layout.

The chapel has a distinctive and imposing presence in this part of the city and it is important that the integrity and setting of the building is retained.

The amended proposal would involve the repair and refurbishment of the exterior with no alterations apart from three low level, modest roof lights on either side of the roof and a pair of new oak doors at the main entrance beneath the tower. Apart from these, the building would remain unaltered.

The amended interior is less complex and retains areas of space in the form of voids at either end. All windows would remain without any need to block these and the arrangement of internal floors respects the height and distribution of the windows. With respect to repairs to the roof, stonework and windows, this is already controlled by a separate planning approval 07/03470/LBC.

The open space around the chapel would remain as a whole and would be of an informal nature and not be divided into gardens. Nor would there be any formally laid out parking spaces. There is ample space on the circular drive to park up to four cars in an informal manner which would not involve any additional hard surfacing.

The bin store has been removed completely and the intention is for the bins to stand in an area screened by planting, its location to be identified prior to development starting and controlled by a condition. Therefore, the existing character of the space would be retained with all trees remaining.

This approach is considered to be acceptable because it would significantly improve the appearance of the chapel and retain the setting around it.

Sustainability.

Core Strategy policy CS64 deals with the sustainable design of development and this says that all new development should achieve a high standard of energy efficiency by way of solar energy, passive heating and cooling, water recycling and other means. In addition, existing buildings should be re-used where possible.

The re-use of the building, creating two dwellings in a location within walking distance of many services including transport options is of itself sustainable.

The scheme as originally submitted included solar panels on the south facing roof plane but these would have been significantly detrimental to the historical character

of the Listed Building so they were removed even though there would have been sustainable benefits.

The refurbishment of the building into two houses will be subject to Building Regulations control which has flexibility with Listed Buildings but even so, sustainable measures will be introduced where possible.

Impact of Development on Listed Building and Conservation Area.

UDP policy BE15 deals with areas of special architectural or historic interest and says that important buildings and areas will be preserved or enhanced.

UDP policy BE16 deals with development in Conservation Areas and new development should preserve or enhance them. This same guidance is reflected in BE17 which requires a high standard of design using traditional materials and a sensitive approach to layouts.

UDP policy BE19 deals with Listed Buildings and proposals for change of use and any alterations or additions should preserve or enhance the character and setting of the building.

Core Strategy policy CS74 expects new development to respect, take advantage of and enhance the distinctive features of the city including its historical heritage.

The chapel has been vacant for many years and has fallen into disrepair and near dereliction. The neglected air of the building set within the overgrown and unkempt grounds currently detracts from the Conservation Area. The application would repair and restore the Listed chapel with the only noticeable additions being the rooflights at the lower edge of each roof plane. The rooflights are necessary to provide natural light to second floor bedrooms which are considered to be important to the viability of the scheme. The grounds would remain open and mature trees would be retained. Garden clutter would be avoided and the open character around the building would not be altered.

It is accepted that the original use of the chapel would be lost but it has been disused for a considerable period of time. Also, the use of voids within the interior will retain the spacious character of the chapel.

Implementation of this scheme would improve the appearance of and ensure the long term future of a valuable Listed Building and would enhance the character of the Conservation Area. There would, therefore, be no conflict with relevant policy criteria.

Transport, Access and Parking.

UDP policy H14 says that new housing should have appropriate off street parking, safe access to the highway and pedestrians should not have their safety compromised.

Core Strategy policies CS51 and CS53 deal with transport priorities and management and seek to create a safe environment for road users and encourage the use of alternative modes of transport.

The scheme as originally submitted showed a formal car park for four cars which was acceptable in terms of parking provision but the impact on the Listed Building and Conservation Area was unacceptable. An informal solution has been offered which allows cars to park informally on the drive and circular driveway to the west of the chapel. There is enough hard surface available to allow for parking and safe vehicle circulation.

The existing access is from Cemetery Road which will be retained. This is marked by a pillar each side and can accommodate the anticipated vehicle flow. It is anticipated that this will be significantly less than when the chapel was used for worship.

It is possible to walk to shopping and cultural facilities in the city centre, Ecclesall Road and London Road and there are good bus services in the area.

Mature Trees and Landscaping.

UDP policy GE15 seeks to protect mature trees.

The applicant has confirmed that all mature trees within and at the edge of the site will be retained and the land would not be converted to a suburban garden environment. This would be controlled by appropriate conditions.

Natural History, Ecology and Green Links.

The UDP shows that the site is part of an Area of Natural History Interest and policy GE13 seeks to protect the important features in such areas. Policy GE11 seeks to protect and preserve the natural environment and policy GE10 says that the network of green corridors and links. A green link passes through the General Cemetery.

Core Strategy policies CS72 and CS73 deal with protecting the countryside that is not in the Green Belt and the strategic green network.

The trees and vegetation within the site will alter little as part of this application so the existing natural environment would not be significantly changed, retaining the habitat for animals and birds and the green link.

It is possible that bats roost in the chapel which are a protected species. It would be a requirement for any planning consent for this proposal for a survey to be carried out prior to development, which would be controlled by a condition and which would avoid disturbance to the species.

## RESPONSE TO REPRESENTATIONS

The representations set out earlier in this report were in response to the scheme as submitted and many of the concerns have been resolved by the amended scheme. However, two responses are still required.

The design of the new entrance doors has been amended to be of oak in a traditional appearance which would complement the building.

The grounds are not in public use so there would be no loss of public open space.

## SUMMARY AND RECOMMENDATION

This application seeks to use a semi derelict chapel as two dwellings. The chapel is Listed Grade 2 and within the General Cemetery Conservation Area. The grounds are designated as being of natural history interest.

The chapel is in a very poor state of repair and continues to deteriorate as it remains vacant and unused. This application, as amended, is an opportunity to ensure the restoration and long term future of the building and to improve the appearance of the grounds around the chapel.

The original scheme would have had an unacceptable impact on the character and setting of the Listed Building and on the Conservation Area because it would have been too suburban in nature. The amended scheme resolves all concerns and accords with all policy criteria.

The application is, therefore, considered to be acceptable and is recommended for conditional approval.



**SHEFFIELD CITY COUNCIL  
PLACE**

**DATE** 26 NOVEMBER 2012

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

**REPORT OF** DIRECTOR OF DEVELOPMENT SERVICES

**ITEM**

**SUBJECT** QUARTERLY OVERVIEW OF ENFORCEMENT ACTIVITY IN THE CITY CENTRE, SOUTH & EAST AREA

**SUMMARY**

TO INFORM MEMBERS OF PROGRESS ON ENFORCEMENT ACTIVITY IN THE CITY CENTRE, SOUTH & EAST AREA

**RECOMMENDATIONS**

THAT MEMBERS NOTE THE CURRENT PROGRESS ON ACTIONS

<b>FINANCIAL IMPLICATIONS</b>	<b>NO</b>	<b>PARAGRAPHS</b>
<b>CLEARED BY</b>	CATHERINE RODGERS	

**BACKGROUND PAPERS**

**CONTACT POINT FOR ACCESS** DEBORAH PARKINSON **TEL NO:** 2734184

**AREA(S) AFFECTED**

**CATEGORY OF REPORT**

OPEN

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## DEVELOPMENT SERVICES

REPORT TO CITY CENTRE,  
SOUTH AND EAST  
PLANNING AND HIGHWAYS  
COMMITTEE  
26<sup>TH</sup> NOVEMBER 2012

### QUARTERLY OVERVIEW OF ENFORCEMENT ACTIVITY

#### 1. PURPOSE OF THE REPORT

- 1.1 This is the quarterly report to advise members of the work being undertaken by the Planning Enforcement Team. The period covered runs from 1<sup>st</sup> July to 1<sup>st</sup> October.

#### 2. ACTIVITY DURING THE QUARTER

- A total of 198 enforcement complaints were received. Of these 58% concerned unauthorised development and 20% failure to comply with conditions or approved plans. The percentage of cases involving houses in multiple occupation remains low but Section 215 (untidy land/buildings) cases have increased markedly; 13% of the total, compared to the last quarter.
- Notices served in the period: -

Notice type	Quarter 2 Jul – Sep 2011	Quarter 3 Oct – Dec 2011	Quarter 4 Jan – Mar 2012	Quarter 1 Apr – Jun 2012	Quarter 2 Jul – Sep 2012
Breach of conditions	2	10	1	2	
Discontinuance (adverts)			1		2
Enforcement	6	10	2	8	6
Stop					1
Temporary Stop	1	1			
Section 215 (untidy land)	3	3	2	4	8
Section 225 (signs)	15	6	12	1	
Total	27	30	18	15	17
Prosecutions	5	1	6	5	1

- The number of cases resolved within the target of 6 months was only 46% of all the cases closed in the period. This appears to compare badly to the 58%, 68% and 63% achieved in the proceeding three quarters. However, the actual number of cases less than 6 months old closed in the period was significantly up on the proceeding two quarters in 2012.  
The low figure of 46% is in fact due to the team making a concerted effort to close older cases in recent months, evidenced by the fact that 246 cases were closed in this quarter compared with 160 in the last quarter.
- Cases involving Section 215 of the Planning Act are a growing proportion of the whole and both the public and other departments have high expectations that the Planning Service will sort out the amenity problems resulting from unmaintained land or buildings. To an extent this has been a result of the economic downturn which has resulted in complaints about sites where construction has halted and buildings that are neglected instead of being redeveloped. In addition the Stuck Sites programme has actively targeted those poorly maintained sites that also have housing potential, with a budget for direct action if required.
  - Section 215 action, as part of the Stuck Sites initiative resulted in the owner demolishing a former working mens club at Dara Street, Wincobank. The developer is now having pre-application discussion with officers for a development of 12 houses.

### 3 CONCLUSION

- 3.1 In terms of the statistics the number of complaints has increased to 198 from last quarters 179. The current purge of older cases has meant that a lot have been closed in the period giving the impression that the teams performance is well short of the Service Plan Target of resolving at least 70% of cases within 6 months. This is expected to be a temporary distortion of the statistics that will improve once the older cases have been closed, as far as possible.

### 4. RECOMMENDATION

- 4.1 It is recommended that Members note the report.





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

**DATE** 26 NOVEMBER 2012

---

**REPORT OF** DIRECTOR OF DEVELOPMENT SERVICES

**ITEM**

---

**SUBJECT** ENFORCEMENT REPORT

PROGRESS REPORT ON ENFORCEMENT ACTIONS AUTHORISED BY COMMITTEE, OR UNDER DELEGATED POWERS IN THE CITY CENTRE AND EAST AREA

---

**SUMMARY**

THE PURPOSE OF THIS REPORT IS TO INFORM COMMITTEE MEMBERS OF PROGRESS ON CURRENT ENFORCEMENT CASES IN CITY CENTRE AND EAST AREA.

---

**RECOMMENDATIONS**

THAT MEMBERS NOTE THE CURRENT PROGRESS ON ACTIONS

---

**FINANCIAL IMPLICATIONS**

NO

**PARAGRAPHS**

**CLEARED BY**

CATHERINE RODGERS

---

**BACKGROUND PAPERS**

**CONTACT POINT FOR ACCESS**

KHALID MAHMOOD

**TEL NO:**

203 7758

**AREA(S) AFFECTED**

**CATEGORY OF  
REPORT**

OPEN

CLOSED  
Paragraphs(s)

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## QUARTERLY UPDATE ON LIVE ENFORCEMENT CASES IN CITY CENTRE & EAST AREA

### Report abbreviations

PP	Planning Permission	EN	Enforcement Notice
PD	Permitted Development	PCN	Planning Contravention Notice
BCN	Breach of Condition Notice	S330	Notice under Section 330 of the Act requiring details of interest in land
S215	Notice under Section 215 of the Act – Land adversely affecting amenity of neighbourhood.	S225	Notice under section 225 of the Act requiring removal of illegally displayed placards or posters
TSN	Temporary Stop Notice		

### ITEMS IN BOLD TYPE INDICATE CHANGES SINCE LAST REPORT

NO	SITE	BREACH	DATE OF BOARD RESOLUTION/ DELEGATED AUTHORITY	CURRENT SITUATION
1.	Land Adjacent The Old Dairy 8, White Lane, Gleadless, S12 3GB	Unauthorised erection of summer house decking area and climbing frame and the unauthorised use of land for domestic curtilage	05/11/12	<b>13/11/12 – letter to be sent asking the owners to remove the unauthorised structures and stop the use of land for domestic curtilage.</b>

2.	64-68 Wicker, S3 8JD	Unauthorised erection of flues at rear of 64 and 66 Wicker, unauthorised erection of first floor rear extension and railings at 66 Wicker and the unauthorised erection of rear extension, steps, railings and the creation of an entrance door at the side of 68 wicker, and untidy appearance of the side elevation of 68 Wicker.	05/11/12	<b>06/11/12 – EN and S215 Notice being prepared and will be served shortly.</b>
3.	79-81 Wicker, S3 8HT	Breach of Condition (05/04516/FUL) – Condition 2 - fume extraction system, Condition 3 - scheme of sound attenuation, condition 4 – Validation test of sound attenuation.	1309/12	<b>06/11/12 – BCN served on 21/09/12 – compliance period 28 days from when notice was served. Condition 2 has been complied with. Conditions 3 and 4 have not been complied with. In discussions with architect in trying to resolve this issue.</b>
4.	255 Glossop Road, S10 2GW	Unauthorised fume extraction system	23/07/12	<b>29/10/12 – EN has been served and took effect on 26/10/12 and needs to be complied before 26/01/13.</b>
5.	361 Staniforth Road, S9 3FP	Breach of Condition (02/02562/CHU) Condition 2 – use of building within 7am and 7pm Condition 3 – cooking facilities and Condition 6 provide a receptacle for the disposal of litter.	30/01/12	<b>29/10/12 – A retrospective planning application (12/03059/FUL) has been received to retain the current use. Any further enforcement action is to be held in abeyance until the outcome of the decision.</b>
6.	Site Of Richardsons Cutlery Works, Alma Street and Cotton Street, S3 8SA	Unauthorised demolition of boundary wall	10/04/12	<b>29/10/12 – EN served and has been appealed against, awaiting Planning Inspector's decision.</b>

7.	44 Woolley Wood Road, S5 0UG	Unauthorised use of garden for the storage of scrap metal in connection with scrap metal business	10/04/12	<b>29/10/12 – Advice from Solicitor is that there is not enough evidence to prosecute at this time. Monitor site.</b>
8.	272 Glossop Road, S10 2HS	Unauthorised cooling fan at rear of property	20/12/11	<b>29/10/12 – Prosecution file has been prepared and is currently with litigation.</b> 02/07/12 – EN notice served on 10/02/12 and took effect on 16/03/12 – 2 month compliance period. EN not complied with.
9.	112-114 Barrow Road, S9 1LB	Breach of Condition (04/00219/FUL) 3-Obscure glazing, 4-Permitted Development Rights Removed, 5-Boundary Treatment, 6-Boundary Treatment, 7-Boundary Treatment and 10 Driveway	17/10/11	<b>29/10/12 – A hard standing has been created at the front of the property as required by planning condition – NFA.</b>
10.	Gibson Works, 2 Mary Street, S1 4RQ	Breach of Condition 15 – (04/02425/FUL and 08/02341/FUL ) Construction of footway adjacent to site	29/11/11	<b>06/11/12 – Pending consideration.</b> 02/07/12 – Application has been submitted to remove condition (12/00268/FUL and 12/00267/FUL). Any further enforcement action to be held in abeyance until outcome of planning decision. 13/01/12 – BCN served 03/01/12.
11.	Craggside Eckington Rd, Beighton	Non payment of planning obligation monies, £7,323. Planning application 07/01057/FUL. Development complete.	20/12/10	<b>Nov 12 – Case with litigation. They have written to the current owners to pursue payment before proceeding to prosecution.</b>
12.	Brunswick Gardens Village, Station Road, 260-262 Brunswick Gardens, S13 7SF	Unauthorised roof plant and trellis	26/10/11	<b>29/10/12 – The required works have been completed – NFA.</b>

13.	1 – 17 Elmview Road, Wincobank, Sheffield 9	Unauthorised use of land situated at Elmview Road for breaking motor vehicles, siting of shipping containers and used vehicle parts	07/02/2011	<b>6/11/12 – Land registry still shows same owners after meeting with litigation a final warning letter is being sent and then file will be prepared for prosecution.</b> 03/07/12 – Ownership checks being carried out on the property before prosecution. 05/04/12 – The property still appears not to be used however damaged vehicles still parked on property and industrial container has not been removed. Seeking further advice from litigation regarding prosecution. 13/01/12 – Property still appears not to be used – Monitor site. 12/10/11 – Site visited but all locked up. Further visit required to confirm non-compliance. 05/07/11 – Needs compliance before 15/07/11. 15/03/2011 Enforcement Notices issued taking effect on the 15/04/2011
14.	1 Lumley Street, S4 7ZJ	10/02698/FUL non compliance with conditions 2 – development in accordance with approved plan 3 Approved fence to be in place by 30 November 2010. 4 New access. 6 stopping up redundant access	07/02/2011	<b>29/10/12 – After several discussions with owner have failed a new BCN is being prepared and will be served shortly.</b>
15.	Land at Milton Street and Headford Street, S3	Non payment of planning obligation monies £170,580.00 secured in relation to 06/00370/FUL. The development has only reached excavation and basement level.	20/12/2010	<b>12/11/12 – New planning application approved (12/02577/FUL) and revised legal agreement – NFA</b>

16.	Land at 29 Garden Street, S1	Non payment of planning obligation monies £155,119.80 secured in relation to 07/01148/FUL. The development has only reached excavation.	20/12/2010	<b>12/11/12 – Discussions with new owner re-commenced. The approved scheme unlikely to proceed and will be replaced by a new permission.</b>
17.	Site of Hope Works, 17-39 Mowbray Street	Non payment of planning obligation monies £90,030.35 secured in relation to 05/04371/FUL. Development is complete and occupied	20/12/2010	<b>12/11/12 – Awaiting final view from litigation before a formal report is presented to planning committee on this case.</b>
18.	40 Woolley Wood Road, S5 0UH	Unauthorised Business Use – Using garden as storage and breaking of scrap metal and for the unauthorised use of highway between 36 and 46 for the open storage of scrap metal and the storage and parking of commercial vehicles and trailers.	15/02/10 and on 10/04/12	<b>06/11/12 – After discussions with the litigation solicitor it has been determined that we will not be able to enforce against the non compliance of the EN served on 13/04/12 relating to commercial vehicles parking in the highway, this is because it would be almost impossible for the Local Authority to prove that the land (highway) is in the control of the recipient of the EN. The planning service has done what we can and at this time can not take any further action regarding the parking of commercial vehicles on the highway. A multi agency approach to tackling the problem is being pursued.</b>

19.	484 Staniforth Road, S9 3FW	Unauthorised roof extension	25/01/2010	<p><b>29/10/12 – The owner has said that he cannot afford to carry out the works required in the notice a meeting has been arranged with owner to discuss a plan of action.</b> 02/07/12 – Letter sent on 11/05/12 reminding the owners that work needs to be carried out before 10/12. 02/04/12 – Monitor site until 10/12 for compliance. 13/01/12 – The owner cannot afford to carry out the works, extra 12 months given to comply with EN – check 10/12. 11/10/11 – Letter sent to owner giving two months to comply with EN or 2<sup>nd</sup> prosecution will begin. Work has not started yet. Trying to arrange site meeting with owner to clarify what is required. 08/07/11 – Fined £200 + 100 costs, reminder to be sent to comply with EN. 20/01/2011 Case was at Magistrates Court on 09/03/11, the hearing adjourned to 16/5/11 because owner was not present &amp; is out of the country until about April/May due to family bereavement. 15/09/2010 Site inspection – no work on site to comply with enforcement notice. 10/08/2010 Site meeting with Cllr. Iqbal. 22/06/2010 Planning inspectorate refused to accept appeal – non payment of fees. Notice taken effect and required to be complied within 3 months. 16/04/2010 Memo to legal services to issue enforcement notices. 19/03/10 Reminder letter and notice sent. 28/01/2010 Section 330 notice issued</p>
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20.	1A Senior Road, Darnall, S9 4PN	Unauthorised use of building for sale and fitting of vehicle tyre and sale and display of used cars	02/11/2009	<b>07/11/12 – The current use is a mix of authorised (B2) industry use and (sui generis) tyre fitting use. It is considered that the tyre use has similar characteristics as the industry type use. The unauthorised sales and display of cars on highway has stopped. If the noise issues re-occur then this can be dealt with under the environmental protection legislation and highway enforcement will continue to monitor the site for unauthorised works on the highway – NFA.</b>
21.	Former Club House Mosborough Miners Welfare Ground, Station Road, Mosborough, S20 5AD	06/04738/FUL - Breach of Condition 2,3,4,8,9,15,20 and 23	29/06/09 Authority for legal action 16/03/2009	<b>06/11/12 – Application pending consideration.</b> 05/07/11 – New application has been submitted (11/00865/FUL). 22/03/11 landscaping needs to be completed before end March 2011, Monitor site. 14/09/10 Planning permission (10/01260/FUL) has been granted for alterations to building. Monitor Site for compliance with landscaping condition. 30/06/10 – New application has been submitted. 29/03/10- New application to be submitted for alterations to building. 06/01/10- Found guilty fined £500 and costs – letter sent asking to comply with notice or will be prosecuted again. 12/10/09 – Owner pleaded not guilty court case has been adjourned until 5 November 2009. 17/07/09 – Authority granted for legal action. File with litigation. 15/06/09- Preparing prosecution file. 16/04/09- Notice issued on 16/03/09

22.	Adjacent to 5 Tansley Drive, S9 1LH	Unauthorised Dwelling	02/03/2009	<p><b>06/11/12 – Work has started and the weeds etc have been cleared.</b> 25/07/12- Architect to remind owners to carry out landscaping. 02/04/12 – No work has been carried out yet - monitor site. 13/01/12 – Architect has asked if the work can be carried out in 04/12- as the property was unoccupied and maintenance would have been difficult the property is now occupied. 11/10/11 – have had assurance from the architect that the required landscaping will be carried out end of October 2011. 05/07/11 – Letter has been sent reminding the owners to comply with landscaping condition. 24/03/2011 site being monitored to ensure landscaping scheme is implemented. 15/09/2010. Dwelling complete. Landscape works outstanding – monitor. 11/06/2010 Work on site commenced to conform to approved plan – monitor. 06/06 2010 Appeal part allowed part dismissed. 12/03/2010 Awaiting Inspectors decision. Public Inquiry date 10/11 March 2010. 13/08/09 Enforcement Appeal submitted. 09/07/09 Enforcement notices issued. 01/07/09 New planning application submitted ref 09/02065/FUL 31/03. Instructions to A&amp;L to issue enforcement notices. 09/03 s330 notice issued.</p>
23.	Jacosa, 141 West Street, S1 4EW	Unauthorised Roller Shutters	13/10/2008	<p><b>31/10/12 – Land registry still show previous owner, the property was let to current occupiers without any consent from freeholder and have been evicted</b></p>

				<p><b>from the property. Property is now empty – meeting to be arranged with litigation to discuss best way to proceed with this case.</b> 25/07/12 – The property has been sold and new owners are working with the Council to get the shutters removed. 02/07/12 – the owner has moved abroad, can not prosecute until he is back in the UK - matter with litigation department. 02/04/12 – reminder letter has been sent out. Not complied with Notice. 2<sup>nd</sup> litigation file being prepared. 13/01/12 – Fined £1,965.00 including costs. Reminder letter has been sent asking to comply with notice. 11/10/11 – court date 28/09/11, the owner did not appear in Court a warrant has been served for his arrest. 05/07/11 – Awaiting Court date. 22/03/11 – Shutters not removed file with litigation for prosecution. 26/01/2011 Litigation agreed to take to court unless shutters are removed before 31/01/2011. 14/09/10 Prosecution file with litigation. 30/06/10 – Prosecution file has been prepared with litigation. 29/03/10 – New application to be submitted to relocate the shutters internally. File is also being prepared for litigation. 06/01/10-Found guilty and fined £500 and costs, Letter sent asking to remove shutters or submit a new proposal. Owner to submit a new proposal before 15 Jan. 12/10/09 – File with litigation. 17/07/09 File has been passed to litigation. 15/06/09 – Appeal has been refused timescale to be</p>
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				submitted for the removal of the shutter. 16/04/09 – awaiting appeal decision. 21/01/09 – Appeal made 06/01/09 – Enforcement Notice issued 26/11/08
24.	Land between Tenter Street, White Croft Bakers Lane and Solly Street – Velocity Village	06/00283/FUL Breach of Condition 4 Landscaping, Condition 5 Management Plan, Condition 6 Highway improvements, Condition 7 Travel Plan, Condition 10 Archaeological works, Condition 11 Public Art, Condition 13 prevention of surface water spilling onto highway, Condition 18 surface water disposal, Condition 19 surface water drainage parking and hard standing areas, Condition 20 surface water drainage, Condition 25 Sound attenuation works, Condition 30 parking, and Condition 32 Highway improvements	12/06/2008	<b>06/11/12 – new owners still working with case officer to resolve the issues, a new conditions application is to be submitted shortly.</b>



**SHEFFIELD CITY COUNCIL  
PLACE**

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

**DATE** 26 NOVEMBER 2012

**REPORT OF** DIRECTOR OF DEVELOPMENT SERVICES

**ITEM**

**SUBJECT** PROGRESS REPORT ON ENFORCEMENT ACTIONS AUTHORISED BY THE COMMITTEE, OR UNDER DELEGATED POWERS IN THE SOUTH AREA

**SUMMARY**

TO INFORM MEMBERS OF PROGRESS ON CURRENT ENFORCEMENT CASES IN SOUTH AREA

**RECOMMENDATIONS**

THAT MEMBERS NOTE THE CURRENT PROGRESS ON ACTIONS

**FINANCIAL IMPLICATIONS** NO PARAGRAPHS

**CLEARED BY** CATHERINE RODGERS

**BACKGROUND PAPERS**

**CONTACT POINT FOR ACCESS** DEBORAH PARKINSON **TEL NO:** 2734184

**AREA(S) AFFECTED**

**CATEGORY OF  
REPORT**

OPEN

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## UPDATE ON LIVE ENFORCEMENT CASES IN SOUTH AREA FOR QUARTER ENDED March 2012

### Report abbreviations

BCN	Breach of Condition Notice	PD	Permitted Development
DN	Discontinuance Notice	PP	Planning Permission
EN	Enforcement Notice	S215N	Section 215 Notice, to remedy untidy land
ESP	Enforced Sale Procedure	S330	Notice under Section 330 of the Act requiring details of interest in land
NFA	No Further Action	TPO	Tree Preservation Order
PCN	Planning Contravention Notice	TSN	Temporary Stop Notice

### ITEMS IN BOLD TYPE INDICATE CHANGES SINCE LAST REPORT

(Strikethrough = closed cases awaiting board OK for removal)

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
1.	<b>29 Ratcliffe Road</b>	<b>Unauthorised Rear Extension and Breach of condition of front dormer window</b>	<b>5/11/12</b>	<b>5/11/12 – Authority obtained to secure the removal of the unauthorised extension and remedy the Breach of Control.</b>
2.	<b>32 Crescent Road</b>	<b>Unauthorised Lightwell safety railings</b>	<b>15/10/12</b>	<b>15/10/12 – Authority obtained to secure the removal of the unauthorised lightwell railings.</b>
3.	<b>253 Meadowhead</b>	<b>Unauthorised Timber Decking</b>	<b>3/9/12</b>	<b>19/10/12 – Site visited, decked area now reduced in height to fall within 300mm</b>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				PD limits, therefore NFA. 3/9/12 – Authority obtained to secure the removal of unauthorised timber decking.
4.	33 Albany Road, S7	Unauthorised UPVC Windows and Dormer Casing	13/08/12	12/11/12 – Following discussions with the Conservation Officer and Negotiations with the new owners of the property, it has been agreed that specialist oil based primer/paint can be applied to the window and dormer casing and it will be acceptable. These works to be carried out within the appeal period, site to be monitored. 12/10/12 – Enforcement Notice served. 13/08/12 – Authority obtained to take all steps necessary to secure the removal of the unauthorised windows and dormer casing.
5.	20 Albany Road, S7	Unauthorised UPVC windows and wall in Article 4 Area	13/08/2012	12/11/12 – Following assessments of additional information relating to the timing of the breach, it was apparent that the works were undertaken more than 4 years prior to the service of the Enforcement Notice. The Enforcement Notice has therefore been withdrawn.



NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>15/10/12 – Appeal lodged. Public Inquiry arranged for February 2013  17/08/12 – Enforcement Notice served.  13/08/2012 – authority given to take all steps necessary to secure the removal of the unauthorised windows and wall.</p>
6.	253 Fulwood Road, Broomhill, S10 3BD	Unauthorised advertisement sign	03/09/12	06/11/12 – letter has been sent asking to remove unauthorised signs. Signs have not been removed. Discussions have taken place between occupier and planning officer for more acceptable signage at this location.
7.	204 Chippinghouse Road, Nether Edge, S7 1DR	Unauthorised replacement of windows and door within an Article 4 area	13/08/12	06/11/12 – EN has been served; notice took effect on 21/09/12 – 9 month compliance period.
8.	1 Albany Road, Nether Edge, S7 1DN	Unauthorised replacement of roof tiles within an Article 4 area	03/09/12	06/11/12 – EN being prepared
9.	280 Ecclesall Road	(a) 6m x 3m advertisement hoarding (b) 5m x 1m Claypenny Premium Student Housing Advert	02/07/2012	<p>31/10/12 – Appeal running on refused advert application. 31/07/2012 Advert (a) Express consent refused, ref 12/01431/ADV, 2/7/12. DN being prepared to secure removal, (DN necessary as it benefits from 'deemed consent'). Advert (b) <b>Discontinuance Notice</b></p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<b>served 31/10/12 Date to be complied with 24/01/13.</b> S330 sent 1/8/12 to establish details in preparation for DN
10	298A Ecclesall Road	2.5m x 1.2m (approx) Salis for Student Accommodation advert	<b>19/03/2012</b>	<b>31/10/12 – Appeal Still ongoing.</b> 30/07/2012 DN served 18/4/12, requires removal of advert in 8 weeks. Appeal lodged and awaiting outcome.
11	357 Glossop Road, Hanover Conservation Area	Illuminated 48 sheet advertisement site on flank wall of shop.	<b>27/2/12</b>	<b>1/11/12 – Appeal lodged against DN.</b> 17/7/12 DN served, comes into effect 17/9/12 & requires removal of the advert in 4 weeks, (by 15/10/12) 18/04/2012 – Discontinuance Notice served, date for compliance 11/07/2012. Letter & s330 notice sent to Primesight (advert company) & to owner of building advising that removal of the deemed consent to display adverts is being pursued, which includes the removal of the present display.
12	337A Glossop Road, Hanover Conservation Area	MAF Properties advert displayed on flank wall of 1 <sup>st</sup> floor flat above Trends Wig shop, (no.337).	<b>27/2/12</b>	<b>1/11/12 – Appeal still ongoing.</b> 17/07/2012 Appeal lodged against DN - awaiting outcome. 18/04/2012 – Discontinuance Notice

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				served, date for compliance 11/07/2012. Letter & S330 sent to owner of the advert and to owner of the host building advising that removal of the deemed consent to display adverts is being pursued, which includes the removal of the present MAF display.
13	6 Rosamond Place	Unauthorised Rear Extension	16/01/2012	<p><b>09/11/12 -The prosecution file is being prepared, However a new planning application has since been received No. 12/03171/FUL. 23/08/12 – Inspectors decision, dismisses the appeal and upholds the refusal decision. Letter sent to the owner reminding him of the need to comply with the enforcement notice. No contact from the owner.</b></p> <p>09/05/2012 – EN served to remove unauthorised element of extensions to property. Planning appeal still ongoing. 13.04.2012 Paperwork being prepared to serve notice. 10/04/2012 – Application 11/03971/FUL refused with Enforcement Action authorised. Temporary Stop Notice still in force that</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				was served 23 <sup>rd</sup> December 2011.
14	4 Parker's Road	Unauthorised Steel Shutters	<b>06/02/2012</b>	<b>10/09/12 – Decision from public hearing, Enforcement Notice upheld. Owner has 6 months to remove shutters and brick the wall back up. Site to be monitored.</b> 31/05/2012 – Appeal Lodged, hearing to take place 4/09/2012. 16/04/2012 Enforcement Notice Served.06/02/2012 – Authority granted for EN to be served.
15	196 Whitham Road, Broomhill Conservation Area	Display of unauthorised advertisement	<b>19/12/2011</b>	<b>1/11/12 – 6 Months conditional discharge ends 18/1/13. Speaking to litigation about getting the case back into court.</b> 18/07/2012 – Case in Court, Held unlawful sign, Conditional discharge 6 months No costs. 02/04/2012 – Paperwork being prepared for prosecution. 19/12/2011 – Authority granted to instigate legal proceedings to secure the removal of the unauthorised sign.
16	78 Alms Hill Road	Unauthorised Storage container on the Rear garden.	17/10/2011	<b>19/09/12 – Site visited and container removed, NFA 24/07/2012</b> Site to be visited 4/09/2012 to ensure that container

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				has been removed in line with previous agreement. 01/03/2012 – Appeal withdrawn. Owners have given their written assurance that the storage container will be emptied and removed by the 31 <sup>st</sup> August 2012. Monitor at this time.16/01/2012 – Appeal received. 06/01/2012 Enforcement Notice served giving the owner 6 weeks to remove the unauthorised container. (Deadline is 16/11/11). 17/10/2011 – Authority granted and EN to be served.
17	285-317 Psalter Lane	Non payment of planning obligation monies £5,562 in respect of 06/01957/FUL		<b>14/11/12 – Paid in Full.</b> 04/07/2012 File being prepared for litigation.19/1/2012 – Officers checking up to date ownership detail son advice from litigation. 24/10/11 – Officers assisting Central Debt Recovery Team with chasing of payment. Recent site ownership changes have affected progress.
18	32 Ryegate Road	Non payment of planning obligation monies £ 9,918 in respect of 05/03455/FUL		<b>14/11/12 Officers discussing case with litigation.</b> 04/07/2012 File being prepared for litigation.19/1/2012 –Officers checking

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				up to date ownership detail son advice from litigation. 24/10/11 - Officers assisting Central Debt Recovery Team with chasing of payment. Ownership information needs updating.
19	7 Greenfield Drive	Unauthorised signage on display	26/09/11	<b>14/11/12 – No action on this case as other work has had to take priority.</b> 03/07/2012 Sign still erected on site. Paperwork with Legal to serve Notice. 02/04/2012 – Paperwork being prepared for prosecution. 19/01/2012 – Letter to the owners of the property giving 14 days to remove sign post decision, otherwise prosecution to follow. 27/09/11 – Authority granted to instigate legal proceedings to secure the removal of the unauthorised sign.
20	11 Raven Road, Nether Edge Conservation Area	Unauthorised replacement roof, painting of stonework, alterations to Boundary wall and erection of timber door to passageway in Article 4 conservation area.	04/07/11	<b>06/11/12 – Work has been completed as required in the notice – NFA.</b> 03/07/12 – Appeal has been dismissed by Planning Inspector, work has started on site to comply with EN. 02/04/12 – Awaiting decision from Planning Inspector. 13/01/12

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				– Appeal has been made. 14/10/11 – Enforcement Notice has been served on the 22/08/11. The owner has stated an intention to appeal. 05/07/11 - Authority granted and Enforcement Notice to be served. Paperwork being prepared.
21	13 Raven Road, Nether Edge Conservation Area	Unauthorised replacement roof and bargeboards to front Dormer window, painting of stonework, alterations to boundary wall, and erection of timber door to passageway in Article 4 conservation area	04/07/11	<b>06/11/12 – Work has been completed as required in the notice – NFA.</b> 03/07/12 – Appeal has been dismissed by Planning Inspector, work has started on site to comply with EN. 02/04/12 – Awaiting decision from Planning Inspector. 13/01/12 – Appeal has been made. 14/10/11 – Enforcement Notice has been served on the 22/08/11. The owner has stated an intention to appeal. 05/07/11 - Authority granted and Enforcement Notice to be served. Paperwork being prepared.
22	Yummy Hut, 647 Ecclesall Road	Breach of Condition (Opening hours of hot food take away)	03/06/2010	<b>31/10/12 – Revised strategy being developed for the approach to Hot food takeaways in this area. Litigation to advise on whether we need to withdraw BCN.</b> 3/07/2012 – Meetings to be held with Litigation in light of the prosecutions and

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>finer at the Broomhill takeaways, as to best course of action for us to take. 02/04/2012 – Paperwork being prepared for prosecution. 09/01/2012 – Visiting and gathering evidence for prosecution. 13/10/11 – Night visit taken place and can confirm non-compliance with BCN. Land Ownership details on request. 05/07/11- Further evidence of breach to be gathered with a view to prosecution 19/03/11 - Site monitored and noted that still open at 11.45 pm. In Breach. Meeting to be arranged with Litigation seeking advice on possible next course of action 20/01/11 Further late night site visit to be undertaken to get current position. 20/09/10 Site visited on 30 July at 00.30. All locked up, Lights off and closed. Seems to be in compliance. Officer to visit again for confirmation. 08/06/2010 – BCN served by Recorded Delivery.</p>
23	44 Grange Crescent, Nether Edge Conservation Area	Unauthorised replacement of windows, roof tiles, guttering, door and repainting of	07/02/11	<b>06/11/12 – File with litigation.</b> 26/07/12 – 2 <sup>nd</sup> part of EN not been complied with either a prosecution file has been prepared



NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
		headers, sills and architectural feature		and is with litigation. 02/04/12 – File with litigation. 13/01/12 – Prosecution file being prepared. 14/10/11 – 1 <sup>st</sup> compliance period Nov 2011. 15/06/11 - Enforcement notice served on 4 April 2011, takes effect on 09/05/11 phased compliance period 6 months and 12 months from when notice takes effect. 22/03/11 – An Enforcement Notice is being prepared.
24	Land at 141 Denmark Road	Non payment of planning obligation monies £8,255.45 secured in relation to 08/02716/FUL. Development is complete with most of the units occupied	20/12/2010	<b>14/11/12 – A new updated case file has been passed to litigation.</b> 03/07/2012 – Awaiting Court date. 19/01/12 – Prosecution file now with litigation. 24/10/11 – Following a number of failed agreements with owners, final warning now given with a view to prosecution. 11/07/11 – Central Debt Recovery Team securing payment agreement 22/03/11 - Developers in process of agreeing payment plan. 26/01/11 Developer Midcity Estates Ltd. Central debt recovery team doing final chasing of money. Prosecution file otherwise ready.

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
25	Ball Inn, Mansfield Road	Unauthorised Hoarding	21/06/2010	<p><b>14/11/12 – No action on this case as priority has had to be given to other work.</b> 25/07/2012 DN to be served within next 14 days.18/04/2012 Some delay in preparation of Notice. Now anticipate service June 2012. 10/01/2012 – Background checks taking place anticipate notice to be served by Mid Feb 2012. 21/06/11 - Hoarding still in place. Discontinuance Notice to be served. 18/03/11 Company instructed in writing to remove Hoarding by 31/03/11 20/01/11 Planning Appeal dismissed. Instructions to be sent for Hoarding to be removed. 20/09/10 Planning Appeal submitted by applicant. Statement sent by Planning Officer to Inspectorate on 27/8/10. Outcome of this will determine further enforcement position. 1/06/2010 – retrospective advertisement application refused at Area Board. Instructions being prepared for Notices to be served.</p>
26	776 Ecclesall Road	Breach of Condition (Opening hours of hot food take away)	03/06/2010	<p><b>14/11/12 – Revised strategy being developed for the approach to Hot food</b></p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>takeaways in this area. Litigation to advise on whether we need to withdraw BCN. 03/07/2012 – Meetings to be held with Litigation in light of the prosecutions and fines at the Broomhill takeaways, as to best course of action for us to take 02/04/2012 – Paperwork being prepared for prosecution. 17/01/2012 – Visiting and Gathering Evidence for prosecution. 12/10/11 – A further night visit is required to confirm non-compliance with BCN. 05/07/11- Further evidence of breach to be gathered with a view to prosecution 19/03/11 - Site monitored and noted that still open at 11.45 pm. In Breach. Meeting to be arranged with Litigation seeking advice on possible next course of action 20/01/11 Further late night site visit to be undertaken to get current position. 20/09/10 Site visited on 30July at 00.30. All locked up, Lights off and closed. Seems to be in compliance. Officer to visit again for confirmation. 08/06/2010 – BCN hand delivered. Variation of condition (opening hours) planning application refused 25/01/2010.</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
27	Pizza Padrino, 267 Fulwood Road, Broomhill Conservation Area	Non compliance with approved hours (94/01539/FUL)	02/06/2010	<p><b>1/11/12 – Site being monitored, to gain evidence for further breaches.</b></p> <p>18/07/2012 – Case in Court. Owner pleaded guilty £50 fine, Costs £50 and £15 surcharge. 20/03/2012 – Files with prosecution awaiting court date 17/2/12 – Evidence for prosecution obtained &amp; being prepared for Litigation. Letter sent 14/12/11 warning non-compliance with EN will lead to prosecution. 13/06/11 - Work still to be completed for new EN's. Expect to be served by end of August 22/3/11 – Decided that new enforcement notices to be served due to info from Licensing that person named as licensee has changed. Cannot prosecute former licensee, work towards this to begin asap. 04/01/11 - Case meeting towards prosecution to be arranged before the end of February. 20/09/10 Premises in breach of TSN and BCN. Prosecution file being prepared in conjunction with Licensing. 03/06/2010 – Breach of Condition Notice and Temporary Stop Notice served. Regular monitoring</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				taking place with a view to prosecution for any further breaches.
28	Oasis Pizza, 204 Whitham Road, Broomhill Conservation Area	Non-compliance with approved hours (98/00186/FUL)	02/06/2010	<p><b>1/11/12 – Site being monitored, to gain evidence for further breaches.</b></p> <p>19/07/2012 Case in court, pleaded guilty, £50 fine surcharge £15 costs £75.</p> <p>20/03/2012 – Files with prosecution awaiting court date. 17/2/12 – Evidence for prosecution obtained &amp; being prepared for Litigation. Letter sent 14/12/11 warning non-compliance with EN will lead to prosecution. 10/10/11 – Enforcement Notice issued. Takes effect 14<sup>th</sup> November and requires compliance with planning permission by 14<sup>th</sup> December or prosecution will follow. 13/06/11 - Work still to be completed for new EN's. Expect to be served by end of August. 22/3/11 – Decided that new enforcement notices to be served due to info from Licensing that person named as licensee has changed. Cannot prosecute former licensee, work towards this to begin asap. Appeal against refusal of planning permission to allow</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				hours extension dismissed. 04/01/2011 Case meeting towards prosecution to be arranged before the end of February. 20/09/10 Premises in breach of TSN and BCN. Prosecution file being prepared in conjunction with Licensing
29	10 Birkendale, Birkendale Conservation Area	Non-compliance with condition 4 – Use of the barn being incidental to main dwelling	22/02/2010	<p><b>14/11/12 – Inspectors site visit took place 1/11/12 – decision expected between 5 to 7 weeks.</b> 10/07/2012 – Enforcement Notice served on Owner with instruction to fully comply with Condition 4 of 06/03253/FUL within next 12 weeks. 17/04/2012 – Application refused, site to be monitored to see if let and if so then Enforcement Notice to be prepared and served at that time. 19/01/2012 – Application to be reported to City Centre, South &amp; East Planning and Highways Area Committee – 6/2/2012. 24/10/11 Application still being considered. Will be reported to Committee for determination. 07/09/11 – Application to remove Condition 4[Barn remaining ancillary to the main dwelling and not been sold or let as a</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>separate dwelling) imposed by 06/03253/FUL] (Alterations to existing barn to form ancillary living accommodation), validated on 23<sup>rd</sup> August, with a determination date set for 19<sup>th</sup> October 2011. Court hearing that had been set for 19<sup>th</sup> October to be withdrawn awaiting outcome of above determination. 05/07/11 – Court Hearing further adjourned until 24<sup>th</sup> August to allow submission, assessment and decision on further application. Invalid application received for amendment to condition 16/05/11 Court Hearing adjourned until 21<sup>st</sup> June to allow owner to provide further information. 28/02/11 Progress report submitted to Committee. Authority given to take all appropriate action including prosecution to ensure compliance. Litigation have instigated prosecution proceedings – court date set for 16<sup>th</sup> May. 11/01/2011 Meeting with Litigation after statements taken off complainants. Advised follow up statements needed from complainants and owner to ascertain current position. 20/09/10 As of today awaiting responses</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				from applicant and complainants for formal interview and witness statements, as requested by Litigation. 30/06/2010 – Compliance period expired instructions being prepared for possible prosecution. BCN served 25/02/2010. Owner given until 30/06/2010 to comply. Property to be re-visited at this time
30	6 Broomhall Road, Broomhall Conservation Area	Unauthorised UPVC windows in Conservation Area	15/12/2009	<p><b>14/11/12 – Site still being monitored.</b></p> <p><b>12/12/2011 – Site to be monitored and case closed when compliance noted (deadline 18<sup>th</sup> July 2014)</b></p> <p>07/09/11 – Application to replace windows conditionally approved on 18<sup>th</sup> July 2011 and owner has been asked to submit date when work will be completed. 21/06/11 - Application submitted 26th April 2011 for replacement front wooden sash windows and retention of pvc ones to side of property.... 11/01409/FUL 24/03/11 Notice served with a 3 month compliance period to replace unauthorised windows 05/01/11 Unauthorised windows still not replaced. Owner advised Notice to be served by Mid</p>



NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				February. 20/09/10 Enforcement Notice held back. Further discussions taking place. Owner has requested more time to fit new windows. Officers monitoring. Notice prepared ready to serve. 01/06/10 – Background checks taking place with a view to issuing instructions to serve the Enforcement Notice by end of July
31	202 Chippinghouse Road, Nether Edge Conservation Area	Unauthorised UPVC windows in Article 4 area	29/06/2009	<b>06/11/12 – Contract between the owner and window company has been signed and the windows are being manufactured .</b> 03/07/12 – no work has started on site, however a window company has been in discussions with officer in submitting plans for replacement windows. 02/04/12 – Fined £100 + £25 costs and £5 surcharge. Reminder letter sent asking to comply with the notice within 12 weeks or the matter will be reported for 2 <sup>nd</sup> prosecution. 23/01/2012 – Court date received 29/02/12. 14/10/11 – prosecution file with litigation. 15/06/11 - Meeting has taken place with owner and joiner to discuss replacement windows. 22/03/11 –

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>Section 106 agreement has been signed for phased window replacement – First window to be replaced before end of June 2011. 21/01/11 – Due to financial circumstances the owner cannot replace all the windows. However the owner is prepared to sign a S106 agreement to replace the windows within an agreed timescale. 21/09/10 – letter sent asking to sign a S106 agreement no response prosecution file being prepared. 18/05/2010 – Windows not replaced. Quotes obtained, but too costly for direct action. Owner wanting extra time to carry out works themselves. Legal services preparing a Section 106 agreement to allow for extension of time to allow owner to get finances in place to comply. 18/02/2010 – Appeal Dismissed. Owner to replace windows by the 13/05/2010. 06/11/2009 Appeal received – ongoing 29/09/2009 EN served to secure removal of unauthorised windows.</p>
32	Old Whitelow Farm,	Re-construction of a	30/07/08	<b>31/10/12 - Spoke to the agents working</b>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
	Old Whitelow Lane.	demolished redundant farm building		<p><b>on the owners behalf awaiting new applications.</b> 4/07/2012 – Meeting held in office to go through all evidence collected with the owners architects. Agreed several options for taking the site forward. It was agreed for architects to go back to the owners to see how they want to proceed.20/03/2012 – Application 08/04373/FUL refused with Enforcement Action authorised. Site meeting arranged with owner for 24/4/2012 to discuss other outstanding issues. - 13/01/2012 – Land Ownership issues delaying application process. Meeting to take place with litigation and other legal teams by mid- Feb 2012. 12/10/11 - PCN'S served and recipients interviewed 9/8/11. Site visited 11/10/11, case meeting to be arranged, to discuss all aspects of the site. 05/07/11 - After discussions with Legal Services and other Council departments it has been decided to serve all interested parties with Planning Contravention Notices with regard to a range of activities on the site. Notices being prepared and expect to be served within the next 14 days.</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>28/03/11 Decision still not made, however Officers anticipate determination within next six weeks. 10/01/11 Application Decision still not made. Negotiations on-going. 23/09/10 Decision on Planning application imminent. Decision, when made will determine enforcement situation. 20/06/2010 Application still pending, awaiting decision on a legal agreement being drawn up.</p> <p>21/01/09 Application still pending</p> <p>05/08/08 – Planning application submitted going through process. 31/07/08 – TSN served. Owner informed that no further works are to take place.</p>
33	Norfolk Arms Public House, Ringinglow Village	Unauthorised fume extraction and Lighting Columns.	19/05/08 & 21/09/09	<p><b>5/11/12 – Inspectors decision, appeal dismissed and the owner now has 16 weeks to remove the unauthorised lighting columns. 1/11/12 Appeal site visit arranged. Also spoken to owner about the fume extraction system and expecting a new planning application within the next month. 15/06/2012 –</b></p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>Appeal ongoing statement submitted.8/6/2012 Appeal received from one of the parties served in connection with the lighting columns.18/04/2012 – Listed Building Notice and Enforcement Notice served on all parties with an interest. Both notices give 4 months to carry out required works – these include removing the unauthorised lighting columns and also the extraction flue. 11/01/2012 –Reviewed PCN information with legal team and agreed that as no changes have taken place in the ownership (as per land Registry records) Listed Building Enforcement Notice and Enforcement Notice can now be served. Anticipate this being carried out Mid Feb 2012.21/10/11 – PCN’s served and recipients invited for interview 6/9/11. Ongoing issues with regard to alleged ownership changes. Meeting with litigation 5/10/11 – Listed Building Enforcement Notice and Enforcement Notice to be served on The Company Secretary within the next 14 days. 13/06/11 - Authority to take Enforcement Action granted by</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>Committee. Work still to be completed for new EN's. Expect to be served by end of August. 28/03/11 Case meeting held with Litigation Due to change in ownership new Enforcement Notice needs to be served. 24/01/11 Visits confirmed no progress on site. Case meeting needed to progress 20/09/10 Change of ownership meeting held with new owners to negotiate acceptable alterations 22/06/2010 – Meeting held, new details submitted and planning application to be submitted within the next 28 days. Signs to car park erected on site as approved. 16/04/10 – New BCN served on new owners and company secretary awaiting compliance 1/01/2009 New BCN needed to be served on Company secretary of the Management company now involved, also waiting for updated land registry details. 16/06/09 Application for remaining landscaping approved. Outstanding issues with noise now with EPS. 21/01/09 Awning removed, some engineering works granted permission others pending decision on application.</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>Breach of condition investigations still progressing 25/09/08 – Appeal statement submitted to Planning Inspectorate 24/07/08 – Draft Section106 agreement sent to agents involved to agree an extension to the time allowed for the awning to be removed. 23/07/08 – Appeal submitted to Planning Inspectorate. 22/07/08 – Three applications received covering other unauthorised works under consideration. 11/07/08 – Meeting held with owner and agent. 19/06/08 – Listed Building Enforcement Notice Served with regard to the unauthorised awning. Enforcement Notice served with regard to unauthorised engineering works to land at the rear and side of the public house.08/05/08 – BCN served regards the non-compliance conditions 2(in part),4 &amp; 5</p>

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## SHEFFIELD CITY COUNCIL PLACE

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

DATE 26 NOVEMBER 2012

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REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

ITEM

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SUBJECT RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

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#### SUMMARY

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

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#### RECOMMENDATIONS

TO NOTE

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FINANCIAL IMPLICATIONS

NO

PARAGRAPHS

CLEARED BY

N/A

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#### BACKGROUND PAPERS

CONTACT POINT FOR ACCESS Sue McGrail

TEL NO: 0114 2734404

#### AREA(S) AFFECTED

CATEGORY OF  
REPORT

OPEN

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## 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 APPEALS DECISIONS - DISMISSED

(i) An appeal against the decision of the City Council to refuse planning permission, under delegated powers, for a change of use from a letting agency to a hot food takeaway and siting of extractor ducting at 464 Ecclesall Road (Case No 12/00214/CHU) has been dismissed.

### Officer Comment:-

The Inspector considered the main issue to be the effect of the proposal on the living conditions of local residents from the locating of trade waste bins within the communal area at the rear of 464 Ecclesall Road; increased noise and disturbance; and cooking odours.

She noted that the communal amenity area was small, already crowded and housed bins. She felt further bins would increase the clutter.

She was not convinced, given the location on a busy road with many other commercial premises, that the increase in traffic coming and going would be unduly harmful. She did however agree that customers coming and going and waiting for and eating food outside the premises would be likely to be disturbing to neighbouring flat occupants, particularly in the evenings when background noise levels were lower. Staff activity at the rear of the premises was also likely to cause harm, she felt.

The likely location of the extraction flue, close to roof lights of neighbouring flats would be likely to impinge severely on the living conditions of neighbours.

Overall therefore, she agreed with the Council that the change of use would be harmful to living conditions and in conflict with relevant policies (H14 of the Unitary development Plan) and dismissed the appeal.

(ii) An appeal against the decision of the City Council to refuse planning permission, under delegated powers, for a two-storey side/rear/front extension, single-storey rear extension and alterations/extensions to a roof with front and rear dormers to create additional living accommodation at 20 High Storrs Rise (Case No 12/01039/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the impact of the development upon the appearance of the property and the street scene.

He noted the property was one of a pair of semi-detached dwellings that due to levels have a level and height difference of 1m. He also noted many properties in the street had extensions, including many of poor visual quality including gable ends on originally hip-roofed properties.

This application included a two storey front extension as a variation to a previous approval, so the Inspector concentrated on this element. He noted the extension would reduce the prominence of the bay window on the property which is a defining characteristic of the dwelling and its neighbour. He also noted the bulk of the front extension in conjunction with the side extension would be an incongruous addition that would not respect the scale and character of the dwelling.

In street scene terms the Inspector agreed that the extension would disrupt the rhythm of the street.

In summary he agreed with the Council that the proposal would conflict with relevant policies (BE5/H14/CS74 and Supplementary Planning Guidance 'Designing House Extensions') and dismissed the appeal.

(iii) An appeal against an Enforcement Notice served by the City Council in respect of unauthorised lighting columns at 2 Ringinglow Road, Ringinglow Village has been dismissed.

Officer Comment:-

The appellant appealed on ground (f) – That steps required to comply with the requirements of the enforcement notice are excessive and lesser steps would overcome the objections. He suggested that the columns could be reduced in height and suitably painted.

The Inspector noted the Council's reasons for issuing the notice related to their location within the Green Belt, an Area of High Landscape Value, and the setting of a Listed Building. He felt the notice correctly seeks to remedy the breach by returning the land to its former condition, and felt the appellant's request for under enforcement would not reflect the requirements of s173 of the Town and Country Planning Act 1990 as amended, and would lead to uncertainty.

He therefore dismissed the appeal.

### 3.0 RECOMMENDATIONS

That the report be noted

David Caulfield  
Head of Planning

14/11/12