

Planning and Highways Committee

Tuesday 5 August 2014 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

Councillors Alan Law (Chair), Nasima Akther, David Baker, Jack Clarkson, Roger Davison, Tony Downing (Deputy Chair), Ibrar Hussain, Bob Johnson, Bryan Lodge, Peter Price, Denise Reaney, Tim Rippon and Joyce Wright

Substitute Members

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

PUBLIC ACCESS TO THE MEETING

The Planning and Highways Committee is responsible for planning applications, Tree Preservation Orders, 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. 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. You may not be allowed to see some reports because they contain confidential information. These items are usually marked * on the agenda.

Recording is allowed at Planning and Highways Committee meetings under the direction of the Chair of the meeting. Please see the website or contact Democratic Services for details of the Council's protocol on audio/visual recording and photography at council meetings.

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.

FACILITIES

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.

**PLANNING AND HIGHWAYS COMMITTEE AGENDA
5 AUGUST 2014**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 1 - 4)
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 5 - 10)
Minutes of the meeting of the Committee held on 15 July 2014
- 6. Site Visit**
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 7. Tree Preservation Order 392 at the site of The Common, 321 The Common** (Pages 11 - 22)
Report of the Director of Regeneration and Development Services
- 8. Applications Under Various Acts/Regulations** (Pages 23 - 56)
Report of the Director of Regeneration and Development Services
- 9. Quarterly Overview Of Enforcement Activity** (Pages 57 - 60)
Report of Director of Regeneration and Development Services
- 10. Quarterly Update of Enforcement Cases in the City Centre and East Areas of the City** (Pages 61 - 72)
Report of Director of Regeneration and Development Services
- 11. Quarterly Update of Enforcement Cases in the South Areas of the City** (Pages 73 - 94)
Report of Director of Regeneration and Development Services
- 12. Quarterly Update of Enforcement Cases in the West and North Areas of the City** (Pages 95 - 104)
Report of Director of Regeneration and Development Services
- 13. Record of Planning Appeal Submissions and Decisions** (Pages 105 - 110)
Report of the Director of Regeneration and Development

Services

14. Date of Next Meeting

The next meeting of the Committee will be held on 26 August 2014

ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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.

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 (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

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.

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 Gillian Duckworth, Interim Director of Legal and Governance on 0114 2734018 or email gillian.duckworth@sheffield.gov.uk.

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Planning and Highways Committee

Meeting held 15 July 2014

PRESENT: Councillors Alan Law (Chair), Nasima Akther, David Baker, Jack Clarkson, Roger Davison, Tony Downing (Deputy Chair), Ibrar Hussain, Bob Johnson, Bryan Lodge, Peter Price, Denise Reaney and Joyce Wright

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 Councillor Denise Reaney declared a personal interest in Item 7 'Owlthorpe Planning Brief' as a local resident.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the meeting of the Committee held on 24 June 2014 were approved as a correct record.

5. SHEFFIELD CONSERVATION ADVISORY GROUP

5.1 The Committee received and noted the minutes of the meeting of the Sheffield Conservation Advisory Group held on 24 June 2014.

6. SITE VISIT

6.1 **RESOLVED:** That the Director of Regeneration and Development Services, in liaison with the Chair, be authorised to make arrangements for a site visit on Monday 4th August 2014, in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

7. OWLTHORPE PLANNING BRIEF

7.1 The Director of Regeneration and Development Services submitted a report informing Members about the outcome of public consultation on the draft Planning and Brief Brief for Housing Sites C, D and E at Moorthorpe Way, Owlthorpe and seeking formal adoption of the final version of the Brief as a material consideration in determining planning applications for the sites.

- 7.2 Gary Dickson, Area Planning Officer, reported that two additional representations had been received following the publication of the report. The first stated that there had been a lack of consultation on the Brief and residents had not been given enough time to consider the proposals. Mr Dickson responded that he believed adequate consultation had been undertaken and people would be given further opportunities to comment at the application stage.
- 7.3 The second representation commented that the proposals would have a negative impact on traffic in the area and a link road was needed. Mr Dickson commented that a full and detailed highway assessment would be undertaken as part of any application and the construction of a link road was outlined as an option in the Planning Brief.
- 7.4 A local resident attended the meeting to make representations. She stated that she was not against any development in the area. However, she did not believe adequate consultation had taken place and a number of local residents were not aware of the proposals. She also felt that ecological issues in the area were being downplayed in the Brief. Traffic was already a problem in the area and would be made worse by the development. The development should also be reduced in size.
- 7.5 In response, Gary Dickson commented that he believed the consultation had been adequate. There had been posters in the area, drop in events and emails sent out. The Council wanted to embrace people's views. Parts of the site would be protected and any development would blend in with the green framework of the area. He acknowledged the traffic problems in the area which was why the Brief included a link road as a possible option.
- 7.6 **RESOLVED:** That: (a) the Brief be approved to inform development proposals for the sites; and (b) the Brief be approved and adopted as a material consideration in determining planning applications for Owlthorpe sites C, D and E.

8. WESTFIELD PLANNING BRIEF

- 8.1 The Director of Regeneration and Development Services submitted a report informing Members about the outcome of public consultation on the draft Planning and Design Brief for the former Westfield School Site, Westfield Crescent, Mosborough and seeking formal adoption of the final version of the Brief as a material consideration in determining planning applications for the site.
- 8.2 **RESOLVED:** That (a) the Brief be approved to inform development proposals for the site and (b) the Brief be approved and adopted as a material consideration in determining planning applications for the former Westfield School site, Westfield Crescent, Mosborough.

9. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

- 9.1 **RESOLVED:** That (a) the applications now submitted for permission to develop land under the Town and Country Planning Act 1990 and the Regulations made thereunder and for consent under the Town and Country Planning (Control of

Advertisements) Regulations 1989, be decided as shown 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 a response from Yorkshire Water, and subject to amended conditions, as outlined in a supplementary report circulated at the meeting, an application for planning permission for the erection of a 2/3/4 storey school for ages 2 to 16 with community usage at the site of Don Valley Stadium, Worksop Road and Leeds Road (Case No. 14/01548/RG3) be granted, conditionally;

(c) following consideration of representations from the Secretary of the Carterknowle/Millhouses Community Group and three local residents opposing the application, and, notwithstanding the officer's recommendation, an application for planning permission for landscaping works to front of building including erection of a jumbrella at Robin Hood Hotel, Millhouses Lane (Case No. 14/01363/FUL) be refused as the Committee considered that the development would result in inadequate parking provision for the public house, and would displace existing parking provision onto surrounding streets, which would have a detrimental effect upon the amenities of local residents and local businesses owing to the lack of both available street and off street parking provision in the area surrounding the site, and as such the proposal was contrary to the aims of Policy H14 of the Unitary Development Plan for Sheffield;

(d) having noted the amended red line boundary, as displayed, for the site and as detailed in the supplementary report circulated at the meeting, an application for planning permission for the demolition of an industrial building and erection of a mixed use development comprising 38 cluster flats and 90 studio flats, with ancillary facilities, retail/commercial units (A1, A2, A3, A4 and B1 uses) at the lower ground and ground floor level and landscaped courtyard at the site of 102 Arundel Street and the site of Gatecrasher, 112 Arundel Street (Case No. 14/00624/FUL) be granted, conditionally, subject to (i)(A) the deletion of Condition 43 and (B) an amendment to Condition 5 in respect of allowing, other than the external facades, development to commence before the approval of a sample panel of the proposed masonry, all as detailed in the aforementioned supplementary report and (ii) the completion of a Legal Agreement;

(e) following consideration of (i) an additional representation, as detailed in a supplementary report circulated at the meeting and (ii) oral representations at the meeting from a neighbour opposing the development site and from the applicant's agent in support, an application for planning permission for the demolition of a dwellinghouse and erection of 10 apartments with associated car parking accommodation at 3 Ryecroft Glen Road (Case No. 14/00543/OUT) be granted, conditionally, subject to (A) Condition 11 being amended by the substitution of the figure 20 for the figure 24 in respect of the car parking accommodation, as detailed in the aforementioned supplementary report and (B) additional conditions in respect of requiring (1) a dilapidation survey of the highway to be undertaken by the developer and (2) highway improvements to be carried out or details approved by the Local Planning Authority of work to be undertaken prior to development

commencing; and

(f) having noted (i) (A) an amendment to the report now submitted clarifying that the site was situated within the fringe Industry and Business area and (B) that the Environment Agency had withdrawn their objection to the application, with a request for a condition and a directive to be attached to any permission granted, as detailed in a supplementary report circulated at the meeting and (ii) an amendment to the application description substituting the figure "7" for the figure "13" in respect of the number of proposed terraced houses, as reported orally at the meeting, an application for planning permission for the demolition of an existing building and the erection of 7 terraced houses and a two-storey retail building with associated external works at Partco Autoparts, Markham Works, 20 Broadfield Road (Case No. 13/03889/FUL) be granted, conditionally, subject to (I)(1) an additional condition being attached in respect of the development being carried out in accordance with the approved Flood Risk Assessment and mitigation measures, (2) an additional directive being attached advising the applicant and occupants to register for the Flood Warnings Direct service and (3) the reason for attaching Condition 37 being amended, by the substitution of the words "In order to ensure an appropriate quality of development" for the words "In order to comply with the requirements of the Town and Country Planning Act", all as detailed in the aforementioned supplementary report and (II) the completion of a Legal Agreement.

10. ENFORCEMENT OF PLANNING CONTROL: 20 GLEN ROAD

The Director of Regeneration and Development Services submitted a report on his investigation into complaints received concerning a breach of planning control, in respect of the unauthorised replacement driveway at 20 Glen Road. The report stated that the property was situated within the Nether Edge Conservation Area and subject to an Article 4 (2) Direction, which removed permitted development rights for developments such as driveways.

An assessment of the materials and design used for the new driveway considered that they were not in keeping with the traditional characteristics of the area and, as such, failed to preserve or enhance the character of the Nether Edge Conservation area. As a result, it was viewed that the development was contrary to Policies BE5, 15, 16, 17 and H14 of the Unitary Development Plan.

RESOLVED: That (a) the Director of Regeneration and Development Services or Head of Planning be authorised to take all appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the hard standing to the property forward of the principal elevation at 20 Glen Road; and

(b) the Head of Planning, in liaison with the Chair of this Committee, be authorised to vary the action in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

11. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

11.1 The Director of Regeneration and Development Services submitted a report detailing (a) the 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.

12. DATE OF NEXT MEETING

12 It was noted that the next meeting of the Committee will be held on Tuesday, 5th August 2014 at 2.00 pm at the Town Hall.

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SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Director of Development Services

Date: 5 August 2014

Subject: Tree Preservation Order

Author of Report: Richard Cannon, Legal Services
(on behalf of Andrew Conwill, Planning Division: Urban Design & Environmental Planning)

Summary: To Confirm Tree Preservation Order 392 at the site of South Yorkshire Police Divisional Headquarters, 321 The Common, Sheffield, S35 9WL

Reasons for Recommendations

No objections received to the Order.

Recommendation

That no objections having being received, Tree Preservation Order 392 made on 22 May, 2014 in respect of trees on land at the site of South Yorkshire Police Divisional Headquarters, 321 The Common, be confirmed as an Unopposed Order.

Background Papers:

- 1) Tree Preservation Order 392 (includes Order plan)
- 2) General Location Plan
- 3) Notification letter sent to interested parties (example)

Category of Report: OPEN

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Tree Preservation Order

Town and Country Planning Act 1990

The Tree Preservation Order No 392 (2014)

South Yorkshire Police Divisional Headquarters, 321 The Common, Sheffield, S35 9WL

The Sheffield City Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as Tree Preservation Order No 392 (2014) South Yorkshire Police Divisional Headquarters, 321 The Common, Sheffield, S35 9WL

Interpretation

2. (1) In this Order “the authority” means the Sheffield City Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to

include appropriate provision for preservation and planting of trees),
this Order takes effect as from the time when the tree is planted.

Dated this 22nd day of May, 2014

EXECUTED AS A DEED)
By Sheffield City Council)
whose common seal was)
hereunto affixed in the presence of)




Duty Authorised Signatory

14/11/37

SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Aesculus hippocastanum (Horse Chestnut)	43613940
T2	Aesculus hippocastanum (Horse Chestnut)	
T3	Aesculus hippocastanum (Horse Chestnut)	

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

Groups of trees

(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
	None	

Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

NOTES / REVISIONS:

The use of this data sets, as agreement to the following statements:

Copyright Sheffield City Council. All rights reserved in Chapter IV of the Copyright, Designs and Patents Act 1988 have been generally asserted

This map is based on Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. Crown copyright and database rights Ordnance Survey 100018916 2014

TREE SCHEDULE

Trees Specified Individually (Enricised in black on the map)

- T1 *Aesculus hippocastanum* (Horse chestnut)
- T2 *Aesculus hippocastanum* (Horse chestnut)
- T3 *Aesculus hippocastanum* (Horse chestnut)

Trees Specified by Reference to a Group

None

Trees Specified by Reference to an Area

None

Trees Specified by Reference to Woodland

None

OS Grid Reference SK 438 13640

SHEFFIELD CITY COUNCIL

PLACE
REGENERATION & DEVELOPMENT SERVICES
DIRECTOR: David Cuffield

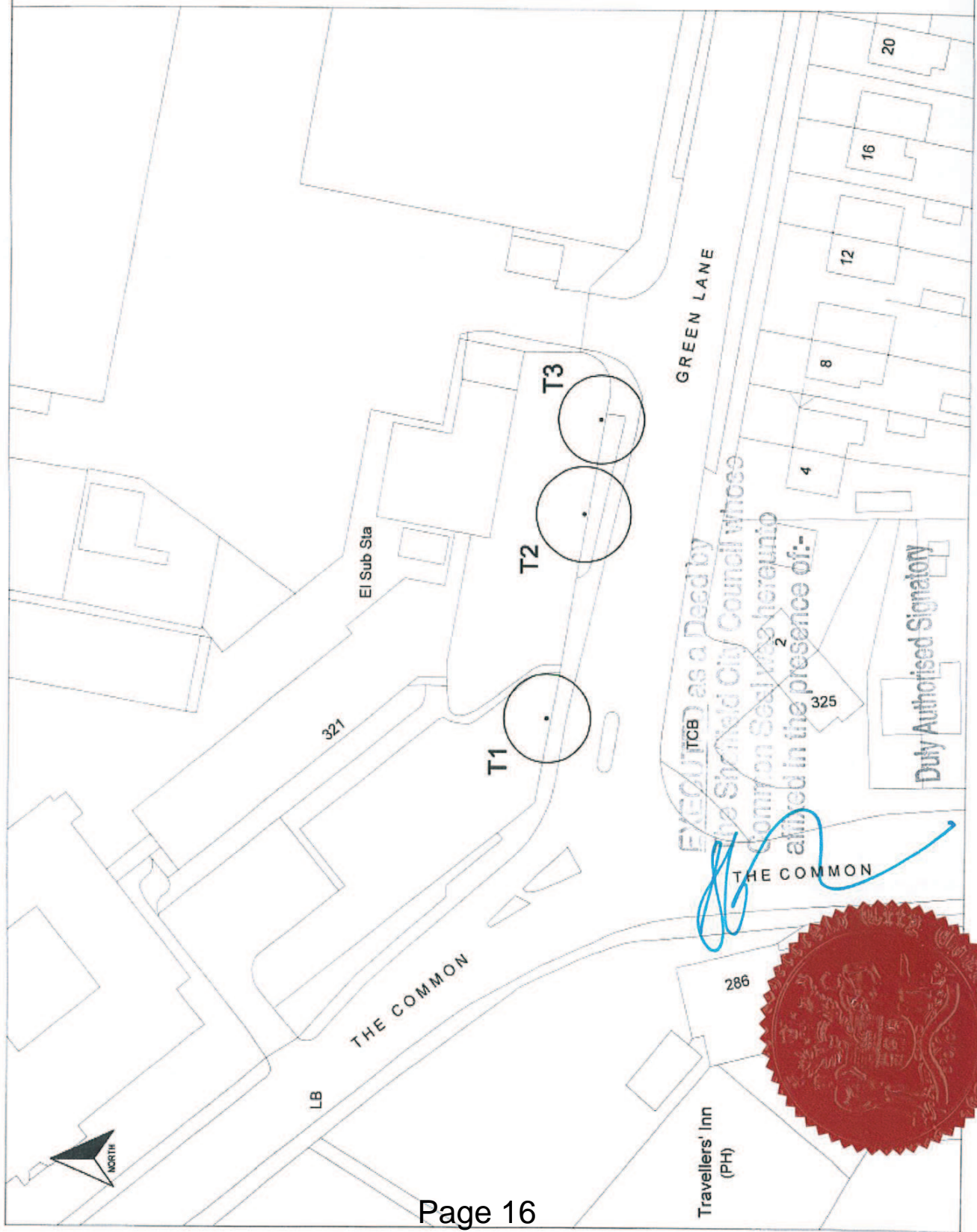
TREE PRESERVATION ORDER
No. 392

SOUTH YORKSHIRE POLICE
DIVISIONAL HEADQUARTERS
321 THE COMMON, SHEFFIELD S5E 9NL

SCALE: 1:500 @ A3

Drawn By: AC Date: MAY 2014

Drawing No: A3JUED/808392



14/11/1371

Resources: Legal Services

Interim Director of Legal and Governance: Gillian Duckworth
Town Hall SHEFFIELD S1 2HH DX: 10580 SHEFFIELD
Tel: 0114 2734034 Fax: 0114 2734051
Email: richard.cannon@sheffield.gov.uk
Website: www.sheffield.gov.uk



Mr. Paul Garner
Facilities Management
South Yorkshire Police
Carbrook House
5 Carbrook Hall Road
Sheffield
S9 2EG

Your Ref:
Our Ref: LS/RC/68735
Date: 22nd May 2014

IMPORTANT - THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

Dear Sir/Madam,

**Town and Country Planning Act 1990
Town and Country Planning (Tree Preservation) (England)
Regulations 2012
Tree Preservation Order No 392
South Yorkshire Police Divisional Headquarters, 321 The
Common, Sheffield, S35 9WL**

THIS IS A FORMAL NOTICE to let you know that on the 22nd May 2014 Sheffield City Council made the above Tree Preservation Order.

In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the First Schedule of the Order and shown on the map without the Council's consent. A copy of the said Order is available for inspection at Reception, Sheffield City Council, Town Hall Pinstone Street, Sheffield S1 2HH during normal office hours or can be viewed on the Council's web site www.sheffield.gov.uk/your-city-council/legal-services/legal-orders/tree-preservation-orders.

Some explanatory guidance on tree preservation orders is given in the leaflet, Protect Trees: A Guide to Tree Preservation Orders, produced by the Department of Communities and Local Government, which can be obtained by telephoning 0114 2734034.

The Council have made the order because:

- 1) The trees are of significant amenity value and are visible from the surrounding public area
- 2) The trees are considered to be under possible threat because they have no legal protection
- 3) A 63 name petition has been received by this Service with respect to the protection of the trees.

The Order took effect on a provisional basis, on the 22nd May 2014. It will continue in force on this basis for a further 6 months or until the order is confirmed by the Council, whichever first occurs.

The Council will consider whether the order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the order have a right to make objections or other representations to the Authority about any of the trees, groups of trees or woodlands specified in the order in accordance with Regulation 6 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

It should be noted that any objection or representation with regard to the order, must be made in writing to the Assistant Chief Executive Legal and Governance Sheffield City Council Town Hall Pinstone Street Sheffield S1 2HH Quoting ref: LS/RC/68735 no later than June 23rd, 2014.

All valid objections or representations are carefully considered before a decision on whether to confirm the order is made.

A further notice will be issued when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please contact me on the above mentioned telephone number.

Yours faithfully,



RICHARD CANNON
Professional Officer

Enquiries to: 0114 2734034

2012 No. 605

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (Tree

Preservation)(England)

Regulations 2012

Objections and representations

6.—(1) Subject to paragraph (2), objections and representations—

(a) shall be made in writing and—

(i) delivered to the authority not later than the date specified by them under regulation

5(2)(c); or

(ii) sent to the authority in a properly addressed and pre-paid letter posted at such time

that, in the ordinary course of post, it would be delivered to them not later than that

date;

(b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in

respect of which such objections and representations are made; and

(c) in the case of an objection, shall state the reasons for the objection.

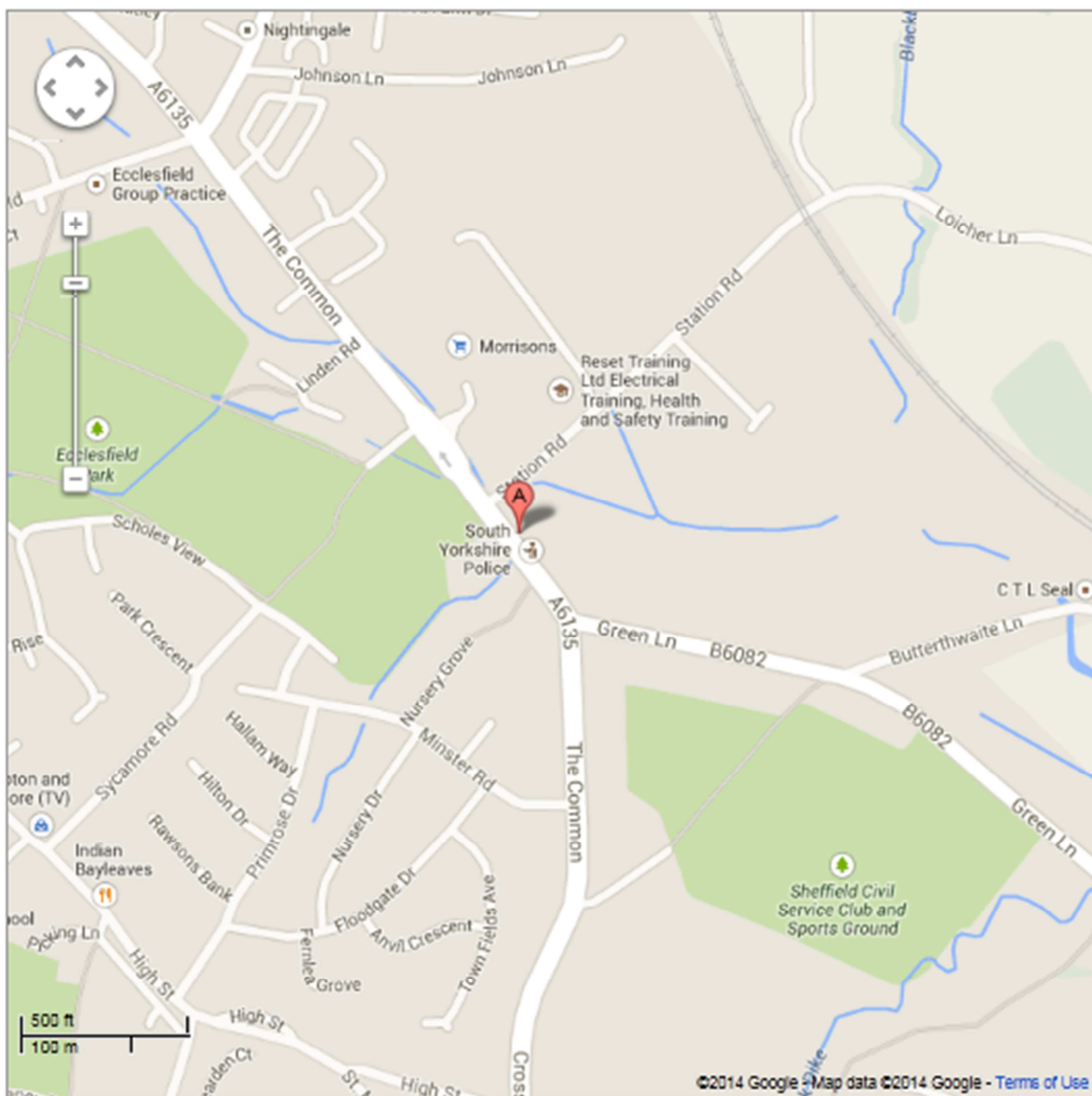
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(2) The authority may treat as duly made objections and representations which do not comply

with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance

with those requirements could not reasonably have been expected.

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SHEFFIELD CITY COUNCIL
Planning and Highways Committee

Report of: Director of Regeneration and Development Services

Date: 05/08/2014

Subject: Applications under various acts/regulations

Author of Report: Lucy Bond and Chris Heeley 2734218

Summary:

Reasons for Recommendations

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

Recommendations:

Background Papers:

Category of Report: OPEN

Application No.	Location	Page No.
14/01848/FUL	High BankEckington RoadSheffieldS20 1EQ	25
14/01864/CHU	The Relaxation Den503 Ecclesall RoadSheffieldS11 8PR	31
14/00643/FUL	Alsing RoadSheffieldS9 1EP	40

Case Number	14/01848/FUL
Application Type	Full Planning Application
Proposal	Erection of a dwellinghouse and single-storey side/rear extension to existing dwellinghouse including garage (amended as per plans received on 25/06/14 and 15/07/14)
Location	High Bank Eckington Road Sheffield S20 1EQ
Date Received	08/05/2014
Team	City Centre and East
Applicant/Agent	Chris Gothard Associates
Recommendation	Grant Conditionally

Subject to:

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

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

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

Drawing refs:

2162 03 Rev E received on 15/7/2014 and
2162 02 Rev C received on 25/6/2014

Reason: In order to define the permission.

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

Reason: In order to ensure an appropriate quality of development.

- 4 The windows on the elevation of the new dwellinghouse facing north and south shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of them shall at any time be glazed with clear glass.

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

- 5 The proposed and existing dwellinghouses shall not be used unless turning space for vehicles has been provided within the site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority and thereafter such turning facilities shall be retained.

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

Attention is drawn to the following directives:

1. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

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

Development Services
Howden House
1 Union Street
Sheffield S1 2SH

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

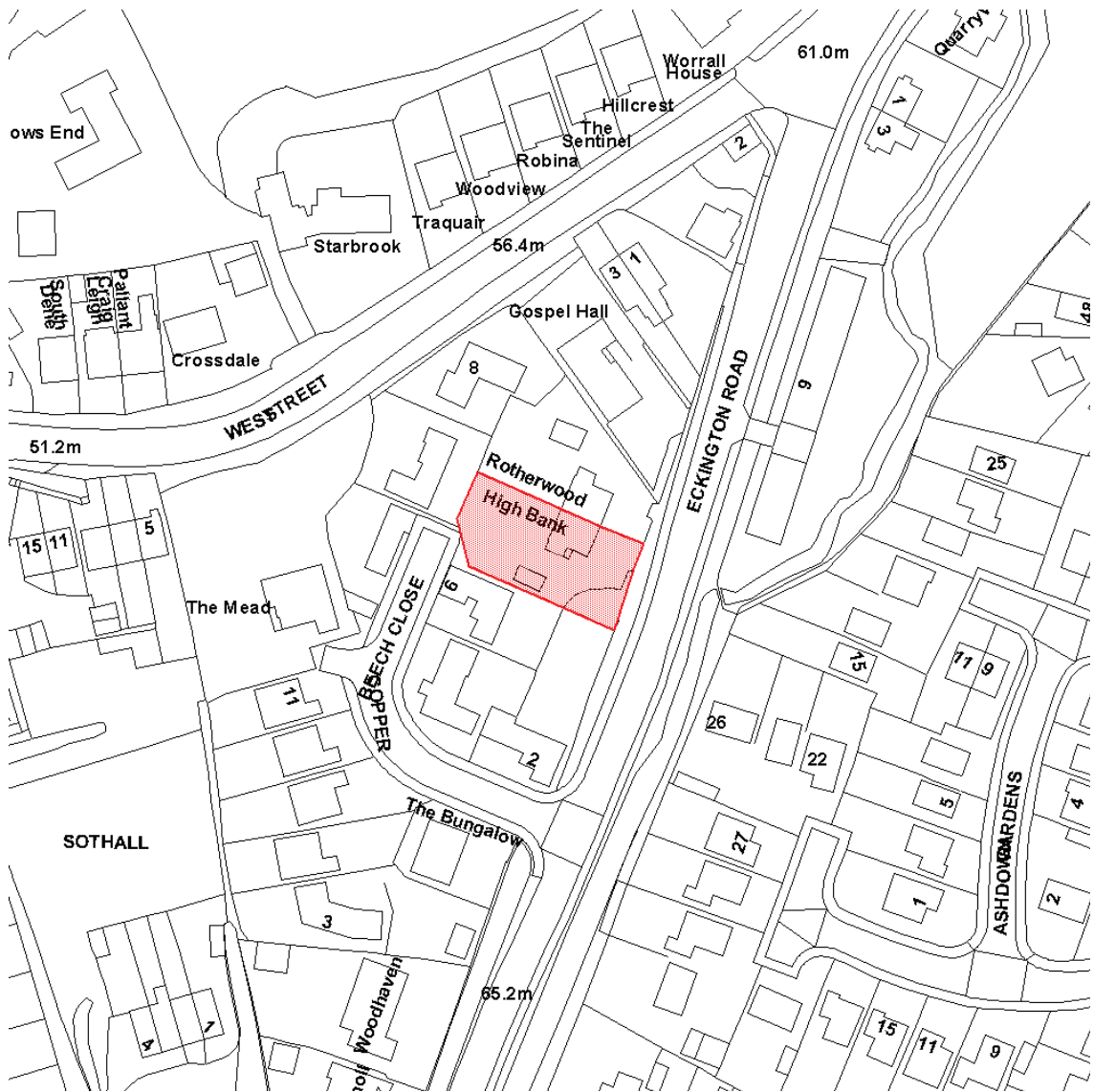
2. The applicant is advised that Sheffield City Council, as Highway Authority, require that drives/vehicular access points be designed to prevent loose gravel or chippings from being carried onto the footway or carriageway, and that they drain away from the footway or carriageway, to prevent damage or injury.
3. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.
4. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114

2736127 or email snn@sheffield.gov.uk. Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

5. The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.
6. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at www.sheffield.gov.uk/planning or apply online at www.planningportal.gov.uk. The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.

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

Site Location



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LOCATION AND PROPOSAL

The application site comprises of a traditional, hipped roof, semi-detached dwellinghouse with an existing side extension, side/rear outhouses and a detached garage to the side. The house, which sits on a good sized plot, is located on the western side of Eckington Road, in a designated Housing Area as defined in the Unitary Development Plan (UDP).

The site backs on to Copper Beech Close to the west and is bound to the south by numbers 2 and 6 Copper Beech Close. Number 6, which sits approximately 800mm from the western end of the common boundary, is raised approximately 1 metre above the application site. Number 2 is some 25 metres to the south of the application site.

Planning permission was originally sought for the erection of a three storey dwellinghouse to the side of, and set back from the front elevation of, the existing semi-detached dwellinghouse known as High Bank. In addition, a new single storey extension was proposed to the side/rear of High Bank itself, replacing the existing extension. However, this initial scheme was not considered to be sufficiently in-keeping with the appearance of adjoining properties, both in terms of its scale and elevational treatment and, as a result, the proposed dwellinghouse breached the 45 degree rule and thus caused significant overshadowing of the east facing elevation of the neighbouring property at number 6 Copper Beech Close and the extended west facing elevation of High Bank.

Amendments were made to the proposed development which resulted in the removal of the second floor living accommodation and the lowering of the height of the roof by approximately 1 metre, as well as the introduction of a hipped rather than a gabled roof.

RELEVANT PLANNING HISTORY

99/01183/OUT An outline application for the erection of a dwellinghouse was refused in August 1999 for the following reason:

‘The Local Planning Authority consider that the proposed development would be detrimental to the amenities of occupiers of adjoining property owing to the restricted dimensions of the site.’

The siting of the dwellinghouse in the outline application followed the building line of the existing house at High Bank and so contravened the 45 degree rule in relation to the then approved but not completed development at Copper Beech Close.

SUMMARY OF REPRESENTATIONS

Several objections were received from the occupiers of neighbouring properties in relation to the proposed development.

Four objections were received in relation to the originally proposed scheme, although three of these were from the same person.

Following amendments, a further three objections were received.

The comments raised by objectors include:

- The proposed development contravenes the 45 degree rule and will block light to the ground floor living area of number 6 Copper Beech Close.
- The east facing aspect of number 6 already suffers from overshadowing by a mature tree with a Tree Preservation Order on it.

- Eckington Road is a busy road and the proposals should include a turning circle to facilitate forward facing egress.
- The proposed three storey house is out of character with existing properties.
- The development will encroach upon the privacy of neighbouring dwellings.
- Previous proposals for a new house were refused in 1999.

Following amendments to the proposed development which include the loss of the second floor accommodation and a consequential reduction in height, objectors raised the following concerns:

- The development will result in an overdevelopment of the local area and is an example of 'garden grabbing'.
- Neighbouring properties will still suffer from a loss of natural light to their gardens.
- The proposed dwellinghouse continues to contravene the 45 degree rule and will cause overshadowing.
- The closeness of the new house will impede our ability to maintain the gable of our property.
- Cars reversing out of the site will have a harmful impact on highway safety.

PLANNING ASSESSMENT

The National Planning Policy Framework (NPPF) suggests that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens where it could cause harm to the local area. However, at approximately 33 metres long and 9 metres wide, the proposed plot is considered to be of sufficient size to accommodate a dwellinghouse and is in-keeping with nearby plot sizes. Furthermore, the use of this greenfield site on the edge of Beighton village is considered to accord with policy CS24 of the Core Strategy (Maximising the Use of Previously Developed Land for New Housing) which allows for the use of small, accessible greenfield sites in existing urban areas.

Policy H14 of the UDP (Conditions on Development in Housing Areas) requires new development in Housing Areas to be well designed, in scale and character with neighbouring buildings and to not deprive residents of light, privacy or security. Following amendments, the scale and appearance of the proposed dwellinghouse is considered to fit in with the character and appearance of the area and reasonable separation is maintained between the new house and its neighbours (approximately 2.3 metres to the side wall of number 6 Copper Beech Close and 1 metre to the side of the extended High Bank).

Guideline 5 of the Council's supplementary planning guidance 'Designing House Extensions' states that 'an extension should not project out further at two storey height than the distance from the nearest neighbour's window to that extension.' This is considered relevant to the determination of this application, even though a new property in its entirety is proposed rather than just an extension. This is because the same principles apply to this particular situation.

The staggered floor plan of the amended proposals for a new dwellinghouse results in the first floor complying with the 45 degree rule in relation to number 6 Copper Beech Close. Its impact is lessened still further by the changes in level – the new house is approximately 1 metre lower than number 6 – and as the development sits to the north of number 6 it will not block out any direct sunlight. It is appreciated that the outlook of number 6 is affected by a protected tree in the garden of number 2, to the south east. Nevertheless it is considered that the amended scheme complies with the Council’s supplementary planning guidance and will not significantly harm the amenities of the occupants of number 6 such that a refusal could be justified.

Number 2 Copper Beech Close sits a good 26 metres south of, and is raised slightly above, the proposed dwellinghouse. As a result it is considered that the occupants of number 2 will not suffer any loss of light or privacy as a result of the proposed development.

The ground floor of the proposed dwellinghouse projects approximately 4.4 metres beyond the rear elevation of the proposed extension at High Bank, which will house the kitchen. However, the first floor is set back so that there is again no breach of the 45 degree rule. It is considered that the impact of the development on the remainder of the house will be minimal as a result of the proposed extension at High Bank and both the front and rear gardens of High Bank will continue to enjoy a good outlook.

Both the extended High Bank and proposed new dwellinghouse have sufficient on-site parking and, while the driveways are some distance from the nearest junction and visibility is good, Eckington Road is a relatively busy classified road. Therefore a condition is proposed requiring the provision of on-site turning so that vehicles may enter and leave the site in a forward gear.

SUMMARY AND RECOMMENDATION

The proposed development, as amended, of a two storey dwellinghouse to the side of High Bank plus an extension at High Bank to form a garage and kitchen extension, is considered to be acceptable. The proposed new dwellinghouse will not contravene the guidance contained in the National Planning Policy Framework and neither will it be at odds with adopted Core Strategy policies. It complies with Policy H14 of the UDP and does not contravene the 45 degree rule embodied in the Council’s supplementary planning guidance ‘Designing House Extensions’ which is considered to be relevant to this proposal. This application is therefore recommended for approval subject to the proposed conditions.

Case Number 14/01864/CHU

Application Type Planning Application for Change of Use

Proposal	Change of Use from A1 Use to A3 Use (As amended by plans received by the Local Planning Authority on 20th June 2014)
Location	The Relaxation Den503 Ecclesall RoadSheffieldS11 8PR
Date Received	08/05/2014
Team	South
Applicant/Agent	Chris Gothard Associates
Recommendation	Grant Conditionally

Subject to:

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

Reason: 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:

2167 02 Rev A

Reason: In order to define the permission.

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

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

- 4 Before the development is commenced full details of a full height shroud to encase the extraction flue shall be submitted to, and approved in writing by, the Local Planning Authority. Before the flue is brought into use the approved shroud shall be erected and thereafter retained.

Reason; In the interests of the amenities of the locality.

- 5 The café/restaurant shall not be brought into use unless the approved sound insulation measures detailed on drawing 2167/02/REV A have been implemented and these measures shall be retained thereafter

Reason; In the interests of the amenity of occupiers of the first floor flat

- 6 No customer shall be permitted to be on the premises outside the following times: between 0900 and 2330 on Mondays to Saturdays and between 0900 and 2300 on Sundays and Public Holidays.

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

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

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

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

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

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

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

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

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

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

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

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

- 10 There shall be no provision of external tables, chairs or smoking facilities, nor any external eating or drinking at the premises.

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

- 11 No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof have first been submitted to and approved by the Local Planning Authority, and once installed such plant or equipment should not be altered.

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

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

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

- 13 Any opening windows/shutters shall be kept closed between 2000 hours and 0700 hours and shall not at any time be opened.

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

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

Reason; In the interests of the amenities of the locality and occupiers of adjoining property

Attention is drawn to the following directives:

1. The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.
2. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at www.sheffield.gov.uk/planning or apply online at www.planningportal.gov.uk. The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.

To the rear of the premises there is an open yard/hardstanding area used for car parking. The exact number of spaces available is difficult to determine as the hardstanding that occupies the space also extends to the area behind the adjacent unit. However, it would be fair to assume that one space is available.

The ground floor was most recently in use as a beauty and holistic treatment facility.

The character of Ecclesall Road at this point is mixed. The south side of the road is predominantly commercial in nature and is allocated as a District Shopping Centre (DSC) in the Unitary Development Plan. The north side is a mixture of residential and commercial properties and is allocated as a Housing Area.

To the rear of the site are residential properties in an allocated Housing Area.

It is proposed to change the use of the ground floor unit to Use Class A3 (cafes and restaurants). The proposed number of covers is not detailed in the application but the unit only has an available gross floor space of 50 square metres and as such the operation would be somewhat self-limiting. Proposed hours of use are 09:00-00:00 Monday to Saturday and 09:00-23:30 on Sundays

RELEVANT PLANNING HISTORY

Permission was granted in 1991 (91/00143/FUL) for an extension to form store with kitchen and wc above (the two storey rear extension to the rear).

SUMMARY OF REPRESENTATIONS

There have been 5 representations regarding this application including representations from:

Cllr Brian Webster
The Botanical Gate Community Association (BGCA).
The Endcliffe Corner Community Association (ECCO)

Points raised by Cllr Webster:

- Cllr Webster supports the views of local community groups and local residents that the proposal would undermine the retail dominance in the District Shopping Centre. He also suggests that should permission be granted hours of opening be limited to 23:30.

Points raised by ECCO

- The proposal would reduce diversity in the District Shopping Centre

- Any permission should be conditioned so as to protect residential amenity.

Points raised by the BGCA

- The proposal would increase the disproportionate concentration of non-retail premises in the District Shopping Centre

Additional matters raised by other representations.

- The flat above the use would need to be sound attenuated
- The plans do not show where the flue would be located
- There is no level access to the unit
- This particular section of Ecclesall Road is already overburdened with A3 premises leading to noise, and excessive taxi traffic
- The proposal would lead to additional congestion on Ecclesall Road

Matters raised that are not material planning considerations.

- The proposal will adversely affect existing business viability

PLANNING ASSESSMENT

Policy Issues

The site lies within an allocated District Shopping Area and therefore the following Unitary Development Plan (UDP) policies apply:

Dominance

This change of use would not represent a significant shift in the balance between retail and non-retail properties within the Shopping Area as a whole. The most recent survey data indicates that 108 of the 161 units in the Centre are occupied by retail users (67%). This is well in excess of the 50% required by Policy S10.

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

A more localised assessment of the centre indicates a significantly more balanced situation with what could be described as a localised concentration of non-retail uses within 50 metres of the site.

Localised Concentration of Retail Units

It is worthy of note that, should permission be granted, the resultant combined frontage of non-retail uses within this 100 metre long zone would exceed that of retail uses.

However there is currently no policy basis for a refusal of permission based on such criteria because the emerging Policy C4 in the current draft local plan can be given very limited weight because it is the subject of significant objections. It would be difficult to argue that a discrete length of frontage with less than 50% in retail use would harm the vitality and viability of the District Shopping Centre as a whole and evidence of such harm would need to be demonstrated.

In these cases it cannot be determined exactly to what degree the breaks in retail frontage would contribute to a reduction in footfall along the length of the District Centre, if any.

Also worthy of consideration is the fact that most of the café/restaurant developments on Ecclesall Road remain open through the day and do not therefore result in 'dead' frontage, as would for example hot food take-aways. Instead they contribute to the general bustle and activity which forms part of the character of this particular District Shopping Centre.

Having considered all of the above it is felt that, the weight of adopted policy should prevail. The overall retail offer of 67% within the DSC is far from marginal and even were the more localised situation to be taken in isolation it is not felt that this would damage the viability and vitality of the DSC, particularly given the very small size of the retail unit in question.

In 2008 the Planning Committee overturned an Officer recommendation to grant permission at No. 507 for a similar change of use to this application. At that time there was the prospect that Local Plan Policy C4 (controlling localised concentrations of non-retail uses) would be adopted and the balance of retail to non-retail uses in the DSC was significantly more balanced.

It should however, be noted that the Planning Committee subsequently gave less weight to this matter in 2012 (by which time the retail balance had become less marginal following the completion of the Marks & Spencer store) when granting permission for a similar application at No. 485 in 2012 (12/02716/CHU).

Given all of the above it is not considered that a robust case for refusal can be constructed, and that the key consideration in this case must be the requirements of Policies S10 (a) and CS34. These are the only policies that carry the full weight of adoption and it is considered that the proposal is acceptable in respect of these policies.

Environmental Considerations and Residential Amenity

The nearest residential properties from the application site are the flats above No. 503 itself and other adjacent commercial properties on Ecclesall Road and dwellings to the rear on Neill Road.

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

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

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

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

The application is for a non-specific A3 use (i.e. use as a café or restaurant is not given on the application forms) rather than a hot food take-away. It is considered that an A3 use is less likely to generate significant vehicular movements/ parking on nearby residential streets than an A5 use.

Therefore subject to appropriate hours of opening, which would need to be consistent with other units recently granted permission, it is not considered that the proposal would lead to significant disturbance on nearby residential streets. Such hours should be limited to 09:00-23:30 Monday to Saturday and 09:00-23:00 on Sundays.

However, since the intention is to create an A3 use immediately below an existing flat that will be rented independently of the flat above it is considered necessary to attach conditions requiring sound attenuation at roof/floor level between the uses.

The submitted plans indicate the intention to take the extraction flue from the cooking facilities up the rear elevation of the two storey offshoot. This route is considered viable in principle. However, a flue in this location would be visible not only from the rear elevation windows of properties on Neill Road but also a significant length of public domain on Bruce Road. As a consequence it is considered reasonable to condition the requirement for a colour/texture matched shroud (matched to the red brick of the offshoot) to mask the extraction flue

Overall the proposal, subject to conditions, is considered acceptable in the light of Policy S10 (b).

Accessibility

There is no level access to the unit at present and none is proposed. The entrance features a single step. This is angled across the corner of the shop as is the entrance door. There is very little forecourt in this area and so the provision of an external ramp is not practical. The unit itself is of very limited size and so the provision of an internal ramp and a requirement for an outward opening entrance door which would open across the highway would also be impractical. Hence, whilst it is unfortunate that level/ramped access cannot be provided in this case the inability to make the provision in this case is not considered a reason for refusal.

Highway Issues

The site does not have any significant facilities for dedicated off-street parking for customers given that the single space to the rear is likely to be used by the flat dweller above or a member of staff. There is some on-street parking available but, given the limited size of the proposal, it is not felt that the use would introduce a significant intensification, over and above existing, in terms of trip generation and on street parking so as to justify a reason for refusal.

Response to representations

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

SUMMARY AND RECOMMENDATION

This is an application for a change of use of a vacant unit with established A1 use into an A3 use. It is considered that, subject to conditions, the introduction of this use would not give rise to disamenity to nearby residents in terms of noise and disturbance or smells/odours and the proposal would not adversely affect the vitality and viability of the Shopping Area as a whole or within the immediate locality. It is therefore recommended that the proposal is granted subject to the listed conditions.

Case Number	14/00643/FUL
Application Type	Full Planning Application
Proposal	Use of land for staff, contractor and coach parking accommodation including ancillary uses and provision

of a security cabin and barriers to the coach park site

Location Alsing RoadSheffieldS9 1EP
Date Received 17/02/2014
Team City Centre and East
Applicant/Agent Drivers Jonas Deloitte
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.

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

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

Drawing numbers:
29351/001/003 Rev C;
29351/001/001 Rev H and;
2935/001/P001

Reason: In order to define the permission.

- 3 The development shall not be begun until a scheme for signs and road markings, (which has been approved by the Local Planning Authority) to direct drivers and pedestrians shall either
 - a) have been implemented, or;
 - b) arrangements have been entered into which will ensure the scheme is implemented before the use of the car parks commences.

Reason; In the interests of traffic and pedestrian safety

- 4 Each parking area shall only be used for the type of parking identified on drawing number 29351/001/001 Rev H.

Reason: In the interests of reducing congestion on the highway network and encouraging access by sustainable means of travel.

- 5 Staff parking shall not be provided on any of the overspill parking sites on Weedon Street, Meadowhall Drive or Meadowhall Way.

Reason: In the interests of reducing congestion on the highway network and encouraging access by sustainable means of travel.

- 6 Staff shall be prevented from parking within the public car parks located on the shopping centre side of the Meadowhall Way in accordance with the scheme submitted as part of the planning application (monitored by an Automatic Number Plate Recognition System), or in accordance with an alternative scheme which has been submitted to and approved by the Local Planning Authority.

Reason: In the interests of reducing congestion on the highway network and encouraging access by sustainable means of travel.

- 7 Prior to the car parks being used a scheme for improving the external lighting to accord with BS 5489:2003 for light traffic car parks shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the car park is brought into use and thereafter permanently retained.

Reason: In the interests of the personal safety and security of users of the car park.

- 8 Vegetation and debris shall be cleared from the northern car park and the parking, pedestrian areas, bollards and security barriers shall be marked out and provided in accordance with the details shown on drawing number 29351/001/001 Rev H before the car parks are used. Thereafter these works shall be permanently retained.

Reason: In the interests of traffic and pedestrian safety.

- 9 A soft landscape scheme for the Alsing Road frontage of the northern car park shall be submitted to and approved in writing by the Local Planning Authority before this car park is used, or an alternative timeframe to be agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality.

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

Reason: In the interests of the visual amenities of the locality.

- 11 The car parks shall not be used unless all redundant accesses on Alsing Road have been permanently stopped up and reinstated to kerb and footway and means of vehicular access shall be restricted solely to those access points indicated in the approved plans.

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

- 12 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) compiled by Peter Brett Associates, dated January 2014 and the following mitigation measures detailed within the FRA:

1. Production of a flood evacuation plan detailing access and egress arrangements as well as sign up to the EA's Flood Warning Service.
2. Pedestrian access is to be maintained for the Environment Agency to access the monitoring station on Blackburn Brook, Grid Reference SK 3928 9135.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure safe access and egress from and to the site and to maintain access to the monitoring site.

- 13 Prior to the use of the car parks commencing, a detailed Travel Plan, designed to: reduce the need for and impact of motor vehicles, including fleet operations; increase site accessibility; and to facilitate and encourage alternative travel modes, shall have been submitted to and approved in writing by the Local Planning Authority. Detailed Travel Plan(s) shall be developed in accordance with a previously approved Framework Travel Plan for the proposed development, where that exists.

The Travel Plan(s) shall include:

1. Clear and unambiguous objectives and modal split targets;
2. An implementation programme, with arrangements to review and report back on progress being achieved to the Local Planning Authority in accordance with the 'Monitoring Schedule' for written approval of actions consequently proposed,
3. Provision for the results and findings of the monitoring to be independently verified/validated to the satisfaction of the local planning authority.
4. Provisions that the verified/validated results will be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.

On occupation, the approved Travel Plan(s) shall thereafter be implemented, subject to any variations approved in writing by the Local Planning Authority.

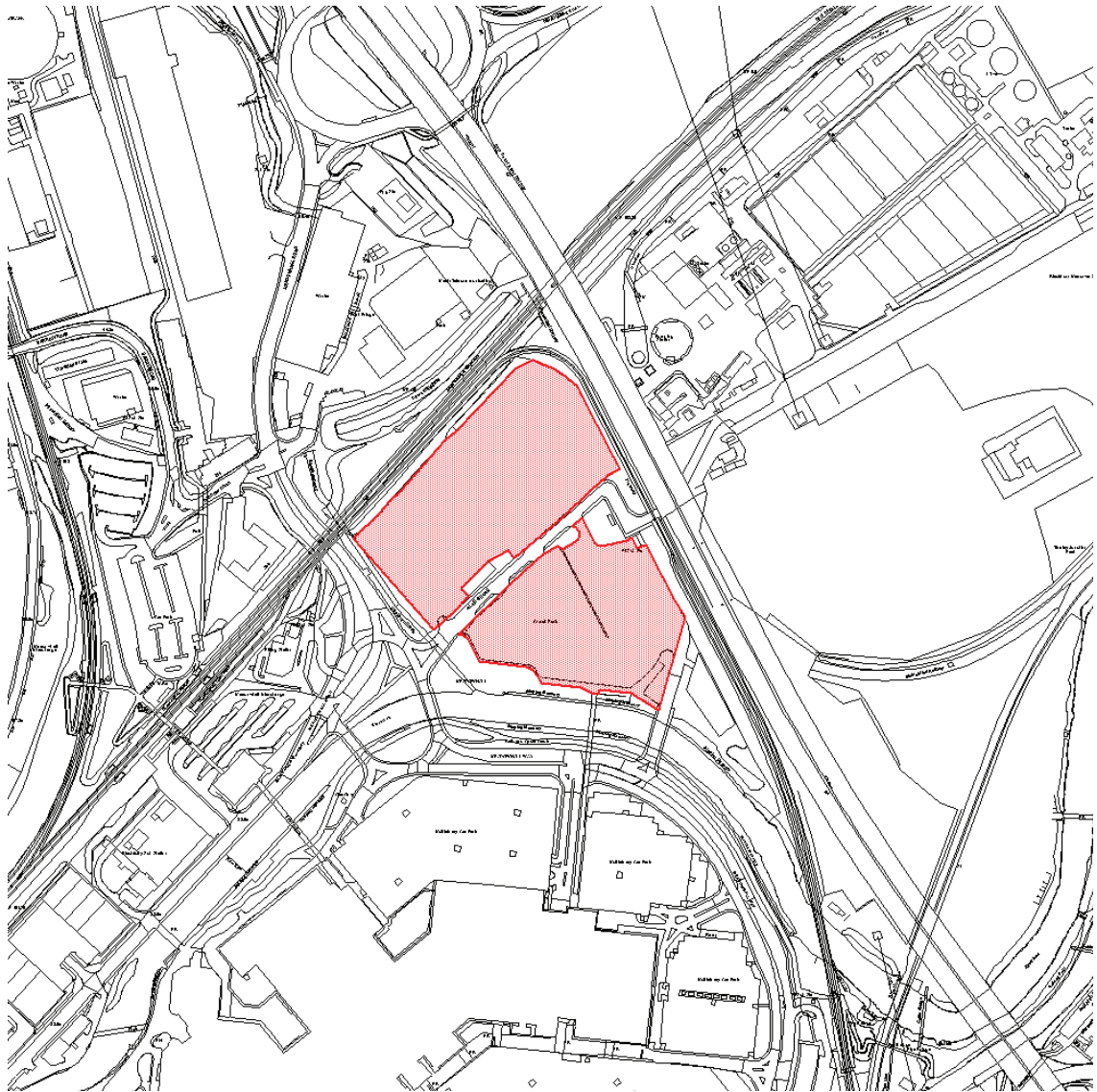
Reason: In the interests of delivering sustainable forms of transport, in accordance with the Transport Policies in the adopted Unitary Development Plan for Sheffield and Core Strategy.

Attention is drawn to the following directives:

1. The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.
2. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at www.sheffield.gov.uk/planning or apply online at www.planningportal.gov.uk. The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.

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

Site Location



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LOCATION AND PROPOSAL

The site is split into two parts which are dissected by Alsing Road. Alsing Road also provides access to the site of the Blackburn Meadows Sewage Treatment Works and the E.ON Biomass power plant.

It is located to the north of Meadowhall Shopping Centre and is bounded by the Tinsley Viaduct, the Supertram line to Meadowhall, the River Don and Meadowhall Road.

The site to the north-west of Alsing Road (northern car park) is approximately 2.5 hectares and is unsurfaced and used infrequently for overspill parking from the shopping centre. The site to the south-east of Alsing Road (coach park) is

approximately 1.8 hectares and is surfaced in tarmac with bays marked out for coach parking and car parking. It is used for coach parking and infrequently for overspill parking, mainly around the Christmas period and on busy shopping days. There is a ramp at the southern end of the site leading to a footbridge over the Don and Meadowhall Way, connecting the site to the shopping centre.

The application is seeking permission for a permanent staff car park and for a coach park to serve the shopping centre along with parking for contractors working at the shopping centre. A total of 1,143 staff parking spaces are proposed, 234 contractor spaces and 33 coach spaces. All vehicles will access the site via Alsing Road. All cars, with the exception of the eastern most aisles on the coach park site, will exit via Alsing Road. Coaches and also parked cars in the eastern most aisles of the coach park will exit via the existing bridge over the Don at the southern end of the site.

Two pedestrian refuges will provide a segregated route through the parking spaces on the north car park. There is an existing pedestrian refuge through the coach park site leading to the footbridge which connects the site with the shopping centre. The contractor parking has its own separate access and is located furthest from the shopping centre. The furthest part of the car park is approximately 500m from the entrance to the shopping centre. The application says that the main pedestrian paths will be well lit and covered by CCTV.

The surfacing of the two car parks will remain as existing and parking bays will be remarked out. As the northern car park is unsurfaced it will be tidied up and the parking aisles will be delineated by 350mm wide kerbed islands. Security barriers will be provided to the entrances/exits to both the car parks. The contractor parking will not be controlled by barriers but will be monitored by Meadowhall security.

A security kiosk approximately 2.5m square and 2.6m high is to be provided next to the entrance to the coach park site. The kiosk is to be manned during staff working hours and CCTV cameras located on the coach park site and footbridge over the road will be monitored from the management suite of the shopping centre. Both the coach park and northern car parks are lit with high mast lighting and Alsing Road has street lights. The footpaths on Alsing Road will be upgraded as part of the Streets Ahead Project in 2015. 1.2m high weld mesh fencing will be provide around the site perimeter and between the staff parking and contractor parking. The car parks will be designed in accordance with the 'Park Mark' safer parking awards standards.

All staff who wish to bring their cars to work would need to register their car number plate. The staff car parks will be fitted with automatic number plate recognition (ANPR) and the barrier will automatically open when approached by a registered vehicle. Staff using the main customer car parks which surround the shopping centre will also be picked up on an ANPR system and they will be fined unless they can prove they were not working. The applicant has said that they will continue to provide temporary car parking to assist with local events such as at the Arena.

RELEVANT PLANNING HISTORY

Outline planning permission was granted for construction of a coach park on the coach park site. The consent was for a temporary period expiring in 1991, permission 89/03719/OUT.

Construction of a temporary coach park and permanent landscaping adjoining the river was granted temporary consent, application 90/03238/FUL. This expired in August 1993.

A lawful use certificate was granted for the use of the coach park site as a coach park ancillary to Meadowhall Shopping Centre and the use of part of the northern car park site as a car park ancillary to Meadowhall Shopping Centre for 60 days per year for up to a maximum of 250 parking spaces.

SUMMARY OF REPRESENTATIONS

The Highways Agency has raised no objections to the proposal.

South Yorkshire Police have advised that consideration should be given to gaining the safer parking award.

Rotherham Metropolitan Borough Council has not raised any objections to the proposal but has queried whether the proposal will interfere with traffic on the Tinsley link and affect Bus Rapid Transport. They have stated that overall parking provision near to the centre will increase and that the transport assessment does not give adequate consideration to the effect of concentrating staff vehicle movements in one location.

PLANNING ASSESSMENT

Policy

The Unitary Development Plan (UDP) identifies the site as part of the Regional Shopping Centre site. UDP policy S8 lists acceptable and unacceptable uses. However Core Strategy Policies CS7 and CS14, which say that Meadowhall will remain around its current /present size, limit the scope for these uses. The proposed parking is ancillary to the shopping, food and drink and leisure uses within Meadowhall which are acceptable uses under this UDP policy. Therefore the proposal is considered to be acceptable in principle under this policy.

The above UDP policy also says that for non-retail development:

- there should be sufficient capacity in the surrounding road network to manage the traffic generated; and
- the traffic generated should not result in a significant increase in the number and length of customer trips.

These issues are considered further in the access section below.

Core Strategy Policy CS 7 states that around the Meadowhall centre the predominant land uses will be for employment, including office development and non-office business uses. It states that all new development around the Meadowhall Centre should be integrated with the existing development. It says that a wide range of transport measures, including Travel Plans, will be employed to mitigate the transport impact of new development on the strategic road network and to reduce adverse impacts on air quality. These will include:

- Improved public transport services, including new bus rapid transport.
- Connections with the proposed park-and-ride site at Waverley.
- Restrictions on long stay parking.
- The creation of a car club.
- Provision of an M1 Junction 34 Relief Road.

It states that the scale of development will be consistent with the transport capacity created by these measures.

Sheffield Development Framework Pre-Submission Proposals Map identifies the site as a General Employment Area. Under Policy H1 business, industry and warehousing uses are acceptable although there are no preferred uses. Car parks are not referred to as either acceptable or unacceptable uses. Therefore the proposal should be considered on its merits under this policy.

The site is also identified as an allocated site. Policy J1 identifies it as a flexible employment area where the allocation is seeking to deliver a wide range of employment uses. The conditions on development of this site are identified as:-

- Impact on strategic road network and motorway junctions to be assessed.
- Mitigation of flood risk and no development in the functional flood plain.
- Development to be set back from the Blackburn Brook.
- Reference is made to policies seeking to secure the Tinsley Link and improvements to M1 J34 south and north.

In conclusion, the proposed use is considered to be acceptable under Unitary Development Plan policy. As the use will support other employment uses within the Meadowhall area it is considered to be acceptable under the Core Strategy and Sheffield Development Framework employment policies. However it should be noted that whilst the Sheffield Development Framework and City Policies and Sites policies are relevant to securing the implementation of the Core Strategy policies they have limited weight because they are draft policies. It is also material that part of the site can be lawfully used for coach and car parking and that the site is likely to be affected by HS2. The uncertainty associated with HS2 is likely to affect the prospect of built development being implemented in the short term.

Existing operation of Meadowhall Car parks and justification for the proposal

Meadowhall experiences seasonal peaks in parking particularly over the Christmas period when overspill is directed to the two Alsing Road sites (application site); a site currently being developed for Next Homeware; a site on Meadowhall Dive and a site on Weedon Street. Meadowhall estimate the total capacity of these car parks, excluding the northern car park on Alsing Road, is 2150 spaces, assuming the coach parking is used for car parking. All the overspill car parks are used by

staff and customers during limited periods throughout the year. During the run up to Christmas, staff are requested to park on the coach park site and the Vulcan Road site to release spaces in the main centre car parks for customers. At present Meadowhall suspect that not all staff comply.

The main customer car parks on the shopping centre side of Meadowhall Way are monitored by CCTV and via Automatic Number Plate Recognition systems. Once there is 80% occupancy of these car parks and, dependent on the levels of traffic approaching the centre, an overspill strategy may be brought into effect. The includes Meadowhall staff directing traffic to encourage more efficient use of the main car parks and the use of staff and Variable Message Signs to direct drivers to the overspill car parks. As parking spaces are not marked out in the overspill car parks they need to be managed by staff to ensure efficient parking.

Meadowhall consider that overspill parking is becoming more of an issue due to background traffic growth and the increasing number of peaks. They are also currently developing one of the overspill sites for the Next Home and Garden development. They consider the best way to manage this is by moving staff out permanently from the main centre car parks which adjoin the centre. They expect this will reduce the number of days on which overspill parking is required and will allow them to monitor and reduce the number of staff travelling to the site by car. By moving staff/contractors and park and ride users out of the main centre car parks the turnover of the spaces is likely to be improved as the average stay time for a customer is much less than that for staff/contractors and park and ride users.

Meadowhall will operate an Automatic Number Plate Recognition (ANPR) system to identify staff not obeying the rules and repeat offenders will be potentially fined or clamped. The new staff parking proposals will work alongside the travel plan and Meadowhall expect this to improve traffic flows and even to lead to a reduction in trip numbers. This is expected to reduce congestion within the centre and increase the turnover of parking spaces.

Meadowhall say that the centre's car parks are used unofficially for park and ride for workers travelling to the city centre and for the public attending events at the Arena. The spaces released by staff moving out of the main car parks will allow more flexibility for Meadowhall to cater for event parking and they will continue to work with Sheffield International Venues, the Council's Urban Traffic Control section and the police in catering for events at Sheffield Arena. However they are not intending to make provision for Park and Ride as part of their proposals.

The total number of car parking spaces within the existing shopping centre main car parks (that is those on the shopping centre side of Meadowhall Way) is 9,384 spaces

Meadowhall shops employ 6,610 staff and expect to employ 1,956 temporary members of staff over the Christmas period. 52% of staff travel to work by car either as a driver or passenger. With average car occupancy of 1.3 people this suggests that 2,600 cars are being brought to work, although this does not take into account those dropped off and not all of these vehicles will be on the site at the same time due to differing shift patterns.

The Council's current parking guidelines suggest that over 14,000 car parking spaces could be justified to serve the Shopping Centre.

A coach parking survey carried out over all of 2012 and part of 2013 shows that for most of the year there are less than 5 coach trips per week. The peak number of trips was 32 pre-Christmas in 2012.

Sheffield Arena has 1,300 parking spaces. The applicant has pointed out that providing an option for those attending events to park at Meadowhall and use the tram or walk to the Arena helps to reduce traffic congestion and reduce pressure on on-street parking.

Transport Issues

The National Planning Policy Framework (NPPF) seeks to maximise the use of sustainable travel and to reduce congestion. It says that developments should be designed to give priority to pedestrian and cycle movements and it supports the use of travel plans for promoting sustainable travel.

Policy CS 51 identifies the strategic transport priorities as:

- Promoting alternatives to the car
- Maximising accessibility
- Containing congestion levels
- Improving air quality
- Improving road safety
- Supporting economic development through demand management and sustainable travel initiatives

Policy CS 53 is concerned with management of Demand for Travel. It says this will be achieved by;

- Promoting public transport and other sustainable travel choices
- Maximising capacity through Variable Message signing
- Implementing travel plans
- Promoting car clubs and car sharing
- Managing public car parking to reduce long stay commuter parking.
- Creating a controlled parking zone at the eastern end of the Lower Don Valley
- Applying maximum parking standards for new developments

Unitary Development Plan Policy T21 says that provision will be made for car parking where it meets the operational needs of businesses provided it complies with the parking guidelines. It also states that parking will be regulated to prevent excessive peak-hour congestion.

The main impact will be on the Alsing Road gyratory as all traffic accessing the car parks will use this gyratory. The applicant has used information from a staff travel survey and ANPR to predict existing staff routing to the main centre car parks and the likely impact during the peak periods following the development.

The assessment predicts no change to the number of trips through J34N and a slightly reduced number of trips through J34S. There is predicted to be a small increase in trips along Meadowhall Road, to the north of Meadowhall Way, and also on Meadowhall Way, to the north of Vulcan Road. Once the Tinsley Link opens this is predicted to be a more attractive route for trips travelling from the Rotherham area along the A6178 than through J34S. The assumptions do not take into account potential reductions in trips due to staff parking being less convenient and due to the travel plan measures. The assessment shows that the greatest impact on the Alsing Road gyratory would be during the PM peak with an overall 6% increase in traffic using the gyratory. There are very high levels of increases on the Alsing Road arm of the junction as the base flows are very low.

Contractors currently park within the main centre car parks. It is expected in future that they will drop off tools at the centre and then return to Alsing Road to park in the contractor car park. This will add additional trips between the Alsing Road and the centre. However it is expected that on most days the number of trips will be small and outside the peak period.

Following discussions with Council officers and following the comments from Rotherham MBC, further traffic modelling has been undertaken. The impact on the Alsing Road gyratory, through which all the traffic accessing the site will pass, was assessed in Friday and Saturday peak hours. This shows that certain arms of this junction are already operating over capacity. However, if the signal timings are optimised, only one leg of the junction operates over capacity taking into account the traffic flows from the proposed staff parking.

It is unlikely that the signals will be optimised because this would require significant funding to upgrade the signal infrastructure. Without optimisation a number of links will continue to operate over capacity. The impact of the development traffic on all these links is marginal. However, the Meadowhall Way East link which is currently operating within capacity, will be over capacity in the Friday PM peak. This is predicted to result in vehicle queue lengths increasing from 15 to 30 vehicles. Whilst this is clearly a negative highway impact of the proposal it could not be considered to be a severe impact which is the NPPF test for refusing planning permission.

The applicant argues that the permanent staff car park will not result in any additional trips being made and in fact as a result of the travel plan they expect that the proposal will result in a reduction in car trips. Officers accept that as no new development is proposed the scheme is not likely to result in any significant change to the number of vehicle trips being attracted to the shopping centre. It is possible that the more efficient operation of the car parks at peak periods and reduced congestion could encourage more customers to visit the shopping centre. However there is no clear evidence to support this and if this did occur any additional trips are likely to be balanced by reduced staff trips due to restricted staff parking and travel plan measures.

The application is supported by a travel plan which is intended to encourage sustainable travel. This includes targets to reduce the number of staff travelling to

work by car by 10% and to increase public transport usage from 43% to 60% and walking and cycling from 5% to 8%.

To achieve this, the following measures are proposed.

- Reduced staff parking, the applicant estimates that between 1,367 and 1,473 cars will be brought to the site on Friday and between 1,546 and 1,665 on a Saturday. This is likely to be an over-estimate as it does not take account of sickness/holidays and workers dropped off by car. At other times the staff numbers are likely to be less, however during Fridays and Saturdays there is likely to be a reduction in parking available for staff. In the run up to Christmas when approximately 2000 additional temporary staff are employed the reduction would be even greater
- SYPTE will continue to offer enhanced public transport discount for staff
- They will work with Sustrans to launch a cycle hire scheme and to promote cycling and walking to work
- They will increase the number of Transport Showcase events to increase opportunities for staff to talk to SYPTE reps
- They will promote a journey planner for staff

The above measures demonstrate that a balanced approach is being taken to transport issues by providing parking restraint and promoting sustainable access to the shopping centre as encouraged by transport policy.

Adequate provision is being made for pedestrian movements from the proposed staff car park to the shopping centre. Pedestrian refuges are being provided through the car parks and the pedestrian footbridge allows for safe access across Meadowhall Way into the shopping centre. Reasonable measures are being taken to safeguard personal safety with CCTV coverage of the site and the on-site security presence. The existing high mast lighting does not fully meet the British Standard recommendations for lighting levels for car parks on parts of the site. However the applicant has agreed to a condition to improve the lighting levels. Should planning permission be granted the applicant will be seeking the Safer Parking Award from the Police and all the main centre car parks already comply.

Disabled staff will continue to use the disabled parking provided next to the shopping centre entrances within the main centre car parks.

Visual Impact

The appearance of the coach park site is considered to be satisfactory. The site is surfaced in tarmac and the site was landscaped around the time the shopping centre was opened. This has matured and there is a substantial belt of landscaping along the river frontage of this part of the site.

The northern car park is larger than the coach park site and has the appearance of a site pending redevelopment. The site is level and surfaced with material recovered from road works which is free draining. There are some small mounds of material stored on the site and some grass and scrub invading the fringes of the site. There is a low stone boundary wall to the Meadowhall Road frontage of the

site with some self-seeded trees growing next to the part culverted and part open Blackburn Brook. The Alsing Road boundary comprises of metal posts linked by a chain with low stub walls remaining from the previous use. There is a large flat roofed portable building on the Alsing Road frontage of the site which was used as coach driver rest facilities and is now outside of planning control.

Officers have asked the applicant to hard surface the northern car park and provide a comprehensive landscape scheme. They have declined on the basis that they consider the existing car park surface to be suitable for its intended use after being cleared of obstructions and debris. They will clear existing vegetation from the parking areas and perimeter vegetation will be trimmed. A 1.2m weld mesh fence will be erected around the perimeter of the site and between parking areas. A narrow 2m deep landscape strip is proposed along part of the Alsing Road car park. The applicant is not willing to incorporate landscaping within the car park as they say it reduces the perception of safety, particularly for a staff car park where people are parking for long periods of time.

The application site is prominent from the Supertram route which skirts the edge of the site on a raised embankment. It is also visible from traffic passing over the Tinsley viaduct; from the public being dropped off in the coach park. In future the site will be seen by visitors to the E.ON visitor centre which will be accessed via Alsing Road.

The additional landscaping to the Alsing Road frontage is welcomed but in your officers view a permanent car park should be properly hard surfaced and a more comprehensive landscaping scheme should be provided. The applicant's safety concerns are noted, however the main customer car parks are well landscaped and the Police are not against landscaping within the car park provided it is below 1m high and trees have foliage above 2m high.

In your officers view the surface treatment and landscaping is poor for a permanent car park and whilst the proposed works will marginally improve the appearance of the site this is considered to be a lost opportunity. However given the semi-industrial context of the site, its limited visibility, and the fact that it may well be disturbed by HS2, it is considered on balance the visual quality of the site will not be so poor as to justify refusing planning permission.

Flooding

The applicant has submitted a Flood Risk Assessment which shows the majority of site being within flood zone 2 and the section nearest the viaduct being within zone 3. This has been confirmed by the applicant's own modelling which shows that the eastern half of the site is located in flood zone 3a and the western half in flood zone 2. Flood zone 2 has a medium probability of flooding between 1 in 100 and 1 in 1000 annual probability of flooding. Flood zone 3 has a high probability, greater than a 1 in 100 annual probability of flooding. The site flooded in the June 2007 flood which is estimated to be between a 1 in 100 and 1 in 200 year flood event.

The proposed use is classified as 'Less vulnerable' development which is appropriate for flood zones 2 and 3. As the proposal consists of a change of use and minor development the sequential test does not apply.

There are no changes to existing ground levels and no changes proposed to the surfacing water drainage arrangements and therefore it is concluded that there will be no impact on floodplain storage.

The western accesses to the car parks are located in flood zone 2 as is the junction of Alsing Road with Meadowhall Way. Therefore in the event of flood warning cars could be moved to safe areas. The site is located in the Environment Agency flood warning area for Meadowhall. A flood warning and evacuation plan already exists for Meadowhall and procedures will be included for evacuating the site.

The Environment Agency has raised no objections to the proposals subject to conditions being attached which require the development to be carried out in accordance with the mitigation set out in the flood risk assessment. They also require surface water drainage from hard standing areas being passed through interceptors before being discharged to a watercourses, soakaway or surface water sewer.

The Council's land drainage section initially had concerns about the impact of the proposal on water quality, however these have been resolved following a further submission from the applicant.

Air Quality

The site is located close to the Tinsley Area where air quality is a particular concern. However it is not expected that the development will generate significant additional traffic as the constrained staff parking along with the travel plan is likely to reduce staff travel to the site by car. It is possible that less congestion at peak times within the main centre car parks could encourage more customers to visit the centre by car however this is not certain and it is likely to be balanced by the reduction in staff travelling to the site by car.

SUMMARY AND RECOMMENDATION

The proposal is considered to be acceptable in policy terms as it supports the employment uses within the shopping centre and will reduce congestion and promote sustainable staff travel.

Reducing the number of days when shopping centre parking goes to overspill will reduce congestion and the resources needed to manage this process. Restraining the level of staff car parking along with the travel plan measures will help to reduce private vehicle staff trips and encourage sustainable travel to the site.

The more efficient operation of the car parks will allow the centre more flexibility to accommodate parking associated with Arena events thereby reducing congestion and improving the visitor experience.

There will be no significant change in the number of vehicle trips and consequently no discernible impact on air quality. The transport assessment demonstrates that the proposal will have a negative impact on the operation of the Alsing Road junction but the impact would not be severe. In addition the negative impact is outweighed by the benefits referred to above.

Whilst the appearance of the northern car park will be improved, the hard and soft landscaping for this site is not of a high standard and should ideally be improved. However this is not sufficient basis for opposing the scheme given its context.

Given the above it is concluded that the proposal should be supported and it is recommended that planning permission be granted subject to the listed conditions.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 5 August 2014

Subject: Quarterly overview of enforcement activity

Author of Report: Khalid Mahmood

Summary: To inform members of the planning enforcement work being carried out in addition to the formal cases on the quarterly update report and to give an overview of the overall quality of the service provided by planning enforcement.

Reasons for Recommendations:

The purpose of this report is to give Committee Members an overview of planning enforcement work being carried out and the quality of service provided across the City.

Recommendations:

That members note the report.

Background Papers:

Category of Report: OPEN

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REGENERATION & DEVELOPMENT SERVICES

REPORT TO PLANNING AND HIGHWAYS COMMITTEE

5 AUGUST 2014

QUARTERLEY OVERVIEW OF ENFORCEMENT ACTIVITY

1. PURPOSE OF THE REPORT

1.1 This is the quarterly report to inform members of the work being undertaken by the Planning Enforcement Team. The period covered runs from 1st April 2014 to 30th June 2014.

2. ACTIVITY DURING THE QUARTER

2.1 A total of 133 enforcement complaints were received, out of these 46% were concerned with unauthorised development and use, and 27% were failure to comply with planning conditions or approved plans. The percentage of cases involving Section 215 untidy land/buildings was 5%, unauthorised advertisements including hoardings were 9% and all other complaints were 13%.

2.2 The number of cases resolved within the target of 6 months was almost 61% of all the cases closed in the period. This has exceeded the target of 60% of cases to be closed within 6 months. Over 48% of these cases have been remedied or made acceptable.

2.3 The table below shows the number of formal Notices served and prosecutions carried out within this period and the previous three quarters as well as the years 2012/13 and 2013/14 to show trends: -

Notice type	June 2012 to June 2013	June 2013 to June 2014	Quarter 2 Jul – Sept 2013	Quarter 3 Oct – Dec 2013	Quarter 4 Jan – Apr 2014	Quarter Apr – Jun 2014
Breach of Conditions	4	14	3	5	4	2
Discontinuance (adverts)	2	0	0	0	0	0
Enforcement	28	16	3	4	6	3
Stop	3	0	0	0	0	0
Temporary Stop	2	2	1	0	1	0
Section 215 (untidy land)	6	8	1	1	2	4
Section 225 (signs)	10	39	1	4	0	34
Total Notices Served	65	79	9	14	13	43
Prosecutions	4	11	2	0	6	3

2.4 The number of formal notices that have been served in the last 12 months has increased mainly, due to the S225 notices served in

relation to illegal signs. The number of Enforcement Notices served has decreased slightly; however, the number of prosecutions and number of breach of condition notices has increased.

- 2.5 There has been little change overall from the last quarter compared with this quarter, except for the significant increase in the number of S225 Notices. This has been as a result of targeted action on student to let signs.
- 2.6 The table below shows the number of complaints received in the last year 2013/14 and the previous year 2012/13:-

Year July 2012 – June 2013	Year July 2013 – June 2014
705	677

- 2.7 There has been a slight drop in the number of cases received over the last 12 months compared to the previous 12 months. This has mainly been through some ongoing efficiencies such as filtering of enquiries on submission.
- 2.8 Landlords of student accommodation tend to erect 'to let' boards on their properties around November time and these generate a number of complaints from local residents and Councillors. Most do not need advertisement consent and responsible landlords generally remove them when the property is let. Recently officers have successfully taken proactive action against these signs in the Shoreham Street area. This area was identified as one of the areas that was causing nuisance by the erection of these signs. Of the 83 signs identified in this area, 18 were illegal and a S225 Notice was served to have them removed. These were subsequently removed within the time period given in the Notice. A further 46 letters were sent to landlords asking for signs to be removed once the properties had been let and as a result a further 20 signs were removed.

3. CONCLUSION

- 3.1 The six month service target has been exceeded, the number of Notices served has remained consistent and the targeted action against student to let signs has been successful in the Shoreham Street area. It is our aim to regularly take proactive action against illegal signs in other parts of Sheffield.

4. RECOMMENDATION

- 4.1 It is recommended that Members note the report.



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 5 August 2014

Subject: Enforcement Report

Author of Report: Khalid Mahmood

Summary: Progress report on enforcement actions authorised by committee, or under delegated powers in the City Centre and East Area.

Reasons for Recommendations:

The purpose of this report is to inform Committee members of progress on current enforcement cases in City Centre and East Area.

Recommendations:

That members note the current progress on actions

Background Papers:

Category of Report: OPEN

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

Report abbreviations

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

ITEMS IN BOLD TYPE INDICATE CHANGES SINCE LAST REPORT

NO	SITE	BREACH	DATE OF BOARD RESOLUTION/ DELEGATED AUTHORITY	CURRENT SITUATION
1.	11 Advertisement Hoardings in Wincobank Area	Unauthorised Advertisement Hoardings	22/04/14	08/07/14 - A letter and S330 Notice to be sent.
2.	Unit 5, 6 and 7 Elliot Business Park, Chambers Lane, S4 8DA	Unauthorised metal buildings	03/06/14	21/07/14 – letter and 330 Notice has been served. An EN is being drafted and will be served shortly. The Architect has said that the planning application (13/03839/FUL) will be appealed.

3.	85 Robin lane, Sheffield, S20 1BB	Unauthorised first floor balcony	01/04/14	08/07/14 - EN has not been complied with a reminder letter to be sent. 07/04/14 – Enforcement Notice has been served, takes effect 06/05/14 and needs to be complied with by 06/07/14.
4.	20 Paddock Crescent, Sheffield, S2 2AR	Unauthorised erection of fence at front and decking at rear of property	11/03/14	08/07/14 – EN has been served 3/04/14 – took effect on the 06/06/14 and needs to be complied with by 06/08/14. 01/04/14 - A letter asking for the fence to be removed and S330 Notice has been sent.
5.	87 Bowden Wood Crescent, S9 4EA	Unauthorised rear conservatory	17/12/13	08/07/14 – the Conservatory is in the process of being reduced in length to just over 3 metres, this reduction in length is considered acceptable - Monitor. 01/04/14 – EN has been served compliance period expires 04/06/14. 09/01/14 – The owner has assured that the conservatory will be removed by the end of March. An EN will also be served in the next few days.
6.	41 Park Grange Mount	Unauthorised raised platform	17/12/13	08/07/14 – EN has not been complied with prosecution file being prepared. 07/04/14 - EN has been served, took effect on 04/03/14 & requires compliance by 24/06/14.

7.	42 Dundas Road	Unauthorised external flue	15/10/13	08/07/04/14 – letter sent warning legal action to be taken unless EN complied with. 07/04/14 - EN has been served 3/01/14 comes into effect 07/02/14 and required compliance by 02/05/14. 05/11/13 – Application (13/02291/FUL) has been refused with enforcement action. A letter has been sent to the owner requesting the removal within 14 days. If flue not removed within the next few days then EN will be served.
8.	37 Westfield Avenue, S12 4LG	Unauthorised high fence	15/10/13	08/07/14 – In discussions with the owner to reduce the height of the fence to 1.6 metres. 07/04/14 – The appeal has been dismissed on 24/03/14, 8 week compliance period ends 09/05/14. 09/01/14 – EN has been served 26/11/13 an appeal has been made. 05/11/13 – Application (13/01874/FUL) has been refused with enforcement action. EN being prepared
9.	5 & 7 Pleasant Close, S12 2BB	Breach of condition 15- Surface water drainage, 20 – Intrusive investigation report, 21, 22 and 25 – relate to remediation works	22/10/13	08/07/14 – Conditions application has been granted – NFA. 01/04/14 – A conditions application (13/03529/COND) has been received, pending consideration. 09/01/14 – A condition discharge application has been submitted. Currently working with Officer to resolve issues. 05/11/13 – BCN has been served on 4/11/13 and comes into effect 28 days after it was served.

10.	Tesco, 1 Savile Street, S4 7UD	Breach of condition 30 – Landscaping, 31 – Public realm works, 33 – Maintenance of the sward, 46 - Revised remediation strategy	11/10/13	08/07/14 – A reminder letter has been sent. 07/04/14 – Most of work has been carried out except for the work relating to green wall reminder to be sent. 09/01/14 – Working with Officer to resolve issues, some work has been done. 05/11/13 – BCN has been served 21/10/13 and comes into effect 28 days after it was served.
11.	60 Clifton crescent, S9 4BE	Unauthorised use of garden for the storage of building materials and machinery	13/08/13	08/07/14 – EN has been drafted and will be served shortly. 01/04/14 – Some materials still remain in garden a EN will be served. 14/01/14 - Most of the rear garden remains clear – Monitor site and if use starts again then serve EN.
12.	104 Stafford Road, S2 2SF	Unauthorised conservatory	25/02/13	08/07/14 – The EN has been complied with. NFA. 01/04/14 – Appeal has been upheld. However, a condition has been attached stating that the rear side of conservatory needs to be rendered matching existing render on the property before July 2014; if this work is not carried out within this time period then the conservatory needs to be demolished. 14/01/14 – Inspector visited premises on 11/01/14 awaiting decision from Planning Inspector. 04/04/13 – EN has been served on 19/03/13, takes affect 22/04/13 – 8 weeks compliance period.

13.	35-39 Southend Road, S2 5FS (Former Windsor Hotel Public House)	Unauthorised formation of self contained flats at first floor level	04/02/13	08/07/14 – Most of the issues have been resolved. Joint visit between Private Sector Housing and Planning to check remaining few issues. 07/04/14 – A BCN to be prepared and served. 09/01/14 – Work is progressing positively to comply with conditions. 03/07/13 – Planning permission has been granted and work is being carried out to comply with conditions. 12/04/13 – PCN has been served asking for further information regarding the first floor flats. 12/02/13 – New planning application (13/00207/FUL) has been submitted with alternative proposal and is currently Invalid. Letter has been sent asking for further information to validate application.
14.	Land Adjacent The Old Dairy 8, White Lane, Gleadless, S12 3GB	Unauthorised erection of summer house decking area and climbing frame and the unauthorised use of land for domestic curtilage	05/11/12	08/07/14 – Work has started to remove the structure – Monitor. 01/04/14– Appeal has been dismissed 6 month compliance period from 24 October 2013 expires on 24/04/14. 03/07/13 - Case with the Planning Inspectorate. 04/04/13 – An appeal has been made against the EN. 23/01/13 – EN has been served (14/12/12) and an appeal has been made.

15.	44 Fellbrigg Road, Sheffield, S2 2GX	Unauthorised erection of a timber storage building at the front elevation of the property	13/08/12	21/07/14 – The magistrates took the view that the alterations made by the defendant ie mounting the timber storage building onto a trailer was no longer a building and it was now a trailer and therefore the EN had been complied with – NFA. 01/04/14 - The case was in Court on 20/03/14 and is now scheduled for a full trial on the 11 th July 2014. 09/01/14 – New evidence has been gathered and file passed to litigation for prosecution. 04/04/13 – Prosecution file being prepared. 25/01/13 – EN has been served needs to be complied with before 16 Feb 13.
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16.	255 Glossop Road, S10 2GW	Unauthorised fume extraction system	23/07/12	<p>08/07/14 – Not possible to re-arrange air conditioning due to particular constraints on the restaurant & whole building. Under circumstances the main flue issue is resolved & major improvement has resulted. No further action is considered necessary at this time. 07/04/14 – Discussing with owner an alternative to the air conditioning unit. 09/01/14 – Flue has been removed and a new approved flue has been erected. Minor details such as air con unit and external metal grill need to be resolved. 03/07/13 – Planning application has been granted with conditions – Cond 1, asking for lue to be replaced within 6 weeks from decision. To date condition complied with & legal action being prepared. 04/04/13 – Planning & Listed Building applications (12/03919/FUL & 12/03920/LBC) have been submitted & under consideration for alternative scheme. 29/10/12 – EN has been served, which took effect on 26/10/12 & needs to be complied with by 26/01/13.</p>
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17.	361 Staniforth Road, S9 3FP	Breach of Condition (02/02562/CHU) Condition 2 – use of building within 7am and 7pm Condition 3 – cooking facilities and Condition 6 provide a receptacle for the disposal of litter.	30/01/12	08/07/14 – planning permission has been granted – NFA. 01/04/14 - Application validated and pending consideration. 09/01/14 – Most of the information has been submitted and rest will be submitted in the next few days. 05/11/13 – The occupier has contacted the architect and has assured that the required information will be submitted before end of Nov. 03/07/13 – The application still remains invalid the architect has had bereavement in family therefore not been able to submit required details; however assurances have been given that they will be submitted asap. 04/04/13 - A retrospective planning application (12/03059/FUL) has been received to retain the current use.
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18.	484 Staniforth Road	Unauthorised roof extension	25/01/2010	<p>08/07/14 – Quotations being requested for possible direct action by SCC. 04/04/13 – No solution offered by the owner, the lending bank (mortgage) contacted but not able to assist in resolution. 11/02/13 – In discussions with owners (including mortgage provider) to find a resolution. 29/10/12 – The owner has said that he cannot afford to carry out the works required in EN. Meeting has been arranged with owner to discuss a plan of action. 02/07/12 – Letter sent on 11/05/12 reminding the owners that work needs to be carried out before 10/12. 02/04/12 – Monitor site until 10/12 for compliance. 13/01/12 – The owner cannot afford to carry out the works, extra 12 months given to comply with EN – check 10/12. 11/10/11 – Letter sent to owner giving 2 months to comply with EN or 2nd prosecution will begin. Work not started yet. Trying to arrange site meeting with owner to clarify what is required. 08/07/11- Fined £200+100 costs, reminder to be sent to comply with EN. 20/01/2011</p>
19.	Jacosa, 141 West Street, S1 4EW	Unauthorised Roller Shutters	13/10/2008	<p>04/07/14 – All the shutters have been removed – NFA. 01/04/14 – One shutter has been removed and the other should be removed shortly. 09/01/14 - The new occupier has assured that main entrance door will be replaced and then the shutters will be removed. – Monitor site. 05/11/13 – The new occupier was prosecuted and fined £370 in total.</p>



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 05 August 2014

Subject: Enforcement Report

Author of Report: Deborah Parkinson

Summary: Progress report on enforcement actions authorised by committee, or under delegated powers in the South Area.

Reasons for Recommendations:

The purpose of this report is to inform Committee members of progress on current enforcement cases in the South Area.

Recommendations:

That members note the current progress on actions

Background Papers:

Category of Report: OPEN

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UPDATE ON LIVE ENFORCEMENT CASES IN SOUTH AREA FOR QUARTER ENDED 30th June 2014.

Report abbreviations

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

ITEMS IN BOLD TYPE INDICATE CHANGES SINCE LAST REPORT

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
1.	20 Hallamgate Road, S10 5BT	Unauthorised replacement garage	16/07/2014	17/07/2014 – Temporary Stop notice served to halt works on site. Works started not in accordance with the approved plan.
2.	20 Glen Road, S7 1RA	Unauthorised replacement driveway	15/07/2014	15/07/2014 Authority given for enforcement action – Notice being prepared.
3.	12 & 14 Crookes Road, S10 1GR	Unauthorised replacement roof tiles, fascia and guttering	28/01/2014	23/07/2014 Works underway – agreed not to serve EN as committed to solve

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				Application submitted for natural slate approved 28/01/2014 Authority given for enforcement action
4.	261, 269 & 271-273 Fulwood Road,	Unauthorised replacement windows	17/12/2013	23/07 Still awaiting inspectorates decision 06/03/14 Appealed Enforcement Notice Appealed refusal 13/02/2014 Enforcement Notice served, appealed under same grounds Application refused with authority to serve enforcement Notice Advised upvc windows must be removed
5.	95 Brunswick Street, S10 2FL	Non-compliance with planning conditions	14/03/2014	22/07/2014 A BCN has been served 16/04/2014 28 days compliance period – a variation of condition application (14/00980/FUL) has been submitted and subsequently approved. Work has started on site.
6.	Land Between 1 To 3 And Nos 5 And 7 Dover Road Sheffield S11 8RH	Erection of an Unauthorised wall	11/03/2014	18/07/2014 – Appeal Statements submitted. 1/06/2014 Appeal Lodged. 09.04.2014 – Enforcement Notice Served with 6 month compliance period. 03.04.2014 – Paperwork with legal

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				services to serve an Enforcement Notice
7.	Meersbrook Garage, 1-7 Meersbrook Road, S8 9HU	Unauthorised Alterations to Car showroom.	18/02/2014	01/07/2014 – Works completed, Notice complied with, NFA 01/04/2014 – Works is already underway to comply with the requirements of the Enforcement Notice. Site being monitored. 19/02/2014 – The most recent planning application was refused at Planning Committee. The owner has decided that he is not submitting any further applications and will comply with the enforcement notice.
8.	24 Ashgate Road, S10 3BZ	Unauthorised UPVC windows	04/02/2013	24/07/2014 – Planning application 14/01379/FUL to replace timber sash windows granted conditionally on 02/06/2014. Site to be monitored. 9/1/2014 – EN served with 16 week compliance period. 11/09/2013 – Appeal dismissed, EN will now be served. 06/03/2013 Appeal lodged & on-going, Inspectorate has written to the appellant requesting further information. 04/02/2013 Application refused with enforcement action authorised.
9.	153 Twentywell Lane,	Unauthorised Fencing erected	29/04/2013	24/07/2014 – Fence has been reduced in

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
	S17 4QA			height to an acceptable level, NFA 07/04/2014 – Still within the compliance period (30/4/14). 4/12/2013 – EN served, 16 week compliance period.1/10/2013 - Authority obtained to serve Enforcement Notice (29/04/2013) however, negotiations are taking place with the owner to agree an alternative scheme.
10.	79 Dore Road, S17 3ND	Unauthorised Hoarding	24/09/2013	23/07/14 Appeal dismissed – final time limit given on 09/07 allowing 14 days – prosecution pending 7/04/14 – Appeal in progress. 14/01/2014- awaiting outcome of appeal before prosecution 1/10/2013 – Notice being prepared.
11.	759 – 761 Abbeydale Road S7 2BG	Unauthorised smoking shelter	11/09/13	23/07/2014 – Application granted conditionally NFA. 07/04/14 – Some details have been submitted but the application is still invalid. 06/11/13 - Planning application (13/03424/FUL) has been submitted for the Council's consideration.
12.	263 Cemetery Road, S11 8FS	Unauthorised replacement of windows to the front and side of 263 Cemetery Road, S11,	05/11/13	22/07/14 – The company is not registered in the UK and would be difficult to prosecute if they did not

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
		facing Grange Crescent Road and Cemetery Road, the erection of a new soil pipe facing Cemetery Road, a new down pipe adjacent to the bay window facing Grange Crescent Road, the replacement of guttering and the erection of roof felt on the ground floor bay windows.		comply with the notice as the notice. Letter to be sent to Companies house informing them that the company is not registered in the UK. 07/04/14 – EN has been served 02/04/14 compliance period 6 months. 14/01/14 – EN being drafted and will be served shortly.
13.	73 Sandford Grove Road, S7 1RR	Unauthorised excavation works to the front garden and the unauthorised erection of fences at the front of 73 Sandford Grove Road, Sheffield, S7	23/07/13	22/07/14 – Most of the excavation has been filed in by Private Sector Housing – Monitor 07/04/14 – A planning application (14/00871/FUL) has been submitted to for alterations to the property – Monitor, enforced sale by PSH still to take place. 14/01/14 – Private Sector Housing (PSH) are pursuing Enforced Sale Procedure (ESP) and advice given from legal is to wait until the ESP has been effective in which case the same outcome would have been achieved. If ESP fails or until the next transgression then to proceed with Injunction. 14/11/13 – EN in relation to the unauthorised fence has been served

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				came into effect 15/10/13 with a compliance period of 2 months. TSN has been served and has been complied with. The injunction relating to the excavation works is with Counsel for drafting of proceedings for issue. Further evidence is required before Counsel is ready to take injunction to Court. Evidence is being provided.
14.	Whirlow Elms Chase, S11 9RQ	Unauthorised retention of buildings and use of building and land as a builder's compound /gardeners store.	21/05/2013	<p>24/07/2014 – Full hearing in Magistrates court, 16/09/2014. 1/05/2014 – Case in court, owner pleaded not guilty.</p> <p>07/04/2014 – Awaiting court date.</p> <p>08/01/2014 – BCN not complied with, witness statement being prepared.</p> <p>08/10/2013 – BCN served on Pullan Developments Ltd requesting the removal of the former care takers dwelling and the compliance with condition 3 relating to Sustainable development. 21/05/2013 – Authority given to serve an Enforcement Notice to secure the cessation of use of the former caretakers house as a builders compound/ gardener store.</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
15.	201 Chippinghouse Road,S7 1DQ	Breach of condition 2 – development not carried out as to the approved plans	03/05/13	<p>22/07/14 – Work has started on site and assurances given that it has now been completed SV to be done to check.</p> <p>07/04/14 – prosecution on the 20/03/14 £200 fine, £100 Costs and £ 20 Victim Surcharge 14/01/14 – Notice has not been complied with. The matter is being reported to Committee with a request for authority to pursue a prosecution. 09/07/13 – BCN has been served on 5/06/13 – 56 days compliance period</p>
16.	6 Rosamond Place	<p>Breach of Condition 2 – Landscaping.</p> <p>Breach of Condition 1 – Completion of Development</p>	20/02/13	<p>22/07/2014 – Although application determined, No works carried out on site, so matter to be reported for 2nd prosecution again. 01/05/2014 – 2nd prosecution held back as the Owner submitted the necessary application.</p> <p>07/04/2014 – Awaiting a court date for the 2nd prosecution. 06/01/2014 – Work recommenced on site, so being monitored to ensure that this continues. 31/10/2013 – A new conditions application received but not valid, to ensure compliance with breach of condition 2. Site visited and development</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				not completed therefore prosecution papers being prepared for 2 nd breach of control. 16/10/2013 – Case in Court, found guilty and fined £75 fine, £75 costs and £25 surcharge. 10/07/2013 – A further breach of Condition Notice is being prepared to ensure compliance with the condition that requires the development to be completed within its entirety, 6 months from the date of approval. No landscaping details received therefore meeting with legal to discuss possible prosecution 15/04/2013 – No details received as yet however still within period for compliance. BCN served requiring details of a landscape scheme to be submitted and approved before being implemented on site.
17.	Swanky Franks 722A Chesterfield Road	Non-compliance with a planning condition to clad an extraction flue	13/02/2012	24/07/2014 –Section 330 Notice to be served, to gain details of all interested parties. 07/04/2014 – No progress on this as other cases have taken priority.07/04/201415/01/2014 – Reminder letters being sent.31/10/13 No recent

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>progress as waiting for legal advice with regard to ownership of property. 10/07/2013 – Case meeting with legal to discuss further action. Site to be monitored. 16/04/2013 Letter sent to all parties with an interest in the property requesting for works to be carried out, failure to comply with this final letter will lead to the matter being passed on to litigation for a prosecution. 15/03/2012 – Dealing with agent and agreed to an extension of time for compliance, works should be carried out by 31/05/2012. 17/02/2012 BCN served requiring flue to be clad as per condition.</p>
18.	4 Parkers Road	Unauthorised roller shutter	06/02/2012	<p>22/07/2014 – No correspondence from owner so letter sent requiring him to comply with the Enforcement Notice within the next 28 days, to avoid a 2nd Prosecution. 1/05/2014 – Owner attended court and pleaded guilty. He was given a conditional discharge for 12 months and ordered to pay £75 plus £15 surcharge. 20/03/2014 – Case was due to be heard in court but appellant</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				wanted legal counsel so the case was adjourned until 1 st May 2014. 31.12.2013 – Awaiting court date. 31/10/2013 – Paperwork with Litigation for prosecution. 10/7/2013 – Notice being prepared. 16/04/2013 – Roller shutter still in place therefore notice not being complied with. File to be prepared for prosecution. 10/09/2012 Appeal dismissed roller shutter to be removed by 18/03/2013. 31/05/2012 Appeal Received. 16/04/2012 EN served,
19.	75 Machon Bank Road, S7 1PE	Unauthorised replacement of windows at the front of the property	25/02/13	22/07/14 – Works to be completed by end of July – Monitor. 07/04/14 – Planning application has been granted for an alternative proposal time period to be agreed before work is carried out. 14/01/14 – EN has not been complied with but application for timber windows just received. 05/11/13 – EN has been served 6 Month compliance period. Expires on 03/12/13. 15/04/13 – EN has been drafted and is with Legal and Admin. Planning application (12/03797/FUL has been refused with enforcement action.
20.	204 Chippinghouse	Unauthorised replacement of	13/08/12	22/07/14 – 1st floor windows have been

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
	Road, Nether Edge, S7 1DR	windows and door within an Article 4 area		<p>replaced as agreed. A further 6 month from April agreed before the ground floor windows and door is replaced.</p> <p>14/01/14 – The upstairs windows have been manufactured and ready to be installed. 06/11/13 – In discussions with owner and joiner for suitable replacement windows. 12/07/13 – EN was served (21/09/12) and took effect on 26/10/12 – 9 month compliance period (26/07/13). No work commenced on site as yet.</p>
18	7 Greenfield Drive	Unauthorised signage on display	26/09/11	<p>24/07/2014 – Letter and S330 notice to be served. 07/04/2014 – No action on this other cases have taken priority. 15/01/2014 – Ongoing Notice due to be served. 06/11/2013 – Paperwork for Notice nearly complete, final legal checks and service expected within next 2 weeks 11/7/2013 – Notices expected to be served by mid-August. 16/04/2013 Other work taken priority, so not progressed. 12/02/13 – Notices being prepared, aiming to be served by end of February. 14/11/12 – No action on this case as other work has had to take priority. 03/07/2012 Sign still</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				erected on site. Paperwork with Legal to serve Notice. 02/04/2012 – Paperwork being prepared for prosecution. 19/01/2012 – Letter to the owners of the property giving 14 days to remove sign post decision, otherwise prosecution to follow. 27/09/11 – Authority granted to instigate legal proceedings to secure the removal of the unauthorised sign.
20	Ball Inn, Mansfield Road	Unauthorised Hoarding	21/06/2010	24/07/2014 – Letter and S330 Notice to be served. 07/04/2014 – No action on this other cases have taken priority.15/01/2014 – Ongoing Notice due to be served. 06/11/2013 – Paperwork for Notice nearly complete, final legal checks & service expected within next 2 weeks.11/07/2013 – No recent progress, expect to serve Notices by 01/09/2013. 15/04/2013 – No work on this case due to other cases taking priority.12/02/13 – Notices being prepared, aiming to be served by end of February 25/07/2012 DN to be served within next 14 days.18/04/2012 Some delay in preparation of Notice. Now anticipate

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>service June 2012. 10/01/2012 – Background checks taking place anticipate notice to be served by Mid Feb 2012. 21/06/11 - Hoarding still in place. Discontinuance Notice to be served. 18/03/11 Company instructed in writing to remove Hoarding by 31/03/11 20/01/11 Planning Appeal dismissed. Instructions to be sent for Hoarding to be removed. 20/09/10 Planning Appeal submitted by applicant. Statement sent by Planning Officer to Inspectorate on 27/8/10. Outcome of this will determine further enforcement position. 1/06/2010 – retrospective advertisement application refused at Area Board. Instructions being prepared for Notices to be served.</p>
22	Pizza Padrino, 267 Fulwood Road, Broomhill Conservation Area	Non compliance with approved hours (94/01539/FUL)	02/06/2010	<p>24/07/2014 – Tenant Evicted by owner, business closed. NFA 7/4/2014 – Awaiting outcome of latest prosecution. 14.01.2014 – Ongoing prosecution with licensing. Court date expected before April. 6/11/2013 Joint strategy with licensing, awaiting a further prosecution. 26/06/06 –</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>Case in court, owner pleaded guilty & was fined £260. 16/04/2013 – Awaiting court dates for licensing prosecution. 23/1/13 – Site being monitored, to gain evidence for further breaches. Licensing are currently prosecuting for failure to comply with license conditions, court date expected soon. 18/07/2012 – Case in Court. Owner pleaded guilty £50 fine, Costs £50 and £15 surcharge. 20/03/2012 – Files with prosecution waiting court date 17/2/12 – Evidence for prosecution obtained & being prepared for Litigation. Letter sent 14/12/11 warning non-compliance with EN will lead to prosecution. 13/06/11 - Work still to be completed for new EN's. Expect to be served by end of August 22/3/11 – Decided that new enforcement notices to be served due to info from Licensing that person named as licensee has changed. Cannot prosecute former licensee, work towards this to begin asap. 04/01/11 - Case meeting towards prosecution to be arranged before the end of February. 20/09/10 Premises in breach of TSN & BCN. Prosecution file being prepared in</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				conjunction with Licensing. 03/06/2010 – BCN & TSN served. Regular monitoring taking place with a view to prosecution for any further breaches.
23	Oasis Pizza, 204 Whitham Road, Broomhill Conservation Area	Non-compliance with approved hours (98/00186/FUL)	02/06/2010	24/07/2014 – Further visits scheduled to check compliance. 13/03/14 – Owner prosecuted (3 rd such prosecution since July 2011) & found guilty & fined £125 for each of two offences prosecuted (total inc costs = £425 to be paid in instalments of £20 per week). 01.2014 – Owners are currently applying for an Eviction Notice against the occupying tenant, citing the continued breach of planning and licensing controls as their reason. 6/11/2013 Joint strategy with licensing, awaiting a further prosecution. 26/06/2013 – Case in Court, owner pleaded guilty & fined £260. 16/04/2013 – Awaiting a court date for licensing prosecution. 13/01/13 – Site being monitored, to gain evidence for further breaches. Licensing are currently prosecuting for failure to comply with license conditions, court date expected soon. 19/07/2012 Case in court, pleaded

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>guilty, £50 fine surcharge £15 costs £75. 20/03/2012 – Files with prosecution awaiting court date. 17/2/12 – Evidence for prosecution obtained & being prepared for Litigation. Letter sent 14/12/11 warning non-compliance with EN will lead to prosecution. 10/10/11 – Enforcement Notice issued. Takes effect 14/11/11 & requires compliance with planning permission by 14th December or prosecution will follow. 13/06/11 - Work still to be completed for new EN's. Expect to be served by end of August. 22/3/11. Decided that new EN's to be served due to info from Licensing that person named as licensee has changed. Cannot prosecute former licensee, work towards this to begin asap. Appeal against refusal of PP to allow hours extension dismissed. 04/01/2011 Case meeting towards prosecution to be arranged before the end of February. 20/09/10 Premises in breach of TSN & BCN. Prosecution file being prepared in conjunction with Licensing</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
24	Old Whitelow Farm, Old Whitelow Lane.	Re-construction of a demolished redundant farm building	30/07/08	<p>24/07/2014 – Meeting to be arranged with legal & planning officer to discuss different options to resolve this issue.</p> <p>28/03/2014 – Correspondence received from solicitors trying to address the ownership issues of the site. 10/01/2014 – Ongoing discussions with litigation & owners agents. 05/11/2013 – Discussions taking place with litigation, legal position being evaluated. 11/07/2013 – No recent progress, however meeting arranged for mid-August with litigation. 16/04/2013 – In the process of setting up a case meeting with legal department. 12/02/13 – No new applications have been received, advice being taken from legal services with regard to the number of possible uses at property & the possible re-instigation of an historic EN. 4/07/2012 – Meeting held in office to go through all evidence collected with the owners' architects. 20/03/2012 – Application 08/04373/FUL refused with Enforcement Action authorised. Site meeting arranged with owner for 24/4/2012 to discuss other outstanding issues. - 13/01/2012 – Land Ownership issues</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>delaying application process. Meeting to take place with litigation & other legal teams by mid- Feb 2012.</p> <p>05/08/08 – Planning application submitted going through process. 31/07/08 – TSN served. Owner informed that no further works are to take place.</p>
25	Norfolk Arms Public House, Ringinglow Village	Unauthorised fume extraction and Lighting Columns.	19/05/08 & 21/09/09	<p>22/07/2014 –Reminder letter to be sent asking him to comply with notice within 28 days. If no response then prosecution file to be prepared.</p> <p>07/04/2014 – New Witness statements being prepared, aim to get all paperwork to Legal 1/5/2014. 16/12/2013 – Ongoing awaiting court date. 5/11/2013 – Witness statement with litigation for non-compliance with EN for the lighting columns. Another statement being prepared for the non-compliance with the Listed Building Enforcement Notice. 11/07/2013 – Discussed with legal services, prosecution to proceed, paperwork being prepared. 16/04/2013 – Awaiting new applications, lighting columns still in place.</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				12/02/13 – Discussions taking place with owners regarding replacement lighting to car park & installation of a new extraction system. Site being monitored for compliance with notice Columns should be removed by 28/3/2013. 5/11/12 – Inspectors decision, appeal dismissed & the owner now has 16 weeks to remove unauthorised lighting columns. 1/11/12 Appeal site visit arranged. 15/06/2012 – Appeal ongoing statement submitted. 8/6/2012 Appeal received in connection with the lighting columns. 18/04/2012 – Listed Building Notice & EN served on all parties with an interest.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 5 August 2014

Subject: Enforcement Report

Author of Report: Lee Brook

Summary: Progress report on enforcement actions authorised by committee, or under delegated powers in the North Area.

Reasons for Recommendations:

The purpose of this report is to inform Committee members of progress on current enforcement cases in North Area.

Recommendations:

That members note the current progress on actions

Background Papers:

Category of Report: OPEN

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UPDATE ON LIVE ENFORCEMENT CASES IN WEST AND NORTH AREA FOR QUARTER ENDED 30 June 2014

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

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
1.	24-30 Walkley Bank Road	Unauthorised use of car park to flats for parking / storage of commercial removals vehicles.	11/03/14	Monitoring shows breach stopped. 14/03/14 – Confirmed that unauthorised use ceased under threat of enforcement action. NFA required for now. Site will be monitored for a while.

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
2.	492 Barnsley Road	Unauthorised Change of Use from A1 to A5 and erection of external flue without planning permission	11/03/14	Application submitted for change of use & flue, ref:14/02077/FUL. Preparations being made for service of EN to remove flue and negotiations needed to find alternative method of venting fumes away without causing visual harm.
3.	Land to Rear of 33 & 35 Nottingham Cliff	Erection of a building for use as a dwelling	28/01/14	Retrospective application 13/03341/FUL refused 3/12/13 & appeal dismissed 22/5/14. EN served 3/6/14, requires demolition of building by 20/11/14.
4.	Lion Works, Handley Street	Derelict listed building causing visual harm to both the area and the building itself.	4/10/13 (delegated)	24/03/14-Works underway & progressing. S215N served 4/10/13. Took effect 1/11/13, requiring renovation work including making building weather proof. Compliance required by 21/2/14.
5.	36 Stanwood Crescent	Erection of a conservatory projecting 5.7m from the rear elevation.	03/09/13	Appeal against EN dismissed 2/4/14, new compliance period 23/07/14. EN issued 19/10/13, which takes effect 23/10/13 and requires removal of conservatory by 12/2/14.

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
6.	Vetsry Hall, Crookesmoor Road	Listed building in poor state of repair.	20/5/13 (delegated)	<p>Direct action taken to replace roof by Council and costs being recovered. Notice now complied with at 01/07/14..</p> <p>Roof tile replacement is last outstanding issue to complete at Jan '14. S215N served 24/5/13. Came into effect 21/6/13 & requires roof repairs, boarding of windows/paint black & general making good, weather tight etc. Compliance by 2/8/13. Notice appealed but not heard by Magistrates as it was out of time. Notice not complied with so Council contractor appointed to carry out works following tender process. Owner began work at 11th hour but costs have been incurred by Council due to tender process so that money will be recovered in any event.</p>
7.	Land adjacent to 4 Mowson Hollow	Timber Building used for store / studio	13/11/12	<p>Work started to remove building as application approved to relocate building to within garden area, ref. 14/00621/FUL. Written assurance given that building will be moved on the outcome (either way) of this application. Costs and materials can be saved by moving and re-constructing in one job. EN served 15/2/13 & appeal dismissed 5/9/13,</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	Mowsom Hollow continued from p3			removal of building required by 5/3/14. Jan 2013, details sent to Legal Services for service of EN requiring removal of building, EN expected to be served by 1/2/12.
8.	290-308 Pitsmoor Road	(1) Use of Ground floor for retail shop, 1 st & 2 nd floors as HIMO, (11/00050/FUL refused) (2) Canopy to front of Shop refused PP	19/4/11	<p>July 2014 – Conditions in breach identified, contacting owner to address before next quarterly update, for any outstanding conditions, such as boundary treatment, surfacing works etc. (1) EN proposed regarding discharge of conditions of 11/00050/FUL as agent pulled out and no sign of progress. 31/10/12. Officers talking with agent regarding discharge of conditions before application submitted for same. 31/7/12. Discharge of conditions application being prepared for this PP.</p> <p>(1) 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. Shop & HMO has PP</p> <hr/> <p>(2) 11/03370/FUL now granted 3/1/12,</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	Pitsmoor Rd continued from p4			implementation will superseded the EN. 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.
9.	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	15/7/14 - 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 & prosecution to be considered.
10.	Parker's Yard, Stannington Road	Unauthorised use as self storage & metals recycling facility. 09/02757/CHU refused PP.	10/6/10	New application 14/02426/CHU submitted to retain previously refused use setting out case that it is operating without nuisance. Deadline set , of the same period given in the EN to cease the use at Parker's Yard due to the lack of an alternative plan from Carwood Commodities. Proposed that 16 weeks be given from date of cttee if approved by members. At January 2014, the lease is still being actively negotiated for the Pearson Forge Site, but it remains

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	Parker's Yard continued from p5			<p>unsigned due to difficulties on the sellers part. The business is overcoming problems with their bank & with the vendor for the site due to the 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.</p> <p>18/7/12, still delayed by solicitors, expecting contract sign for Pearson Forge soon. 1/3/12, Land contamination survey completed awaiting results of analysis, (takes 6wks=approx 10/4/12). Owner reports on 28/3/12 there shouldn't be 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, March, due to owners Bank requiring more info on structural stability of site buildings & land contamination. Relocation - the legal process begun & 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 business identified & 11/01953/CHU granted 13/9/11 for former Pearson Forge at Livesey St. Appeal against EN was dismissed 14/3/11;</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	Parker's Yard continued from p6			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.	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-highway access & finishes to frontage, C8-pedestrian access to new bowling green, C9-new pavilion details, C10-bowling green maintenance.	15/12/09 (delegated authority)	15/07/14, Applications under consideration. Discharge of Conditions applications, 13/00599/COND & 13/00606 under consideration likely to come to committee in Feb/March. Development nearly complete. PP being implemented at 26/9/11, BCN now complied with. Meeting inc developer, officers & Members was held in Dec10 & promise to start work along agreed lines made to start Jan'11. Discharge of conditions agreed in principle with applicant at meeting 6/8/10 subject to approval of application. BCN served 21/12/09. Condition details required by 29/3/10.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date:

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Marie Robinson 0114 2734218

Summary:

List of all newly submitted planning appeals and decisions received, together with a brief summary of the Inspector's reason for the decision

Reasons for Recommendations

Recommendations:

To Note

Background Papers:

Category of Report: OPEN

DEVELOPMENT SERVICES

REPORT TO PLANNING &
HIGHWAYS COMMITTEE
5 August 2014

1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

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

2.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the delegated decision of the Council to refuse planning consent erection of a dwellinghouse (amended scheme to 13/03429/FUL) at Land Between 20 And 24 Moonshine Lane Sheffield S5 8RD (Case No 14/00642/FUL)

Officer Comment:-

The Inspector considered that the main issue in this appeal was the effect of the proposed house on the character and appearance of the area.

The proposed house would be developed on a plot with restricted depth and would result in the house being in close proximity to the rear boundary. The majority of the frontage would be taken up with a grassed hardstanding area for vehicle manoeuvring. There would be little useable garden space around it. The prevailing character in the immediate vicinity is of semi-detached houses with hipped roofs. The proposal would introduce a detached house with a pitched roof. The dwelling would appear cramped and at odds with the locality. It would be incongruous and will also be an unsympathetic addition to the street scene, out of step with the nearby pattern of built form. As such, the Inspector considered that the proposed house would be harmful to the character and appearance of the surrounding area, contrary to UDP policies BE5 and H14. It is also at odds with the NPPF principle of securing high quality designs.

Other matters were considered but did not outweigh the harm already identified.

3.0 APPEALS DECISIONS - ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for demolition of existing Public House and erection of a convenience store (Use Class A1) and hot food takeaway (Use Class A5) at Site Of Old Cart And Horses Inn 2 Wortley Road High Green Sheffield

Officer Comment:-

The Inspector considered the main issues to be highway safety with regard to increased traffic and the servicing on the development and also the effect of the proposal on the character and appearance of the area.

Highway Issues

The Inspector considered that Wortley Road is a main artery through High Green and is also a bus route. The proposal would generate around an extra 72 vehicle movements in the hour between 16.00 and 17.00 and with an additional two way flow of around 99 vehicles between 18:00 and 19:00. On Saturdays around 41 vehicles would be expected at the site between 11.00 and 12.00 with around 97 vehicles at the peak flow time of 18.00 and 19.00. The Inspector also noted that vehicles accessing the site would be on the road on any event rather than being discreetly generated by the development itself. This would mean around one extra vehicle per minute would access the building during the weekday peak.

The Inspector also noted that the road had a below average number of personal injury accidents for this type of road and no evidence had been produced to demonstrate that this would change as a result of the development. Accordingly, the Inspector considered that the highway network could accommodate the predicted traffic flows without detriment to safety or residential amenity.

The Inspector also was of the opinion that the provision of a short right turning lane would be sufficient to accommodate the likely number of users and that manoeuvring within the site by delivery vehicles was possible to enable vehicles to enter and leave in forward gear. As the National Planning Policy Framework would require development to be prevented only where there are severe impacts, the Inspector concluded that highway safety for vehicle users and pedestrians would not be compromised.

Character and appearance

The Inspector considered that the area has no predominant architectural style nor does it have a strong historic character. Other than from Jeffcock Road, the site is not prominent in any other views. The building would be set back but the proposed planting would give the development sufficient presence when viewed along Wortley Road.

The design of the building with a simple form and a suitable materials palette would create a building that would integrate into its surroundings without being out of place. As such it would enhance the character of the locality. The building would be a worthy addition to the street scene adding to the mix of traditional and modern buildings in the area.

Other matters,

It was considered that the development would not cause any significant harm

to the closest adjoin property of 11 Mortomley Lane.

Taking all this into account the Inspector allowed the appeal subject to conditions.

Costs Award

An application for full costs was made against the Council. In considering this, The Inspector was of the view that, although disagreeing with the Council's case on the grounds of highway safety and on the impact on manoeuvring, he did consider that there was a case to argue and so the appeal for costs was dismissed in these respects. However, the Inspector considered that the Council had no reasonable case against the proposal on the design reason for refusal and so allowed the costs award in respect of this matter only.

The amount of costs award has not yet been agreed.

(ii) To report that an appeal against the delegated decision of the Council to grant planning consent subject to condition 5 (car free) for use of ground floor as A1 (retail) and conversion of upper floors to form 5 self-contained flats (as per amended drawings) - amended description at 254 London Road And Grd Floor 250 London Road Sheffield S2 4LW (Case No 13/02602/FUL)

Officer Comment:-

The Inspector considered the main issue to be the effect of the development upon car parking in the area.

Condition 5 requires that occupants of the flats are precluded from seeking parking permits in order to ensure that resident parking would not compromise commercial parking in the area and to encourage public transport use.

She noted a high turnover of vehicles stopping on London Road, and that short stay parking was nonetheless readily available. Longer stay parking in Sharrow Lane was also noted, whilst residents only parking bays were largely unoccupied. This led her to the view that even if all occupiers of the flats sought permits, there would be provision without impacting upon commercial parking for shoppers/businesses.

Given also the highly accessible location of the site would attract non-car user occupants, she concluded the condition was neither necessary nor reasonable, and allowed the appeal, deleting the disputed condition.

4.0 RECOMMENDATIONS

That the report be noted

Maria Duffy
Acting Head of Planning

05 August 2014

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