

# **West and North Planning and Highways Committee**

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**Tuesday 13 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 Peter Rippon (Chair), Trevor Bagshaw, Janet Bragg, Adam Hurst, Talib Hussain, Bob McCann, Roy Munn, Denise Reaney, Garry Weatherall and Joyce Wright

## **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 this Board include Chapeltown, Crookes, Fulwood, Grenoside, Grimesthorpe, High Green, Hillsborough, Lodge Moor, Loxley, Oughtibridge, Parson Cross, Ranmoor, Stannington, Stocksbridge, Walkley and Worrall.

The Committee is responsible for planning applications, Tree Preservation Areas, enforcement action and some highway, footpath, road safety and traffic management issues

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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**WEST AND NORTH PLANNING AND HIGHWAYS COMMITTEE AGENDA  
13 NOVEMBER 2012**

**Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence from Members of the Committee**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public.
- 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 23 October, 2012.
- 6. Sheffield Conservation Advisory Group**  
Minutes of the meeting of the Group held on 18 September, 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**  
Report of the Director of Development Services.
- 11. Record of Planning Appeal Submissions and Decisions**  
Report of the Director of Development Services.
- 12. Date of next meeting**  
The next meeting of the Committee will be held on 4<sup>th</sup> 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 DPIs 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

### West and North Planning and Highways Committee

#### Meeting held 23 October 2012

**PRESENT:** Councillors Peter Rippon (Chair), Trevor Bagshaw, Janet Bragg, Talib Hussain, Roy Munn, Denise Reaney, Garry Weatherall, Joyce Wright, Joe Otten (Substitute Member) and Ian Saunders (Substitute Member)

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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 FROM MEMBERS OF THE COMMITTEE**

- 2.1 Apologies for absence were received from Councillors Bob McCann and Adam Hurst. Councillors Joe Otten and Ian Saunders attended the meeting as the duly appointed substitutes.

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

- 3.1 Councillor Garry Weatherall declared an interest as a Member of the Ecclesfield Parish Council, in relation to those applications that the Parish Council had considered, but indicated that he would participate in their determination if they were to be considered by this Committee as he had not pre-determined his views on applications during the meetings of the Parish Council.
- 3.2 Councillor Trevor Bagshaw declared an interest in an application for planning permission for the demolition of existing garage and erection of 12 dwellinghouses with 7 parking spaces and associated landscaping at Twigg Bros, 51 Toyne Street (Case No. 12/01716/FUL) as he knew the applicant. Councillor Bagshaw 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 2<sup>nd</sup> October 2012 were approved as a correct record.

#### **5. SITE VISIT**

- 5.1 **RESOLVED:** That a site visit be arranged for the morning of Tuesday 13<sup>th</sup> November 2012 at 10.00 am, in connection with any planning applications requiring a site visit by Members prior to the next meeting of the Committee.

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

6.1 **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 2007, be decided, granted or refused as stated in the report submitted to this Committee for this date in respect of Case Nos. 12/01599/FUL (formerly PP-02003035), 12/02503/FUL and 12/01003/FUL (formerly PP-01891484) 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;

(b) following consideration of additional representations, as outlined in a supplementary report circulated at the meeting, an application for planning permission for the removal of parapet and formation of pitched roofs to flats at 1-39 Storth Park (Case No. 12/02745/FUL) be granted, conditionally;

(c) following consideration of additional representations, as outlined in a supplementary report circulated at the meeting, and subject to an additional condition that a rubbish bin be provided at the site, an application for planning permission for change of use from vacant A1 (retail) to A2 (betting office), including alterations to shopfront and installation of satellite dish and air-conditioning units to rear elevation at The Fireplace Shop, 568 Langsett Road (Case No. 12/02640/FUL) be granted, conditionally;

(d) (i) following consideration of an amended recommendation to refuse the application with enforcement action and an additional representation, as outlined in a supplementary report circulated at the meeting, an application for planning permission for re-siting, boxing in and fencing off of air conditioning unit for internal refrigeration units at 52-54 Church Street, Oughtibridge (Case No. 12/02621/FUL (formerly PP-02156494)) be refused as the Committee considered that the proposed development would be detrimental to the amenities of the locality and to the living conditions of nearby residents owing to the noise disturbance which is generated by the existing unit and the resting of this will not remove the matter of noise disturbance, and as such, the proposal was therefore contrary to Policy H14 of the Unitary Development Plan 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 air conditioning unit;

(e) subject to an amendment to condition 2 and additional conditions as outlined in a supplementary report circulated at the meeting, an application for planning permission for the demolition of existing garage and erection of 12 dwellinghouses with 9 parking spaces and associated landscaping at Twigg Bros, 51 Toyne Street (Case No. 12/01716/FUL) be granted, conditionally, subject to legal agreement; and

(f) following consideration of additional representations, as outlined in a supplementary report circulated at the meeting, and, subject to additional conditions that (i) notwithstanding the indication given in the submitted documents, the land within the green buffer zone shown on drawing no. 0127\_06 Rev E shall not be treated with herbicide or other chemical treatments unless otherwise approved in writing by the Local Planning Authority and (ii) a Construction Methods Statement, access arrangements for construction plant, location of site compound and car/van parking arrangements for contractors and arrangements and location for accepting deliveries for building materials, be submitted prior to development commencing, an application for reserved matters approval for the erection of 12 dwellinghouses (application to approve landscaping, scale, access, appearance and layout in relation to outline planning permission ref. 08/03194/OUT) (as amended 30.07.12, 13.09.12 and 05.10.12) at land to rear of 15 to 31 and adjacent to 38 Hanson Road (Case No. 12/01702/REM (formerly PP-02002535)) be granted, conditionally.

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

- 7.1 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.

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# Agenda Item 6

## SHEFFIELD CONSERVATION ADVISORY GROUP

### Meeting held 18th September, 2012

PRESENT:	<u>Name</u>	<u>Organisation</u>
	Mr. Tim Hale (Deputy Chair)	Sheffield Chamber of Commerce
	Mrs. Christine Ball	Civic Trust/South Yorkshire Industrial History Society
	Prof. Clyde Binfield	20th Century Society
	Mr. Patrick Burns	Co-opted Member
	Mr. Rod Flint	Georgian Group
	Mr. Howard Greaves	Hallamshire Historic Buildings Society
	Dr. Roger Harper	Ancient Monuments Society
	Mr. Bob Hawkins	Council for the Protection of Rural England
	Mr. Philip Moore	Sheffield Society of Architects
	Dr. Malcolm Tait	University of Sheffield
	Dr. Alan Watson	Institution of Civil Engineers

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

Apologies for absence were received from Dr. Philip Booth (Co-opted Member), Mr. Stanley Jones (Hunter Archaeological Society), Mr. Bob Marshall (Royal Town Planning Institute) and Mr. Andrew Shepherd (Society for the Protection of Ancient Buildings).

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

The minutes of the meeting held on 21st August, 2012 were approved as a correct record, subject to the deletion in item 2(A)(1), of the words "by 5%"; and

arising therefrom, the Group (a) noted that:-

- (i) the Head of Planning would investigate whether consent had been granted for the demolition of St John's Methodist Church, Sharrow Lane and report back;
- (ii) a planning application for the University of Sheffield's Jessop West site, which involved some demolition, would be submitted to the next meeting of the Group;
- (iii) there had not been a resubmission of a planning application for the development at the former Carsick Service Underground Reservoir, Carsick Hill Road; and
- (iv) the planning application for the development at 328 Fulwood Road, which would be resubmitted to the Group, contained amendments involving moving houses back from the access road within the site and the use of natural stone and natural slate; and

(b) congratulated the Chair (Dr. Booth) and expressed its support, for the response to the consultation document 'Improving Listed Building Consent' which he had submitted to the Department for Culture, Media and Sport on behalf of the Group.

3. **CHAIR'S REPORT**

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

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

The Head of Planning reported that on 12th October next, English Heritage would launch a Heritage at Risk Initiative regarding metal trades heritage assets which were at risk, within Sheffield. The Initiative would be considered as an item of business, at the next meeting of the Group.

Mr. Hawkins added that the Initiative followed on from English Heritage's Industrial Heritage at Risk Initiative.

The Group noted the information.

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

The Group noted that the next meeting of the Sheffield Sustainable Development and Design Panel on 11th October, 2012, would probably be cancelled, due to a lack of business.

6. **HERITAGE ASSETS**

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

- (a) **Demolition of existing building and erection of 6 storey mixed use development comprising ground floor convenience (food) retail unit with 5 floors of student accommodation (52 Beds) located at the upper floors (the student accommodation comprises 8 student clusters including 6 x 6 bed clusters and 2 x 8 bed clusters), on site of Pearl Works, 17 - 21 Eyre Lane (Case Number: 12/02160/FUL)**

The Group affirmed its previous decision of 13th March, 2007. The Group considered that there would be poor amenity value for the occupiers of the property, which was close to the Stoddart Building. The Group felt that the development did not take cognisance, of the fact that the adjoining area consisted of low rise buildings. The Group also considered that its design was banal, featureless and dull and it gave no consideration to sustainability issues, or to the preservation and enhancement of the conservation area.

- (b) **Construction of 2 mezzanine floor levels to South half of building facing Rutland Road including use of ground floor as warehouse, distribution centre and cafe for staff with factory shop, Level 1 to be**

**used as offices and Level 2 earmarked for future development, at Insignia Works (Samuel Osborn building), Rutland Way (Case Number: 12/02704/LBC)**

The Group welcomed the proposal to bring the building back into use and considered that the intended use was suitable, as it preserved the conservation area and the character of the building. The Group recommended that the existing signage be preserved.

**7. 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 (a) whether (i) the organ at the City Hall was a heritage asset,(ii) its present condition and (iii) whether it had been restored within the programme of restoration of the City Hall and (b) whether enforcement action would be taken regarding the unauthorised advertising hoardings at the TESCO site, facing the Wicker Arches;
- (b) The auction of the Abbeydale Picture House had been postponed to investigate the possibility that the property could be purchased by one or more charitable or community organisations; and
- (c) 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.

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

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REPORT TO WEST AND NORTH PLANNING AND  
HIGHWAYS COMMITTEE

DATE 13/11/2012

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REPORT OF DIRECTOR OF DEVELOPMENT SERVICES ITEM

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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 N/A

PARAGRAPHS

CLEARED BY

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BACKGROUND PAPERS

CONTACT POINT FOR  
ACCESS

John Williamson

TEL  
NO:

0114 2734944

AREA(S) AFFECTED

**CATEGORY OF  
REPORT**

OPEN



Application No.	Location	Page No.
12/02902/FUL (Formerly PP-02188800)	Mr P's Self Service Fruit & Vegetables 299 South Road Walkley Sheffield S6 3TA	5
12/02729/FUL	4 Mowson Hollow Sheffield S35 0AD	13
12/02082/CHU	Barker Collins Engineering Hallamshire Works Bardwell Road Sheffield S3 8AS	21



SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning  
To The NORTH & WEST Planning And Highways Committee  
Date Of Meeting: 13/11/2012

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	12/02902/FUL (Formerly PP-02188800)
Application Type	Full Planning Application
Proposal	Change of use of ground floor to a coffee shop (Class A3)
Location	Mr P's Self Service Fruit & Vegetables 299 South Road Walkley Sheffield S6 3TA
Date Received	19/09/2012
Team	NORTH & WEST
Applicant/Agent	Matthew Jones
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 Number 12/003/P04, 12/003/P03, 12/003/P02, 12/003/P01 and Design and Access statement,

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 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.

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  
BE5 - Building Design & Siting

The proposed change of use is considered to be acceptable in principle on the basis that the proposal would bring a vacant unit back in to use which would add to the vitality of the centre, and whilst the concentration of uses may be below 50%, given the potential benefits and the intent of policy S10, the proposal is on balance considered to be acceptable. The proposed use will not have an adverse effect upon amenity and the proposal is considered to be satisfactory with regards highways.

The alterations to the frontage and access into the building are considered to be acceptable in design terms.

Overall the proposal is considered to be satisfactory with regards Policies S7, S10 and BE5 Building Design and Siting.

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 a currently vacant unit located on South Road within Walkley's shopping parade. The property is a two storey flat roof building, with retail unit to the ground floor and further residential accommodation to the first floor, which is predominantly glazed to the frontage.

The street scene consists of a variety of uses typical of a Local Shopping centre. The buildings within the street scene are of a predominantly terraced style, whether

new build or traditional terraced. Within the street scene are also large stone Church buildings which are Listed.

The property is within an area designated as a Local Shopping Area in the adopted Unitary Development Plan.

#### RELEVANT PLANNING HISTORY

There is no relevant planning history for this property.

#### SUMMARY OF REPRESENTATIONS

There have been 30 letters of neighbour representation regarding this application. 27 letters of these representations were expressing support for the proposal, whilst 3 were objecting.

Objections were made on the following grounds:

- There is a policy objection to the loss of an A1 unit. If the change of use is granted then a potential A1 unit will be lost.
- Parking is at a premium in the area and South Road is governed by clearway restrictions, there is no parking associated with the development and not all customers or staff will walk or use public transport during the opening times applied for.
- South Road and the surrounding streets already have a number of A3, A4 and A5 premises and community spaces that provide a range of food and drink. Saturation must therefore be an issue. A further unit would have a negative effect on existing businesses.
- There has been no engagement with the current business community by the applicant. The products which it is stated will be served are all available within a short distance of the proposed premises.
- There are already sufficient outlets of this nature which would affect others which area already struggling to survive in the current economic conditions. To grant this application would potentially result in the closure of another which is unacceptable.

A further objection has been received from Walkley Community Forum. However, a further message has been received stating that the following comments are an individual's opinion and not from the group, as the messenger is a member of the group and it has not been discussed.

Notwithstanding this, the following is noted as having been received:

- The forum does not wish to see shops empty and deteriorating but granting this would affect the current provision supplied by businesses, churches and charities and this could result in the demise of more than one of these; thereby creating more unwanted empty properties.
- It has been muted at previous Forum meetings that there is no wish for South and Howard Roads to become similar to both London and Ecclesall Road which has an abundance of these outlets.



The 27 letters of support make the following comments.

- The coffee shop would make a good contribution to the local community, would be a community hub and would offer much potential for the people of Walkley; and would also help revive the community.
- The proposed use would be a good use of a currently vacant space.
- There is no alternative space of its kind in the area. Several respondents have commented that they have to travel to Crookes, Hillsborough, Broomhill, Ecclesall Road or the city centre for such a use.
- The area is currently uninspiring. The area is missing an upmarket coffee shop, and although there are others in the area they are for a different market/audience.
- There are enough different types of people in Walkley to support different cafes and a coffee shop.
- There are enough people within walking distance so parking shouldn't be an issue.
- Litter should not necessarily be a problem due to nature of the use.
- Haven't really lost a fruit and vegetable shop as this has moved into Beeches.
- It would be a missed opportunity for Walkley if it was rejected.
- Opening into the evening would be benefit and would provide other social options.
- Would prefer to spend leisure time in Walkley than the city centre, and this would mean that more money is spent in local shops.
- The loss of an A1 retail unit would have less impact on the character of the locality than another empty unit.
- A vibrant South Road suits everyone.
- Cafés are essential in building community resilience, and addressing social isolation and loneliness which is a key city priority.
- Empty units are an eyesore and we should welcome any initiative that adds vibrancy.
- Alterations to the highway in the New Year will help with parking.
- The coffee shop will support other businesses in Walkley.
- The other two cafes close after lunch.

## PLANNING ASSESSMENT

### Policy

### Validity of the Plan

The NPPF (paragraph 216) says that the draft City Policies and Sites document is now a material consideration to the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given). City Policy C4 would control change of use from class A1 depending on the proportion of non A1 properties already within 50 metres of the property. However there are unresolved objections to C4 which means it carries little weight.

The most relevant policies in considering this application are therefore Policies S7 and S10 of the adopted Unitary Development Plan.

#### Principle of Development

Policy S7 'Development in District and Local Shopping Centres' states that in district and local shopping centres, the shops (use class A1) will be the preferred uses, whilst food and drink outlets will be acceptable.

The principle of a coffee shop in the local shopping centre is therefore acceptable in principle.

Policy S10 'Conditions on Development in Shopping Areas' states that in shopping areas new development or change of use will be permitted provided that it would not lead to a concentration of uses which would prejudice the dominance of preferred uses in the Area or its principal role as a shopping centre.

Within the local shopping area, an assessment has been undertaken as to the whether this proposed development will affect the concentration of retail units. There are currently less than 50% of units in use as retail, with 28 out of 68 units being within A1 use in the local centre, and as this would affect the concentration of preferred uses then the proposal is, in policy terms, unacceptable.

However, it is noted that the coffee shop proposed will bring a currently vacant unit back into reuse and it is considered that there may be some mitigating benefits in changing the use. The policy S10a is designed to preserve the retail nature of the local shopping centre and this unit may encourage daytime shoppers and bring back into use a currently vacant unit. It is therefore considered that considering the intention of Policy s10 that the proposed use could make a positive contribution to the vibrancy of the local shopping centre. The number of representations received in support of the proposal, as part of the neighbour consultation process would suggest that there is some community support for the proposal, which in turn suggests that the proposal has the potential to increase the vibrancy of the centre.

In considering the above, it is felt that the principle of development are acceptable, and will not necessarily undermine the aims of Policies S7 and S10 in respect of the role of the Local Shopping Centre.

#### Impact of the proposed development

Policy S10 'Conditions on Development in Shopping Areas' in addition to considering the concentration of uses also states that the proposed new development or change of use should not cause residents or visitors to suffer from unacceptable living conditions and that the development should be well designed and of a scale and nature appropriate to the site, comply with policies for the built and green environment as appropriate and that it should be served adequately by transport facilities and provide safe access to the highway network and have appropriate off street parking and not endanger pedestrians.

There are residential units above the property and on the surrounding streets. The opening of a café does therefore have the potential for some disturbance through low level noise. The opening hours which the applicant is seeking consent for are 7am to 7pm Monday to Friday and 8am to 7pm Saturdays, Sundays and Bank Holidays, and no details of noise attenuation measures are provided. Advice is currently being sought as to the acceptability of the hours and details of any suggested conditions on restricted opening hours over and above those sought, or noise mitigation, will be reported to members at committee.

The alteration proposed to the premises includes the alteration of the frontage to form a new entrance and proposals to remove the current step and replace this with a ramp. The alterations to the frontage are considered to be acceptable in design terms, are consistent with the character of the property as a whole and will not detract from the overall appearance of the building. The signage proposed to the front of the building will likely need to be the subject of a further application for advertisement consent.

To the rear of the property the only change shown is the potential renewal of the extract vent. If the renewal of this requires only a like for like change then there will be no adverse impact arising from this. To ensure that there are no adverse amenity effects arising from this development in the future, it is recommended that a condition be applied which states that no plant or machinery should be installed on the building without the prior consent of the Local Planning Authority.

It is noted that no off street parking has been provided, but as the property is within the local shopping centre, well served by public transport and with the local community within walking distance it is considered that the lack of parking provision is acceptable. It is also noted that the former use of the property was a commercial premise and it is unlikely that the parking demand created by the proposed use would be significantly over and above the demand created by the former.

#### Access

Policy BE5 ' Building Design and Siting requires that in addition to good design, that developers should meet the needs of users particularly people with disabilities, elderly people, people with children and women.

The scheme proposes the provision of a new ramp to remove the former stepped access. The ramp proposed would not be ideal if this were a new build property, however, it is acknowledged that this is a retro fit and therefore there are some constraints to the development. The access ramp proposed is therefore considered to the most appropriate option, and is an improvement in terms of access compared to the retention of the step. This element of the proposal is therefore considered to be satisfactory with regards the aims of Policy BE5.

#### RESPONSE TO REPRESENTATIONS

The matters relating to the loss of an A1 unit and the associated policy objections are dealt with earlier in this report.

It is acknowledged that parking is at a premium in this area, but given the location within the shopping centre and its accessibility both through public transport and walking it is not considered that this is a sufficient ground on which to refuse the application. It is also noted that other commercial uses on South Road do not have off street parking.

Notwithstanding the earlier comments regarding a concentration of units, the matter of saturation from a business perspective and the impact upon existing businesses and cannot be a material planning consideration.

There is no requirement prior to submitting a planning application to engage with the community (whether business or residential), although it is encouraged. Whilst the food offer may be available elsewhere locally, this is not a material consideration in respect of the impact of business upon business.

The concern that South Road could become another Ecclesall Road or London Road is noted, but it is not necessarily considered that this change of use would result in a tip in the balance and would result in such a change to South Road.

The matters of support are noted.

#### SUMMARY AND RECOMMENDATION

The proposed change of use is considered to be acceptable in principle on the basis that the proposal would bring a vacant unit back in to use which would add to the vitality of the centre, and whilst the concentration of uses may be below 50%, given the potential benefits and the intent of policy S10, the proposal is on balance considered to be acceptable. The proposed use is not likely to have an adverse effect upon amenity, subject to the imposition of appropriate conditions, and the proposal is considered to be satisfactory with regards highways.

The alterations to the frontage and access into the building are considered to be acceptable in design terms.

Overall the proposal is considered to be satisfactory with regards Policies S7, S10 and BE5 Building Design and Siting. A recommendation is therefore made for approval subject to conditions.

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Case Number 12/02729/FUL

Application Type Full Planning Application

Proposal Retention of a wooden outbuilding to be used as a garden store/studio

Location 4 Mowson Hollow  
Sheffield  
S35 0AD

Date Received 05/09/2012

Team NORTH & WEST

Applicant/Agent Mr J Foster

Recommendation Refuse with Enforcement Action

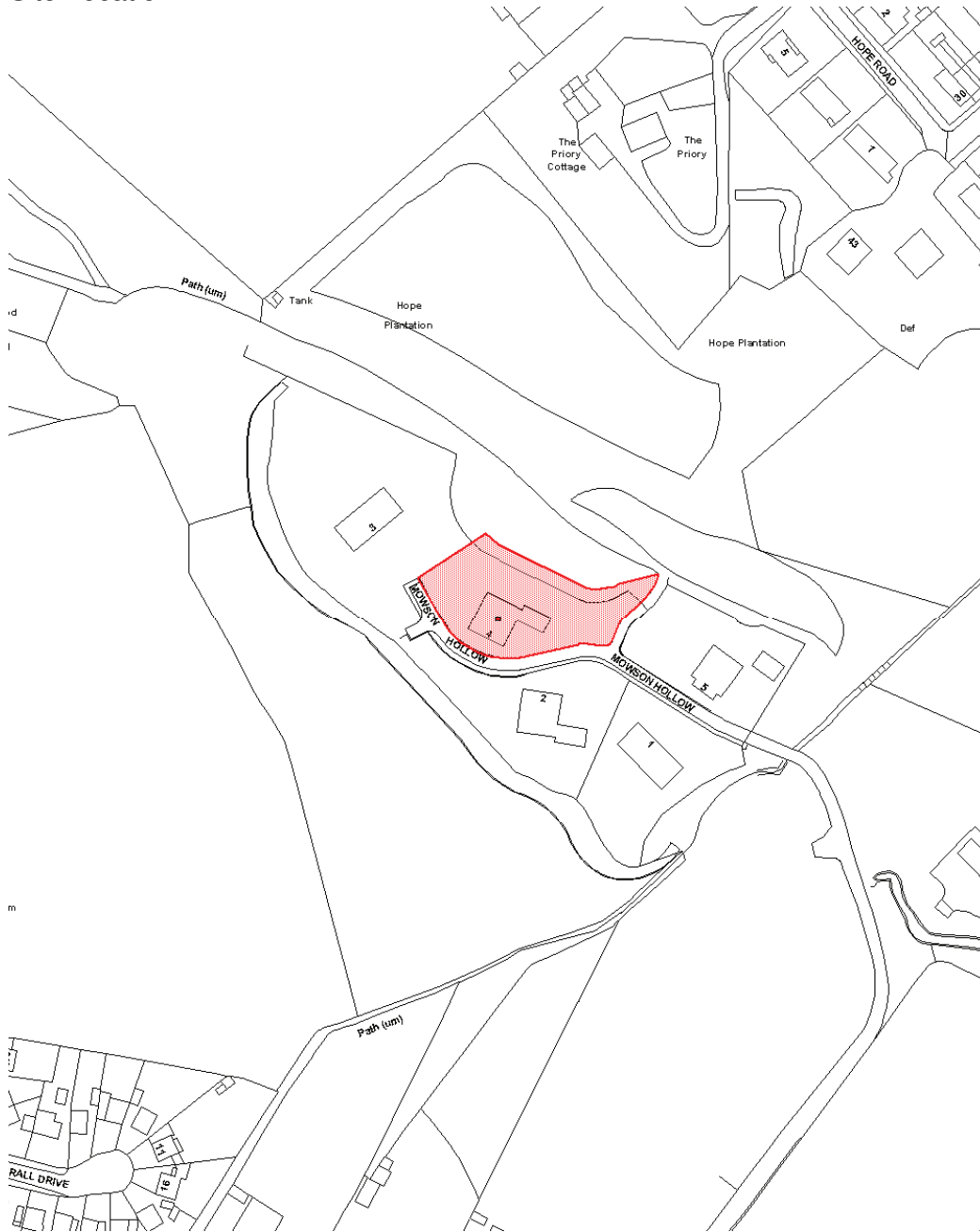
Subject to:

- 1 The outbuilding by virtue of its siting results in encroachment of urban development into the Green Belt and is therefore contrary to policy GE1 of the Sheffield Unitary Development Plan.
- 2 The development is considered to be inappropriate development in the Green Belt under the terms of Policy GE3 of the Unitary Development Plan, which causes harm to the open character of the area. In the absence of very special circumstances to justify a departure from the provisions of the adopted plan on this occasion, the Local Planning Authority consider that the proposal is contrary to Policy GE3 of the Sheffield Unitary Development Plan.
- 3 The proposed development by virtue of its siting is out of character in terms of the surrounding landscape and detracts from the open character of the Green Belt as such the scheme is contrary to Policy GE4 of the Sheffield Unitary Development Plan.

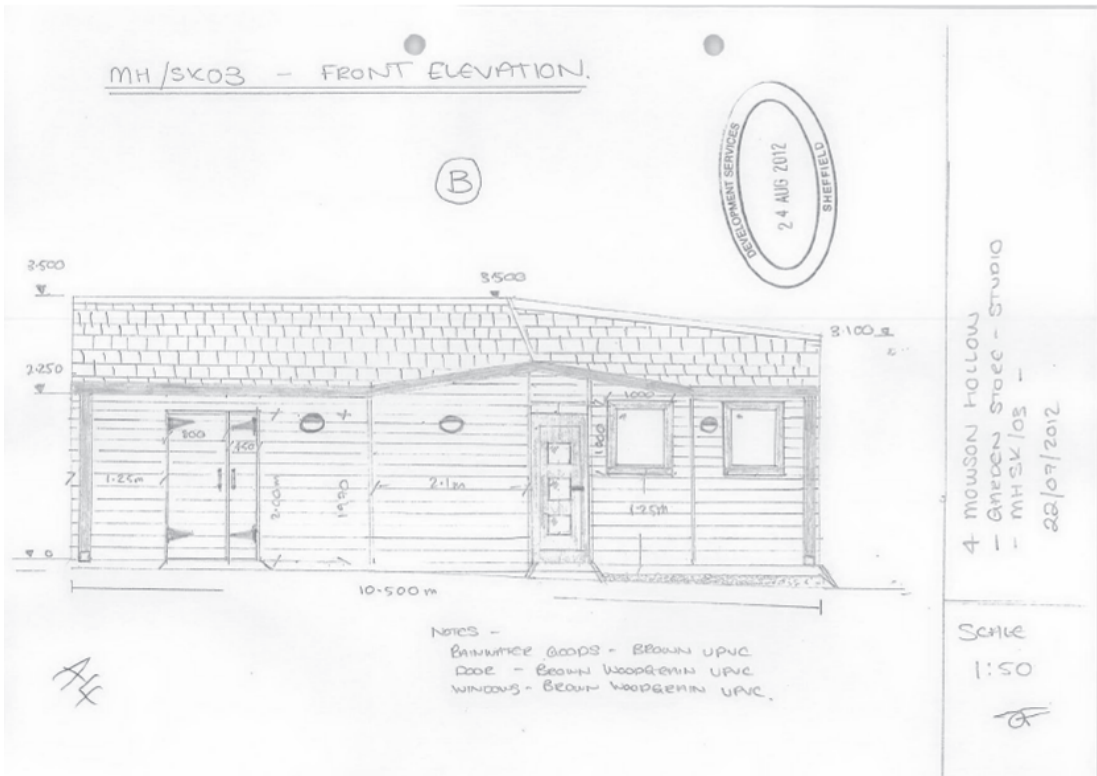
Attention is drawn to the following directives:

1. The Director of Development Services or the Head of Planning has been authorised to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the outbuilding. The Local Planning Authority will be writing separately on this matter.

# Site Location



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#### LOCATION AND PROPOSAL

The application has been submitted by the owners of 4 Mowson Hollow . 4 Mowson Hollow is a large detached dwelling set within a gated development of 5 dwellings. The site falls within the Green Belt. The dwellings sit in what was a former quarry and in the main part the residential development is screened by the former quarry face and trees. Due to the gated nature of the development there is no public access , however a public footpath crosses the wider development to the east meaning that there are some public views of the area.

The applicants are seeking consent to retain a timber outbuilding which is used as a store and a studio for use ancillary to the main dwelling. The outbuilding has been sited on land within the ownership of No 4, however is beyond the curtilage of the property as it is sited beyond the fenced boundary associated with this property which visual boundary to the wider development.

#### RELEVANT PLANNING HISTORY

00/00709/FUL      Erection of 5 dwelling houses and garages and implementation of a landscaping management scheme (Amended Plan SK02.D received on 1 September 2000)

GC    07/11/2000



01/10279/FUL      Erection of 5 dwelling houses and garages (amended scheme) (Plans received on 9/4/02 and subject to unilateral agreement under section 106 of the Town and Country Planning Act 1990 signed on 25/06/02

GCUA      02/02/2002

The above permissions relate to the original development. This was permitted in the Green Belt as it had a reduced physical impact compared to the previous use of the quarry and improved the openness of the Green Belt. A legal agreement was signed by the developer to prevent any further dwellings being built on the site. Permitted development rights were also removed to ensure control over future development was maintained.

Within this site under application 12/01673/FUL the erection of summer house and siting of hot tub was approved 21.08.2012.

There is also a current application under consideration for the erection of a boundary wall at this application site. 12/03020/FUL. This need not be detailed further in this application.

On the wider development other extensions and alterations to dwellings have been allowed. These have largely been permitted on the basis that there was no / limited public view and the open character of the Green Belt would not be harmed.

Of relevance is also an appeal decision from July 2005 relating to No 5 Mowson Hollow where an appeal was upheld for the refusal of a garage extension to form a gym. (04-03704-FUL) This was found make the area seem less open through enclosing additional volume which would be visible from both the access road and the public footpath. Regard was also had to the fact that the extension did not provide basic modern amenities. The Inspector also acknowledge the site itself was well screened in landscape however did not feel that this in itself amounted to special circumstances to outweigh the harm caused by inappropriate development in the Green Belt.

## SUMMARY OF REPRESENTATIONS

Two letters of representation have been received. One from Bradfield Parish Council raising no objection and one letter of objection from a neighbouring occupier. The points raised are outlined below;

- Query is raised regarding the use of the studio
- Concern is raised regarding access to the building as this is from a communal access
- The building should not be regarded as ancillary due to the manner of access, which is also a turning head for fire appliances..
- The style and finish is not in context with the area.
- Concern is raised that the building is wholly separate and reduces openness and is unregulated development in the Green Belt.

- If consent is granted request is made that it is accessed from No 4 and a boundary erected to enclose it in the curtilage, to avoid spilling out onto communal land and the access road and allowing the access road to be free of parking.

Bradfield Parish Council: No objection providing all the planning rules are followed.

The applicant has also forwarded a letter in response to the comments made in the objection letter

- clarification is provided that there is no commercial operation in the studio and this is for domestic use only. There is no drainage or running water, therefore no other intension for this building
- The communal access provides a right of way for adjoining land owners to move cattle and provide access to a former quarry office
- The position of the garden store does not impact on the turning head
- The building was erected before it was realised that permitted development rights have been removed
- The position and size is sympathetic to the development and does not impact on the openness. The materials have been selected to blend into the woodland and the outbuilding designed to minimise the impact on neighbouring residential properties.
- The store is currently well screened from the development.
- The fence and gate prevent the spilling out onto communal land
- The outbuilding does not impact on rights of way and maintains these.
- There is no restriction on other residents using the turning head

## PLANNING ASSESSMENT

The application site falls within the Green Belt as allocated in the Sheffield Unitary Development Plan.

Policies GE1 'Development in the Green Belt' , GE3 New Building in the Green Belt and GE4 'Development and the Green Belt Environment' are the most relevant policies in respect of preventing development which would be harmful to the open character of the Green Belt and would compromise the aims of the Green Belt.

UDP policy GE6 and Supplementary Planning Guidance on Designing House extensions relate to house extensions in the Green Belt and allow minor additions to the original house subject to appropriate design and impact on the Green Belt.

In this instance the applicant has confirmed that the outbuilding is used as ancillary accommodation to the dwelling and used for the family to undertake hobbies such as photography, music and art. The building is sited in the north east corner of the site beyond the boundary to the site. The siting of the building beyond the boundary, outside the curtilage means that it is somewhat divorced from the existing dwelling means that it is more appropriate to consider the development as a new building in the Green Belt rather than a house extension.

Policy GE1 states that development in the Green Belt will not be permitted, except in very special circumstances where it would lead to unrestricted growth of the built up area or the encroachment of urban development into the countryside.

The existing fence line separates the development from the woodland to the rear. Within the residential development, between No's 4 and 5 Mowson Hollow the internal access road projects to the boundary and is understood to have shared use. This is gated at the boundary and is surfaced beyond the gate for a few metres then continues unsurfaced to the rear of the site. Whilst this surfacing is development beyond the site boundary is an existing encroachment, the siting of the building in this location by virtue of its nature has a greater impact and does represent a further encroachment. No special circumstances that have been put forward that justify a new building in this location in terms of policies GE1 and GE3. The scheme is therefore contrary to these policies and considered inappropriate development in the Green Belt.

#### Design, Siting and impact on the Green Belt

The outbuilding is sizable measuring 10.5 metres x 4 metres, but tapers in its width. The structure has been finished in timber and has a natural slate roof. Whilst the design is typical of a domestic outbuilding, it is the siting of this beyond the curtilage of the development is out of character with the woodland area beyond and would not conserve the open character of the land beyond the domestic curtilage. Whilst the private nature of the development means that there are limited views of the site. The public footpath crossing the east of the development is elevated and when walking north there are views across the development and the outbuilding is visible with its presence detracting from an area which should be open in character. For this reason the scheme is contrary to Policy GE4 of the Unitary Development Plan.

#### Amenity

The building is sited sufficient distance from neighbouring properties and with adequate screening so that loss of amenity through overshadowing or overlooking would not arise.

#### Area of Natural History Interest

The development is sited within an Area of Natural History Interest. Policy GE13 requires such areas to be protected. There is no evidence to suggest that the development has decreased the nature conservation value of the area in this instance.

#### Highways

Although the building is accessed via the gate at the end of the communal access road, the development itself does not obstruct the use of this internal road for either parking / or turning. The route beyond the fence line is also unaffected. There are no highway safety issues that arise as a result of the scheme.

## RESPONSE TO REPRESENTATIONS

- Concern is raised regarding access to the building as this is from a communal access – Highway safety issues have been assessed above. The access arrangements are a private issue. The cabin does not result in vehicles using this communal stretch of drive any more than the previous situation. Concerns regarding the use of this is not related to this application.
- If consent is granted request is made that it is accessed from No 4 and a boundary erected to enclose it in the curtilage, to avoid spilling out onto communal land and the access road and allowing the access road to be free of parking. - To enclose additional land within the garden curtilage would not be desirable. The pedestrian access from the shared route does not result in any highway safety or amenity issues. Other issues regarding rights of way are non planning issues.

## ENFORCEMENT

In light of the above assessment it is recommended that 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 outbuilding.

## SUMMARY AND RECOMMENDATION

The site is in the Green Belt and the outbuilding has been sited beyond the curtilage on the property and the residential development. The siting of the building in this location is an encroachment of urban development into the Green Belt and contrary to policy GE1. As the building is outside the residential curtilage it is classed as a new building in the Green belt rather than a domestic extension. The building does not fall within the appropriate building uses specified in policy GE3 and no special circumstances have been submitted to outweigh the harm caused by allowing such development in this location. The scheme is therefore contrary to the abovementioned policy. The presence of the outbuilding in this location reduces the openness and appears out of character in terms of it being situated beyond the curtilage adjacent to the woodland beyond and constitutes visual harm to the Green Belt. This is contrary to Policy GE4 of the UDP. For the above reasons the scheme is unacceptable and the recommendations is for members to refuse the scheme and that 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 outbuilding.

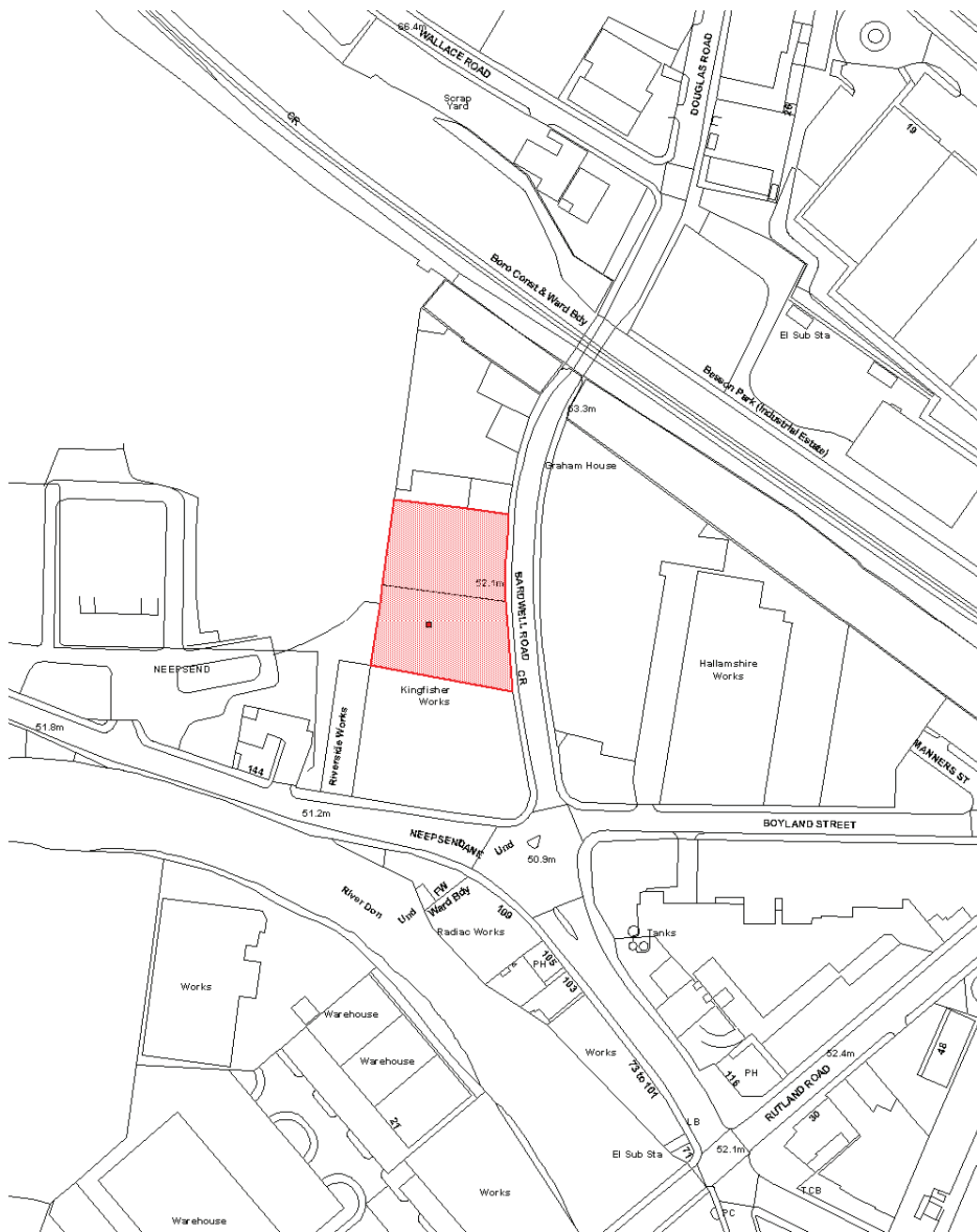
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Case Number	12/02082/CHU
Application Type	Planning Application for Change of Use
Proposal	Use of site as breakers yard
Location	Barker Collins Engineering Hallamshire Works Bardwell Road Sheffield S3 8AS
Date Received	28/06/2012
Team	NORTH & WEST
Applicant/Agent	Quarry Motors
Recommendation	Refuse

For the following reason(s):

- 1 The proposed use of the site for the purposes as a breakers yard represents a departure from the provisions of the Draft Sheffield Development Framework City Policies And Sites plan. In the absence of an exception to justify a departure from the plan on this occasion, the Local Planning Authority consider that the proposal is contrary to the aims of Policy H1 of the Draft Sheffield Development Framework City Policies And Sites plan by reason of the harm to the emerging strategy for the local area.

# Site Location



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## LOCATION

The site lies on the western side of Bardwell Road in Neepsend and comprises a former engineering works building and an open yard. The address of the application site given in this application has been corrected.

The immediate surrounding area on Bardwell Road is predominantly business and industrial in character. Bardwell Road runs northwards from Nursery Road, under a low railway bridge and on to an industrial area and the Vale Road access to the ski village.

The former engineering building on the application site is currently vacant. Its yard lies on the north side of the building and which is bounded by a high wall to the rear, a wall and buildings/small compounds to its north side, and a low wall/palisade fencing and entrance gate to the front.

To the south, the Hallamshire Works building adjoins Kingfisher Works and Riverside Works. Kingfisher Works which wraps around the corner of Bardwell Road and Neepsend Lane has been converted in several small business units. Riverside Works off Neepsend Lane is used for engineering/manufacturing purposes and adjoins part of the southeast corner of the site.



To the west the site adjoins part of the large area of open land off Parkwood Road formerly used as part of a gas works.

On the north side of the site is a group of buildings and small compounds variously used for vehicle testing, manufacturing joinery items and building maintenance.

The buildings on the east side of Bardwell Road are used by a variety of businesses predominantly for manufacturing purposes. The southern most of these units is used as an indoor skate park.

Further to the south, the River Don and part of its riverside are within the Kelham Island Industrial Conservation Area.

## PROPOSAL

The proposal seeks to change the use of the premises from its former engineering use (Use Class B2 general industry) to use as a breakers yard. Use as a yard for the breaking of motor vehicles is specifically excluded from any of the specified use classes in the 1987 Use Classes Order and is therefore a sui generis use.

The applicant has stated that their business involves servicing, repairing and the dismantling and breaking of damaged BMW vehicles to reclaim used spare parts to resell. The company currently have premises on Rutland Street in Neepsend and are seeking to transfer part of their business onto the Bardwell Road site.

The applicant has stated that the building on the application site would be used to accommodate the activities associated with the de-pollution of vehicles and their dismantling, as well as providing storage for reclaimed parts, and ancillary offices.

The de-pollution process includes removal of oils, gases and tyres and is carried out within a bunded area within the building. The dismantling mainly involves the use of hand tools and air guns to remove the parts although power saws and acetylene cutting would occasionally be used.

The ancillary offices would be located in the southeast corner of the building where there is a main pedestrian entrance door off the Bardwell Road frontage.

The open yard would be used to stack vehicles on a racking system (4 racks with each rack capable of taking up to 6 vehicles stored 3 vehicles high on each side), for the siting of 3 or 4 large storage containers, for the provision of parking, and for on-site servicing including deliveries and collection of vehicles and parts.

The applicant has stated that the racks can be reduced to 2 vehicles high if appropriate.

The applicant has stated the 6 metre long storage containers would be sited just behind the front boundary wall and fence. The car storage racks would be sited towards the rear of the yard. Staff and customer parking would be provided within the yard.

The car bodies would be delivered to the site on a 7.5 tonne rigid vehicle. A fork lift truck is used to move the car bodies to and from the racking system. There would be no crushing of vehicles on the site. Following removal of the saleable parts the redundant car bodies and non-saleable parts are collected and delivered to existing vehicle waste operators.

The applicant has stated that the majority of the saleable parts are delivered to customers by courier, although some customers visit the site (approximately 5 or 6 customers per day).

The applicant has stated that the maximum annual operational throughput is approximately 5000 tonnes.

The proposed hours of use would be between 8am and 5.30pm on Mondays to Fridays, and between 9am and 1pm on Saturdays.

#### RELEVANT PLANNING HISTORY

There are no recent planning applications relating to this site. The last application was in 1995 when planning permission was granted for an extension to a workshop on the rear part of the yard (application no. 95/0924P refers).

#### SUMMARY OF REPRESENTATIONS

The application was publicised by letters to neighbouring and nearby occupiers.

Two letters of objection have been received from a company that owns Riverside Works and most of Kingfisher Works and who also occupy a unit at Kingfisher Works.

In the first letter the company state they fully support the Council's commitment to regeneration of the city and the policies of supporting and sustaining business and employment, whilst welcome renovation of Hallamshire Works cannot support a breakers yard in the property, it is contrary to Council's planning policies for the area, would have a detrimental effect on the regeneration of Neepsend and adversely affect business and employment in the area. This objection relates to the following matters:

- the address on the application is incorrect;
- the units in Kingfisher Works house a wide variety of small businesses currently 13 including engineering, manufacturing, IT design, couriers, party planning. Hallamshire Works and Kingfisher Works are divided by a block wall and share many party walls, gutters and drains;
- the area is industrial in the Sheffield UDP, however the Sheffield Development Framework (SDF) shows the area as a business area, Policies IB6/IB7 shows scrapyards as unacceptable, their processes will involve outside storage of scrap vehicles also unacceptable by the SDF in these areas;
- Policy CS5 of the SDF Core Strategy show the Upper Don Valley and Neepsend areas as areas where manufacturing, distribution/warehousing

- and other non-office businesses should be encouraged and manufacturing businesses to relocate, a breakers yard would deter businesses from relocating to the area, discourage developers from renovating the many poorly maintained properties in the area many of which are architecturally and historically interesting;
- the site is visible from the Kelham Conservation Area and the Rutland Cutlery Works due to be redeveloped and other renovated properties, siting a breakers yard will detract from the high quality renovation projects;
  - Hallamshire Works is in a sorry state of repair, however a breakers yard will deter other businesses from moving into the area and renovating property;
  - if next to a breakers yard it is highly likely plans for renovating Kingfisher Works will be abandoned as agree scap yards and breakers yards are inappropriate neighbours for small businesses and would be difficult to attract businesses to move into these premises;
  - the businesses in units adjoining Hallamshire Works are established manufacturing companies separated from Hallamshire Works by a blockwork wall one block thick, if the breakers yard processes involve the use of gas cutting equipment and other hotwork this will increase the risk of fire;
  - work to satisfy a Fire Officer is not enough to satisfy insurance companies who in addition to human safety are concerned with limiting damage to buildings and contents, it is not possible to provide adequate fire stops between parts of the building and the proposed use, will affect insurance cover, increase premiums, and may mean some tenants can no longer afford to remain in business, and loss of jobs;
  - access to the site for 5000 tonnes of vehicles around 80 vehicles per week is inadequate and will adversely affect movement of goods to and from other premises in the area, parking in the area will be more difficult unless adequate parking facilities are retained in Hallamshire Works;
  - concerned about environmental impact in terms of noise and waste disposal.

Their second letter of objection is on behalf of 11 businesses in the area. This objection relates to the following matters:

- increased traffic will adversely affect business in the area by increasing pollution and traffic levels;
- processing of vehicles will increase noise and litter;
- Bardwell Road is narrow, concerned that lorries delivering scrap vehicles and removing waste may disrupt deliveries to other premises;
- increase parking problems which will have a detrimental effect on businesses in the area which struggle to find adequate parking for employees and customers;
- understand and support Council's policy of encouraging the relocation of businesses and redevelopment of Neepsend, concerned a breakers yard will be detrimental to existing businesses, deter new business and dissuade developers from redeveloping existing property or building new premises, will have a negative effect on the area, reduce employment opportunities and lead to further decline in quality of property available for businesses in the area.

A letter of objection has been received from the company occupying Riverside Works on behalf of businesses at Riverside Works and Kingfisher Works. The objection letter includes a list of signatures from 12 of the businesses supporting the objection. The objection relates to the following matters:

- the siting of a breakers yard nearby will deter developers from renovating the currently dilapidated buildings in the area because they will find it difficult to attract companies, both large and small, to move into properties near to this type of business;
- will lead to the area of Neepsend becoming even more run down, make business in the area more difficult to sustain, and lead to closure of some businesses and subsequent loss of jobs;
- the increased traffic, not least the movement of 5000 tonnes of scrap cars, and increased parking caused by the development will make it difficult for businesses and visitors/customers to find somewhere to park. Will lead to further pollution and noise;
- Kingfisher Works and Hallamshire Works are one building divided by a block wall with many party walls and shared gutters, they will be carrying out type of work where gas cutting equipment is used, increase risk of fire, concerned that may not be able to obtain insurance cover, costs of premiums will increase, may result in some businesses having to close down with loss of jobs.

## PLANNING ASSESSMENT

The key issues for consideration are the weight to be given to the existing and emerging planning policies for this area of the city, and the impact the proposed use would have on these aspirations and on existing businesses.

### Policy Issues

The policy aspirations for this area of the city have changed since the adoption of the Sheffield Unitary Development Plan (UDP) in 1998. The weight to be given to the UDP and subsequent policy documents depends on their stage of preparation, any unresolved objections to them, and the degree of consistency with Government guidance.

The guidance contained in the Government's National Planning Policy Framework (NPPF) published in March 2012 states that full weight may be given at present to relevant policies adopted since 2004 (paragraph 214), due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (paragraph 215), and that weight may be given to relevant policies in emerging plans according to the stage of preparation, the extent of unresolved objections, and the degree of consistency to the NPPF (paragraph 216).

The relevant development plans in this instance are:

- the Sheffield Unitary Development Plan adopted in 1998;
- the Sheffield Development Framework Core Strategy adopted in 2009;

- the Draft Sheffield Development Framework City Policies and Sites and Draft Sheffield Development Framework Proposals Map both published for public consultation purposes in 2010.

Of the various masterplanning documents relating to specific areas of the city, the relevant masterplans in this instance are:

- the Upper Don Valley Physical Regeneration Strategy (PRS) approved by Cabinet in October 2006;
- the Penistone Road Gateway Action Plan (GAP) adopted by Cabinet in July 2010;
- the Strategic Flood Risk Assessment completed in 2008.

The North Neepsend Informal Planning and Design Guidance (IPDG) released in 2010 has not been subject to formal Council approval. It was made available to major local landowners in the area to be used in pre-planning application discussions.

#### The Sheffield Unitary Development Plan

The Sheffield Unitary Development Plan (UDP), adopted in 1998, identifies the site as being within a General Industrial Area with Special Industries.

The saved policies of the UDP include, amongst others, Policy IB5 relating to development in general industry areas, and Policy IB9 relating to conditions on development in industry and business areas.

Policy IB5 states that within General Industrial Area with Special Industries, the use of land and buildings for general industry (Use Class B2) and warehouses (Use Class B8) are the preferred uses, and that scrapyards and open storage are amongst the range of acceptable uses in such areas. Policy IB5 also states that development proposals for uses not listed in the policy will be decided on their individual merits.

For the purposes of Policy IB5, it is considered that the proposed use as a breakers yard, is similar in characteristics to scrapyard uses.

It is therefore considered that in respect of the UDP, the proposed use as a breakers yard is an acceptable use in principle under Policy IB5 of the UDP.

Policy IB9 of the UDP relates to conditions on development in industry and business areas.

Criterion (a) of IB9 considers the principle of dominance of preferred uses in such areas. Policy IB9(a) of the UDP seeks to ensure that new development or change of use in Industry and Business Areas would not lead to a concentration of uses which would prejudice the dominance of industry and business in the area or cause loss of important industrial sites.

The area is currently dominated by preferred uses (namely, general industry and warehouse uses). Whilst the proposed change of use sought in this planning application would result in the loss of a preferred use (general industry) on this site, never-the-less preferred uses in the area would still remain dominant. The application site is not identified as an important industry and business site under UDP Policy IB8.

The proposal complies with UDP Policy IB9(a).

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

There are residential properties south of Rutland Road off Neepsend Lane approximately 250 metres from the site, to the west side of Penistone Road approximately 280 metres away.

It is considered that the proposed use would not significantly harm the living conditions of these or other residents or visitor living accommodation in the area.

Criteria (c) of Policy IB9 seeks to ensure the proposed development is well designed with buildings and storage of a scale and nature appropriate to the site.

In this instance the external design of the building remains generally unaffected. The proposal seeks to use the yard for storing vehicles, containers and for parking and servicing. The containers will be particularly visible through the palisade fencing on the front boundary. The vehicle storage racks would be partially screened by the containers. It is considered that the scale, extent and height of these elements within the yard can be controlled by appropriate conditions. A condition requiring provision of a screen fence of sufficient visual quality along the front boundary would secure improvements to lessen the impact of the containers and stacked vehicles on the appearance of the streetscene.

The proposal would not prejudice criteria (d) of Policy IB9 which seeks compliance with Policies for the built and green environment.

Criteria (e) does not apply to the UDP's allocation of this site.

The transport and highway issues in criteria (f) and (g) of Policy IB9 are considered below. Of the other policies highlighted in Policy IB9(g), Policies Policy IB5 is complied with, Policies IB6 to IB8 and IB10 to IB14 are not applicable to this proposal.

It is considered that subject to the satisfactory consideration of the transport and highway issues the proposal complies with Policy IB9 of the UDP.

Upper Don Valley Physical Regeneration Strategy

The Upper Don Valley Physical Regeneration Strategy (PRS) was approved by Cabinet in October 2006 as the basis for regenerating the Upper Don Valley covering the period up to 2026. It provides the broad parameters for the regeneration of the Upper Don Valley sub-areas, including the North Neepsend area.

The Upper Don Valley PRS encourages the regeneration, investment and investment evident in Central Riverside, Kelham and Central Neepsend to extend northwards into the Upper Don Valley to create a vibrant new mixed employment area in the Neepsend area focused on a rejuvenated riverside, supporting existing businesses and encouraging new businesses to locate in the area by regenerating vacant and underused sites and land. It recognises that other uses which complement and support the main employment uses can add to the land use mix, and that redevelopment of sites and an emphasis on high quality employment buildings and improved public realm should help improve North Neepsend.

#### The Penistone Road Gateway Action Plan

The Penistone Road Gateway Action Plan (GAP) was adopted by Cabinet in July 2010.

One of the recommendations of the Upper Don Valley PRS is the improvement of the character and quality of Penistone road and its public realm and landscape. The Penistone Road GAP provides a townscape and landscape framework through which significant improvements to the environmental character of the Penistone Road corridor will be enabled.

The Penistone Road GAP states that significant change is expected in North Neepsend up to 2022 and recognises a need for a cohesive and forward looking urban design framework for North Neepsend to lead the expected change. The Draft North Neepsend Urban Design Framework (subsequently renamed as the North Neepsend Informal Planning and Design Guidance) was produced to provide specific guidelines for encouraging development of land and the public realm that is of an appropriate size, type and quality in order to make North Neepsend a more attractive place.

#### North Neepsend Informal Planning and Design Guidance

The North Neepsend Informal Planning and Design Guidance (IPDG) (December 2010) has not been subject to formal Council approval. It was made available to major local landowners in the area to be used in pre-planning application discussions.

The North Neepsend IPDG is not explicit about specific land uses. Following the approval of the Upper Don Valley PRS, the IPDG provides specific guidelines and mechanisms for ensuring development is of an appropriate size, type and quality. It interprets existing and emerging policies in this area providing an input into the SDF process.

The vision for North Neepsend and key proposals are the same as those included in the Upper Don Valley PRS, including to encourage regeneration and investment, to support existing businesses, to encourage a range of new development to compliment existing businesses, to improve infrastructure, public realm and the street environment.

The North Neepsend IPDG identifies the building on the application site as a character building and the view southwards down Bardwell Road to Neepsend Lane as an important view. The IPDG includes sensitively incorporating character buildings into any comprehensive redevelopment proposals and retaining important views. It states that new boundary treatments should be of red brick integrating any existing stone walls and may incorporate railings and lighting where necessary, and seeks sustainable and inclusive design.

#### The Sheffield Development Framework Core Strategy

The Sheffield Development Framework (SDF) Core Strategy was adopted by the Council in March 2009. It sets out the overall vision, objectives and spatial strategy and policies for the city over the period to 2026. Its policies also supersede some of the policies in the UDP.

Core Strategy Policy CS5 identifies the Upper Don Valley as one of the areas for locating manufacturing, distribution/warehouse and non-office businesses. Core Strategy Policy CS6 identifies part of Kelham/Neepsend in the city centre as one of the transition areas where manufacturing should not expand where it would detract from the regeneration of the centre.

Core Strategy Policy CS10 relating to business and industry in the Upper Don Valley states that employment uses will be maintained and promoted in the North Neepsend/Hillfoot Riverside and Wadsley Bridge areas, including improvements to access and the local environment.

#### The Draft Sheffield Development Framework Proposals Map

The Draft Sheffield Development Framework City Policies and Sites and Draft Sheffield Development Framework Proposals Map were both published for public consultation purposes in 2010.

The Draft Sheffield Development Framework (SDF) Proposals Map shows a change to the UDP policy area designations for this application site and its surrounding area.

The Draft SDF Proposals Map identifies the application site as being within and at the northwestern end of a Business Area that extends generally southeastwards across Rutland Road between Neepsend Lane/Mowbray Street and the railway line to the north.

The land to the west of the application site is shown in the Draft SDF Proposals Map as part of a Business and Industrial Area.



## The Draft Sheffield Development Framework City Policies and Sites

The Draft SDF City Policies and Sites document includes Policy H1 relating to land uses within Policy Areas.

Policy H1 states that in areas with preferred uses, these uses should be dominant but development for other acceptable and unspecified uses will be permitted if it would not undermine the required level of dominance. Exceptions may be made where it involves development of a small site and the physical characteristics of the site make the achievement of the required proportion of preferred uses impractical, or there are other regeneration benefits arising from the proposal.

Within Business Areas SDF Policy H1 states that offices are the preferred use and need to make up at least 30% of the gross floor space in the area. Acceptable uses in Business Areas include small shops, research and development, light industry and housing. Policy H1 states that general industry, warehouse and storage, lorry parks, open storage and other unclassified industrial processes are unacceptable uses in Business Areas. Other uses are to be decided on their merits.

The proposed use of the application site is therefore an unacceptable use under Draft SDF Policy H1.

As regards the two exceptions to Policy H1, whilst this is a small site there are no physical characteristics that make office development on the site impracticable subject to achieving satisfactory internal noise environment and as such there are no grounds for an exception under this first criteria.

The second criteria for exemptions relates to other regeneration benefits arising from the proposal. Whilst noting the potential of the proposal to provide a new use for the site and help and existing business close to the area to expand, it is considered that the proposal would be likely to have a harmful impact on future investment in the area over the plan period and as such would constrain the wider regeneration benefits being promoted in the area and as such there are no grounds for an exception under the second criteria.

The proposed use is an unacceptable use under the emerging Draft SDF and despite the potential for appropriate attenuation of any emissions from the proposed use and for a high quality boundary treatment to be provided on the Bardwell Road frontage to screen the activities in the open yard, it is considered that the proposal is likely to deter future investment in the area.

### Summary of Policy Issues

The relevant policies of the UDP, Policies IB5 and IB9, are consistent with the NPPF and due weight can be accorded to them.

It is therefore considered that in respect of the UDP, the proposed use as a breakers yard is an acceptable use in principle under Policy IB5 of the UDP and

subject to the satisfactory consideration of the transport and highway issues the proposal complies with Policy IB9 of the UDP.

Full weight can be given to the SDF Core Strategy Policies CS5, CS6 and CS10. Core Strategy Policy CS10 maintains and promotes employment uses the North Neepsend area.

Following the publication of the Draft SDF City Policies and Sites and Proposals Map objections have been received to the Business Area, however these do not relate to the listing of general industry, storage or distribution uses as unacceptable uses. Policy H1 of the Draft SDF City Policies and Sites in so far as it relates to the application site is consistent with the NPPF. Weight may be given to Policy H1 in this instance.

The proposed use of the application site is an unacceptable use under Draft SDF Policy H1.

As regards the exceptions to Policy H1, there are no physical characteristics that make office development on this small site impracticable subject to achieving satisfactory internal noise environment, and whilst noting the potential of the proposal to provide a new use for the site and help and existing business close to the area to expand, it is considered that the proposal would be likely to have a harmful impact on future investment in the area over the plan period and as such would constrain the wider regeneration benefits being promoted in the area.

In this instance it is considered that there are no justifiable exemptions to Policy H1 as it relates to the proposed development.

The Upper Don Valley PRS and the Penistone Road GAP have both been adopted by Cabinet. Some weight may be given to the emerging policies in these documents.

The North Neepsend IPDG has not been subject to formal Council approval. It was made available to major local landowners in the area to be used in pre-planning application discussions. The North Neepsend IPDG is not explicit about specific land uses. Only limited weight can be given to this document given its stage of preparation.

The application site is therefore within and on the edge of an area where the emerging policies in the Draft SDF envisage a change in the character of the area from one where general industry is preferred to one where some office use is preferred with a mix of other complementary uses, and where general industry is unacceptable.

The overriding strategy is to support existing businesses, and encourage employment and investment in the area. The policy documents will guide the regeneration of the area over the plan period.

Overall, given the aspirations for the area in the Draft SDF and emerging documents the key issue is whether the proposed use would harm the emerging strategy for the area.

The proposed use is an unacceptable use under the emerging Draft SDF. Whilst noting the potential of the proposal to provide a new use for the site and help and existing business close to the area to expand, it is considered that the proposal would be likely to have a harmful impact on future investment in the area over the plan period and as such would constrain the wider regeneration benefits being promoted in the area.

In conclusion therefore, in this instance whilst the proposal would be acceptable under the saved policies of the UDP, the change in policy direction for this area outlined in the Draft SDF is significant and the balance of weight is given to this emerging strategy.

It is considered therefore that the proposed use is an unacceptable use under the emerging Draft SDF and contrary to Policy H1 of the Draft SDF City Policies and Sites document.

#### Highway and Transportation issues

Bardwell Road serves a number of existing businesses and the industrial area to the north beyond the railway bridge and is the only route to the Ski Village site beyond and as such forms an important gateway. There are waiting restrictions along both sides of Bardwell Road between 8am and 6.30pm.

The proposal seeks to retain the existing access off Bardwell Road and provide on-site servicing and parking in the existing open yard.

It is considered that there is sufficient space within the yard to accommodate the proposed on-site servicing and parking as well as the proposed containers and vehicle storage racks. If planning permission is granted conditions are required to secure the provision and retention of the on-site parking and servicing arrangements.

#### Effect on the Amenities of the Locality

The immediate surrounding area on Bardwell Road is predominantly business and industrial in character.

Kingfisher Works which wraps around the corner of Bardwell Road and Neepsend Lane has been converted in several small business units. Riverside Works off Neepsend Lane is used for engineering/manufacturing purposes and adjoins part of the southeast corner of the site. On the north side of the site is a group of buildings and small compounds variously used for vehicle testing, manufacturing joinery items and building maintenance. The buildings on the east side of Bardwell Road are used by a variety of businesses predominantly for manufacturing purposes. The southern most of these units is used as an indoor skate park.

The proposed use of the premises as a breakers yard would involve using the building on the application site to accommodate the activities associated with the de-pollution of vehicles in a bunded area of the building, dismantling the vehicles, and providing storage for reclaimed parts. Part of the building would be used for ancillary offices.

The main sources of emissions from the activities within the building would be from the de-pollution process, dismantling, and disturbance from the general movement of vehicle parts within the building.

The de-pollution process is proposed to be carried out within a bunded area within the building. The dismantling mainly involves the use of hand tools and air guns to remove the parts although power saws and acetylene cutting would occasionally be used.

The open yard would be used to stack vehicles on a racking system towards the rear of the yard, for the siting of large storage containers just behind the front boundary wall and fence, for the provision of parking, and for on-site servicing including deliveries and collection of vehicles and parts. A fork lift truck is used to move the car bodies to and from the racking system.

The main sources of emissions from the activities within the yard would be from the movement of parts and vehicles. There would be no crushing of vehicles on the site. A limited number of customers would visit the site each day.

The proposed hours of use would be between 8am and 5.30pm on Mondays to Fridays, and between 9am and 1pm on Saturdays.

The small business units within the neighbouring buildings to the south include IT software design and office based uses as well as engineering and manufacturing uses. It is considered that the proposed activities within the building and on the yard and the equipment to be used in undertaking those activities would not generate significant noise that would be detrimental to existing occupiers of neighbouring buildings. No vehicle crushing is proposed on the site. Arrangements to provide bunding of the de-pollution activities are included within the proposal. If planning permission is granted conditions are required to ensure the use remains within the characteristics of the proposal as submitted.

There are no residential properties in the immediate area of the site. The residential properties south of Rutland Road off Neepsend Lane are approximately 250 metres from the site, those to the west side of Penistone Road are approximately 280 metres away. It is considered that the proposed use would not significantly harm the living conditions of these or other residents or visitor living accommodation in the area.

The emerging policy in the Draft SDF includes residential as an acceptable use in Business Areas. There are currently no extant planning permissions for residential use in the immediate locality.

The site is likely to be contaminated to some extent due to the previous industrial use of the site. However, the site is covered in hard standings and the proposal is not a sensitive use in this respect and does not involve breaking up any of the existing hardstandings. If planning permission is granted a condition is required to ensure that any future ground disturbance is properly assessed for risks of pollution.

The Environment Agency have raised no objections to the proposal subject to conditions seeking submission and approval of drainage details, and ensuring there is capacity in the drainage system for discharge of surface water.

The Environment Agency has also advised that the development will also require an Environmental Permit from the Agency under the Environmental Permitting Regulations 2010 unless a waste exemption applies.

The Kelham Island Industrial Conservation Area lies to the south of the site on the south side of Neepsend Lane. There are views of the conservation area from the site, and views of Bardwell Road and the application site from the conservation area.

The main visual impact on the streetscene would be from the appearance of the storage containers and vehicle storage racks which would be visible through and above the existing palisade fence.

It is considered that to ensure there would be no significant impact on the streetscene and on the character and historic interest of the Kelham Island Industrial Conservation Area, boundary screening on the road frontage of the application site would need to be of a high quality.

## SUMMARY

The key issues for consideration are the weight to be given to the existing and emerging planning policies for this area of the city, and the impact the proposed use would have on these aspirations and on existing businesses.

It is considered that there is sufficient space within the yard to accommodate the proposed on-site servicing and parking as well as the proposed containers and vehicle storage racks. If planning permission is granted conditions are required to secure the provision and retention of the on-site parking and servicing arrangements.

It is considered that the proposed activities within the building and on the yard and the equipment to be used in undertaking those activities would not generate significant noise that would be detrimental to existing occupiers of neighbouring buildings. If planning permission is granted conditions are required to ensure the use remains within the characteristics of the proposal as submitted.

The main visual impact on the streetscene would be from the appearance of the storage containers and vehicle storage racks which would be visible through and above the existing palisade fence. It is considered that to ensure there would be

no significant impact on the streetscene and on the character and historic interest of the Kelham Island Industrial Conservation Area, boundary screening on the road frontage of the application site would need to be of a high quality.

However, the policy aspirations for this area of the city have changed since the adoption of the Sheffield Unitary Development Plan (UDP) in 1998. The weight to be given to the UDP and subsequent policy documents depends on their stage of preparation, any unresolved objections to them, and the degree of consistency with Government guidance.

In this instance whilst the proposal would be acceptable under the saved policies of the UDP, the change in policy direction for this area outlined in the Draft SDF is significant and the balance of weight is given to this emerging strategy.

The proposed use is an unacceptable use under the emerging Draft SDF. Whilst noting the potential of the proposal to provide a new use for the site and help and existing business close to the area to expand, it is considered that the proposal would be likely to have a harmful impact on future investment in the area over the plan period and as such would constrain the wider regeneration benefits being promoted in the area.

In conclusion therefore, in this instance whilst the proposal would be acceptable under the saved policies of the UDP, the change in policy direction for this area outlined in the Draft SDF is significant and the balance of weight is given to this emerging strategy.

It is considered therefore that the proposed use is an unacceptable use under the emerging Draft SDF and contrary to Policy H1 of the Draft SDF City Policies and Sites document.

#### RECOMMENDATION

It is recommended that planning permission is refused for the reason given.



**SHEFFIELD CITY COUNCIL**  
Place

**REPORT TO THE WEST & NORTH  
PLANNING AND HIGHWAYS  
COMMITTEE**

**DATE** 13 NOVEMBER 2012

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**REPORT OF** DIRECTOR OF DEVELOPMENT SERVICES

**ITEM**

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**SUBJECT** QUARTERLY OVERVIEW OF ENFORCEMENT ACTIVITY

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**SUMMARY**

THE PURPOSE OF THIS REPORT IS TO INFORM COMMITTEE MEMBERS OF PROGRESS ON THE WORK BEING UNDERTAKEN BY THE ENFORCEMENT TEAM

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**RECOMMENDATIONS**

TO NOTE THE CONTENTS OF THE REPORT

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**FINANCIAL IMPLICATIONS**

**PARAGRAPHS**

**CLEARED BY**

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**BACKGROUND PAPERS**

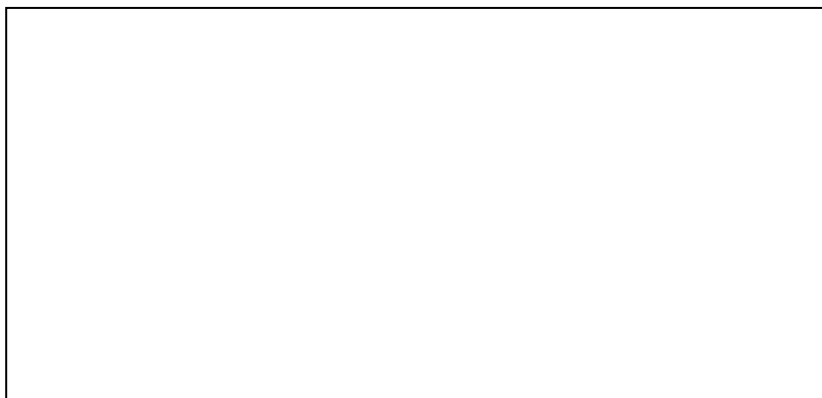
**CONTACT POINT FOR ACCESS** LEE BROOK

**TEL NO:** 0114 2734590

**AREA(S) AFFECTED**

**CATEGORY OF  
REPORT**

OPEN



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## DEVELOPMENT SERVICES

REPORT TO NORTH AND  
WEST PLANNING AND  
HIGHWAYS COMMITTEE  
13<sup>th</sup> NOVEMBER 2012

### QUARTERLEY 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 it is required.

### 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.



**SHEFFIELD CITY COUNCIL**  
Place

**REPORT TO WEST & NORTH  
PLANNING AND HIGHWAYS  
COMMITTEE**

**DATE** 13 NOVEMBER 2012

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**REPORT OF** DIRECTOR OF DEVELOPMENT SERVICES

**ITEM**

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**SUBJECT** ENFORCEMENT UPDATE REPORT

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**SUMMARY**

TO UPDATE COMMITTEE MEMBERS OF THE CURRENT ENFORCEMENT CASES IN THE WEST AND NORTH AREA AND THE CITYWIDE OVERVIEW OF ENFORCEMENT ACTIVITY

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**RECOMMENDATIONS**

TO NOTE THE CONTENTS OF THE REPORT

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**FINANCIAL IMPLICATIONS**

**PARAGRAPHS**

**CLEARED BY**

---

**BACKGROUND PAPERS**

**CONTACT POINT FOR ACCESS** LEE BROOK

**TEL NO:** 0114 2734590

**AREA(S) AFFECTED**

**CATEGORY OF  
REPORT**

OPEN

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**UPDATE ON LIVE ENFORCEMENT CASES IN WEST AND NORTH AREA FOR QUARTER ENDED 30 SEPTEMBER 2012**  
**(Updated to 31/10/12)**

**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 / buildings)
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		

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

(Strikethrough = closed cases awaiting the OK by committee to remove from report)

<b>NO</b>	<b>SITE</b>	<b>BREACH</b>	<b>DATE OF COMMITTEE RESOLUTION</b>	<b>CURRENT SITUATION</b>
1.	<b>Land between 12 &amp; 14 Cooks Wood Road</b>	<b>Unauthorised Use of Land for storage of damaged vehicles</b>	<b>31/7/12 &amp; 21/8/12</b>	<b>EN &amp; STOP NOTICE served 13/6/12 &amp; it came into effect 14/9/12 requiring unauthorised use for storing vehicles to cease by 12/10/12. EN not fully complied with so reminder letter sent to owners warning of prosecution unless quick compliance (deadline 18/11/12).</b>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
2.	108 Darwin Lane	S215, Unkempt Garden affecting amenity of area	8/3/12 (delegated)	S215 notice served 8/2/12. Notice not complied with by owner. Council has taken direct action 15/5/12 and owner has agreed to pay costs. 26/6/12, writing to owner to request payment. <b>Costs have been recovered / NFA required.</b>
3.	Land adjacent to 2A Stanley Road, Burncross	Change of use to Residential Curtilage & storage & associated works, including fence & gates.	13/9/11	<b>31/7/12 – earth bank part restored, work ongoing.</b> Fence being erected to separate Land from house, container removed so that work can start of re-contouring. Officers have met with owner 6/3/12 & agreed a course of action for satisfying the EN with owner. EN served, took effect 14/11/11- requires use as house curtilage & storage to stop, removal of container & any stored plant & removal of metal fencing & gates by <u>5/3/12</u> .
4.	51 Thompson Hill	Unauthorised Erection of 1 <sup>st</sup> floor extension to rear of house – ref.11/01679/FUL	2/8/11	<b>Appeal dismissed. Inspector extended compliance period to 4 months giving owner until 2<sup>nd</sup> January 2013 to comply with EN.</b> PP refused 2/8/11. 6 months given, (from 2/2/12) to owner to alter extension to comply with PD limits. Work

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
	Thompson Hill contd from p2			not done – EN served 2/4/12 requiring extension to be altered to PD limit by 17/7/12. Appeal lodged against EN, awaiting outcome. 12/09/12.
5.	183 Fox Street	Broken & boarded front ground floor window to terraced house.	10/5/11	<b>Quotes for works being sought from 3 different sources to cost up the work.</b> Direct action after 31/8/12 if S215N still not complied with by that date. Not complied with at 31/1/12, considering options of prosecution or direct action. S215N served 11/5/11 requiring new window by 1/8/11 following failed negotiations since 1/12/10. The street is otherwise well kept & tidy & although wouldn't usually use s215 for this type of low level problem, in this case it is justifiable.
6.	290-308 Pitsmoor Road	(i) Use of Ground floor for retail shop, 1 <sup>st</sup> & 2 <sup>nd</sup> floors as HIMO, (11/00050/FUL refused) (ii) Canopy to front of Shop refused PP	19/4/11	<b>31/10/12. Officers talking with agent regarding discharge of conditions before application submitted for same.</b> 31/7/12. Discharge of conditions application being prepared for this PP. (ii) 11/03370/FUL now granted 3/1/12, implementation will superseded the EN.

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
	Pitsmoor Road contd from page 3			<p>EN not complied with at 30/12/12. Holding back from prosecution for time being due to new application 11/03370/FUL for alternative canopy to the one built. EN served 8/6/11, took effect 13/7/11 &amp; requires removal of canopy by 31/8/11.</p> <p>(i) New application 11/01912/FUL to improve the scheme taking account of reasons for refusal of HMO/Shop, (amendment to refusal of broadly similar scheme ref.11/00050/FUL), was granted conditionally 11/8/11.</p>
7.	Youth Club Building, Burgoyne Road,	Non payment of planning obligation monies £10,897.40 in relation to 05/00551/FUL. Change of use taken place and flats now occupied	25/1/11	31/10/12 - Litigation still pursuing original owner who signed the s106. Legally the new owner cannot be sued. Solicitors are examining ownership to decide who to pursue for the money. 06/04/11 Developer Mr Dempsey still owns the site. Case with litigation and prosecution next step to be considered.
8.	7 Redwood Glen, Chapeltown	Unauthorised Boundary Wall & fence and level changes to land. 10/02717/FUL refused	8/3/11	<b>30/10/12 – EN complied with, case can be closed.</b> 19/7/12 - EN served, (no alternative left) as deadline passed with no



NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
	Redwood Glen continued from p4			action from owner. EN comes into effect 23/8/12 & requires removal of unauthorised wall & fence by <b>15/11/12</b> . 23/1/12- Application now submitted but is invalid for one piece of missing info, being chased-ref. 11/03843/FUL. Deadline passed & no application submitted for alternative scheme. 29/9/11 letter sent giving 14 days to submit application. Owner claims they didn't receive this so it was hand delivered 31/10/11. Officer negotiated submission of an alternative scheme within 6 months that would be acceptable, as per Cttee decision.
9.	1, 2, 3 and 4 Pheasant Lane, Ewden Village (also see case no.11)	Four unauthorised houses (not in compliance with PP 05/04528/FUL) New PP 11/03443/FUL for 4 bungalows dated 24/1/12	23/11/10 & 24/1/12	<b>4/10/12 – Legal proceedings begun / prosecution Statement sent to Litigation in relation to no.3, which has not been removed from its incorrect footprint position as deadline set in the letter 30/5/12 passed without any progress on site.</b> 20/6/12 – Owner has agreed to adhere to original 2m separation between <u>nos.3</u> & 4 & has submitted plans to show this. Also it appears that the letter sent

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
	Ewden Village continued from page 5			<p>4/5/12 was not received by owner, so a new letter dated 30/5/12 sent given deadline of 31/8/12 for no.3 to be altered in accord with PP before legal proceedings begin. Applic 12/00769/FUL for <u>no.3</u> can now be considered with an amendment. It will involve taking down part of house and rebuilding it closer to no.4- because the external appearance will be different it requires new PP. New PP granted 24/1/12 ref11/03443/FUL for 4 bungalows instead of 4 houses. Letter 4/5/12 sent to owner requesting that implementation must begin without delay or in the alternative the EN must be complied with without delay. Following this letter, nos. <u>1, 2 &amp; 4</u> were reduced in height during Feb &amp; March in accord with this new PP &amp; they are each in their correct footprint positions. No.3 has been reduced in height to one storey &amp; then work has stopped mid March so that no.3 remains in wrong position 6.5m away from no.4 instead of the approved 2m separation. An application was submitted 12/3/12 for no.3 (ref 12/00769/FUL) to regularise this position but officers have</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
	Ewden Village continued from page 6			<p>written to the agent refusing to consider that application (this is allowed by the Planning Act in certain circumstances, which now apply here). The letter also insists that no.3 be demolished (it can be built in accord with plans under 11/03443/FUL - 2m from no.4). A couple of weeks to be allowed for a response There should be a clear direction identified by 10/4/12 if not – Legal Services will be instructed to prosecute for failing to comply with the EN as it applies to no.3. Appeals, dismissed 18/7/11 &amp; EN's upheld but a longer compliance period of 6 months was given by the Inspector to demolish all 4 houses. Compliance is now required by 23/1/2012, (Appeal hearing 21/6/11).</p> <p><u>No.1-</u> EN's &amp; STOP NOTICE's served 24/11/10. Requiring demolition of 4 houses as they are unacceptably larger than approved – take effect 29/12/10 &amp; give 4 weeks to comply.</p> <p><u>Nos.2, 3 &amp; 4</u> - EN &amp; STOP NOTICE served 9/12/10, requires demolition of house – Takes effect 12/1/11, 16 wks to comply, (4 houses/4 wks per house), expires 4/5/11</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
10	Parker's Yard, Stannington Road	Unauthorised use as self storage & metals recycling facility. 09/02757/CHU refused PP.	10/6/10	<p><b>The business is overcoming problems with their bank &amp; with the vendor for the site due to the general economic climate but progress is being pushed by the company, albeit slowly due to increasing demands being asked of them. The company is determined to resolve this asap.</b> 18/7/12 – still delayed by solicitors, expecting contract sign for Pearson Forge very soon. 1/3/12, Land contamination survey completed awaiting results of analysis, (takes 4-6 weeks = approx 10/4/12). Owner reported on 28/3/12 that there should be no further obstacles if analysis shows the land is ok. Business owner continues to update officers with progress reports. Work on site now likely to be later, at March due to owners Bank requiring more info on structural stability of site buildings &amp; land contamination. Relocation to new site - the legal process is well underway &amp; discharge planning conditions also taking place now. Initial estimate is mid Dec'11 for work on site to begin at Pearson Forge. Alternative site that would be suitable for relocation of</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
	Parker's Yard continued from p8			business identified & applic 11/01953/CHU granted 13/9/11 for the former Pearson Forge at Penistone Rd/Livesey St. Appeal against EN was dismissed 14/3/11; new compliance period ends 2/7/11. EN served requiring uses to stop by 20/4/11. Appeal against refusal of 09/02757/CHU dismissed.
11	Land south of 4 Pheasant Lane, Ewden Village, off New Mill Bank (also see case no.9)	Siting of a Log Cabin Style Building for use as Living Accommodation	16/3/10	<b>4/10/12 – Prosecution Statement sent to Litigation as deadline set in the letter 30/5/12 passed without any progress on site The building remains in position and occupied by a tenant. 25/6/12 - No progress since April on completing one of the houses in case 13, which has knock on implication for occupier of this unauthorised living accommodation. Deadline of 31/8/12 given to remove building or legal proceeding will begin. The owner stated 14/3/12 that either no.1 or no.2 (item 9 above) can be completed for the tenant currently living in this cabin, which can then be removed as per the EN. EN not complied with at March 2012 but</b>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
	Pheasant La continued from page 9			not to be prosecuted until the cases above at item 9, 1-4 Pheasant La are resolved, which should result in at least one house being built in accord with the fall back position of one of the PP's. The cabin is occupied by the tenant of one of the demolished huts (that is now the appeal site of 4 Pheasant La, item 9 & therefore she would be homeless if the EN was successfully prosecuted. Other personal circumstances make it inappropriate to prosecute at this point. EN served 29/3/10 requiring removal of living accommodation, concrete base, gas storage tank & shed & to restore land, the living accommodation is currently occupied & compliance required in 56 weeks-by April 2011.
12	Dial House Club, Far Lane / Ben Lane	Non-compliance with conditions attached to PP04/04797/FUL, Cond 2-materials for external surfaces, C3-design details for new apartment building, C4-landscaping for grounds, C6-	15/12/09 (delegated authority)	Development ongoing at <b>November</b> 2012. Conditions discharged & PP being implemented at 26/9/11, so BCN now complied with. Work began March 2011. Meeting inc developer, officers & Members was held in Dec'10 & a promise to start work along agreed lines was made to start

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
	Dial House Club continued from page 10	highway access & finishes to frontage, C8-pedestrian access to new bowling green, C9-new pavilion details, C10-bowling green maintenance.		Jan'11. Discharge of conditions agreed in principle with applicant at meeting 6/8/10 subject to submission & approval of application. BCN served 21/12/09. Details for each condition required by 29/3/10.
13	Dial House Club, Far Lane / Ben Lane	Dilapidated Condition of former club building & untidy condition of grounds due to stalled development under PP 04/04749/FUL	9/12/09 (delegated authority)	March '12 - Building safe & sound - NFA required regarding s215. Case can be closed. Work completed on the roof problem. S215(3) served 15/3/11, with steps taking into account the new structural report - took effect 15/3/11 & requires compliance in 16 wks.. S215N(1)-New structural report 14/9/10 confirms that building unsafe & it recommends how to retain it by partial take down of load bearing walls & chimney & floors & rebuild them so that building can be retained, made safe & completed with new roof-details being considered-prosecution of S215N(1) not a practical solution in circumstances. S215N(1) - negotiations taking place with officers for re-roof of the old club it has structural problems. S215N(2) Construction not started on site

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
	Dial House Club continued from page 11			<p>awaiting details of new start date.  <del>Enforcement of S215N(2) on hold while discussions continue. S215N(2) Work to begin July 2010. Negotiations took place with new owners to get improvements to building &amp; land slow progress led to x2 S215N's being served.</del>            S215N(1) served to Repair / Re-instate roof took effect 7/1/10 requires compliance in 16 weeks 5/5/10). <del>S215N(2) to require tidying of land by 7/1/10.</del></p>





**SHEFFIELD CITY COUNCIL  
PLACE**

**REPORT TO WEST AND NORTH  
PLANNING AND HIGHWAYS  
COMMITTEE**

**DATE** 13 NOVEMBER 12

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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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## DEVELOPMENT SERVICES

REPORT TO WEST AND NORTH  
PLANNING AND HIGHWAYS  
COMMITTEE  
13 NOVEMBER 2012

### 1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

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

### 2.0 NEW APPEALS RECEIVED

An appeal has been submitted to the Secretary of State against the decision of the City Council to refuse planning permission, at its meeting held on 17<sup>th</sup> April 2012, for the erection of 387 dwellinghouses, provision of public open space, formation of 2 playing fields, landscaping and associated infrastructure at site of Parson Cross Centre, Remington Road and land at Montenev Road and Morrall Road (Case No 11/02168/FUL).

### 2.0 APPEAL DECISION

An appeal has been allowed against the decision of the City Council to refuse planning permission, under delegated authority, for the erection of detached living accommodation in the back garden for use as a granny flat at 166 Oldfield Road (Case No 12/00080/FUL).

#### Officer comments:

The Inspector considered that the proposed building was of an appropriate design and would not harm the living conditions of the occupiers of neighbouring properties. The main issue was the concern that the "granny bungalow" would be self contained and capable of being occupied independently and so should be treated as a separate dwelling constituting an overdevelopment of the site and harming the privacy and prospect of the host dwelling.

The Inspector found that the proximity and juxtaposition of the existing and new bungalows would seriously impinge on the privacy of residents in either dwelling. Much of the comings and goings from either dwelling would be under casual surveillance from the other dwelling at particularly close quarters. However, the Inspector considered that such harmful effects may

be absent where the occupier of the new dwelling would be “friends and family” and where the effects of a new dwelling would be unacceptable, it may be appropriate to impose a condition restricting the use of the new dwelling to be ancillary to the existing dwelling. The Inspector considered that such a restriction would be appropriate in this case and accordingly granted planning permission subject to this condition.

### 3.0 RECOMMENDATIONS

That the report be noted

David Caulfield  
Head of Planning

31<sup>st</sup> October 2012