

Planning and Highways Committee

Tuesday 10 November 2015 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), Peter Rippon (Chair), Nasima Akther, David Baker, Jack Clarkson, Tony Damms, Roger Davison, Adam Hurst, Ibrar Hussain, Bryan Lodge, Peter Price, Denise Reaney, Chris Rosling-Josephs, Garry Weatherall and Joyce Wright

Substitute Members

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

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
10 NOVEMBER 2015**

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 20 October 2015
- 6. Sheffield Conservation Advisory Group** (Pages 11 - 14)
Minutes of the meeting of the Sheffield Conservation Advisory Group held on 29 September 2015
- 7. Site Visit**
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 8. Applications Under Various Acts/Regulations** (Pages 15 - 90)
Report of the Director of Regeneration and Development Services
- 9. Enforcement of Planning Control: 181 to 185 Abbeydale Road** (Pages 91 - 96)
Report of the Director of Regeneration and Development Services
- 10. Enforcement of Planning Control: 2A Stanley Road, Burncross** (Pages 97 - 102)
Report of the Director of Regeneration and Development Services
- 11. Quarterly Overview of Enforcement Activity** (Pages 103 - 106)
Report of the Director of Regeneration and Development Services
- 12. Quarterly Update of Enforcement Cases in the South** (Pages 107 - 122)
Report of the Director of Regeneration and Development

Services

- 13. Quarterly Update of Enforcement Cases in the City Centre and East Area** (Pages 123 - 132)
Report of the Director of Regeneration and Development Services
- 14. Quarterly Update of Enforcement Cases in the West and North Area** (Pages 133 - 146)
Report of the Director of Regeneration and Development Services
- 15. Record of Planning Appeal Submissions and Decisions** (Pages 147 - 152)
Report of the Director of Regeneration and Development Services
- 16. Date of Next Meeting**
The next meeting of the Committee will be held on 1 December 2015

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, 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 20 October 2015

PRESENT: Councillors Alan Law (Chair), Nasima Akther, David Baker, Tony Damms, Roger Davison, Adam Hurst, Ibrar Hussain, Bryan Lodge, Peter Price, Chris Rosling-Josephs, Peter Rippon, Garry Weatherall, Joyce Wright, Joe Otten (Substitute Member) and John Booker (Substitute Member)

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Denise Reaney and Jack Clarkson and Councillors Joe Otten and John Booker attended the meeting as the duly appointed substitutes, respectively.

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 David Baker declared a personal interest in an application for planning permission for demolition and site clearance, erection of 88 dwellings, with access, parking, open space, landscaping and associated works (amended plans) at Dyson Refractories Ltd, Griffs Fireclay Works, Stopes Road (Case No. 15/00122/FUL) as he had been contacted by a number of members of the public in relation to the application. Councillor Baker stated that he had not declared his position on the application and came to it with an open mind.

3.2 Councillor Alan Law declared a personal interest in an application for planning permission for demolition and site clearance, erection of 88 dwellings, with access, parking, open space, landscaping and associated works (amended plans) at Dyson Refractories Ltd, Griffs Fireclay Works, Stopes Road (Case No. 15/00122/FUL) as an employee at the factory in the 1980's.

3.3 Councillor Ibrar Hussain declared a personal interest in an application for planning permission for demolition and site clearance, erection of 88 dwellings, with access, parking, open space, landscaping and associated works (amended plans) at Dyson Refractories Ltd, Griffs Fireclay Works, Stopes Road (Case No. 15/00122/FUL) as he had also been contacted by a number of members of the public in relation to the application. Councillor Hussain stated that he had not declared his position on the application and came to it with an open mind.

3.4 Councillor Chris Rosling-Josephs declared a personal interest in agenda item 8 'Enforcement of Planning Control: 34 Leebrook Avenue' (see minute 7 below) as he had been contacted by a number of members of the public in relation to the

site but had not declared his position prior to the meeting.

4. MINUTES OF PREVIOUS MEETING

- 4.1 The minutes of the meeting of the Committee held on 29 September 2015 were approved as a correct record.

5. SITE VISIT

- 5.1 **RESOLVED:** That the Director of Regeneration and Development Services, in liaison with a Co-Chair of the Committee, be authorised to make arrangements for a site visit in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

6. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

- 6.1 **RESOLVED:** That (a) the applications now submitted for permission to develop land under the Town and Country Planning Act 1990 and the Regulations made thereunder and for consent under the Town and Country Planning (Control of Advertisements) Regulations 1989, be decided, granted or refused as stated in the report to this Committee for this date in respect of Case No. 15/003117/FUL and other applications considered be amended as in the minutes of this meeting, and the requisite notices issued; the granting of any permission or consent shall not constitute approval, permission or consent by this Committee or the Council for any other purpose;

(b) (i) subject to an amendment to the recommendation to read 'Grant Conditionally, subject to a Legal Agreement', additional conditions and following consideration of additional representations, all as outlined in a supplementary report circulated at the meeting, and (ii) subject to an additional condition to provide an interpretation board on the chimney stack at the site, and, (iii) having heard representations at the meeting from a representative from the Campaign for the Protection of Rural England, a representative of the Loxley Valley Protection Society and a local resident speaking against the application and the applicant's agent speaking in favour of the application, and (iv) taking into account all the sustainability elements of the application along with the affordable housing contribution which, taken as a whole, had reduced the impact of the development to a degree that it would not have a greater impact on the openness of the Green Belt than the existing site, an application for planning permission for demolition and site clearance, erection of 88 dwellings, with access, parking, open space, landscaping and associated works (amended plans) at Dyson Refractories Ltd, Griffs Fireclay Works, Stopes Road (Case No. 15/00122/FUL) be granted, conditionally, subject to legal agreement;

(c) following consideration of amendments to conditions 35, 50, 51 and 60 and to the heads of terms in the section 106 agreement in relation to the bus service enhancement contribution, as outlined in a supplementary report circulated at the meeting, and, following consideration of representations at the meeting from a representative of the University speaking in favour of the application, an application for outline planning permission for development of Advanced

Manufacturing and Research Centre Campus (AMRC2) including demolition of hangars, with development to include up to 66,983sqm of B1(b) and B1(c) advance manufacturing and research floorspace, up to 37,551sqm of C2 residential training centre and conferencing floorspace, D2 outdoor and indoor recreation (up to 450sqm of floor space) (amended description) at land between Europa Link and Europa Court, Europa Link (Case No. 15/01262/OUT) be granted, conditionally, subject to legal agreement and agreement from the Secretary of State;

(d) following consideration of representations from a local Ward Councillor speaking against the application, and the applicant speaking in favour of the application, an application for planning permission for use of dwellinghouse (Use Class C3) as a House in Multiple Occupation (Use Class C4) and associated two-storey side extension, single-storey rear extension and provision of 2 parking spaces to rear at 57 Stannington View Road (Case No. 15/01577/FUL) be granted, conditionally;

(e) following consideration of representations at the meeting from a local resident speaking against the application and a representative of the applicant speaking in support of the application, and, subject to the inclusion of an additional condition that any trees cut down as a result of the development be replaced elsewhere, an application for planning permission for erection of a dwellinghouse at curtilage of 1 Stumperlowe Hall Chase (Case No. 15/02950/FUL) be granted, conditionally;

(f) following consideration of an additional representation, as outlined in a supplementary report circulated at the meeting, an application for planning permission for construction of a partially buried water treatment building (Clarifier building) at Rivelin Water Treatment Works, Manchester Road, Crosspool (Case No. 15/02893/FUL) be granted, conditionally, subject to approval from the Secretary of State;

(g) following consideration of an amended postcode for the site, and subject to amendments to conditions 9 and 18 and the inclusion of additional conditions, as outlined in a supplementary report circulated at the meeting, an application for planning permission for erection of a three and part four-storey building constructed from shipping containers to create a mixed use development comprising of restaurants/cafes (Use Class A3), drinking establishments (Use Class A4) (including use of external spaces at ground floor and roof top level), offices (Use Class B1), assembly and leisure (Use Class D2) at land adjoining 288 to 292 Shalesmoor (Case No. 15/02720/FUL) be granted, conditionally; and

(h) subject to the inclusion of an additional condition, as outlined in a supplementary report circulated at the meeting, applications for listed building consent and planning permission for alterations and extensions to building including two-storey front/side/rear extensions to create mixed use development comprising bar/café, office accommodation and 6 apartments with associated car parking and landscaping works at W A Tyzack and Co Ltd, Green Lane Works, Green Lane, Shalesmoor (Case Nos. 15/01781/LBC and 15/01780/FUL) be granted, conditionally.

7. ENFORCEMENT OF PLANNING CONTROL: 34 LEEBROOK AVENUE

- 7.1 The Director of Regeneration and Development Services submitted a report informing Members of a breach of the Planning Regulations in respect of an unauthorised extension of rear garden into green belt land at 34 Leebrook Avenue and making recommendations on any further action required.
- 7.2 The report stated that complaints had been received about the unauthorised extension of garden curtilage into green belt land. At the initial site visit it was observed that the rear garden had been extended 4 metres across its width into Green Belt woodland and a wooden means of enclosure of 2 metres high had been erected. Inside the enclosure, garden landscaping had taken place and a patio and a summer house had been installed.
- 7.3 A letter was sent to the householder informing him that this was a breach of planning control and was unacceptable. He was advised to remove the means of enclosure and return the land back to its previous condition within 28 days. A letter was also sent to the landowners of the land where encroachment had taken place.
- 7.4 A site meeting was held with the householder and he showed officers where he had started to remove the patio from the encroached area and asked for a time extension. It was agreed a further six weeks would be allowed – to Friday 10 July 2015 – to allow the fence to be removed and the land returned to its previous condition. This was confirmed in a letter to the householder.
- 7.5 A site visit on 21 July 2015 confirmed that the means of enclosure and outbuilding was still in place. A reminder letter was sent out. To date, no attempt had been made to remove the enclosure and return the land to its previous condition and it is still being used as an extension to the garden.
- 7.6 **RESOLVED:** That (a) the Director of Regeneration and Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised curtilage extension at 34 Leebrook Avenue; and (b) the Head of Planning, in liaison with a Co-Chair of the 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.

8. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 8.1 The Committee received and noted a report of the Director of Regeneration and Development Services 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.

9. DATE OF NEXT MEETING

- 9.1 **RESOLVED:** That it be noted that the next meeting of the Committee will be held on Tuesday 10 November 2015 at 2.00 pm at the Town Hall.

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SHEFFIELD CONSERVATION ADVISORY GROUP

Special Meeting held 29th September, 2015

PRESENT:	<u>Name</u>	<u>Organisation</u>
	Dr. Philip Booth (Chair)	Co-opted Member
	Mr. Patrick Burns	Co-opted Member
	Mr. Rob Darrington	Royal Institute of Chartered Surveyors
	Mr. Howard Greaves	Hallamshire Historic Buildings Society
	Mr. Graham Hague	Victorian Society/South Yorkshire Industrial History Society

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1. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Prof. Clyde Binfield (Twentieth Century Society), Mr. Rod Flint (Georgian Group), Mr. Tim Hale (Sheffield Chamber of Commerce), Dr. Roger Harper (Ancient Monuments Society), Mr. Bob Hawkins (Council for the Protection of Rural England), Mr. Stanley Jones (Hunter Archaeological Society) Dr. Jo Lintonbon (University of Sheffield) Mr. Bob Marshall (Royal Town Planning Institute), Mr. Philip Moore (Sheffield Society of Architects), Mr. Andrew Shepherd (Society for the Protection of Ancient Buildings) and Dr. Jan Woudstra (Landscape Institute).

2. **SHEFFIELD RETAIL QUARTER**

The Head of Planning gave a presentation on the Sheffield Retail Quarter development scheme and, arising therefrom, the Group observed that with regard to:-

(a) blocks a and c – the Group strongly objected to the new buildings, which would be prominent over the existing skyline above Palatine Chambers, when viewed from Fargate, the Peace Gardens and the Town Hall. The Group felt concern at the way that the new building would meet Palatine Chambers. The Group considered that the Urban Development Code's provisions regarding materials should be endorsed as set out in the submitted scheme and, accordingly, the new building at Barkers Pool should be in stone;

(b) block b – there was no objection, in principle, to this part of the scheme, provided that the development had a stone façade;

(c) blocks d and f – the Group endorsed the proposals regarding Leah's Yard, but opposed the demolition of the Sportsman Public House. The Group

considered that the Sportsman should be kept to retain the character of Cambridge Street and that Leah's Yard was never meant to be a 'stand alone' building and the two building were designed to be seen together in series;

(d) block e – the Group felt that the demolition of 34 Cambridge Street was unacceptable and it should be retained to contribute to the context of the listed buildings;

(e) block g – the Group welcomed the retention of the 'Pepperpot' building and the former H.S.B.C. Bank building, but the Group felt concern at the scaling and massing of the new building and how they would relate to the existing buildings. The Group endorsed the retention of the former Citadel building and its importance and felt that action should be taken to prevent its deterioration;

(f) blocks k and l – there was no objection, in principle, to the proposals;

(g) blocks m and n – the Group felt concern at the way in which the development proposals would dominate the listed Aberdeen Works building. The Group recommended that the rooftop car should be lower or consideration should be given to the provision of residential accommodation on the roof, with basement car parking. The Group felt that the key issues in this part of the development were the block and massing of the design.

The Group considered that the failure of the scheme to encourage small, independent retail outlets was regrettable.

The Group asked the Chair to prepare a report on their observations for submission to the City Council.

Sheffield Conservation Advisory Group

SHEFFIELD RETAIL QUARTER

Observations on the outline planning application

1. SCAG considered the proposals for the Sheffield Retail Quarter at a special meeting on 29 September 2015.
2. The question that the Group has considered is whether the scheme would preserve and enhance the character and appearance of the City Centre Conservation Area, in which much of the scheme lies, and its impact on listed buildings in, and immediately adjacent to, the area, one of which is Grade I (Town Hall).
3. The Group considers that the proposals are an improvement on the previous schemes produced by Hammersons, although has reservations about aspects of the scheme as it currently appears. These are set out below. The Group is also conscious that the success of the scheme will depend in large measure on the detailed realisation of the individual blocks. But they take the view that it is essential that the overall form and massing of the development is subject to critical analysis at this stage, given that an outline permission will constrain the way in which the scheme can be integrated into the fabric of the city.
4. The Group's major concern is about the views of the development from key locations within the city centre and the relationship of new buildings to their immediate surroundings. The scheme proposals make much play of the view along Fargate and the proposed New Fargate from Marks & Spencers store to the new anchor department store to the north of the present Charter Square. The Group expressed concern over the views from the Peace Gardens and the Town Hall steps and the way in which the proposed height of buildings would dominate the frontages in Pinstone Street, including Town Hall Chambers.
5. A second major area of concern is with Cambridge Street. Apart from containing two listed buildings (Leah's Yard and the Sunday School), Cambridge Street has major historic significance in being until the nineteenth century a major turnpike route out of the city. It also retains the industrial character of the Devonshire Quarter and thus forms an important link between the city centre and its immediate surroundings. The Group considers that the proposals as they stand would result in a significant deterioration of the townscape of this part of the Conservation Area.
6. In addition to these general comments the Group has made the following observations about individual blocks:
 - *Blocks A & C* The Group strongly objects to the way in which the proposed new blocks would dominate the skyline above Palatine Chambers when viewed from Fargate, the Town Hall and the Peace Gardens.
 - *Block B* The Group considers the scale and massing of this block are appropriate for Barkers Pool, provided that the façade is in stone to reflect the stone frontages of the City Hall and the former Sheffield Waterworks Co. Building.
 - *Blocks D & F* The Group welcomes the proposed treatment of Leah's Yard. However, Leah's Yard was not designed to be seen in isolation and the Group is strongly of the

view that as much of the frontage of Cambridge Street should be retained in order to maintain the context within which Leah's Yard is located. In particular, the Group opposes the demolition of the former Sportsman pub, whose scale and form is sympathetic to the historic character of Cambridge Street.

- *Block E* The Group strongly opposes the treatment suggested for the Sunday School in Cambridge Street, which would effectively leave little more than a façade on Cambridge Street, dominated by the bulk of new buildings looming over it. The Group is also opposed to the demolition of 34 Cambridge Street, which would erode the character of the street.
- *Block G* The Group welcomes the retention of the “pepperpot” building on the corner of Pinstone Street and Charles Street but are concerned about the scale and massing of new buildings proposed that would adjoin them. The Group also welcomes the retention of the listed Citadel Building in Cross Burgess Street.
- *Blocks M & N* the Group felt concern at the way in which the development proposals would dominate the listed Aberdeen Works building. The Group recommended that the rooftop car should be lower or consideration should be given to the provision of residential accommodation on the roof, with basement car parking.



SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Director of Regeneration and Development Services

Date: 10/11/2015

Subject: Applications under various acts/regulations

Author of Report: Chris Heeley 2736329

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.
15/03390/FUL	Bank Cottage Bank Lane Sheffield S36 3SS	19
15/02943/FUL (Formerly PP-04389450)	44 Oak Hill Road Sheffield S7 1SH	26
15/02574/FUL	Bank Cottage Bank Lane Sheffield S36 3SS	44
15/01777/LBC	Broomhill Property Shop Kennedy House 319 Glossop Road Sheffield S10 2HP	52
15/01776/ADV	Broomhill Property Shop Kennedy House 319 Glossop Road Sheffield S10 2HP	58
15/00740/FUL (Formerly PP-04017042)	Brincliffe Towers Old Peoples Home Brincliffe Edge Road Sheffield S11 9BZ	64

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To the Planning and Highways Committee
Date Of Meeting: 10/11/2015

LIST OF PLANNING APPLICATIONS FOR DECISION OR INFORMATION

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

Case Number	15/03390/FUL
Application Type	Full Planning Application
Proposal	Installation of conservation rooflight
Location	Bank Cottage Bank Lane Sheffield S36 3SS
Date Received	09/09/2015
Team	West and North
Applicant/Agent	Mr R Crookes
Recommendation	Grant Conditionally

Subject to:

Time limit for Commencement of Development

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.

Approved/Refused Plan(s)

2. The development must be carried out in complete accordance with the following approved documents:-
 - Site Plan;
 - Ground Floor Plan;
 - Cross-section Plan; and
 - Rear elevation (south)

received on the 9 September 2015 from Mr R Crookes

Pre-Commencement Condition(s)

Pre-Occupancy and Other Stage of Development Condition(s)

Other Compliance Conditions

3. The rooflight shall be conservation style whereby no part of the rooflight shall project above the surface of the roofing slates.

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

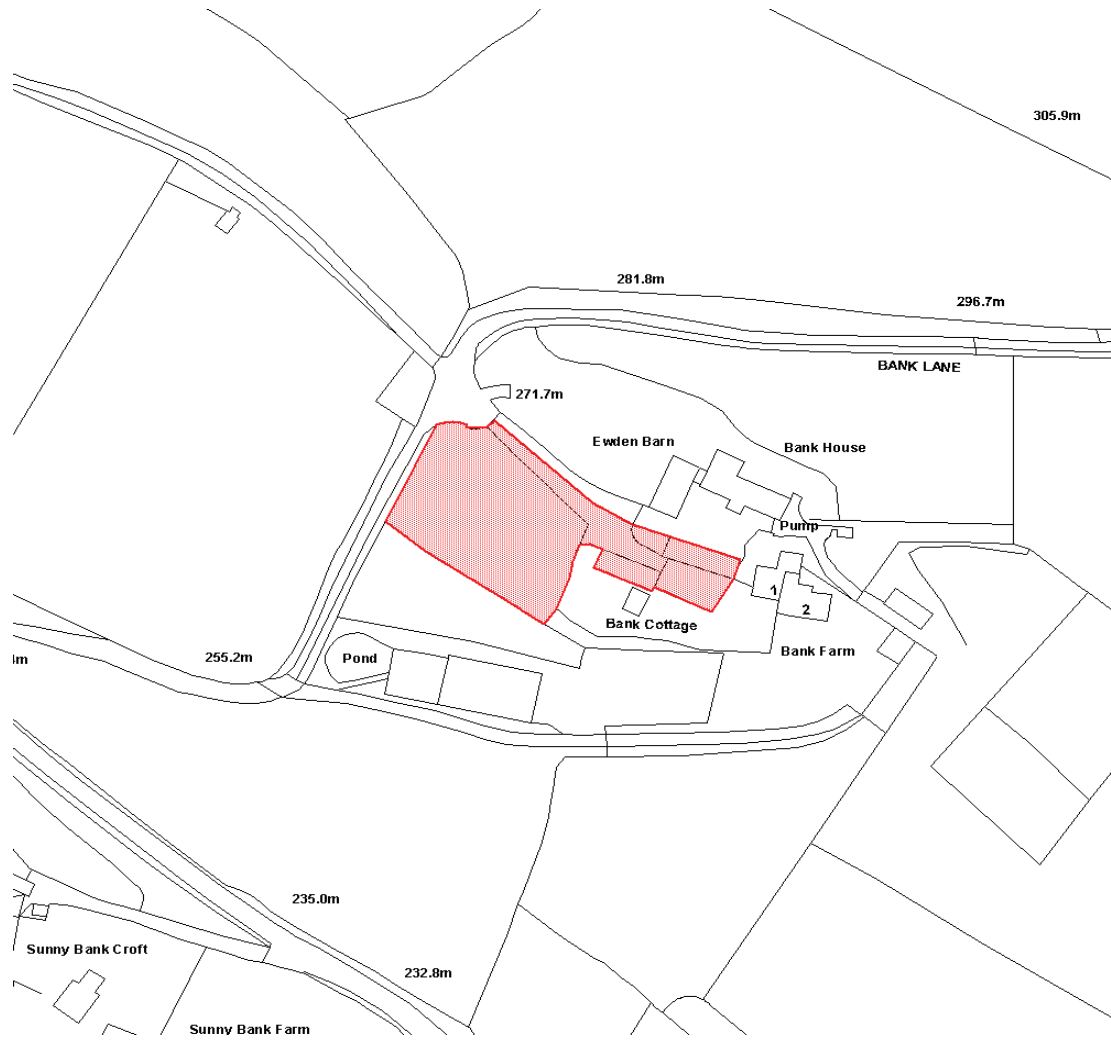
4. No part of the rooflight shall be sited below 1.8m above the finished floor level in which the window is installed.

Reason: In order to protect the privacy of neighbouring properties

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

Site Location



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INTRODUCTION

The application is the second of two planning applications being considered at committee today relating to Bank Cottage, the other being 15/02574/FUL.

LOCATION AND PROPOSAL

Bank Cottage forms part of a small group of former traditional agricultural buildings that were granted planning permission to be converted into dwellinghouses in 1991. There are five dwellinghouses that make up the small group of buildings at Bank Farm, these are Bank Cottage, subject to this application, Bank House, 1 Bank Farm (the original farmhouse), Ewden Barn, and 2 Bank Farm). The site is situated in the Green Belt and lies within an Area of High Landscape Value (AHLV).

The group of buildings hold a commanding position in the Ewden Valley, situated up a steep road (Bank Lane) that feeds off Sunny Bank Road. Bank Cottage is built in traditional materials with its walls faced in natural random stone and natural slate pitched roof. Attached to the rear of the building is a flat roofed structure that is used for storage and the stabling of horses. Bank Cottage's garden is severed from the main dwellinghouse, situated across a shared courtyard area to its west. The garden is attractively landscaped and covers an area of approximately 700 square metres.

The applicant is seeking full planning permission to install a Conservation style rooflight within the property's southern roof slope. The rooflight is being sought to provide natural light and ventilation to the property's bathroom.

RELEVANT PLANNING HISTORY

Bank Cottage and the surrounding buildings have been subject to a number of planning applications over recent years. The planning history relevant to this application is set out below:-

90/02014/FUL – Alterations to outbuildings for use as two dwellinghouses and three garages – Granted 29/01/91

06/04824/FUL – Extension to cottage into lower level stable area to form 4-bedroomed dwellinghouse and alterations to existing cottage (Amended scheme) – Refused 23/05/07

07/01700/LU1 – Application to establish the lawful use of land as extension to residential curtilage – Granted 18/09/07

07/02797/LU1 – Establishing the lawful use of building as residential (Application under Section 191) Refused 06/09/07

07/03556/FUL – Single storey side extension to dwellinghouse – Granted 14/11/07. A condition was attached to this approval (No. 3) that removed the property's 'PD' Rights. – Granted 14/11/07

08/00536/LU1 – Establishing the lawful use of building as residential (Incidental to the enjoyment of the main dwellinghouse – Bank Cottage) (Application under Section 191) (Resubmission of 07/02797/LU1) Refused 07/04/08

09/03939/FUL – Single storey side extension, replacement of section of flat roof with pitched roof and alterations to door and window openings – Refused 28/04/10

An appeal in respect of the two refusals (06/04824/FUL and 07/02797/LU1) was held at a Public Enquiry in July 2008. Both were dismissed.

SUMMARY OF REPRESENTATIONS

Six letters have been received in response to this application, five letters in support and one against. A summary of their comments is listed below.

Support (5)

- Ewden Barn immediately adjacent to the site has roof lights.
- The roof lights are an unobtrusive practical way to naturally light a dwellinghouse;
- Other single storey buildings and extensions in the area have the benefit of such features;
- The room would benefit significantly from the addition of natural light;
- The proposal would reduce the need to have bathroom lighting in the daytime, which in term will make the property more energy efficient;

Object (1) – 1 Bank Farm

- Any roof light at Bank Cottage would be visibly out of character in such a small, single storey, low barn conversion in the sensitive location of the Green Belt and Area of High Landscape Value;
- The proposed roof light is far too large for a bungalow with such a low roof. The roof is only 2.6m high at the point (eaves) where it abuts No. 1 Bank Farm. The proposed roof light would take up a disproportionate amount of the roof and be almost as large as the property's main South facing windows;
- The roof light would detract from our amenities as adjoining occupiers - it would directly overlook the table and chairs on our decking in our private garden and we would also be able to see in to it from our property;
- The roof light is also unnecessarily large for such a small room. The bungalow's bathroom measures just 2m by 2.8m, and is a room which the applicants designed to their own specification and has functioned adequately, without a roof light for the past six years.
- The applicants have made it clear, from earlier applications and discussions that their ideal would be to put in multiple roof lights in the future. We would hope that this application will not be allowed to set a precedent.

PLANNING ASSESSMENT

Planning Policy

Bank Cottage is situated in the Green Belt and within an Area of High Landscape Value (AHLV). The proposal should therefore be assessed against UDP Policies GE1, GE2, GE4 and GE8. Policy GE1 states that in the Green Belt development will not be permitted, except in very special circumstances, where it would lead to, amongst other things encroachment of development into the countryside. Policy GE2 states that in the Green Belt measures will be taken to maintain and enhance areas of high landscape value (this is also underlined by GE8 relating to Areas of High Landscape Value). Policy GE4 states that the scale and character of any development in the Green Belt should be in keeping with the area and conserve and enhance the landscape. Also relevant to the application is UDP Policy BE5, which seeks that good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions.

Proposed Development

The proposal involves inserting a 'Conservation style' rooflight within the property's southern roof slope. The rooflight would measure 1000mm by 900mm and is being sought to provide natural light to the property's bathroom/toilet.

Impact on the character and appearance of the building and surrounding area

The application was submitted with the benefit of pre-application advice prior to the application being submitted. The applicant was advised that a single 'Conservation style' rooflight could be supported on this building and unlikely to detract from the character and appearance of the building. The use of roof lights to light upper floor rooms is commonplace and used on buildings throughout the city including in Bolsterstone, and are considered to be an acceptable form of development on traditional former farm buildings such as Bank Cottage.

Although concerns have been raised that the rooflight would be out of character, it is considered that the rooflight is acceptable from a design perspective and would not result in any undue harm to the character of the building. Given that the application proposes only a single rooflight, it is not considered that it would appear incongruous or create clutter that would be visually harmful to the building. Despite the concerns raised with regard to the size of the rooflight, this is not uncommon (1000mm by 900mm) and would be read against the full roof span of the building. To seek a smaller rooflight is considered to be unreasonable in this case. It is recommended that a condition be attached that requires that the rooflight is a 'Conservation style' rooflight to ensure that it is an appropriate response to the traditional character of the building and does not project above the roofslope.

UDP Policies GE4, GE8 and BE5 are considered to be met.

Effect on the residential amenity of neighbouring properties

The only property that would be affected by the development is 1 Bank Farm. All other neighbouring properties are situated to the rear of the dwellinghouse and the rooflight would not be visible from any part of their houses or gardens.

The plans show that the lowest part of the rooflight would be sited more than 2.5m above finished floor level. In addition to this, owing to the attached ground floor structure there is

a separation distance of over 6m between the rooflight and the nearest point of the neighbouring property's rear garden. In view of this, it is not considered that the proposed rooflight would lead to any loss of privacy or unacceptable light pollution that would be harmful to the residential amenity of 1 Bank Farm. It is recommended that a condition be attached to any approval requiring no part of the rooflight to be lower than 1.8m above the finished floor level in which the window is installed.

SUMMARY AND RECOMMENDATION

The applicant is seeking full planning permission to install a 'Conservation style' rooflight within the southern roof slope of a traditional stone dwellinghouse in Bolsterstone. The rooflight is to provide natural light and ventilation to the property's bathroom/toilet.

It is considered that the application represents an appropriate form of development and would not harm the character or appearance of the building or visual amenity of the surrounding area. The submitted cross section drawings show that the lowest part of the rooflight would be over 2.5m above finished floor level. The proposal would not therefore result in overlooking that would be harmful to the residential amenity of neighbouring properties.

For the reasons set out within the report, it is considered that the application is acceptable and would be in general accordance with UDP Policies GE4, GE8 and BE5. The application is therefore recommended for approval subject to the conditions listed.

Case Number	15/02943/FUL (Formerly PP-04389450)
Application Type	Full Planning Application
Proposal	Demolition of dwellinghouse and erection of 2 semi-detached dwellinghouses
Location	44 Oak Hill Road Sheffield S7 1SH
Date Received	04/08/2015
Team	South
Applicant/Agent	Millhouses Plans Ltd
Recommendation	Grant Conditionally

Subject to:

Time limit for Commencement of Development

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.

Approved/Refused Plan(s)

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

Drawing Title / Reference Number:

-Proposed Site Plan / 238-PSP

-Drainage Plan / 238-DP

-Ground Floor Plan / 238-1

-First Floor Plan / 238-2

-Second Floor Plan / 238-3

-Oakhill Road Street Scene / 238-4 (As per Email sent By Agent to Planning Officer on 28/10/15 at 10:57hs)

-Front Elevation / 238-5 (As per Email sent By Agent to Planning Officer on 28/10/15 at 10:57hs)

-Rear Elevation / 238-6 (As per Email sent By Agent to Planning Officer on 28/10/15 at 10:57hs)

-Side Elevations / 238-7 (As per Email sent By Agent to Planning Officer on 28/10/15 at 10:57hs)

Reason: In order to define the permission.

Pre-Commencement Condition(s)

3. Large scale details, including materials and finishes, at a minimum of 1:20 scale of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:

Facing Materials
Windows
Window reveals
Doors
Eaves and verges
Roof
Ridge & valleys
Chimneys
Rainwater goods
Heads & Cills
Bargeboards
Finials
Quoins
Mullions

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

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

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

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

5. Details of the location, specification and appearance of all new services to the building (including meter boxes, outlets and inlets for gas, electricity, telephones, security systems, cabling, trunking, soil and vent stacks, fresh and foul water supply and runs, heating, air conditioning, ventilation, extract and odour control equipment, pipe runs and internal and external ducting) shall be approved in writing by the Local Planning Authority before installation.

Reason: In order to ensure an appropriate quality of development

6. A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority

before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority.

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

7. Details of a suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority and the approved dwellinghouses shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

8. The works of demolition hereby authorised shall not be carried out before a contract for the carrying out of the works of redevelopment of the site has been made, evidence that such a contract has been made has been submitted to and approved by the Local Planning Authority and planning permission has been granted for the redevelopment for which the contract provides.

Reason: To ensure that premature demolition does not take place and result in an undeveloped site, some time before rebuilding, which would be detrimental to the visual character of the locality.

Pre-Occupancy and Other Stage of Development Condition(s)

9. 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 replaced in accordance with the approved details.

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

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

Reason: To ensure satisfactory drainage arrangements.

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

dwellinghouse. Thereafter the hard surfacing shall be implemented in accordance with approved details.

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

Other Compliance Conditions

12. Rooflights shall be conservation style whereby no part of the rooflight shall project above the surface of the roofing slates.

Reason: In order to ensure an appropriate quality of development

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

Reason: To ensure that the local planning authority can confirm when the maintenance periods specified in associated conditions/condition have commenced.

14. Surface water and foul drainage shall drain to separate systems.

Reason: To ensure satisfactory drainage arrangements.

15. Surface water shall not discharge into a public foul sewer.

Reason: To ensure satisfactory drainage arrangements.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2015, Part 1 (Classes A to H inclusive), Part 2 (Class A), or any Order revoking or re-enacting that Order, no extensions, porches, garages, ancillary curtilage buildings, swimming pools, enclosures, fences, walls or alterations which materially affect the external appearance of the dwellinghouses shall be constructed without prior planning permission being obtained from the Local Planning Authority.

Reason: In the interests of the amenities of occupiers of adjoining property, bearing in mind the restricted size of the curtilage, and to ensure that the traditional architectural character of the dwellinghouses is retained and there is no visual intrusion which would be detrimental to the amenities of the locality.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking and re-enacting the order) no windows or other openings shall be formed in the side elevations of the dwellinghouses hereby permitted without the prior written approval of the Local Planning Authority.

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

18. The dwellinghouses shall not be occupied unless the car parking accommodation for one car per dwelling as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

Attention is Drawn to the Following Directives:

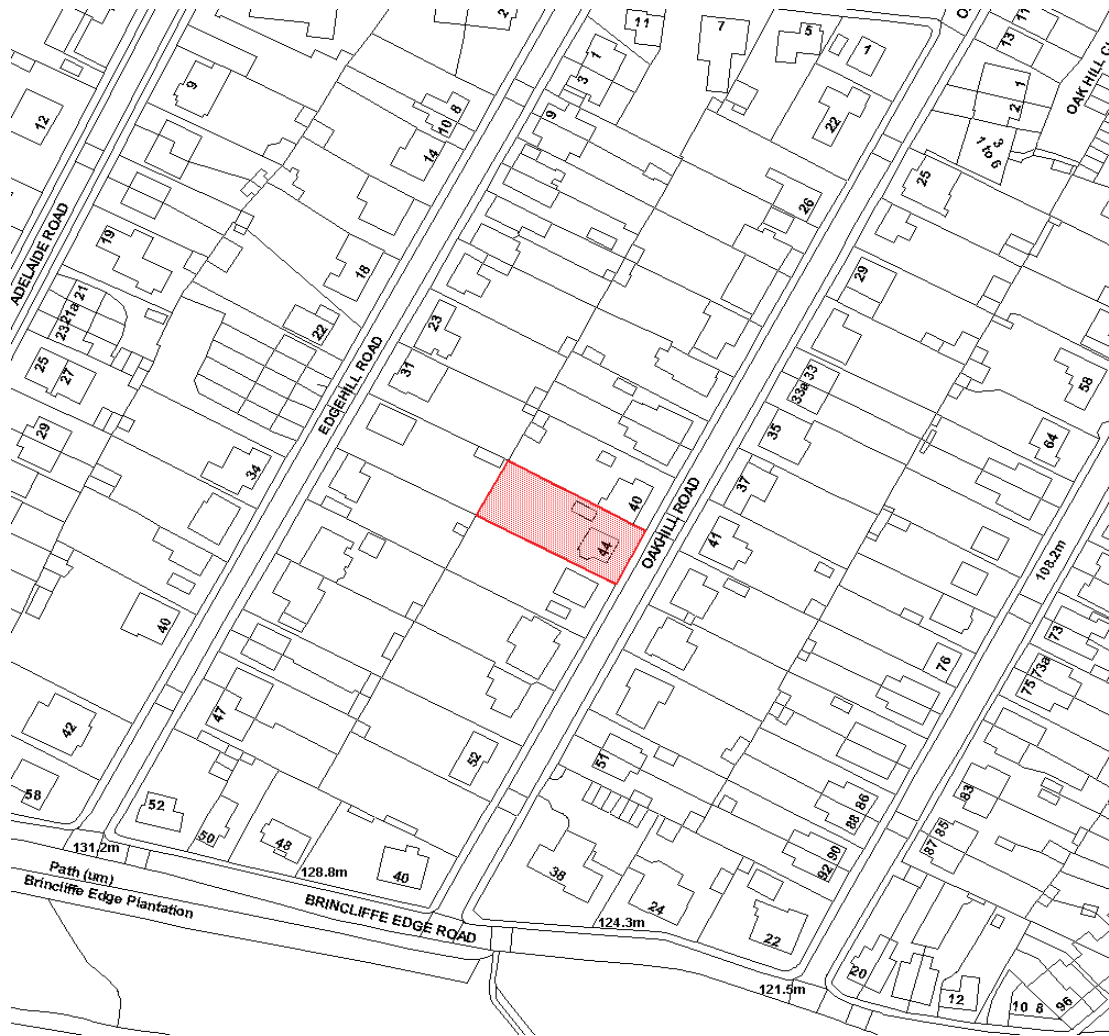
1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. It is noted that your planning application involves the construction 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.

Site Location



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LOCATION AND PROPOSAL

The application site is located to the western side of Oak Hill Road, and is located in the Nether Edge Conservation Area. Oak Hill Road includes mainly detached properties and some semi-detached dwellinghouses. The majority of the existing dwellings are historic with the remainder being of more modern design. Oak Hill Road slopes downwards from the south to the north.

The application site currently includes a detached dwellinghouse, with a detached garage. It is of a more modern design, and is understood to have been built during the 1950's.

The full planning application seeks consent for the demolition of the existing dwelling, and the construction of two semi-detached dwellinghouses. The proposed dwellinghouses would each incorporate a single off-street parking space to their frontages. They would include a bay window at their ground floor levels and a forward projecting gable feature. The entrance doors would be centrally located. The proposed materials would include coursed natural stone and natural slate tiles. The details would include natural stone heads, cills, quoins, mullions, chimneys, and timber windows, doors, finials and bargeboards.

RELEVANT PLANNING HISTORY

14/03486/FUL ; Demolition of dwellinghouse and erection of 2 semi-detached dwellinghouses

Refused - March 2015

Reasons for Refusal:

- The Local Planning Authority consider that the proposed development by reason of its scale and massing, external appearance and poor detailing gives rise to an unsatisfactory design, representing overdevelopment of the site and would be detrimental to the character and appearance of the Nether Edge Conservation Area and the character of the locality and be contrary to the aims of Policies BE5, BE15 and B16 of the Adopted Unitary Development Plan, and policy CS74 of the Sheffield Development Framework - Core Strategy and paragraphs 129, 131, 132 and 133 of the National Planning Policy Framework.
- The Local Planning Authority consider that the proposed removal of a substantial part of the front boundary wall and provision of hardstanding to form off-street car parking accommodation would be harmful to the character and appearance of the Nether Edge Conservation Area and be contrary to the aims of Policies BE15 and BE16 of the Adopted Unitary Development Plan, Policy CS74 of the Sheffield Development Framework - Core Strategy and Paragraphs 129, 131, 132 and 133 of the National Planning Policy Framework.

- The proposed development does not include any usable car parking accommodation within the site and the Local Planning Authority consider that, in the absence of such car parking accommodation, the proposed development could lead to an increase in on-street parking in the vicinity of the site, which would be detrimental to the safety of road users and, as such, contrary to Unitary Development Plan Policy H14.

SUMMARY OF REPRESENTATIONS

After neighbour notification, the placement of a site notice and the publication of a press advert; a total of 17 representations have been received objecting to the proposal.

The comments are able to be summarised as follows:

Design Issues

- Latest proposal doesn't satisfactorily address earlier reasons for refusal, or deal with the negative points raised in the previous Delegated Officer's report.
- Over-development of site. Proposed building is 2.5 times larger than the dwelling it would replace, and 4 times the size of No46. Would be larger than any building on Oak Hill Road.
- Failure to comply with best features of Conservation Area. Excessive mass and scale. Too much of site is occupied, filling almost whole width of plot. Would make the street appear as a terrace. Overall, out of character with the section of the road.
- Proposal would create an imposing and over-powering presence to adjacent properties.
- Plot is not larger than the average surrounding plots.
- Removal of substantial proportion of the front boundary walls.
- Small front gardens.
- Setback of dwellings from street compared to previous refusal. This is not in keeping with the surrounding houses, breaking existing building line. Also has implications for light and overlooking for immediate neighbours.
- Proposal considered to represent mock / pastiche houses.
- Proposed front elevation drawing is not adequate, and more consideration needs to be given to the wider picture.
- Proposed 3D images are thought to be misleading.
- Query how excavation of 1m depth of soil will be undertaken, and how a retaining wall will be formed in available space and retain bin access.
- Parking arrangements would leave cars overhanging bay windows leading to cluttered appearance.
- No evidence that plot previously accommodated two dwellings. Evidence is to the contrary.

Highways

- Inadequate parking provision. Guidance suggests 2-3 spaces for houses of this type. Increased on-street parking will also harm character of the conservation area.
- Proposed spaces are unlikely to be used due to small size and awkward access.

- Development at far end of road has caused problems, even though it included more parking than current scheme.
- Increased traffic movements.
- Neighbours frequently experience difficulties in exiting driveways due to level of parking.
- Damage and dirt/dust created by construction traffic.

Neighbour Amenities

- Loss of view from opposite side of road.
- Loss of light impacts to gable window in No46 facing application site.
- Impacts of the proposed 3rd storey should be assessed as plans don't fully consider this.
- Setting houses back to create parking restricts light to adjacent properties (No's 40 and 46).
- Will block view towards the north from rear windows at No46 and restrict light to room.
- Blocking of light to No 40 for a substantial part of day, to the rear conservatory, which is used as a main living room. The '45 degree rule' does not reflect impact.
- Privacy would be impacted on by proposed windows.
- Loss of light and green view to No41 Oak Hill Road. No41 would be overlooked.

Landscaping Issues

- 50 year old multi trunk lilac tree on boundary of No44 and 46 would be undermined by excavation, probably killing it. Tree is an important part of the landscape character.

Drainage Issues

- Underground stream issue hasn't been addressed. Dwellings would reduce capacity of garden to absorb excess water. Dealing with adverse impacts when they arise may not prevent damage already occurring to neighbouring properties. Setting the houses further rearward may potentially increase risks.
- Cellars at No's 40 and 46 have been flooded in past, concerns that proposal (including the retaining wall) could increase this potential risk to No46.

Boundary Ownership Issues

- Land Registry documents make it clear that the boundary with No40 runs in line with its side. This leads to an angled wall which is inconsistent with the character of the area.

Other Issues

- House could be let as a House in Multiple Occupation, leading to additional parking demands.
- Increase in number of people resident within site.

- No opposition to redevelopment of site as current property is in a poor state of repair, subject to it being sympathetic to Conservation Area.
- An approval would lead to further similar applications, which would be difficult to resist.

Non-material Considerations

- Possible adverse structural impact during and after construction.
- Level changes created by excavation adjacent to No46 could undermine foundations of No46 and its boundary wall.

A single representation has been received in response to an exchange of email correspondence between the Council Officers and the Agent being published on the Council's website, following discussion regarding potential modifications to the scheme. The comments made can be summarised as follows:

- Agent states that it wouldn't be financially viable to amend the scheme. Financial viability is not a planning matter, and not reason to approve inappropriate development.
- Agent reiterates that proposal would be an improvement, but this isn't sufficient justification for approval.
- Scheme should reflect best practice in a conservation area.

A representation has also been submitted by Cllr Nikki Bond, which attaches a representation sent to her by seven local residents. Cllr Nikki Bond summarises the main points as:

- Property is out of alignment with others on street.
- Overshadowing of neighbouring properties.
- Threats to a long established tree and wall.
- Overdevelopment.
- Potential parking problems.

One letter of support has been submitted from a correspondent not local to the application site. The representation comments that the proposed traditional appearance is supported. Replacement of poor quality buildings with a higher design quality building is supported and the proposal would have a positive impact on street scene and Conservation Area.

PLANNING ASSESSMENT

In national policy terms, the National Planning Policy Framework (NPPF) is relevant.

Paragraph 14 states that "at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development". It also identifies that in decision-making terms, development proposals which accords with the development plan should be approved.

Paragraph 17 of the NPPF summarises key planning principles, with one being to "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings."

Regarding the historic environment, paragraph 129 states that the significance of a heritage asset (such as a conservation area) which may be affected by a proposal

should be assessed, and this should be taken into account when a proposal's impacts on a heritage asset is considered to avoid conflict between the heritage asset and any aspect of the proposal.

Paragraph 131 of the NPPF, requires local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 133 gives directs local authorities to refuse consent where a development would lead to substantial harm to a heritage asset, and also points to circumstances where refusal may not be appropriate.

Paragraph 134 states that when a development would lead to less than substantial harm to a heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 138 states that not all elements of Conservation Areas will contribute to its significance.

More generally, Paragraph 12 of the NPPF emphasises that the document does not change the statutory status of the development plan as the starting point for decision making, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

In terms of policy for the Local Authority area, weight is given to the following policies. Policy BE5 covers 'Building Design and Siting' deals partly with the appearance of the proposal and impacts on the local area.

Policy BE16 covers 'Development in Conservation Areas' and Policy BE17 covers 'Design and Materials in Areas of Special Architectural or Historic Interest'. Each is relevant given the site's location in a Conservation Area.

Weight is also given to policy H14 'Conditions on Development in Housing Areas'

The Sheffield Core Strategy includes the following relevant policies. Policy CS31 'Housing in the South West Area' and CS74 'Design Principles'.

Principle of Development

The adopted Unitary Development Plan (UDP) shows that the application site is a designated as a housing policy area. UDP policy H10 says housing is the preferred use, so the broad principle is acceptable.

The site currently incorporates a dwelling and its garden. As the development involves the replacement of an existing dwelling on the same, albeit extended footprint, it is considered to be previously developed land under the provisions of the NPPF. Paragraph 53 of the NPPF says that LPAs should consider setting out policies to resist inappropriate development of residential gardens. This development would not be considered to amount to the development of a

residential garden. Therefore, it would not be considered to be affected by the negative implications of this policy requirement, and by implication would be acceptable in principle.

Core Strategy Policy CS24 gives priority for the development of new housing on previously developed land. The proposal would therefore meet the aims of policy CS24.

The principle of the development would therefore be considered to meet the requirements of these relevant policies, and therefore be acceptable.

The existing dwelling and garage / outbuilding are not considered to contribute positively to the street scene or the character of the locality. Their removal would not be considered to harm the conservation area, however, in order to ensure that the blank site would not remain undeveloped for an indefinite period it is considered that a condition should be added to any consent to prevent demolition before a contract has been let for the redevelopment of the site.

Layout and Design of Proposed Dwellinghouses

The site is located in Nether Edge Conservation Area. As a result the proposal is covered by UDP policy BE16 'Development in Conservation Areas', which requires developments to preserve or enhance the character or appearance of the Conservation Area. Policy BE17 deals with 'Design and Materials in Areas of Special Architectural or Historic Interest', and states a high standard of design is required, using traditional materials.

Policy H14 of the UDP covers 'Conditions on Development in Housing Areas' and in part a) requires development to respect the local area.

The Core Strategy states in Policy CS31 'Housing in the South West Area' that the scale of new development will be accommodated at an appropriate density, and that priority will be given to safeguarding and enhancing its areas of character.

Policy CS74 'Design Principles' of the Core Strategy requires development to respect and enhance the distinctive features of the city, its districts and neighbourhoods.

The development's layout features the setback of the pair of semis by approximately 5.9metres from the back edge of the footpath, to allow a car parking space to be included at each frontage. Also the dwellinghouses would leave approximately a 1metre gap to the side boundaries.

The setback of the dwellings would mean that they sat further rearward than the respective neighbouring dwellings, which are each setback from the footpath by approximately 3.65metres (No.40) and 3.45m (No.46). The existing dwellinghouse within the site is setback by 4.65m from the footpath.

This element is an important factor in the street / locality's character, and the Nether Edge Conservation Area Appraisal states that the houses are "closely spaced along a strong building line with small forecourts. Although some plots are divided into narrower "half" plots with semi-detached houses, the spatial layout is very uniform". In regards to Oak Hill Road, it can be commented that the existing properties do not sit exactly on an entirely rigid building line, and some include staggered front elevations.

The proposed dwellings' main frontage would sit 2.25metres back from No.40, and 1.25metres to the rear of the existing dwelling. It should also be noted that the proposed dwellings include ground floor bay windows at their front elevation which project forward by approximately 0.6metres.

The depth of the additional setback would not be considered to result in the dwelling appearing to be significantly out of keeping with the character along the road. This is a result of the existing dwellings' setback, which is quite apparent from the street with the dwelling not sitting on the same plane when viewed from either direction along Oak Hill Road. This will clearly continue to be the case and whilst the proposed setback would increase, the extra setback would not be considered to be significantly more apparent or visually detrimental to the character of the street scene.

The non-uniformity of the building line and the staggered nature of some of the properties front elevations along the street are also relevant factors, and would contribute to the setback of the proposed dwellings not having a detrimental impact on the character of the street.

This setback is necessitated by the incorporation of an individual parking space at the front of each property. In contrast, it was commented as part of the report dealing with the refused scheme that a very limited number of properties along the street have parking to their fronts. The currently proposed parking spaces are perpendicular to the houses and the road. They occupy approximately 1/3 of the width of each dwelling's plot width. The remaining portion would be soft landscaped, mirroring the small front garden spaces common along the street. The proposed parking layout would not be considered to dominate the proposed forecourt areas to a degree which would be considered to be detrimental to the character of the immediate surroundings, or the street scene.

The proposed pair of semis would leave 1metre gaps to each of the side boundaries. The previously refused application incorporated similar distances to the side boundaries. As part of the report dealing with that application it was stated that the dwellings proposed at that stage occupied an excessive proportion of the plot width and as No40 sits directly on the respective side boundary, it was commented that the proposals proximity to the boundary was of particular impact. Consequently, it was stated that the proposal would have represented an over-development of the plot.

The design of the currently proposed dwellings is considered to be much improved, as discussed below. Therefore, the detrimental impacts of the separation distances to the side boundaries are considered to be much less significant. It is

not considered that the proposal would appear to be out of keeping with the character with the street scene, in the same way as the previously designed scheme would have been.

It is therefore considered that the proposed separation dimensions to the boundaries would not cause the scheme to constitute over-development to the same harmful degree as the previously proposed scheme.

As such, it is considered it would not be possible to sustain an argument that the current scheme represented an overdevelopment of the plot.

The proposed design of the dwellings has been significantly modified since the refusal of the previous application. The projecting gables, which project forwards, are typical features in dwellings of this type. The gable features are modestly designed, so to not dominate the roof scape. The windows are designed to incorporate an appropriate hierarchy of descending visual prominence from ground floor upwards. Chimneys are incorporated at the outer points of the ridge. The building steps down the hill and follows the natural topography in an appropriate way.

The visual appearance of the properties would be considered to be in keeping with the character of the street scene and the conservation area. The previously refused design incorporated a number of cumbersome elements which were not appropriate in the conservation area, and these have been addressed.

Consequently, it is considered that the proposal would have an acceptable impact on the character of the surroundings and the conservation area.

The improvements to the proportions of the gable design, alterations to the design of the roof scape, the absence of steps to the front entrance door, the incorporation of quoin details, bargeboards, finials and chimneys and the improved respect for the need for a visual stepping down are considered to be the key improvements to the design of the dwellings and the resulting contribution to the character of the street scene.

The scheme also proposes the removal of a length of front boundary wall to provide access to the left hand of the proposed semis. The right hand semi would utilise the existing driveway so necessitates no further widening / modification.

The proposed opening would be approximately 3m in width, and would leave a length of wall approximately 8.5metres long. The proposed amount of removal would be considered to be acceptable, leaving a substantial proportion of the wall in place. It is not considered that proposed additional opening would be excessively wide, or be out of keeping with the character of the street scene. On this basis the proposal would be considered to have an acceptable impact upon the character of the street scene.

The previous refusal raised concerns regarding the removal of a substantial length of front perimeter walling. However, the current scheme retains a much more substantial proportion of the existing wall, therefore addressing these concerns.

Overall, the proposal is considered to be acceptable in relation to these issues, adequately overcoming the concerns which led to the previous refusal. Therefore, the requirements of the relevant policies summarised above are satisfied.

Neighbour Amenity Issues

The proposed dwellings would be located between No's 40 and 46 Oak Hill Road, and these would be the dwellings most susceptible to potential impacts. Additionally, a number of comments have been received from occupants of dwellings on the opposite side of Oak Hill Road.

No40 Oak Hill Road is located to the north east of the application site. It is set on land approximately 1metre beneath the level of the application site. Its respective side elevation is blank, although it includes a rear conservatory extension set away from the boundary by approximately 3m which is clearly glazed facing towards the application site.

The proposed dwellings include a 2.5 storey rear off-shot element, which would be set approximately 3metres from the shared boundary.

Whilst the application site is elevated by 1metre (approx.) above No40, the respective storey heights mean that the main body of the dwelling and the rear off-shot would not be greater in height than the dwelling at No40. As a result the elevated land level arrangement does not have an additional impact upon the amenities at No40.

The main body of the proposed dwelling and the off-shot element, would not project beyond a line drawn at 45 degrees from No40's nearest rear elevation window. This technique is used to establish whether proposed extensions and buildings would undermine the amenities of neighbours. The off-shot element would be separated by approximately 9metres from the habitable room in the original dwelling. The satisfaction of the '45 degree principle' and the 9metre separation result in the conclusion that the proposal would not harm the amenities of No40 in this regard. On this basis it is not considered that the proposal would lead to a detrimental overbearing or loss of light impact to the neighbouring dwelling in question.

The use of clear glazing at the respective side elevation of No40's conservatory would not enable the proposal to be resisted. The conservatory includes clear glazing to all 3 sides, so outlook in other directions would continue to be available. Additionally, the garage at the application site currently sits in close proximity to the boundary, whilst the off-shot portion of the proposal would be set further from the boundary albeit at a greater height. Further to this the conservatory is set back approximately 3metres from the boundary. Overall, it is not considered that the proposal would significantly undermine the amenities afforded to this conservatory space.

No46 is located to the south-west of the application site, and is blank along its side elevation with the exception of a window in the gable at 2nd floor / attic level. The application site is set below the level of No46 by approximately 1metre. Again the

proposal would not breach a 45 degree line taken from the nearest window in the ground floor level of No46. Consequently, the dwelling would not be considered to have a harmful impact upon the amenities of No46, as detrimental overbearing or loss of light impacts would not be considered to arise.

The use of the space served by the 2nd floor attic window at No40 is unclear but often such rooms are used as bedrooms; however, it appears to be supplementary to other windows serving the same space. In addition, the window is borrowing amenity from the application site and should not be afforded significant weight in considering the impacts of the scheme.

Some concern has been raised about the excavation required as part of the development, and undermining impacts upon No46. This would not represent a material planning issue, and would instead need to be dealt with under civil legislation such as the Party Wall Act (and B Regs?). The retaining wall involved would not prevent access to the rear garden sufficient to take a wheelie bin along.

The proposal may lead to increased overlooking opportunities to these neighbouring dwellings at No's 40 and 46 from upper floor windows. However, the resulting relationships are similar to those associated with the existing dwelling on the site, and would not be considered to be untypical in such an area, and it would not be sustainable to resist the application based upon these impacts.

Concern has been raised about the obscuring of views from No40 to the north and from dwellings opposite the site through the application plot to the west. The planning system does not provide an entitlement to a view, and therefore these concerns would not be able to be assessed as part of the current scheme, or be capable of forming a reason for refusal of the application.

Concern has been raised regarding loss of privacy to occupants on the opposite side of Oak Hill Road. Given there is an intervening highway and the proposed relationship would be typical along the street, it would not be reasonable to resist the application due to this issue.

Overall, the application would be considered to have an acceptable impact upon the amenities of neighbouring occupiers and to meet the requirements of the relevant planning policies.

Highways Issues

The proposal includes a single off-street parking space at the front of each dwelling. Parking standards would target 2-3 off-street parking spaces per dwelling. Therefore, the proposal represents a shortfall below the guidance requirements of between 2 to 4 spaces. Notwithstanding this shortfall, it is considered that the shortfall would be unlikely to result in such a detriment to highway safety which would warrant a refusal of the application. Any resulting on-street parking would most commonly occur across the plot's frontage and avoid a significant impact elsewhere in the vicinity. This would not represent a worsening of the current situation, where vehicles are able to be parked on street along this section of the highway at the front of the application site.

The previously refused scheme included an off-street parking space at each dwelling, however, those spaces sat parallel to the road. This was considered to make access to them awkward, such that the spaces were essentially unusable. As a result the proposal is considered to represent a significant improvement over previous refusal in this regard.

As a result, it is not considered that the proposal would have a significant detrimental impact upon local highway safety. Consequently, the scheme would be considered to meet the requirements of UDP policy H14 part d) which requires schemes to provide safe access to the highway network and for the provision of appropriate off-street parking.

Landscaping Issues

Concerns have been raised regarding the impacts of the proposal and related excavations etc. upon the lilac adjacent to the site, within No46's front garden. Planning legislation only protects trees meeting certain criteria within a conservation area. The lilac in question would instead be considered to be a shrub, which wouldn't be afforded protection under the planning system. As a result the application would not be able to be resisted in order to safeguard the future lifespan of the lilac.

More generally, any approval would include conditions requiring landscaping details to be agreed.

Drainage Issues

Concern has been raised within a number of representations about the implications of the proposal upon an underground stream, which is said to run to the rear of the properties along Oak Hill Road. Adjacent neighbours have experienced flooded cellars in the past.

The Council holds no records of underground streams affecting this site or area. Additionally, the site is in close proximity to Brincliffe Edge Road, which is essentially a ridge. It is therefore considered that there would not be scope for a stream to form given the short distance from the 'high peak' of Brincliffe Edge Road to the application site.

Further to this, Council records show that the water table affecting the site is in excess of 5metres below the land level.

As a result it is considered that the proposed lowering of the land level, and excavations for foundations could be undertaken without leading to a significant increase in the likelihood of occurrences of flooding at the neighbouring properties.

Community Infrastructure Levy (CIL)

The application would be CIL liable, and the relevant charge rate in this location is £30 / sq.m.

RESPONSE TO REPRESENTATIONS

The majority of points raised within representations have been dealt with in the above assessment.

In relation to the outstanding points the following comments can be made in response.

-Assessment took into account the plot's size, and how it related to neighbouring plots, via inspection of OS maps etc.

-The submission shows a Street Elevation including the proposed dwellings and No's 40 and 46, which is considered to be adequate to allow assessment of the proposal's implications within the street scene.

-The submitted 3D images give an impression of the scheme's impact but are not the primary documents when considering the application. Instead the submitted drawings are referred for precise information.

-The dispute regarding whether the site previously included two dwellings is not a material planning consideration. Instead, the current submission needs to be assessed on its individual merits.

-Any inaccuracy in the Layout drawing is not reflected in the red line on the Site Location Plan, which shows ownership.

-Concerns about the increased number of people resident within the site would not be considered to lead to any issues which would need to be covered here.

However, the Community Infrastructure Levy would require a payment to local infrastructure which could potentially partly alleviate any concerns in this regard.

- The proposal relates to C3 type dwellinghouses, and any occupation as a house in multiple occupation would require a separate planning permission. Any such application would be assessed on its merits.

-Any future applications for nearby plots would be assessed on their merits.

-Financial viability, whilst identified by the NPPF as a material consideration has not been a determining factor in this case.

SUMMARY AND RECOMMENDATION

The application relates to a plot currently incorporating a 1950's detached dwelling house. The site is located in Nether Edge Conservation Area.

Permission is sought for demolition of the existing dwellinghouse, and the construction of two replacement semi-detached properties.

The application follows the refusal of a planning application, also for 2 semi-detached dwellings. The proposal is considered to have an acceptable impact upon the character of the street and the surrounding part of the Conservation Area. It is considered that the amenities of neighbouring occupiers would not be detrimentally harmed and that any implications upon local highway safety would not be significantly detrimental.

The proposal is therefore considered to have addressed the negative outcomes which previously resulted in the refusal of the scheme.

On this basis the proposal is considered to be acceptable and conditional approval is therefore recommended.

Case Number	15/02574/FUL
Application Type	Full Planning Application
Proposal	Retention of 1.8m-2.5m high fencing panels (eastern boundary) and retention and erection of 1.2m-1.5m fencing panels with access gates (southern boundary) (Amended Description)
Location	Bank Cottage Bank Lane Sheffield S36 3SS
Date Received	07/07/2015
Team	West and North
Applicant/Agent	Mr R Crookes
Recommendation	Grant Conditionally

Subject to:

Time limit for Commencement of Development

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.

Approved/Refused Plan(s)

2. The development must be carried out in complete accordance with the following approved documents:-
 - Location Plan;
 - Site Plan; and
 - Elevation Plans (Eastern and southern sections)

received on the 7 July 2015, 15 September 2015 from Mr R Crookes

Reason: In order to define the permission

Pre-Commencement Condition(s)

Pre-Occupancy and Other Stage of Development Condition(s)

Other Compliance Conditions

3. The fences hereby approved shall be treated in a dark green (forest green) stain only.

Reason: In the interests of the visual amenity of the surrounding area

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

BACKGROUND

The application has been submitted in response to an enforcement enquiry regarding the erection of timber fencing panels that have been erected without planning permission to a residential property in Bolsterstone. The applicant was informed by officers that planning permission was required to retain the fencing panels owing to the panels exceeding 2m in height (eastern boundary only) and that a condition attached to the approval to erect a single storey side extension to the dwellinghouse in 2007 removed the property's 'Permitted Development' Rights.

LOCATION AND PROPOSAL

The application relates to Bank Cottage. Bank Cottage forms part of a small group of traditional former agricultural buildings that were granted planning permission to be converted into dwellinghouses in 1991. There are five dwellinghouses that make up the small group of buildings at Bank Farm, these are Bank Cottage, subject to this application, Bank House, 1 Bank Farm (the original farmhouse), Ewden Barn, and 2 Bank Farm). The site is situated in the Green Belt and lies within an Area of High Landscape Value (AHLV).

The group of buildings hold a commanding position in the Ewden Valley, situated up a steep road (Bank Lane) that feeds off Sunny Bank Road. Bank Cottage is built in traditional materials with its walls faced in natural random stone and roof covered with artificial stone slates. Attached to the rear of the building is a flat roofed structure that is used for storage and the stabling of horses. Bank Cottage's garden is severed from the main dwellinghouse, situated across a shared courtyard area to its west. The garden is attractively landscaped and covers an area of approximately 700 square metres.

The applicant is seeking full planning permission to retain three fencing panels (1.8m-2.5m) that have been erected along part of the garden's eastern boundary and the part retention and erection of new timber fencing panels with proposed access/maintenance gate (1.2m-1.5m) along the garden's southern boundary.

RELEVANT PLANNING HISTORY

Bank Cottage and the surrounding buildings have been subject to a number of planning applications over recent years. The planning history relevant to this application is set out below:-

90/02014/FUL – Alterations to outbuildings for use as two dwellinghouses and three garages – Granted 29/01/91

06/04824/FUL – Extension to cottage into lower level stable area to form 4-bedroomed dwellinghouse and alterations to existing cottage (Amended scheme) – Refused 23/05/07

07/01700/LU1 – Application to establish the lawful use of land as extension to residential curtilage – Granted 18/09/07

07/02797/LU1 – Establishing the lawful use of building as residential (Application under Section 191) Refused 06/09/07

07/03556/FUL – Single storey side extension to dwellinghouse – Granted 14/11/07. A condition was attached to this approval (No. 3) that removed the property's 'PD' Rights. – Granted 14/11/07

08/00536/LU1 – Establishing the lawful use of building as residential (Incidental to the enjoyment of the main dwellinghouse – Bank Cottage) (Application under Section 191) (Resubmission of 07/02797/LU1) Refused 07/04/08

09/03939/FUL – Single storey side extension, replacement of section of flat roof with pitched roof and alterations to door and window openings – Refused 28/04/10

An appeal in respect of the two refusals (06/04824/FUL and 07/02797/LU1) was held at a Public Inquiry in July 2008. Both were dismissed.

SUMMARY OF REPRESENTATIONS

Four letters have been received in response to this application, three letters in support and one against. A summary of their comments is listed below.

Support (3)

- The owners of Ewden Barn state that they are immediate neighbours to the site and have no problem whatsoever with the proposed retention of the fencing panels;
- The fence is not visible from Bank Lane, and can only be seen from the garden of the site and the driveway of 1 Bank Farm;
- Concerns of overlooking from the CCTV cameras that are attached to a wooden 'lookout tower' tower that is located close and overlook the applicant's garden. This is considered to be very intrusive, and unacceptable loss of privacy;
- The three panelled fence is a temporary measure until the trees, which have recently been planted are established; The previous trees that stood there were damaged due to high winds and had to be removed.

Object (1)

- The fence panels are unnecessary. 1 Bank Farm's garden is considerably lower than the applicant's garden. This property already has a breeze block wall for "screening" the garden;
- They are too high - from our side these fence panels are 3m high. (1m panels on top of a 2m high breeze block wall). The applicants have used their garden behind their breeze block wall, without additional fence panels for the past six years and nothing has changed;
- The panels were erected without planning permission and in breach of the condition that removed the right to erect any extensions, fences, walls without first seeking planning permission. The reason the PD Rights were removed were fair and for good amenity reasons;

- The site is situated in the Green Belt and “Area of High Landscape Value” - visible from the by-way up Bank Lane, which is regularly frequented by walkers. High fences erected on top of breeze block walls are not in keeping with the character of the area and damage the openness of the Green Belt.
- The Tower referred to is in fact a children’s play house with the CCTV cameras that have been fixed to it overlooking the area where the motor home is parked and not the applicant’s garden.
- No objection to the additional 10 fence panels and gate on the southern boundary; Whilst concerned that these have been erected without planning permission, it is considered that the fence is acceptable.

PLANNING ASSESSMENT

Planning Policy

Bank Cottage is situated in the Green Belt and within an Area of High Landscape Value (AHLV). The proposal should therefore be assessed against UDP Policies GE1, GE2, GE4 and GE8. Policy GE1 states that in the Green Belt development will not be permitted, except in very special circumstances, where it would lead to, amongst other things encroachment of development into the countryside. Policy GE2 states that in the Green Belt measures will be taken to maintain and enhance areas of high landscape value (this is also underlined by GE8 relating to Areas of High Landscape Value). Policy GE4 states that the scale and character of any development in the Green Belt should be in keeping with the area and conserve and enhance the landscape. Also relevant to the application is UDP Policy BE5, which seeks that good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions.

Proposed Development

The proposal is in two parts; (i) the retention of three fencing panels that have been erected along a short section (approximately 5.4m) of the garden’s eastern boundary, and (ii) the retention of eight panel fences and proposed erection of two additional fence panels and gate.

Impact on Green Belt and AHLV

(i) The three fencing panels along the site’s eastern boundary are fixed to the ground by timber posts and positioned against the site’s breeze block walling. Each panel measures 1.8m (width) and stand approximately 1.85m-2.5m in height above the finished ground levels owing to the sloping levels across their length. The panels are close boarded (fixed horizontally) and stained dark green (forest green). The applicant has confirmed that the fencing panels were erected following the removal of trees/shrubbery that once provided screening but were removed due to storm damage.

The fencing panels extend along the boundary with No. 1 Bank Farm and are located along part of this neighbouring property’s driveway and entrance to the garden of this property. Owing to the difference in ground levels between the applicant’s garden and vehicular driveway, the combined height of the breeze block wall and timber

fencing above the ground level is about 3m. Inspection from this side (Facing 1 Bank Farm) of the fence shows that the existing breeze block wall is mostly screened by low dense hedging exposing only the three 1.2m high timber panels.

It is considered that the fence represents an appropriate form of development and does not unduly harm the character and appearance of the surrounding area or detract from the openness of the Green Belt. The type of fence (close boarded timber fencing), together with the colour that has been applied to the fence is considered to be an appropriate response to the high landscape setting of the site. Given the position of the fence to the main garden area of 1 Bank Farm, which is over 25m away, any effect on the residential amenity of this neighbouring property is minimal. The fence does not appear incongruous or appear at odds with the attractive and attractively landscaped appearance of both the garden it serves to screen and the driveway of the neighbouring property. Moreover, it was clear from officer's site inspection that without the fence, open views onto the applicant's garden would be readily gained particularly at the top end of the driveway. The erection of the fence is an acceptable response to the concerns raised by the applicant that the fence provides a level of privacy that would not be met if the fence is removed. It is also considered that there is no reason to issue a temporary permission until the plants/trees are established given the minimal impact of the fence on the visual amenity of the surrounding area.

(ii) The second part of the development involves the retention of eight fencing panels and the erection of two additional fencing panels and access gate along the garden's southern boundary. Similar to the eastern fencing panels, the panels are close boarded and treated in a forest green stain. The height of the existing and proposed fence would vary between 1.2m and 1.5m given the sloping ground levels of the site. The applicant has stated that the new fence was erected to replace a line of fencing that was taken down previously.

It is considered that the siting and appearance of the fence is acceptable and represents an appropriate form of development. Given the location of the fence to the southern side of the site, the height of the fencing (1.2m-1.5m) and backdrop of dense shrubbery behind the fence, views of the fence are restricted and mostly visible from within the garden only. It is also noted that the residents of 1 Bank Farm raise no objection to this section of fencing.

In the interests of visual amenity, it is recommended that a condition be attached that requires the fencing to be treated in a forest green stain only unless first receiving the written express consent from the Local Planning Authority.

The application does not raise any highway implications. The fences are not situated close to any vehicular highway that would prejudice highway safety.

It is considered that UDP Policies GE1, GE2, GE4, GE8 and BE5 would be met.

SUMMARY AND RECOMMENDATION

The application relates to Bank Cottage in Bolsterstone. The dwellinghouse is situated within a group of five dwellinghouses that are situated to the north of Sunny Bank Road.

The applicant is seeking full planning permission to retain three fencing panels (1.8m-2.5m) that have been erected along part of the garden's eastern boundary and the part retention and erection of new timber fencing panels with proposed access/maintenance gate (1.2m-1.5m) along its southern boundary.

It is considered that the application to retain the fencing represents an appropriate form of development and would not unduly harm the visual amenity of the surrounding area or openness of the Green Belt. Any impact of the fencing on the residential amenity of neighbouring properties is minimal.

For the reasons set out within the report, it is considered that the application is acceptable and would be in general accordance with UDP Policies GE1, GE2, GE4, GE8 and BE5. The application is therefore recommended for approval subject to the conditions listed.

Case Number	15/01777/LBC
Application Type	Listed Building Consent Application
Proposal	Retention of internally illuminated fascia sign
Location	Broomhill Property Shop Kennedy House 319 Glossop Road Sheffield S10 2HP
Date Received	15/05/2015
Team	South
Applicant/Agent	Broomhill Property Shop
Recommendation	Refuse with Enforcement Action

Refuse for the following reason(s):

- 1 The Local Planning Authority considers that owing to its siting, size and design, the display of the internally illuminated fascia sign to the Grade II Listed building significantly detracts, and is harmful to, the character of the listed building and the visual amenities of the wider area. As such the proposed sign would wholly conflict with the requirements of UDP policies BE13, BE16, BE19 and in the absence of any public benefits to outweigh such harm, paragraphs 68 and 132 of the NPPF.

Attention is Drawn to the Following Directives:

1. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, based on seeking solutions to problems arising in relation to dealing with a planning application, this application was submitted without the applicant having entered into meaningful pre-application discussions about the planning policy (or policies) that apply to the proposal and has shown such disregard for those policy requirements, that the Local Planning Authority had no alternative but to refuse consent.
2. For the purpose of clarity, this refusal of planning consent relates to the information and details provided dated 15th May 2015 and 02 October 2015.
3. The Director of Development Services or the Head of Planning has been authorised to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the sign. The Local Planning Authority will be writing separately on this matter.

LOCATION AND PROPOSAL

The application relates to a brick and slate built corner building set on Glossop Road where it meets Wilkinson Street. The property is set within very small grounds and is Grade II Listed. The offices, which are the subject of this planning application, are set in the northern most part of the building.

The building is a period building, circa 1850's, which is currently used as an office and a shop. There is a historic planning application that relates to the building and outlined a proposal for the formation of a residential unit at first floor level. However, as this application relates to the external signage of an estate agents, it has not been verified that that permission has been implemented.

The building is brick built with stone dressings and a hipped slate roof. The corner plot lends itself to the round corner design with two ridge stacks and, the building therefore fronts both Glossop Road and Wilkinson Street. The windows are mainly 12 pane sashes with brick flat arches, some of these have been replaced in the past with casement windows. The sandwich shop on the corner of the building has been clad towards the latter half of the 20 century, although this has been done fairly sensitively.

The property is set just outside of the city centre ring road and approximately 1km from the city centre. The building is surrounded by parts of the Hallamshire hospital, residential properties and various university owned office buildings. The surrounding buildings are mostly owned by Sheffield University and these are similar ages to the subject property; many of these are listed too.

The property is set within an area which is defined in the Unitary Development Plan as a Mixed Use Area and the Hanover Conservation Area.

Advertisement consent and listed building consent are sought to retain an internally illuminated sign which relates to the estate agents.

PLANNING HISTORY

This report relates to an advertisement consent application and a listed building consent application for the retention of an existing sign. A heritage statement was submitted with this listed building consent application; however, such statements are not required for the advertisement consent application. The two applications are to be determined at the same time and the details provided in the listed building consent application, as required in paragraph 111 of the Governments guidance entitled Guidance on Information Requirements and Validation (March 2010), are also relevant to the advertisement consent application.

The property has been the subject of various historic planning applications. The various planning consents relate to changes of use and internal alterations to accommodate residential living space. Furthermore, amongst these applications there is a full planning application and an application for listed building consent which sought permission to widen the window which is set below the signage which forms the subject of this application. These were refused permission in 2006.

The 2006 application (06/03794/FUL) sought permission to widen the window below the signage which is the subject of these applications. The window was not considered to preserve the heritage of the building or respect the proportions and detailing of the original building.

SUMMARY OF REPRESENTATIONS

A site notice was posted which advertised this application, together with an advert which was posted in the Sheffield Telegraph. No representations have been received in connection with this application.

PLANNING ASSESSMENT

The signage is to be located on a listed building which is set within a mixed use area and a conservation area, as defined in the Unitary Development Plan. Policy MU11 is relevant and whilst this does not specifically relate to advertisements, it states that all policies relating to the Built and Green Environment should be complied with. Policies BE13, BE16 and BE19 are therefore most relevant.

UDP Policy BE13 (Advertisements) states that advertisements will only be permitted if they are not a traffic hazard and are well-designed and relate to the character or appearance, scale and design of the locality. It further states that internally illuminated signs will be permitted if they are outside a Conservation Area and do not affect the setting of a listed building.

UDP policy BE16 states that permission will only be given to proposals sited within a conservation area which preserve and enhance the character of the site and wider conservation area.

UDP policy BE19 states that proposals for internal or external alterations which would affect the special interest of a Listed Building will be expected to preserve the character and appearance of the building and, where appropriate, preserve or repair original details and features of interest.

The National Planning Policy Framework makes a presumption in favour of sustainable development but provides guidance on how sustainable development should be achieved. The above local planning policies have been considered to be sound when viewed in the context of the NPPF. Paragraphs 68 and 132 link well with the above local planning policies and weight is given to them.

The NPPF states in paragraph 68 that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. It further states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.

Section 12 of the NPPF relates to conserving and enhancing the historic environment and paragraph 132 states that 'as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'. Paragraphs 132- 134 further explain that any harm to a heritage asset should be weighed against the public benefit of the proposal.

Design of the Proposal

The proposal seeks permission to retain an illuminated fascia sign which is sited above a ground floor window which faces Glossop Road. The sign advertises the estate agents and is similar in colour and size to a sign which was there previously. The sign differs, however, quite significantly in terms of the projection out from the main elevation of the building and because it is illuminated internally, unlike the previous signage which has more subtle external illumination.

The size is unlike the previous signage and that on the sandwich shop, as the depth is deeper to accommodate the lighting. The depth of the sign, together with the siting above a slim window makes the sign much more prominent on the building's façade than the previous thin timber fascia board. Furthermore, the projection of the sign and its overall size and siting, when taken together with the bright and candid illumination, make the signage visually intrusive and an alien feature when viewed in the context of the building.

Whilst the building is set in a location which comprises a wide range of building styles, a substantial number of buildings within the street are of a similar size and architectural style to the subject property. The window details, sizes and fenestration define the architectural style and the sign is considered to detract from such details which are integral to the buildings heritage.

By virtue of the size, design and siting of the signage, the proposal is considered to be poorly placed and injurious to the quality and integrity of the listed building. As the listed building is a heritage asset which helps characterise and define the areas status as a conservation area, the harm caused to building is also detrimental to the visual amenities of the wider area.

The sign is not considered to preserve or enhance the visual amenities and setting of the listed building, given that the depth and illumination of the sign would be a gross addition to a subtly detailed facade. Furthermore, as the signage would be illuminated and incongruous within the context of the street, the proposal is also considered to be harmful to the amenities of the wider area and the Hanover Conservation Area.

There are no public benefits to the proposal that would weigh against the harm to the heritage assets in this case.

Accordingly, in light of the above, the proposal is not considered to comply with planning policies BE13, BE16, BE19 and the NPPF.

Amenity and Highways Issues

It is acknowledged that the signs are located on a frontage of a building which faces a wide public highway. The size of the trough lighting is smaller than the existing lights and, as they are sensitively sited, the adverts are not considered to cause any dis-amenity to the neighbouring properties to the extent that could warrant a refusal of permission.

Similarly, the siting and design of the signage are considered to be acceptable and do not give rise to any highway issues.

Enforcement Issues

The application seeks permission to retain an unauthorised sign. As outlined in the reasons above, the signage is considered to be harmful to the character and visual amenities of the listed building and the wider area. Accordingly, any refusal of consent will have to be followed with enforcement action to seek the removal of the signage.

It is therefore requested that the Director of Regeneration & Development Services or Head of Planning be authorised to take any appropriate action, including if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised signage.

SUMMARY AND RECOMMENDATION

Given the size, siting and nature of the signage, it is concluded that the signs would significantly harm the character or appearance of the listed building and the wider area. Although the size is similar to the previous sign, by virtue of its projection and illumination, the sign is considered to incrementally erode the character to a much greater extent than the previous signage or that of the neighbouring sandwich shop. To allow such a sign would be contrary to both national and local planning policies and would not preserve or enhance the quality of the listed building or the conservation area.

Although the sign is illuminated, the location is on a wide public highway, is considered to negate any highway safety concerns. Furthermore, the location of the property on the wide, well lit highway, also is considered to prevent any harm being created to the general amenities of any local resident.

Accordingly, it is considered that although the proposal would not impact upon the amenities of any local resident, or the safety of the public highway, the design is significantly harmful to the character of the listed building and the wider area. For the reasons relating to siting and design, it is considered that the retention of the proposed sign would wholly conflict with the requirements of UDP policies BE13, BE16, BE19 and paragraphs 68 and 132-134 of the NPPF.

It is therefore recommended that the proposed signage be refused both Listed Building Consent and Advertisement Consent and that the Director of Regeneration & Development Services or Head of Planning be authorised to take any appropriate action, including if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised signage. It is further recommended that the Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Case Number	15/01776/ADV
Application Type	Advertisement Consent Application
Proposal	Retention of internally illuminated fascia sign
Location	Broomhill Property Shop Kennedy House 319 Glossop Road Sheffield S10 2HP
Date Received	15/05/2015
Team	South
Applicant/Agent	Broomhill Property Shop
Recommendation	Refuse with Enforcement Action

Refuse for the following reason(s):

- 1 The Local Planning Authority consider that owing to its siting, size and design, the display of the internally illuminated fascia sign to the Grade II Listed building significantly detracts, and is harmful to, the character of the listed building and the visual amenities of the wider area. As such the proposed sign would wholly conflict with the requirements of UDP policies BE13, BE16, BE19 and in the absence of any public benefits to outweigh such harm, paragraphs 68 and 132 of the NPPF.

Attention is Drawn to the Following Directives:

1. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, based on seeking solutions to problems arising in relation to dealing with a planning application, this application was submitted without the applicant having entered into meaningful pre-application discussions about the planning policy (or policies) that apply to the proposal and has shown such disregard for those policy requirements, that the Local Planning Authority had no alternative but to refuse consent.
2. For the purpose of clarity, this refusal of planning consent relates to the information and details provided dated 15th May 2015 and 02 October 2015.
3. The Director of Development Services or the Head of Planning has been authorised to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the sign. The Local Planning Authority will be writing separately on this matter.

Site Location



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LOCATION AND PROPOSAL

The application relates to a brick and slate built corner building set on Glossop Road where it meets Wilkinson Street. The property is set within very small grounds and is Grade II Listed. The offices, which are the subject of this planning application, are set in the northern most part of the building.

The building is a period building, circa 1850's, which is currently used as an office and a shop. There is a historic planning application that relates to the building and outlined a proposal for the formation of a residential unit at first floor level.

However, as this application relates to the external signage of an estate agents, it has not been verified that that permission has been implemented.

The building is brick built with stone dressings and a hipped slate roof. The corner plot lends itself to the round corner design with two ridge stacks and, the building therefore fronts both Glossop Road and Wilkinson Street. The windows are mainly 12 pane sashes with brick flat arches, some of these have been replaced in the past with casement windows. The sandwich shop on the corner of the building has been clad towards the latter half of the 20 century, although this has been done fairly sensitively.

The property is set just outside of the city centre ring road and approximately 1km from the city centre. The building is surrounded by parts of the Hallamshire hospital, residential properties and various university owned office buildings. The surrounding buildings are mostly owned by Sheffield University and these are similar ages to the subject property; many of these are listed too.

The property is set within an area which is defined in the Unitary Development Plan as a Mixed Use Area and the Hanover Conservation Area.

Advertisement consent and listed building consent are sought to retain an internally illuminated sign which relates to the estate agents.

PLANNING HISTORY

This report relates to an advertisement consent application and a listed building consent application for the retention of an existing sign. A heritage statement was submitted with this listed building consent application; however, such statements are not required for the advertisement consent application. The two applications are to be determined at the same time and the details provided in the listed building consent application, as required in paragraph 111 of the Governments guidance entitled Guidance on Information Requirements and Validation (March 2010), are also relevant to the advertisement consent application.

The property has been the subject of various historic planning applications. The various planning consents relate to changes of use and internal alterations to accommodate residential living space. Furthermore, amongst these applications there is a full planning application and an application for listed building consent

which sought permission to widen the window which is set below the signage which forms the subject of this application. These were refused permission in 2006. The 2006 application (06/03794/FUL) sought permission to widen the window below the signage which is the subject of these applications. The window was not considered to preserve the heritage of the building or respect the proportions and detailing of the original building.

SUMMARY OF REPRESENTATIONS

A site notice was posted which advertised this application, together with an advert which was posted in the Sheffield Telegraph. No representations have been received in connection with this application.

PLANNING ASSESSMENT

The signage is to be located on a listed building which is set within a mixed use area and a conservation area, as defined in the Unitary Development Plan. Policy MU11 is relevant and whilst this does not specifically relate to advertisements, it states that all policies relating to the Built and Green Environment should be complied with. Policies BE13, BE16 and BE19 are therefore most relevant.

UDP Policy BE13 (Advertisements) states that advertisements will only be permitted if they are not a traffic hazard and are well-designed and relate to the character or appearance, scale and design of the locality. It further states that internally illuminated signs will be permitted if they are outside a Conservation Area and do not affect the setting of a listed building.

UDP policy BE16 states that permission will only be given to proposals sited within a conservation area which preserve and enhance the character of the site and wider conservation area.

UDP policy BE19 states that proposals for internal or external alterations which would affect the special interest of a Listed Building will be expected to preserve the character and appearance of the building and, where appropriate, preserve or repair original details and features of interest.

The National Planning Policy Framework makes a presumption in favour of sustainable development but provides guidance on how sustainable development should be achieved. The above local planning policies have been considered to be sound when viewed in the context of the NPPF. Paragraphs 68 and 132 link well with the above local planning policies and weight is given to them.

The NPPF states in paragraph 68 that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. It further states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.

Section 12 of the NPPF relates to conserving and enhancing the historic environment and paragraph 132 states that 'as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'. Paragraphs

132- 134 further explain that any harm to a heritage asset should be weighed against the public benefit of the proposal.

Design of the Proposal

The proposal seeks permission to retain an illuminated fascia sign which is sited above a ground floor window which faces Glossop Road. The sign advertises the estate agents and is similar in colour and size to a sign which was there previously. The sign differs, however, quite significantly in terms of the projection out from the main elevation of the building and because it is illuminated internally, unlike the previous signage which has more subtle external illumination.

The size is unlike the previous signage and that on the sandwich shop, as the depth is deeper to accommodate the lighting. The depth of the sign, together with the siting above a slim window makes the sign much more prominent on the building's façade than the previous thin timber fascia board. Furthermore, the projection of the sign and its overall size and siting, when taken together with the bright and candid illumination, make the signage visually intrusive and an alien feature when viewed in the context of the building.

Whilst the building is set in a location which comprises a wide range of building styles, a substantial number of buildings within the street are of a similar size and architectural style to the subject property. The window details, sizes and fenestration define the architectural style and the sign is considered to detract from such details which are integral to the buildings heritage.

By virtue of the size, design and siting of the signage, the proposal is considered to be poorly placed and injurious to the quality and integrity of the listed building. As the listed building is a heritage asset which helps characterise and define the areas status as a conservation area, the harm caused to building is also detrimental to the visual amenities of the wider area.

The sign is not considered to preserve or enhance the visual amenities and setting of the listed building, given that the depth and illumination of the sign would be a gross addition to a subtly detailed facade. Furthermore, as the signage would be illuminated and incongruous within the context of the street, the proposal is also considered to be harmful to the amenities of the wider area and the Hanover Conservation Area.

There are no public benefits to the proposal that would weigh against the harm to the heritage assets in this case.

Accordingly, in light of the above, the proposal is not considered to comply with planning policies BE13, BE16, BE19 and the NPPF.

Amenity and Highways Issues

It is acknowledged that the signs are located on a frontage of a building which faces a wide public highway. The size of the trough lighting is smaller than the existing lights and, as they are sensitively sited, the adverts are not considered to

cause any dis-amenity to the neighbouring properties to the extent that could warrant a refusal of permission.

Similarly, the siting and design of the signage are considered to be acceptable and do not give rise to any highway issues.

Enforcement Issues

The application seeks permission to retain an unauthorised sign. As outlined in the reasons above, the signage is considered to be harmful to the character and visual amenities of the listed building and the wider area. Accordingly, any refusal of consent will have to be followed with enforcement action to seek the removal of the signage.

It is therefore requested that the Director of Regeneration & Development Services or Head of Planning be authorised to take any appropriate action, including if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised signage.

SUMMARY AND RECOMMENDATION

Given the size, siting and nature of the signage, it is concluded that the signs would significantly harm the character or appearance of the listed building and the wider area. Although the size is similar to the previous sign, by virtue of its projection and illumination, the sign is considered to incrementally erode the character to a much greater extent than the previous signage or that of the neighbouring sandwich shop. To allow such a sign would be contrary to both national and local planning policies and would not preserve or enhance the quality of the listed building or the conservation area.

Although the sign is illuminated, the location is on a wide public highway, is considered to negate any highway safety concerns. Furthermore, the location of the property on the wide, well lit highway, also is considered to prevent any harm being created to the general amenities of any local resident.

Accordingly, it is considered that although the proposal would not impact upon the amenities of any local resident, or the safety of the public highway, the design is significantly harmful to the character of the listed building and the wider area. For the reasons relating to siting and design, it is considered that the retention of the proposed sign would wholly conflict with the requirements of UDP policies BE13, BE16, BE19 and paragraphs 68 and 132-134 of the NPPF.

It is therefore recommended that the proposed signage be refused both Listed Building Consent and Advertisement Consent and that the Director of Regeneration & Development Services or Head of Planning be authorised to take any appropriate action, including if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised signage. It is further recommended that the Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Case Number	15/00740/FUL (Formerly PP-04017042)
Application Type	Full Planning Application
Proposal	Demolition of extension and conversion of nursing home into a dwellinghouse, erection of 3 dwellinghouses with detached double garages, and alterations and extension to former coach house to form 3 mews houses with associated car parking (amended description)
Location	Brincliffe Towers Old Peoples Home Brincliffe Edge Road Sheffield S11 9BZ
Date Received	01/03/2015
Team	South
Applicant/Agent	Haxton Koyander Architecture Ltd
Recommendation	Refuse

Refuse for the following reason(s):

- 1 The Local Planning Authority considers that the height of the proposed 3 dwellinghouses would over-dominate Brincliffe Towers and the proposed extensions to the coach house would result in an unco-ordinated built form, with a variety of roof pitches and opening treatments which would detract from the original character of the coach house and would result in the building being less subservient to Brincliffe Towers. The proposed 1800mm boundary wall between Brincliffe Towers and the coach house would further erode the historic relationship between the two buildings. Overall, the proposed development would be detrimental to the setting of Brincliffe Towers and would result in substantial harm to the character and appearance of Chelsea Park and the Nether Edge Conservation Area. The proposed development is thereby contrary to Unitary Development Plan and Core Strategy Policies BE15, BE16, BE21 and CS74 and is unjustified in the context of paragraph 133 of the National Planning Policy Framework.
- 2 The Local Planning Authority considers that the proposals would be likely to result in the decline or loss of up to 4 trees in the adjoining avenue of Lime trees which is noted as a feature of Chelsea Park in the Local Schedule of Historic Parks and Gardens owing to the excavations required in the root protection zones of those trees in order to accommodate the proposed car parking court to the rear of the coach house. In addition, the Local Planning Authority consider that there would be likely to be future pressure for the removal or significant pruning of trees within the south-west and south-east facing gardens of the new-build dwellinghouses to improve the light and

utility of those gardens which would result in a loss of tree cover to the detriment of the landscape character of the site and the setting of Chelsea Park and the Nether Edge Conservation Area which would be contrary to Unitary Development Plan Policies BE6(c), BE15, BE16, BE21, GE15(b) and Core Strategy CS74.

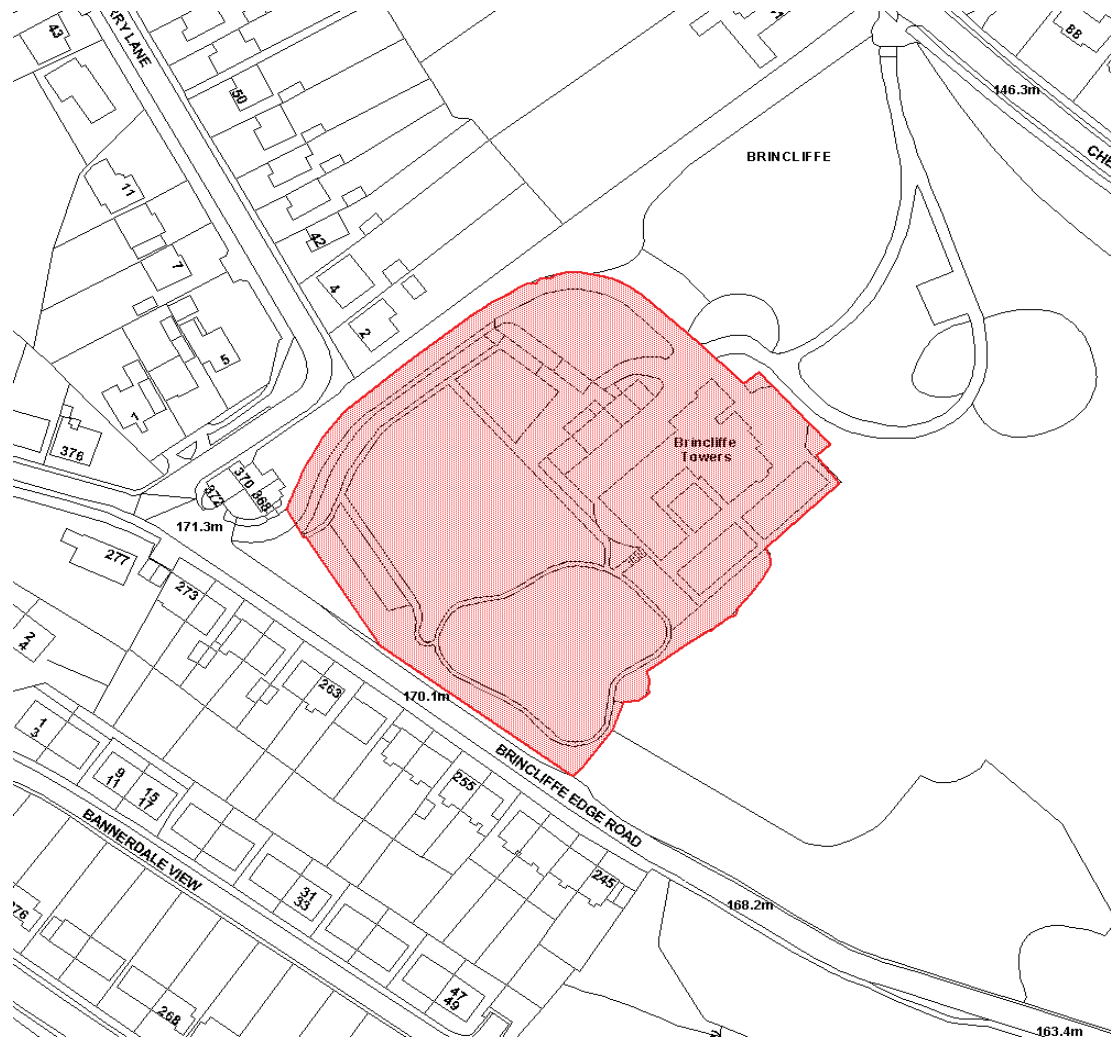
- 3 The Local Planning Authority considers that the mixture of traditional and contemporary architecture and materials in the design of the new dwellings does not reinforce local distinctiveness within the Nether Edge Conservation Area and is thereby contrary to Unitary Development Plan Policies H14(a), BE5(a) and (c), BE15, BE16 and BE17 and Core Strategy Policy CS74, and is unjustified in the context of paragraph 60 of the National Planning Policy Framework.

Attention is Drawn to the Following Directives:

1. Despite the Local Planning Authority trying to work with the applicant in a positive and proactive manner during pre-application discussions, the application still shows such disregard for policy requirement(s), that the Local Planning Authority had no alternative but to refuse consent. We would welcome pre-application discussions on an alternative scheme.
2. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:

HK-213 003
HK-213 004
HK-213 005
HK-213 010
HK-213 011Rev 1
HK-213 012
HK-213 013
HK-213 014
HK-213 015 Rev 1
HK-213 016 Rev 1
HK-213 031
HK-213 102 Rev 1
HK-213 111
BT-02 001
520 BTS02

Site Location



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LOCATION AND PROPOSAL

Brincliffe Towers is a vacant former residential care home within Chelsea Park. The large scale detached building is Victorian in Gothic Revival style. It was substantially and unsympathetically extended in the 1950's. The site also includes a large two storey coach house with single storey elements to the end elevations. The coach house and the extensions to the main building are separated by an informal driveway/courtyard of approximately 7.5m width. A 2.5m–3m high stone wall closes the end of the courtyard.

The site covers 7954sq.m and is virtually fully enclosed. The majority of the site comprises overgrown former gardens to the main building which rise to the boundary with Brincliffe Edge Road beyond the courtyard wall. Chelsea Park slopes away from the site to the north east and south east to entrances in Chelsea Road and further along Brincliffe Edge Road, respectively.

A low stone wall with railings forms part of the boundary with the main body of Chelsea Park. This treatment allows views of the principal elevation of the main building and its small lawned garden from the park. The main two storey 1950's extension can also be seen but views are restricted and it is not prominent. The remainder of this boundary is densely vegetated with a number of trees and overgrown shrubs. A natural stone wall forms the boundary with Brincliffe Edge Road. The wall continues along the north-west boundary to separate the site from a tree-lined driveway that gives access to the site and also into Chelsea Park. The driveway entrance is outside the boundary of the application. It is marked by two stone pillars and is splayed from the main carriageway in Brincliffe Edge Road close to the junction with Quarry Lane.

There is a detached 1.5 storey dwelling (former lodge) between the access drive and the entrance to Quarry Lane. A dormer bungalow in Quarry Lane adjoins the lower end of the access drive. Inter-wars semi-detached dwellings predominate on the opposite side of Brincliffe Edge Road. The majority of dwellings in Quarry Lane are detached and c1970, although the bungalow is much older.

The application proposes the following works:

- removal of the 1950s extensions to the main building
- conversion of main building to form 1 large dwelling
- rear extensions to each end of the coach house (projecting approx. 8.8m and 4.8m, respectively)
- conversion of coach house to form 3 x 2 storey mews houses
- erection of 3 x detached 2.5 storey dwellinghouses with detached double garages
- removal of courtyard wall (linking coach house and house extension) and creation of private shared driveway
- provision of 8 car parking spaces to rear of coach house
- erection of 1800mm high wall between main house and driveway

RELEVANT PLANNING HISTORY

An application for demolition of the extensions to the main building, use of the main building as a single dwelling, the erection of 4 large detached houses and the construction of a new access road from Brincliffe Edge Road was withdrawn in September 2014, due to concerns raised by officers (ref 14/02452/FUL).

SUMMARY OF REPRESENTATIONS

Support/No Objections

4 representations have been received from local residents either supporting or not objecting to the proposals:

- Brincliffe Towers has been empty for some time and is deteriorating rapidly – currently in a terrible state with water leaking in and some of structure starting to crumble – also rats and people hanging around the back
- current scheme will raise funding from the building of the 3 houses –without such a development scheme it is unlikely that the funding will be raised and a developer attracted
- would love to see the Towers and the coach house repaired and looking lovely again –not doing anything will allow buildings to deteriorate further – which will cost more money and risk of not being repaired at all
- have to accept development to prevent eyesore as is case with most large un-used buildings
- happy that development will be small scale and high quality rather than an overdeveloped mass
- do not think the new development will affect anyone’s enjoyment of Chelsea Park - Brincliffe
- this type of development long overdue and can only improve image of park
- suggests developer be required to maintain play areas and equipment,
- number and scale of houses is balanced with space available
- existing access suitable for very minor traffic flows, and pedestrians and vehicles will be able to use it together safely
- any additional traffic will be imperceptible on adjacent highway network
- application states proposal has good access to sustainable transport. However, not easily accessible for all users - route from site to main bus stops and local facilities should be audited and applicant should propose and implement measures to ensure that 'all' people could live without reliance on private cars
- refers to barriers to safe access between site and services at Banner Cross and requests developer contribution towards improvements, including signalled pedestrian crossing at Psalter Lane/Ecclesall Road South
- conflict between demands of Conservation Area and Housing Area designations are comparable situation to Brincliffe Oaks development where development was allowable within limitations set down within Conservation Area

- density no greater than former residential home – number of occupants expected to be lower than occupancy of home and new houses seem to occupy no more land than 1950s extensions to be removed
- materials and general design in keeping with main house and coach house
- overlooking not a problem due to high wall and large trees
- traffic concerns misplaced – residential home generated steady flow of visitors, medical staff and suppliers which must have been greater than traffic for 6 or 7 households – no complaints raised then
- empty building and uncared for gardens not a recipe for conservation – decay and eventual destruction (as at Brincliffe Oaks – abandoned, vandalised, fires, destruction)
- use of existing house as a single dwelling ‘wonderful’ and demolishing awful extensions ‘great news’ – 3 new houses discreetly sited seems small price to pay

Objection

35 objections have been received in response to publicity given to the application. It should be noted that many of the objectors welcome the demolition of the 1950’s extensions to the main building. The objections are summarised below:

Conservation

- site is within a Conservation Area and should be protected
- disappointing that submitted Heritage Statement (Dec 2013) has not taken the revisions to the application into account
- Brincliffe Edge Road at present has the appearance of a country lane – any clearance of foliage along this section would fundamentally alter character of the neighbourhood in a conservation area
- There are a number of references to incorrect descriptions in the submitted Heritage Statement (which was originally prepared in connection with the withdrawn application (14/02452/FUL))
- scale and design of houses out of character with conservation area
- will result in loss of trees and mature landscaping within historic garden and conservation area.
- destruction of green space makes mockery of Conservation Area status
- development in line with the conservation area and ecology should be restricted to coach-house and original C19th house
- no shortage of large executive houses in this area, which is in a conservation area and covered by Article 4 directions – proposals are an unsympathetic and inappropriate change to the neighbourhood - contravention of Article 4
- Requests main property is restored to former architectural glory
- Requests coach house and stables renovated in keeping with original architectural heritage
- Requests surrounding gardens with mature trees and natural stone boundary wall are all preserved
- references to Nether Edge Conservation Area Character Appraisal – contribution of tree cover

- scale of development with removal of several trees detrimental to character of the road – the 3 houses are out of character of the conservation area and would be visible from Brincliffe Edge Road, particularly in winter months, and would impact on privacy of residents
- extension of opening into drive of Brincliffe Towers to allow HGV access for works will substantially spoil appearance of road and outlook, even when eventually replaced
- Chelsea Park and historic Brincliffe Towers require sensitive restoration in keeping with its heritage, architectural aesthetic and location in one of the city's historic and highly valued parks to protect and restore its significance as a hub for the benefit of the local community
- aesthetics of development are contrary to Council's documented commitment to protect against pastiche architecture; generally insensitive to characteristic form and appearance of historic development within local area
- any change to wall or fence along Brincliffe Edge Road would have adverse effect on character of area - journey along Brincliffe Edge Road has a particular semi-rural and intimate character
- skyline will be affected from park and new houses will reach above high roofline of Brincliffe Towers
- historic kitchen garden will have no remains – proposals cover the area in tarmac

Scale and Design

- scale too intrusive and intensive to the existing neighbourhood negatively impacting upon its character
- three-storey housing fails to follow natural fall of land, does not "echo the scale and features of the existing mansion" but rather dominates it so diminishing what is accepted in the Heritage Report as an important building
- can new dwellings be lowered (two-storey or set at same level as the mansion)?
- scale too large – will ruin character of park and turn it into a modern housing estate with a bit of grass to one side
- out of keeping with its surrounds, both in terms of size of the development and the amount of tarmac/hard core which will replace current woodland
- better, more in-keeping options are available – can it be developed within the current footprint, removing the 1950s build and replacing with a more in-keeping build?
- new houses should not be visible from Brincliffe Edge Rd and houses in that road – appears that they will be visible
- poor design of houses – roof line will be higher than properties on Brincliffe Edge Road

Impact on Trees

- clear that houses will require removal of all trees in middle of development, contrary to assurances given at consultation event that all trees would remain - will destroy all green-space that used to be historic kitchen garden
- loss of trees that form part of continuous corridor along escarpment of Brincliffe Edge to Psalter Lane – loss of character and habitat

- loss of mature trees would have massive impact on character of Brincliffe Edge Road and Chelsea Park and disrupt wild life corridor into the woods
- submitted tree survey biased to the client's needs – requires totally independent view before application goes any further
- what guarantee would be given that tree line on Brincliffe Edge would be retained by any new residents?
- no mention of trees on triangular area of land at site entrance outside application boundary – top drive will need a splayed exit onto Brincliffe Edge Rd, as confirmed in submitted Heritage Statement – will require removal of some or all of 12 trees on Council-owned triangle in addition to those in the Tree Survey - will drastically change appearance from Brincliffe Edge Road
- loss of trees and green cover will impact negatively on noise and light levels
- demands of increased number of independent private dwellings will lead to almost certain further future loss of trees and shrubs
- Tree Report encourages developer to believe that Council will not act to protect 'insignificant' trees in Conservation Areas – if correct, fate of all trees on site is in even greater doubt than already

Wildlife

- destruction of trees and habitat of indigenous wildlife - this corner has an obvious and significant population of bats and owls
- 'green screen' is necessary to protect privacy and allow wildlife to move freely
- greatly detrimental to local environment and rich variety of wildlife that inhabit it – requires full and independent ecological survey
- ecology reports do not clarify mitigation measures
- home of species that have statutory protection – loss of even more of their natural habitat
- regular evidence of foxes, badgers, owls and bats in the land surrounding Brincliffe Towers
- trees and shrubs form a habitat for numerous creatures in the park, including owls, bats, badgers, butterflies, bees and other beneficial insects, some of which may be protected species

Road Safety

- road access and traffic still a significant issue – concerned that amount of living space will not accommodate the parking resulting in spillage onto Brincliffe Edge and Quarry Lane – resident parking may be needed to combat this
- access still not properly addressed – entrance too small to accommodate safe traffic and vehicle turning, both during construction and for use by residents/service vehicles after completion
- fundamental issue with the access point at apex to Brincliffe Edge Road – no plans can be made to widen access point as applicant does not own the access point - accident waiting to happen - Council should be fully aware of this safety issue and deny current application as it stands
- increased levels of traffic on a road which is already busy at rush hours causing higher risk of collision or injury to pedestrians

- Design Statement does not adequately describe how this narrow road will accommodate the level of traffic associated with the development while remaining safe for pedestrian users
- Discrepancy between information on application form and on plans (car parking spaces/rights of way)
- site access during construction via single-track lane does not seem plausible – dangerous for pedestrians
- hazardous access – no separation for pedestrians and passing places would result in removal of further trees
- poor visibility at entrance onto Brincliffe Edge Rd – improving visibility would require spoiling the boundary wall which is a feature in the conservation area
- Brincliffe Edge Road users, especially cyclists and children, will suffer from increased traffic, particularly during school run
- Brincliffe Edge road already suffers from excessive traffic, due to people using it as a cut through – main cause of routine littering along the road – proposal will only add to unsustainable infrastructure of area
- Request walkers and cyclists remain able to safely use current driveway
- access widely used by pedestrians to gain access to Chelsea Park, including with young children and pushchair and lots of people with dogs – proposal puts all these at increased risk of collision with moving vehicles – even greater risk during demolition and construction phase
- alternative vehicle access suggested - immediately inside present access gate posts, traffic could turn right, on a new access pushed through the existing garden wall, where there is a small door. Clearances are good, no trees would need to be cut down and the vehicle traffic would be separated from pedestrians walking into Chelsea Park
- main building may be subsequently subdivided into smaller units, increasing number of vehicles needing access
- New access on to Brincliffe Edge Road is dangerous – a long section of listed wall would have to be demolished to give good visibility.
- would struggle to fit both a single lane road and a safe footpath down driveway with public access to park
- inadequate visibility for motorists exiting to Brincliffe Edge Road – improvement would require removal of part of historic wall and numerous trees
- Brincliffe Edge Road is a very narrow, single track road. Sight lines already severely compromised by need for residents to park on road, and the natural twists and turns of the road.
- inadequate parking for proposed flats - should be at least 2 parking spaces per flat plus visitor parking
- exit to Brincliffe Edge Road at junction with Quarry Lane is dangerous with very poor visibility and a difficult turn – have witnessed a number of near misses when care home staff were leaving by car – likely to be far more traffic associated with proposed development
- development may easily lead to 14 cars using the site daily – if insufficient on-site parking this will add to pressure on the limited on-road parking in Brincliffe Edge Road
- Brincliffe Edge Road already in poor repair – construction vehicles will make it more dangerous and more difficult than it already is

- Road unsuitable for heavy good vehicles – will road be upgraded as part of this development?
- will need traffic lights to enforce single file traffic and protect pedestrians

Community Assets/Benefits

- historical building and gardens were bequeathed to the people of Sheffield and therefore should benefit the local community and environment; this proposal would be the antithesis of this
- close proximity of housing could lead to a loss of amenity restricting the community use of the park
- no opportunity has been taken to require the provision of additional amenity facilities e.g. public toilets in park –running costs could be met by the various community interest groups or out of a service charge for the development
- Could the grounds of Brincliffe Towers be considered a wild space or transformed into something like a physic garden, run by the community for the community and still allow development in the Towers and coach house?
- balance for the beneficiaries totally out of proportion, especially as Brincliffe Towers was bequeathed to the people of Sheffield
- those who visit and enjoy natural beauty of park will suffer due to northern aspect now being residential
- Request local residents remain main beneficiaries of Historic Park and Garden in spirit of its initial gift to people of Sheffield, redevelopment could provide a community facility – currently ensures public loss and private gain
- A more sympathetic, smaller scale and better thought out development should be considered, with some community gain – for example, gardens could as far as possible be restored; outhouses could be turned into a small café with public toilets/baby changing etc. This would go some way to ensuring that the original wishes of the donor of the house, that it should be used for the benefit of the people of Sheffield, are met
- Brincliffe Tower & Chelsea Parkland were a gift to the City of Sheffield and it's people for community use - this commercial housing development does not abide by these community gift rules and should not be developed for private gain and profit
- Chelsea Park hosts many community events, for example the November Bonfire Night celebration – a private housing estate next to these public utilities may lead to difficulties and conflict of interests
- Applicant has chosen to ignore spirit of historic bequest of site as a public amenity, whilst seeking to exploit the presence of Chelsea Park to leverage value of proposed development – questions Council's role and responsibilities in this
- Why not offer some of the site to the community, as an extended woodland sector of Chelsea Park?
- no mention of any "community gain"

Residential Amenity

- privacy issues with overlooking windows and gardens between existing and new dwellings

- unclear what orientation and separation distances are between the 3 new houses and houses facing them over Brincliffe Edge Road but is clear that the 3 storey houses would be higher than and would directly overlook – loss of mature trees will exacerbate this
- large houses would overlook houses opposite on Brincliffe Edge Road, which for almost 100 years have not been overlooked front or back – top rooms would look straight into front bedrooms of houses on Brincliffe Edge Road, and vice versa

Green Spaces

- more important than ever to protect our inner-city green spaces - sale of this land is fundamentally wrong and sets a precedent - thin end of wedge
- don't see why we have to spoil Sheffield by building houses on every available square metre of green space – this development will degrade quality of life for people in area
- need to protect our green spaces – opportunity for planning department to demonstrate its integrity and its power to support the interests of ordinary residents in their wish to safeguard this exceptional and beautiful site
- more and more green space in the area being taken for development than any other in the city
- In the face of growing demand for housing, there is an increased responsibility for the Council to protect the City's green spaces from development and preserve their quality
- walled garden designated as Open Space – deemed not suitable for housing

Affordable Housing

- will not diversify the local area's housing stock – no concession to "affordable homes"
- contrary to Core Strategy Policy CS40 – no provision for affordable housing

Other

- restoration of the Towers and the coach house would be a positive thing but do not see why 3 large houses needs to be added to an already tight plot of land
- house and surroundings have been allowed to fall into disrepair by the owners/applicants over the last few years and the threat of blight is emerging
- important that any such development be held up to proper scrutiny to ensure character of site and surrounding area is not compromised simply through fear or threat of further degeneration
- Questions sustainable transport credentials – people living here will drive or use taxis
- poor condition of buildings is due to a complete lack of management - should be investigated by to enforce statutory environmental & safety requirements that apply to empty buildings
- Proposals present no interest in well-being of Nether Edge as a long cherished leafy environment
- need for independent financial viability report

- require assurances that no changes to plans if permission for suitable development is granted
- more than enough new housing being built and developed in this area – cumulative impact of this proposal and developments of old Abbeydale school site and Psalter Lane campus
- sewage system on Brincliffe Edge Road is very close to surface and has caused problems – drainage could only go through Chelsea Park
- application still giving an impression of an ad hoc application that may be changed in the future to a more comprehensive development
- grounds and house are in poor condition but is not a reason to build new houses to pay for the costs of renovation to a house that was originally left to the people of Sheffield – has always been applicant's responsibility to maintain their own property and grounds to a reasonable standard and cannot be used as a lever to promote a positive planning outcome
- inconvenience in terms of noise/pollution/parking and safety during construction - affects home working and will devalue properties
- single occupancy premises are now being used for multiple occupancy purposes - does this planning application have an enforceable covenant restricting multiple occupancy especially in the main building – can envisage future conversion in a few years' time
- Council have irreconcilable conflict of interest in relation as owner of land at end of the access road which will be needed as a visibility splay if planning permission is granted – will inflate value (ransom strip)
- concerned about selective way various instruments such as Conservation Area status, Tree Protection Orders, Planning and Safety regulations are invoked when considering changes to balance of built and non-built environment
- Possibility in applying particular interpretations of planning and public safety rules that Council appears to side with latter causing an existing culture clash to be more pronounced - human impacts of all kinds should be continually incorporated into knowledge base around planning to ensure that interpretation upholds deeper well-being of existing communities as well as creating opportunities for developers, landlords and property managers - urges promotion of view of ownership as 'custodianship'
- natural environment is a source of sustenance and well-being, for instance, in enhancing physical and mental health, and countering social isolation through engagement with wildlife and open space; as well as in practical ways such as filtering road traffic pollution - some of these benefits are hard to measure no less real or important to people than the easier-to-assess factors which might, more typically, inform planning decisions
- Proposals narrowly focused on developer's private benefit, and relatively unconcerned with local community it would affect
- suggestions for alternative layout with one new house and creation of nature reserve
- concerns raised about limitations of publicity given to application

Councillor Nikki Bond objects:

- Nether Edge has one of lowest areas of green space in the city – proposals put that at further risk.

- Draft City Policies and Site Plan identified that this site is inappropriate for residential development due to its open space within the conservation area – for sake of health and wellbeing, it's important to maintain and support our green spaces as much as possible
- No resolution over historical ownership of site - proposes no planning permission granted until this is resolved
- traffic already congested in Brincliffe Edge Rd – local Councillors have been contacted by residents with requests for more traffic calming measures including a one-way system – proposal will exacerbate congestion and will be particular problem in the event of snow due to the narrowness of the road
- prospect of heavy vehicles using the road to access the site is worrying - will damage road surface and be difficult for cars passing from opposite direction
- Heritage statement fails to address concerns about the prospect of trees or parts of the wall having to be removed to improve visibility to Brincliffe Edge Road
- Tree survey reinforces concerns about potential loss of trees by saying that their removal is inevitable and that it presents an opportunity for tree management by new planting
- No ecological survey, yet it is widely considered that the area is frequented by bats, badgers and various other wildlife that will be affected by the development (Note – Ecology Survey since submitted)

Sheffield Wildlife Trust has commented:

- not against restoration of the building but concerned about potential ecological impact – not convinced by Phase 1 Ecological Survey findings in connection with bats and does not include an overall assessment of potential loss of green space – both in ecological terms and for public access and enjoyment
- concerned about potential loss of trees and community green space – not clear whether the remaining green space would be available to the community and unclear whether new tree planting is proposed to compensate for removals
- would like to see management plan for green space and CIL funds for this and for management of neighbouring Brincliffe Edge Local Wildlife Site if permission is granted

Banner Cross Neighbourhood Group objects:

- acknowledges that new proposal addresses some of previous objections – in particular reduction in number of new dwellings from four to three and no longer plans to demolish section of old boundary wall on Brincliffe Edge Road
- still overdevelopment of significant local open space
- loss of open green space in Conservation Area – need for housing land outweighed by greater need to preserve open spaces such as this – area not blessed with large areas of undeveloped land let alone ones such as this that are designated Historic Park and Garden.
- Ecological Survey concludes no evidence of bats in the buildings although much activity observed in the surrounding skies – this conclusion runs counter to previous survey by expert resident – needs further investigation

- further specialist field survey work should be carried out – doubt that herbaceous species and bryophytes were surveyed in detail and lateness of survey may have been limiting for observing many species
- continued concern about protection of trees on the site – also applies to driveway where it may be necessary to provide passing spaces for vehicles and a segregated pedestrian path
- welcome any scheme which will bring main house and stable block back into use as residential dwellings – but new houses are still of considerable scale and built on a downward slope above the Towers – roof line will run parallel with the Towers itself – design likewise out of character with Conservation Area
- taken together with converted stable block and main house, new houses represent a substantial and too intensive development of whole site
- site access inadequate and hazardous with poor visibility at entrance/exit at a point where cars are often parked on opposite side of Brincliffe Edge Road (which is already narrow and increasingly used as a rat-run)
- general consensus that Brincliffe Tower and gardens were originally gifted for the enjoyment of people of Sheffield –restrictions may well apply to its development – attempts to clarify this with the have so far come to nought - application should not proceed without clear legal determination following examination of council records
- there is a need to restore Brincliffe Tower and lands and to prevent further decay through neglect – sad that owners rejected substantial offer from a co-housing group of local residents which would have seen demolition of extensions and house converted into apartments while retaining its fabric and character and bringing garden back into use to provide food for residents and a small café and toilet built for use of visitors to the park – would represent the kind of sensitive development which would gain approval of the whole community

Nether Edge Neighbourhood Group objects:

- Heritage Statement does not adequately address impact of proposed development - although Brincliffe Towers has been separated and subsequently sold, it remains an integral part of highly considered and designed landscape – missed opportunity to celebrate rich history - instead the proposal wipes the heritage value away
- application does not examine drainage risks – surrounding land wet and soggy after rainfall
- Chelsea Park is important community asset used by individuals, groups and on occasion, large gatherings e.g. Bonfire Night is a major event next to development site – application site is treated as separate from the park rather than integral to historic and communal value
- Further survey work recommended in Ecology Report not carried out and does not adequately address ecological and habitat impact of development
- application does not clearly indicate full impact in terms of loss of trees, hedges and overgrown shrubs, to demonstrate how prominent the proposed development will be after removal of those trees etc.
- proposed substantial houses not designed to be sufficiently subservient to Brincliffe Towers, to ensure that this house retains its prominence – also

- concerned that new houses will appear over dominant in views from the Park and in terms of the relationship with existing houses in Brincliffe Edge Road
- proposed dwellings lack design detailing expected in Conservation Area setting
 - 2013 consultation (Local Plan) for change of use of this land to open green space - general principle to change use was agreed - application flies in the face of this agreement
 - potential for conflict between drivers and pedestrians not addressed in application – highly restricted visibility likely to lead to highway safety problems
 - previous use acknowledged - it is understood that there has been a history of accidents at this junction – no evidence that past use would resume if permission refused, therefore no evidence that past use constitutes a fall-back position
 - any grant of planning permission requested to be subject to restriction preventing future sub-division or, at least, a limitation to control traffic generation to the level that the nursing home would have generated
 - loss of 1950s extensions to Brincliffe Towers would enhance character and appearance of house and Conservation Area but proposed development would be so harmful as to justify refusal

In addition, a further representation has been received from a planning consultant acting on behalf of Brincliffe Edge Group and Banner Cross Neighbourhood Group:

- site reallocated as Open Space in draft City Policies and Sites Plan – should be a material consideration despite temporary withdrawal of Plan in context of extent of public consultation and stage in adoption process, as acknowledged in Council’s Cabinet minutes (Dec 2013)
- importance as open space identified despite current housing allocation – to relinquish this is contrary to legislation which requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise
- unacceptable based on criteria in Core Strategy policy CS47 – open space is in a Conservation Area and has heritage and ecological value
- loss of trees/shrubs will degrade area and result in loss of habitats – no proposals for replacement open space
- contrary to Policy CS31, which seeks to counter pressure for development in larger gardens in South West Area, particularly Conservation Areas, and CS74 which seeks to enhance distinctive local features, particularly heritage, through design principles
- resubmission of original Heritage Statement illustrates lack of fresh analysis to overcome previous officer concerns
- statutory duty to preserve and enhance Conservation Areas – scheme undermines character – spacious grain of development; trees; stone walls
- insufficient detail regarding tree removals and parts of wall for visibility – contrary to UDP Policy BE16 which refers to need for such details
- development cannot be justified on basis of removal of trees as a means of providing for remaining trees to be managed
- will be necessary to remove at least 75m of wall to gain satisfactory visibility splay
- loss of trees and stone wall contrary to several UDP and draft policies

- no justification for 'enabling development' in absence of viability appraisal – likely to be sufficient profit from conversion opportunities without need for new houses – harm not outweighed by benefits
- site is green corridor in draft Proposals Map and adjacent to Area of Natural History Interest – no evidence submitted to prove proposals will not damage these designations and contrary to Policies GE11 and GE13 (Note – an ecological survey has since been submitted)

PLANNING ASSESSMENT

Policy

The site lies within a Housing Area as defined in the Unitary Development Plan (UDP). The adjoining Chelsea Park is defined as Open Space and an Area of Natural History Interest. A Green Link runs through the site ultimately linking Brincliffe Edge and Brincliffe Plantation.

The Housing policy area is partly replaced as Open Space in the Local Plan Draft Proposals Map. This affects the garden areas to the south of the existing buildings. The buildings and immediate surrounding areas remain within a Housing Area designation.

The site is also within the Nether Edge Conservation Area. Brincliffe Towers and Chelsea Park, which was historically a single unit, is included in the local list of Historic Parks and Gardens.

The most relevant UDP and Local Plan Core Strategy policies are:

- H11 (Development in Housing Areas in Nether Edge and Broomhall)
- H14 (Conditions on Development in Housing Areas)
- H15 (Design of New Housing Developments)
- BE5 (Building Design and Siting)
- BE6 (Landscape Design)
- BE9 (Design for Vehicles)
- BE15 (Areas and Buildings of Special Architectural or Historic Interest)
- BE16 (Development in Conservation Areas)
- BE17 (Design and Materials in Areas of Special Architectural or Historic Interest)
- BE21 (Historic Parks and Gardens)
- GE10 (Green Network)
- GE11 (Nature Conservation and Development)
- GE13 (Areas of Natural History Interest and Local Nature Sites)
- GE15 (Trees and Woodland)
- T25 (Car Parking in Residential Areas)
- CS22 (Scale of the Requirement for New Housing)
- CS23 (Locations for New Housing)
- CS24 (Maximising the Use of Previously Developed Land for New Housing)
- CS26 (Efficient Use of Housing Land and Accessibility)
- CS31 (Housing in the South West Area)
- CS47 (Safeguarding of Open Space)
- CS63 (Responses to Climate Change)

CS64 (Climate Change, Resources and Sustainable Design of Developments)
CS65 (Renewable Energy and Carbon Reduction)
CS67 (Flood Risk)
CS74 (Design Principles)

The adopted Supplementary Planning Guidance “Sheffield’s Historic Parks and Gardens” and the associated Background Paper are relevant and consider the historic interest of Chelsea Park, which includes the application site.

The adopted Supplementary Planning Guidance “Designing House Extensions” is also relevant. Whilst not strictly applicable to new housing developments, the SPG sets out minimum separation standards for maintaining adequate residential amenity.

The National Planning Policy Framework (NPPF) is relevant and sets the context for the formulation and application of local policies. It takes precedence over the earlier UDP and Core Strategy policies where necessary.

The adopted Nether Edge Conservation Area Appraisal is relevant and sets out the special character and historic interest in the 3 character areas that make up the Conservation Area.

In addition to the Local Plan Draft Proposals Map several policies in the Local Plan City Policies and Sites document (pre-submission version) (CPS) are also relevant. However, the CPS is no longer intended to be submitted to the Government for adoption purposes although its contents are expected to be considered as part of an early review of the Local Plan. In these circumstances the Proposals map and CPS policies can only be given very limited weight. This assessment is therefore restricted to relying on the adopted policies only.

Principle of Proposed Development

Housing uses (Class C3) are preferred in Housing Areas in accordance with UDP Policy H11. The former care home use (Class C2) is listed as an ‘acceptable’ use. The proposals therefore represent the replacement of an acceptable use with a preferred use and also facilitate the restoration of the care home to its original use as a single dwelling.

The representations make reference to the draft Open Space designation in the Local Plan Draft Proposals Map. Greater weight must be given to the current adopted designation as the proposed designation is not currently being pursued. In addition, there remains an objection (by the applicant) to the proposed designation was submitted as part of the formal consultation on the Draft City Policies and Sites.

Policy CS47(a) states that development will not be permitted where it would result in a quantitative shortage of either informal or formal open space in the local area. ‘Open space’ is defined as “a wide range of public and private areas that are predominantly open in character and provides, or have the potential to provide direct or indirect environmental, social and/or economic benefits to communities.”

CS47(b) states that development will not be permitted where it would “result in the loss of open space that is of high quality or of heritage, landscape or ecological value” CS47(c) states that development will not be permitted where “people in the local area would be denied easy or safe access to a local park or to smaller informal open space that is valued or well used by people living or working in the local area”. CS47(d) states that development will not be permitted where it would cause or increase a break in the City’s Green Network.”

It should be noted that the proposed Open Space designation was designed to reflect the identification and protection of the site as a Historic Garden rather than its value as recreation space. There is no legitimate public access to the application site and little potential for such access as the site has long been in private ownership. The Green Link is retained and the proposals do not prevent easy or safe access to Chelsea Park. In these circumstances, the principle of development of the site can be accepted subject to the historic interest of Chelsea Park not being compromised.

Housing Supply

Core Strategy Policy CS22 commits to maintaining a 5 year supply of deliverable housing sites at all times. There is currently a significant shortfall in ‘deliverable’ (i.e. with planning permission for housing uses) sites which is being addressed through proposals for additional Housing Site allocations in the Local Plan. Policy CS23 seeks to focus at least 90% of new dwellings in the main urban area. The proposals are in accordance with these policies and granting planning permission will increase the supply of ‘deliverable’ housing sites.

Policy CS24 gives priority to providing housing on previously developed sites and requires no more than 12% of dwelling completions to be on greenfield sites until 2025/26. In this instance, the proposed 3 new build houses will be on greenfield land. The NPPF (para.49) states that “Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.” Nevertheless, there is no presumption against greenfield development in Policy CS24 and current dwelling completions on greenfield sites in the Plan period currently equate to approximately 5.9%.

In view of the above, housing (Class C3) development is acceptable in principle.

Housing Density and Mix

The density equates to approximately 8.8 units per hectare. This is significantly below the 30-50 density normally expected within the urban area but outside District Centres and away from Supertram/high frequency bus routes, as set out in Core Strategy Policy CS26. However, the policy provides scope for densities outside this range where they achieve good design, reflect the character of an area or protect a sensitive area. Policy CS31 (Housing in the South West Area) reinforces the need to respect the character of the attractive and distinctive neighbourhoods in the south west of the City and requires the density of new

developments to be in keeping with them. UDP Policies BE5(a) and H14(a) require new development to complement the surrounding area in terms of scale, form and character.

In this instance, there is a need to protect the character and appearance of the Nether Edge Conservation Area and the Historic Park. The perimeter landscaping needs to be protected to screen/filter views from Chelsea Park and Brincliffe Edge Road. There is also a need to ensure that the tree-lined historic driveway is protected. A denser scheme would result in more intense use of the sub-standard driveway with a likely requirement for significant improvements which would alter the character of the driveway and the setting of Chelsea Park. In these circumstances, it is considered that a lower density scheme can be justified on this site.

The proposals provide a good mix of housing, ranging between 2 and 9 bedrooms. There is no requirement for Affordable Housing for schemes of less than 15 dwellings.

Conservation and Design

Brincliffe Towers is identified as a building of townscape merit in the Nether Edge Conservation Area Appraisal. The Appraisal (para. 11.15) considers Brincliffe Towers to be “one of the grandest of the unlisted buildings...particularly notable for its impressive tower and crenellated form.” In accordance with the NPPF (para.132) ‘great weight’ should be given to conserving the asset. The NPPF says “...The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification....”

The NPPF (para.133) goes on to say “Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss...”

The listing in the Background Paper to the Local Schedule of Historic Parks and Gardens SPG considers Chelsea Park (including the application site) as “of historic importance in demonstrating the role of the public benefactor and as an example of a Victorian villa garden with many original features remaining”. The features most closely affecting the application site are identified as:

- the villa (Brincliffe Towers)
- the balustrade terrace (to Brincliffe Towers, facing the park)
- a Lime avenue (access drive from Brincliffe Edge Road)
- lodge (between access drive entrance and Quarry Lane)
- specimen trees and evergreen shrubberies (south-east corner of site behind boundary wall to Brincliffe Edge Road)

The listing (1998) notes that the condition of the site is “fair although original features are not being well maintained nor are existing plantings being reinforced by new planting.”

Consideration has to be given to the proposals in terms of the impact on the character and appearance of the heritage assets comprising the Nether Edge Conservation Area, Historic Park and Garden, the building of townscape merit (Brincliffe Towers) and the setting of these assets.

Whilst Brincliffe Towers technically forms part of Chelsea Park there is a clear boundary between the curtilage of the building and the public park area. The building is at the highest point of the park with the principal elevation of the villa and the balustrade terrace being clearly visible from the park. The 2 storey 1950s extension is also visible but to a lesser extent due to it being set away from the boundary and partly obscured by boundary planting. The single storey extension (facing the coach house) is visible on the approach to the park from the Lime Avenue but is not particularly prominent. Also visible from the park are some of the specimen trees and evergreen shrubberies that form an impenetrable boundary between the park and the application site. The Lime Avenue is on the other side of the application site and is separated by a tall boundary wall. Beyond the Lime Avenue is the lodge in Brincliffe Edge Road. A belt of mature native and specimen trees provides a strong green edge to the boundary and street scene in Brincliffe Edge Road which forms the southern boundary of the Nether Edge Conservation Area.

There is no doubt that the removal of the unsympathetic 1950s extensions, the restoration of the imposing villa to its original form and its return to beneficial and appropriate use would be a significant enhancement of the character and appearance of the building and Conservation Area. The works would ensure the long term future of the important villa, preventing further deterioration, and would be entirely in accordance with Policies BE15, BE16 and CS74 and also in accordance with policies relevant to the historic environment in the NPPF. This factor is therefore given significant weight.

The coach house will also benefit from being brought back into beneficial use and appears capable of conversion without the need for significant additions. This does not mean that the coach house should not be extended, provided that any additions are sympathetic to the character and appearance of the building and its relationship with Brincliffe Towers.

The coach house is relatively large with a 2 storey central portion with single storey elements at each end. The proposed extensions are to the rear of the single storey elements and are considered excessive in terms of projection and overall height. They would project approx 8.5m and 5m respectively with the roofs taken up to the existing ridge level. The single storey elements would be dominated by the extensions which would significantly alter the original form and proportions of the building and, in particular, would detract from the strong gable ends. In addition, the extensions introduce gables of differing roof pitches and which also differ from the pitches to the roofs of the existing building. The existing rear elevation currently includes several narrow window openings at first floor level and

no openings at ground floor level. Whilst the principle of ground floor openings can be accepted, the proposed opening treatments are numerous and the proportions are excessive relative to the existing openings. Together with a number of roof lights, the result is an uncoordinated form of development that confuses the original character and is less subservient to the main building.

The proposals also include a 1.8m high stone wall that will define a curtilage for Brincliffe Towers but will effectively separate that building from the coach house. Whilst it is accepted that Brincliffe Towers will need a private garden area, this does not require the wall to extend between the dwelling and the driveway in front of the coach house. The wall will detract from the historic relationship of the building and its coach house to the detriment of the character and appearance of the building and its setting.

Overall, the treatment to the coach house and the extent of the new boundary wall is considered to detract from rather than enhance the Conservation Area. The proposals are therefore contrary to Policies BE15, BE16 and CS74.

The scale of the proposed buildings and their elevation above the ground level of the existing buildings results in the roofs of 2 of the 3 new dwellings being some 650mm above the ridge of Brincliffe Towers. The height and scale is sufficient to over dominate the Towers in views rather than to adopt a subservient relationship which would allow the Towers to remain as the dominant building on the site as a whole. For this reason, the proposals are considered contrary to Policies BE15, BE16 and CS74.

The NPPF (para.60) states that “Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”

The new dwellings are large scale and 2.5 storeys high (approx 10.7m high). They are arranged around a square shared surface accessed from the driveway in front of the coach house. Advice has been provided to the applicant both prior to and during the application process with a view to developing the site in a more sympathetic manner. A mews arrangement is preferred. Alternative suggestions have included a more contemporary form of individual dwellings which could allow for flat, preferably ‘green’, roofs that would reduce the impact on the main building.

The new dwellings are proposed to be constructed in a mix of natural stone and render with natural slate roofs and a mix of timber and aluminium opening treatments. The natural materials will comply with Policy BE17 but the large areas of render do not reflect the predominant materials in the Nether Edge Conservation Area. The houses appear somewhat confused as a hybrid of contemporary and traditional architectural treatments – the rendered elevations having a more contemporary appearance with large openings with both horizontal and vertical emphasis whilst the stone elevations are more traditional with mullioned windows and stone heads and cills. Overall, the appearance of the new dwellings does not

reinforce local distinctiveness which includes traditional and more modern properties rather than a hybrid of architectural styles in individual dwellings.

Officers have been proactive rather than prescriptive in trying to offer potential solutions that would enable the proposals to be viewed more favourably. However, the applicant wishes the proposals to be considered as submitted.

Sustainability

There is a presumption in favour of sustainable development as set out in the NPPF.

The proposals involve the re-use of existing vacant buildings and the site is located within walking distance of regular bus services and local facilities at the Banner Cross District Shopping Centre. The location at the edge of Chelsea Park ensures access to good quality informal recreation space. The conversion and extension of the existing buildings provide opportunities to ensure energy efficiency and the new dwellings will be energy efficient in order to comply with current Building Regulations. Renewable or low carbon energy should be feasible and there are opportunities to reduce surface water discharge by draining to permeable areas and/or providing attenuation. In these respects the proposals represent sustainable elements of development which is capable of complying with Core Strategy Policies CS63, CS64, CS65 and CS67.

The NPPF (para.9) states that “Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment...” Due to the impact of the new build dwellings on the setting of Brincliffe Towers and its coach house, the physical separation of those two buildings by the introduction of a new boundary wall, and the impact of the proposed extensions to the coach house on the historic scale and character of that building, the overall quality of the historic environment is not considered to be enhanced. These concerns are given sufficient weight to override the sustainability credentials outlined above and are also considered to outweigh the significant benefit of removing the 1950s extensions to Brincliffe Towers.

Landscape

Policies BE6 and GE15 seek to retain and incorporate landscape features and existing trees in new developments as far as possible. Policy BE21 seeks to protect the character, setting and appearance of Historic Parks and Gardens.

The new dwellings are sited so as to retain the perimeter trees and therefore protect the appearance of the boundaries of the site. A total of 21 trees are shown for removal and 5 replacements are proposed in a small grouping adjacent the internal roadway. However, the plans show works to provide the parking court to the rear of the coach house within the root protection areas of trees shown for retention. No information about any level changes in this area has been submitted. This could result in further tree losses, including 4 trees within the Lime Avenue which is noted as an important feature in the Historic Parks and Gardens listing in respect of Chelsea Park.

In addition, the gardens to at least 2 of the 3 new build dwellings are likely to be considerably shaded by the retained perimeter trees. This is likely to result in pressure for further removals or significant pruning once the dwellings are occupied in order to improve amenity. Removal of these trees would detract from the setting of Chelsea Park and the Conservation Area, including the street scene in Brincliffe Edge Road.

In the circumstances, the proposals do not adequately consider the existing trees and increase the potential for subsequent decline, removal or pruning which would be detrimental to the character and appearance of the site and the setting of the Nether Edge Conservation Area. The proposals are therefore considered contrary to Policies BE6(c), BE21 and GE15(b).

Ecology

Policy GE10 seeks to protect green links and corridors for the benefit of wildlife habitats and movement. Policy GE11 requires the design, siting and landscaping of development to respect and promote nature conservation.

The proposals maintain sufficient landscape to maintain the green link that the site currently provides.

Whilst no bat roosts have been identified, the submitted Ecological Assessment considered that there is some potential for bats in the buildings. The assessment indicates that the house and tower have moderate/medium potential and the coach house and the coach house buildings have low potential. The buildings to be demolished are confirmed as having negligible potential for bat roosts.

The single storey elements of the coach house are to be extended as part of the application proposals. These buildings have 'low' potential for bats and the survey found no direct evidence of bats in these areas.

Guidance in Government Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System states (para.99) that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted..."

The submitted survey does not fully comply with preferred methodology in that all potential access/egress points do not appear to have been monitored concurrently. However, the survey found no direct evidence of bats in examining the buildings and, whilst there is some acknowledged 'low' potential for bat activity, it would be unreasonable to withhold planning permission for further survey work. The areas of potential are such that there appears to be a reasonable prospect of adequate mitigation in the event that further surveys identify a bat presence. In these circumstances, appropriate conditions can be formulated in the event that planning permission is granted.

No other protected species have been identified in the submitted assessment.

Policy GE13 states that development that would damage Areas of Natural History Interest (ANHI) will not normally be permitted. The proposals are not within an ANHI and will have no adverse impact on the adjoining ANHI in Chelsea Park.

Overall, the proposals are acceptable in terms of potential ecological impact and there is no conflict with Policies GE10, GE11 or GE13.

Residential Amenity

The proposals will provide a high standard of internal amenity for future occupiers. The coach house conversion will benefit from a shared courtyard garden and the new houses will have relatively large garden areas.

There is a separation distance in excess of 30m to the houses on the opposite side of Brincliffe Edge Road. This is well in excess of the minimum 21m suggested in the Supplementary Planning Guidance (Designing House Extensions) and the habitable room windows to the new houses will be at a lower level and screened by the perimeter planting. In addition this distance spans a public highway.

Overall, the proposals provide and maintain adequate residential amenity for new and existing residents. In these respects the proposals comply with UDP Policies H14 and H15.

Highway Matters

The proposals include double garages and double width driveways to serve the new dwellings, a hardstanding for at least 3 cars to serve the converted main building and 8 spaces to serve the 3 dwellings in the coach house. The level of provision is sufficient to serve the development in accordance with Policies H14(d) and T25.

The vehicular access to the site is less than ideal. The entrance to the site is at an approximately 45° angle to the main carriageway in Brincliffe Edge Road. Visibility for any vehicles attempting to turn left on leaving the site is severely restricted by the historic gatepost and boundary wall. The single width driveway is used by pedestrians to access Chelsea Park. The driveway benefits from lighting columns along its length. Due to the alignment of the driveway, visibility is restricted along the full length with a sweeping 90° turn at the entrance into the site and a curve obscured by trees towards the entrance from Brincliffe Edge Road. There is no segregated route for pedestrians or cyclists. In addition, car parking on the opposite side of Brincliffe Edge Road prevents two way traffic flow and there is no footway along the site boundary.

The driveway would benefit from widening and the access realigning in order to improve highway safety. However, this would involve land outside the applicant's control and any such measures would require the removal or realignment of the historic gateposts and boundary wall together with the removal of mature trees and shrubs, impacting on the Lime avenue which is noted as an important feature in the Historic Parks and Gardens listing.

However, the vehicular arrangement is long established and has previously served a substantially sized care home. This use can reasonably be expected to have involved a significant number of vehicles used by staff, visitors, deliveries etc. The application proposals are estimated to result in the order of 50 - 60 vehicular movements per day.

Given the relatively low level of traffic estimated to be generated by the proposal it is difficult to justify refusal of the application on the grounds of additional traffic generation using the immediate site access or the impact of such traffic on the surrounding highway network.

The access to the coach house parking has been moved from one side of the building to the other in an attempt to avoid the root protection areas of trees outside the site within the driveway.

The internal road layout is generally acceptable in highway terms although minor adjustments may be required to facilitate adequate turning for service vehicles to comply with UDP Policy BE9.

Community Asset

Many of the representations refer to the site being bequeathed to the people of Sheffield and question the validity of the application on this basis.

This is not a material planning consideration and granting planning permission will not override any legal restrictions affecting the land. Notwithstanding this, the site has been in private ownership for at least 15-20 years.

Community Infrastructure Levy (CIL)

The development is subject to CIL. The charge rate in this part of the City is £30.00/sq.m.

SUMMARY AND RECOMMENDATION

Development of this site at the edge of Chelsea Park provides an opportunity to remove unsympathetic 1950s additions and restore key unlisted historic buildings within the Nether Edge Conservation Area. The site is in an accessible location, within walking distance of local services and facilities and the principle of re-use and redevelopment of the site represents a sustainable form of development. These factors can be given significant weight.

However, the proposed 3 new build houses are considered to result in a poor relationship with the large scale Victorian villa due to their scale, appearance and elevation above the roof line of the villa. To adequately protect the historic environment and provide an appropriate setting for the heritage assets, a more sensitive form of development is required that would allow the villa to remain the dominant feature on the site. This can be achieved through an alternative design approach. At present, the proposed new dwellings will over dominate the villa and

its coach house to the detriment of the setting of the buildings within the Conservation Area. In addition, the proposed large extensions to the coach house result in an uncoordinated built form which confuses the original character and would result in the coach house being less subservient to the main building. A new 1800mm boundary wall to the villa will divorce the coach house from the main building resulting in further erosion of the historic relationship.

It is acknowledged that some tree removals will be needed in order to accommodate any new build development. However, the arrangement of the new dwellings and the proposed parking court to the rear of the coach house are likely to result in the decline or subsequent removal or pruning of additional trees to the detriment of visual amenity and the setting of Chelsea Park, including an avenue of Lime trees noted for its historic interest in the local Schedule of Historic Parks and Gardens.

The submitted Ecological Assessment has not found any direct evidence of bats or other protected species but considers that there is 'low' potential for bats in the coach house. Ideally, a more comprehensive survey would be undertaken prior to determining the application but there is considered to be scope within the proposals to provide mitigation in the proposed roof extensions and further survey work and a scheme of mitigation could reasonably be conditioned if planning permission is granted. There is greater potential for bats in the roof of the main building but these would not be affected by the proposed works.

The access to the site is less than ideal. However, the anticipated level of traffic associated with the proposed development is not expected to exceed the level of use associated with the former care home use and it would be difficult to justify refusing the application on highway safety grounds.

Having regard to the potential to deliver a more sympathetic form of development without necessarily reducing the number of units proposed, the harm to the historic environment and potential additional impact on trees does not represent a fully sustainable form of development in the context of the core planning principles set out in the NPPF and is not considered to be outweighed by the acknowledged benefits. The proposals are thereby considered to be unjustified in the context of the NPPF and contrary to relevant elements of Policies BE5, BE6, BE15, BE16, BE17, BE21, GE15 and CS74. It is therefore recommended that planning permission is refused.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Director of Regeneration & Development Services

Date: 10 November 2015

Subject: Enforcement Report
181-185 Abbeydale Road

Author of Report: Fiona Sinclair

Summary: To inform committee members of a breach of the Planning Regulations and to make recommendations on any further action required.

Reasons for Recommendations:

To remedy the breach of Planning Control

Recommendations:

That the Director of Regeneration & Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of an unauthorised canopy at 181-185 Abbeydale Road.

The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Background Papers:

Category of Report: OPEN

ENFORCEMENT REPORT

ERECTION OF AN UNAUTHORISED TIMBER CANOPY ON THE FRONT OF 181-185 ABBEYDALE ROAD S7

1. PURPOSE OF REPORT

- 1.1 To inform committee members of a breach of the Planning Regulations and to make recommendations on any further action required.

2. BACKGROUND

- 2.1 181-185 Abbeydale Road is a traditionally built two storey terraced property being a mixture of retail use at ground floor and residential at first floor/attic level; and located in an area that is predominantly commercial in character.
- 2.2 The property is located within a local shopping centre, as identified in the UDP and is currently being used as a grocery shop.
- 2.3 Abbeydale Road is in an area of the city that has been targeted, by the Council's Planning Enforcement Team, with the aim of improving the general appearance, of the street scene, and, to date, enforcement action has been successful in securing the removal of 5 unauthorised canopies (2007-2015) and a number of illegal advertisements in 2013.
- 2.4 A complaint, from a member of the public, was received, on 23 August 2013 concerning the erection of a metal framed canopy, with a white PVC sheet roof, that has been fixed to the property's front elevation and which faces Abbeydale Road.
- 2.5 Correspondence was entered into with the owner/occupier, of the shop informing them that the canopy had been erected without the benefit of planning permission, and that it should be removed within 28 days of the date of the letter.
- 2.6 The owner/occupier did not respond to this to this letter, and to date no attempt has been taken by them to remove the canopy as requested in the original correspondence; neither have they submitted an application for an alternative and more acceptable canopy so that the needs of this business can continue to be met.

2.7 Three other canopies, at 166, 140-142 and 755-757 Abbeydale Road, have also been reported to Committee for enforcement authority, resulting in the granting of planning permission for, and the provision of, a more acceptable retractable canopy at 755 – 757 Abbeydale Road.

3 ASSESSMENT OF BREACH OF CONTROL

3.1 The property is located within the Abbeydale Road Shopping Area as defined within the UDP.

3.2 Unitary Development Plan Policy S10 'Conditions on Development in Shopping Areas' states that new development must not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions, including air pollution, noise, other nuisance or risk to health and safety and be well designed and of a scale and nature appropriate to the site.

3.3 Unitary Development Plan Policy BE5 'Building Design and Siting' states that good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions and all extensions should respect the scale, form, detail and materials of the original building.

3.4 Although canopies are often a traditional feature of shops in this area, they tend to be the retractable metal and canvas fascia type that one associates with shops of this type and age. The function of the current canopy is to protect food displayed for sale from the elements. A traditional canopy, of the kind described above, could achieve that aim without harm to the street scene.

3.5 However, the canopy, in question, is a fixed metal frame structure with a PVC sheet roof, and is a permanent feature on the property's front elevation making it visually intrusive. It also does not respect character of the property to which it is attached, or that of other properties in the immediate vicinity from a point of view of the materials used in its construction. Therefore the canopy is considered to have a detrimental effect on the visual amenities of the street scene and contrary to policy BE5 and S10 of the UDP.

3.6 The photographs, below, show the property in question and demonstrate the visual harm is unacceptable in this area.

Photograph 1



Photograph 2



4. REPRESENTATIONS.

- 4.1 A letter was received from a member of the public, on 23 August 2013, concerning the erection of this unauthorised canopy and asking that enforcement action be taken to secure its removal.

5. ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 Section 171C of the Town and Country Planning Act provides for the service of a Planning Contravention Notice. The notice requires information about the breach of planning control and property ownership. It also gives an opportunity for the recipient to meet with officers to make representations. Such a meeting could be used to encourage regularisation by retrospective application and/or discussions about possible remedies where harm has resulted from the breach. In this case it is clear that the canopy is in breach of planning control and as such it is not considered that the serving of a PCN would be of any value.
- 5.2 Section 172 of the Act provides for the service of an enforcement notice (EN). In this case such a notice would require the removal of the canopy to make good the harm caused by the unauthorised development. There is a right to appeal to the Planning Inspectorate, against the service of an Enforcement Notice. However, it is considered that the Council would be able to successfully defend any such appeal.

6 EQUAL OPPORTUNITIES

- 6.1 There are no equal opportunity issues arising from the recommendations in this report.

7 FINANCIAL IMPLICATIONS

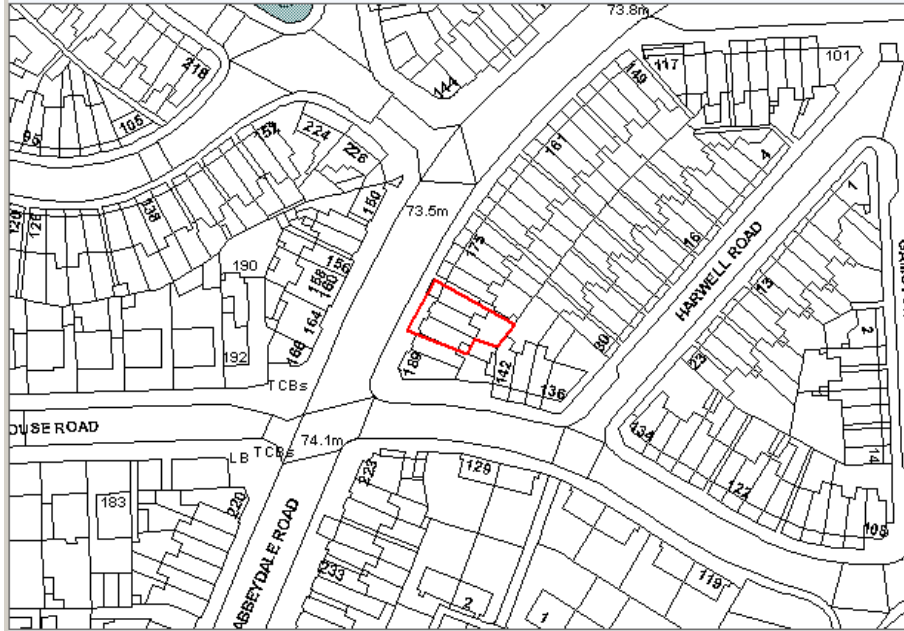
- 7.1 There are no additional financial implications expected as a result of this report. If an appeal is made against the enforcement notice, costs can be awarded against the Council if it is shown that they have behaved “unreasonably” in the appeal process, it is uncommon that this will happen. However, in the unlikely event compensation is paid, it would be met from the planning revenue budget.

8.0 RECOMMENDATIONS

- 8.1 That the Director of Regeneration & Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised canopy at 181-185 Abbeydale Road.

8.2 The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Site Plan



Maria Duffy
Head of Planning Service

29/10/2015



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 10 November 2015

Subject: Enforcement Report

Author of Report: Lee Brook

Summary: The purpose of this report is to inform Board Members of a breach of planning control and to make recommendations on any further action required

Recommendations:

That the Director of Regeneration and Development Services or Head of Planning be authorised to take any appropriate action including if necessary, enforcement action and the institution of legal to secure the removal of the unauthorised metal container from land at 2A Stanley Road, Burncross.

The Head of Planning is designated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Background Papers:

Category of Report: OPEN

ENFORCEMENT REPORT

UNAUTHORISED METAL CONTAINER AT 2A STANLEY ROAD, BURNXCROSS, S35 2XD

1. PURPOSE OF THE REPORT

The purpose of this report is to inform Board Members of a breach of planning control and to make recommendations on any further action required.

2. BACKGROUND

- 2.1 This report is concerned with 2A Stanley Road, which is a semi-detached house, set back from the corner junction of Stanley Road and Hollow Gate. This report is only concerned with the land within the curtilage of the house and not the '*adjacent land*', (marked on the attached site plan), which is separate and was subject to enforcement action in the past. Number 2A and the adjacent land are under the same ownership.
- 2.2 The previous action, authorised by Members was to secure the cessation of the use of the '*adjacent land*' for residential curtilage within the boundary of 2A; re-instate demarcation of the boundary between 2A and the adjacent land, the re-instatement of land levels, which had been excavated to make a parking area, (for a bus and flat back lorry) and the removal of a metal container. Therefore, at that time, this container (shown in the photo), was formerly on the adjacent land and used for general storage. An enforcement notice was served following authorisation of action and the owner eventually complied with it.
- 2.3 The owner made an agreement with officers to temporarily site the container at the front of his house so that he could use it in connection for storage of tools used in compliance with the enforcement notice. He described his long term plan at a site meeting with officers, (March 2012), to submit an application for a permanent brick built garage to replace the container in the long term. No planning applications have been submitted for 2A Stanley Road.
- 2.4 An application for the adjacent land, ref.0300452/FUL for the use of the adjacent land as garden extension and erection of a garage, was refused. The reasons were that the development would cause significant harm to the character of the open space and woodland area

which would be contrary to policies LR4, LR5 and GE16 of the Sheffield UDP.

- 2.5 There have been long running enforcement issues with the adjacent land that are now resolved to the degree where there is no breach of planning control. The land is not in an ideal condition, consistent with the initial aims of enforcement involvement, when complaints were first received by the Planning Service in 1996. To begin with this was a complaint about tree felling in 2002 and then subsequent earth excavation. Trees have since been planted elsewhere on the land and the land levels re-instated. It is designated as 'open space in the Unitary Development Plan.
- 2.6 This report is concerned with only the metal container now stored on the front of the house at 2A Stanley Road. A written request has been made to remove the container and there is no response to that from the owner.

3. ASSESSMENT OF THE BREACHES OF CONTROL

- 3.1 This is a metal shipping container (blue) and has been in situ at the front of the house, 2A Stanley Road, since approximately March/April 2012. This house is situated on land designated as 'Housing' in the adopted Sheffield Unitary Development Plan, (UDP). It was re-positioned from the adjacent land, which is designated as 'Open Space' in the UDP.
- 3.2 Relevant policies in the UDP are Policy H14 and BE5. H14 relates to "Conditions on Development in Housing Areas", which requires, amongst other things, that new buildings and extensions are well designed and would be in scale and in character with neighbouring buildings. Policy BE5 relates to "Building Design and Siting" and requires good design and the use of good quality materials will be expected in all new buildings and extensions.
- 3.3 Policy CS74 (Design Principles) within the Sheffield Development Framework Core Strategy is also relevant. It states that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city.
- 3.4 There is much debate in planning law as to whether such a container is 'development' as defined by the Planning Act. Legal case law has found both ways, under similar circumstances, that it is and, that it isn't development. The debate tends to be around the fact and degree of movability, permanence. Commentary has referred to both the degree of movability intrinsic in the design suggesting they are not permanent and conversely their bulk and unwieldiness tend to make them require specialist removal and therefore considered a building operation and 'development', under section 55 of the Act. Permanence is also

discussed in terms of services added, (connection to electricity for example) and length of time in situ.

- 3.5 This container is not believed to be connected to any services. The view taken in here is that it has a degree of permanence and that it is a 'building', requiring specialist lifting / moving. There is no new explanation of why it is required. The original purpose was stated to be, by the owner, to use it to store equipment during works to comply with the enforcement notice, (completed), served on the adjacent land, (same ownership). there is clear visual harm being caused. The container has been in position for in excess of three years. If a domestic building is now required, incidental to the house, for storage or other purposes, then it should be made of appropriate materials in keeping with its residential setting, in accordance with policy H14 BE5 of the UDP and Policy CS74 of the adopted Core Strategy. The potential for a building here, a domestic garage, has been discussed with the owner. It was explained that any such building would need to be designed in keeping with the house / residential character of the area and that it would be a difficult position to site it but any proposal would be considered. The current metal container does not accord with policy CS74 of the Core Strategy or policies H14 and BE5 of the UDP.
- 3.6 To sum up; previously this container was on the adjacent land at the corner of Hollow Gate and was used to store tools and materials amongst other items. The owner agreed to move it from that land and he brokered an agreement with officers to temporarily site at the front of his house during work to comply with an Enforcement Notice served in connection with re-instatement of the corner land, (marked 'adjacent land' on the site plan), which was completed some time ago. No such application has been submitted to replace the container for domestic use incidental to the house. We are now at more than 3 years since these matters were discussed at site with the owner prior to beginning work to comply with the notice.

4. REPRESENTATIONS

- 4.1 No recent specific complaints have been made directly about this particular issue of the container being on the front garden. Complaints were received in the past about the condition of the adjacent land in the past when this same container was sited there.

5. ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 Section 171C of the Town & Country Planning Act 1990, ('the Act') provides for the service of a Planning Contravention Notice, (PCN). It requires information about the breach of control and property ownership. It also gives an opportunity to meet with officers to make representations. Such a meeting can be used to encourage regularisation and/or discussions about possible remedies where harm

has occurred. In this case regularisation is not being recommended and officers have discussed this at length with the owner.

5.2 Section 172 of the Act provides for the service of an enforcement notice, (EN). In this case such a notice would require the removal of the unauthorised container and / or the cessation of the use of the land for storing the container.

6. EQUAL OPPORTUNITIES

6.1 There are no equal opportunity implications arising from the recommendations in this report.

7. FINANCIAL IMPLICATIONS

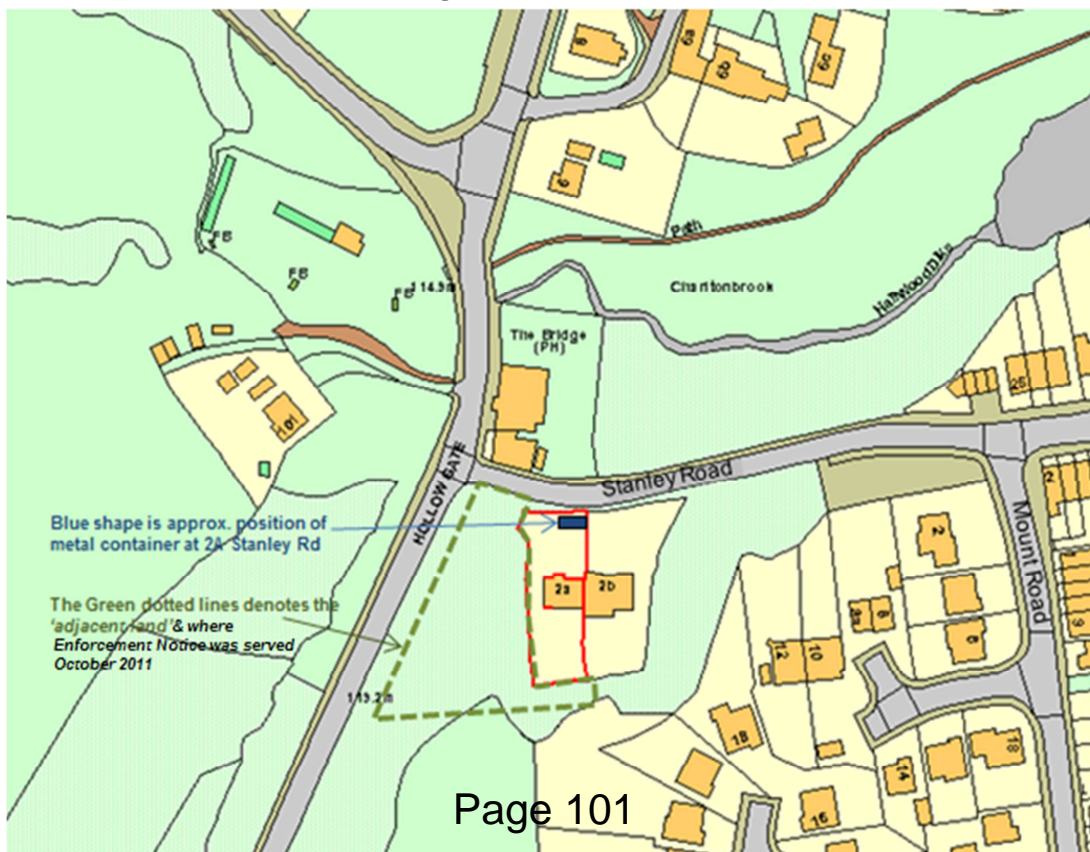
7.1 There are no financial implications arising from the recommendations in this report.

8. RECOMMENDATION

8.1 That the Director of Regeneration and Development Services or Head of Planning be authorised to take any appropriate action including if necessary, enforcement action and the institution of legal to secure the removal of the unauthorised metal container from land at 2A Stanley Road, Burncross.

8.2 The Head of Planning is designated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

SITE PLAN



PHOTOGRAPHS



Maria Duffy
Head of Planning

8 October 2015



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 10 November 2015

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

10 NOVEMBER 2015

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 July 2015 to 30th September 2015.

2. ACTIVITY DURING THE QUARTER

2.1 A total of 125 enforcement complaints were received, out of these 52% were concerned with unauthorised development and use, and 26% were failure to comply with planning conditions or approved plans. The percentage of cases involving Section 215 untidy land/buildings was 3%, unauthorised advertisements including hoardings were 15% and all other complaints were 4%.

2.2 The number of cases resolved within the target of 6 months was 66% of all the cases closed in the period. The 60% Service target for cases closed within 6 months has been exceeded. 139 cases have been closed in this quarter of which 47% 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 2013 and 2014 to show trends: -

Notice type	Year 1 st Oct 2013 to 30 th Sep 2014	Year 1 st Oct 2014 to 30 th Sep 2015	Quarter 3 1 st Oct – 31 st Dec 2014	Quarter 4 1 st Jan – 31 st Mar 2015	Quarter 1 1 st Apr – 30 th Jun 2015	Quarter 2 1 st Jul – 30 th Sep 2014
Breach of Conditions	14	16	5	2	6	3
Discontinuance (adverts)	0	11	11	0	0	0
Enforcement	21	17	5	4	6	2
Stop	2	0	0	0	0	0
Temporary Stop	2	2	0	0	2	0
Section 215 (untidy land)	9	8	2	4	1	1
Section 225 (signs)	24	23	0	5	5	13
Total Notices Served	72	77	23	15	20	19
Prosecutions	11	9	2	1	2	4

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. This was because of targeted action on student to let signs in the previous quarter. The number of Enforcement Notices and breach of Condition Notices served in the last quarter has decreased; however, the number of prosecutions has increased.

2.5 Landlords of student accommodation tend to erect 'to let' boards on their properties 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 Moor Oaks Road area. This area was identified as one of the areas that was causing nuisance by the erection of these signs. Of the 56 signs identified in this area, 12 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 28 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.

2.6 The table below shows the number of complaints received in the last year 2015 and the previous year 2014:-

Year 1 st October 2013 – 30 th September 2014	Year 1 st October 2014 – 30 th September 2015
628	586

2.7 There continues to be a drop in the number of new cases received over the last 12 months compared to the previous 12 months. It is expected that over time the changes implemented will bring the numbers of new cases reported to a constant level.

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 Moor Oaks Road area.

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: 10 November 2015

Subject: Enforcement Report

Author of Report: Khalid Mahmood

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

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.	Tesco Express, Clan House Turner's Lane, S10	Condition 4 relating to the management plan	15/04/2015	22/10/2015 – No further complaints received or witnessed any further breaches. – NFA 13/07/2015 – BCN has been served on 08/05/2015 and needs to be complied with by 04/06/2015 – assurances have been given that the condition will be complied with - Monitor
2.	24 Park Lane, S10	Condition 9 relating to landscaping	23/04/2015	22/10/2015 – Reminder letter to be sent and if no response then the matter to be

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				reported for prosecution. 13/07/2015 – BCN has been served on 30/04/2015 and needs to be complied by 27/05/2015 – BCN has not been complied with. File to be prepared for prosecution.
3.	352 Sharrow Lane	Unauthorised replacement of windows	29/05/2015	22/10/2015 – Appeal has been lodged with Planning Inspector. 13/07/2015 – EN has been served on 29/06/2015 and needs to be complied with by 16/11/2015.
4.	414 London Road, S2 4ND	Unauthorised Canopy	09/12/2014	20/10/2015 – EN has been complied with – NFA. 13/07/2015 – EN has been served 16/01/2015 comes into effect on 16/02/2015 and needs to be complied with by 16/03/2015 – Most of the Notice has been complied with - Monitor
5.	215 -219 Fulwood Road, S10	Unauthorised roller shutter	03/03/2015	22/10/2015 – Site visit to be done to check if EN has been complied with – if not the matter to be reported for prosecution. 13/07/2015 – EN has been served on 09/04/2015, takes effect 11/05/2015 and compliance by 31/08/2015.
6.	166 Abbeydale Road, S7	Unauthorised canopy	03/03/2015	21/10/2015 – EN has not been complied with - Prosecution file being prepared. 13/07/2015 – EN has been served on 09/04/2015 and takes effect on 11/05/2015

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				and compliance by 31/08/2015. 22/05/2015 – EN has been served on the 09/04/2015, comes into effect on the 11/05/2015 unless an appeal is made (16 week compliance period).
7.	13 College Street, S10 2PH	Unauthorised replacement of roof tiles within an Article 4 Area	11/04/2014	22/10/2015 – Prosecution file being prepared for litigation. 20/01/2015 – The time period for compliance has expired and reminder letter to be sent.
8.	Vestry Hall 80 Crookesmoor Road Sheffield S6 3FR	Untidy Grade 2 Listed building	16/10/2014	22/10/2015 – It has been agreed in Court that the works will be done by 01/2016. 13/07/2015 – Appeal has been lodged and is due in Court on the 11 August for full hearing. 19/01/2015 – A S215 Notice has been served on the 16/10/2014. An appeal has been made. Statements being done for hearing in Court.
9.	245 Ecclesall Road Sheffield S11 8JE	Breach of Condition 3 relating to premises opening beyond permitted hours and condition 6 relating to amplified sound	25/10/2014	22/10/2015 – TSN was served which was breached a prosecution file is being prepared for litigation. 13/07/2015 – Found guilty and fined a total of £150, surcharge £20, costs £150 and (Criminal Court Charge) of £150 – total £470. 22/04/2015 – Due in Court on the 21/05/2015. 19/01/2015 – A BCN has been

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				served, the Notice is not being complied with. Witness statements being done for prosecution.
10.	140-142 Abbeydale Road, S7 1FF	Unauthorised canopy	16/09/2014	22/10/2015 – Full hearing at the Magistrates Court on 5/11/2015. 13/07/2015 – File being prepared for prosecution. 22/04/2015 – The EN has not been complied with reminder letter to be sent if no response the matter will be reported for prosecution. 16/01/2015 – EN has been served on 30/10/2014 and needs to be complied with by 19/03/2015.
11.	755-757 Abbeydale Road, S2 7BG	Unauthorised canopy	16/09/2014	22/10/2015 – canopy has been replaced with one that was granted planning permission – NFA 13/07/2015 – File being prepared for prosecution. 22/04/2015 – Planning application has been granted for new alternative canopy. Reminder letter to be sent asking to remove existing unauthorised canopy, if no response the matter will be reported for prosecution. 16/01/2015 – EN has been served on the 30/10/2014 and needs to be complied with by 16/03/2015. Planning permission for retractable canopy has been granted

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				(14/04380/FUL) – Monitor 14/10/2014 – Negotiations ongoing with owner to submit a planning application within 21 days for a more acceptable canopy.
12.	44 Grange Crescent, Nether Edge, S11 8AY	Unauthorised replacement of windows, roof tiles, guttering, door and repainting of headers, sills and architectural feature	07/02/2011	22/10/2015 – A letter has been sent giving a deadline of 19/02/2016 to carry out works. 13/07/2015 – Fined £200, £150 Costs and £20 Surcharge. Letter to be sent giving new deadline to comply with Notice. 22/04/2015 – Due in Court for 2 nd prosecution in June 2015. 16/01/2015 – Witness statement being prepared for prosecution. 14/10/14 – EN has not been complied with and a final letter to be sent in the next few days and if the EN is not complied with then the matter will be reported for 2 nd prosecution. 09/07/13 – letter has been sent asking to comply with EN before 01/09/13. 25/01/13 – prosecuted 19/12/12 pleaded guilty and was fined £30 and £15 costs. Letter to be sent asking to comply with notice.
13.	166, 223-225, 234, 235, 243-245 and 280 Abbeydale road,	Illegal Signs	16/09/2014	22/10/2015 – No 280 has been prosecuted and fined £420 in total and the signs have been removed.

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
	S7			13/07/2015 – Property no 280 due in Court in August 2015 and with regards to other properties officers are trying to identify the owners before reporting to prosecution. 16/01/2015 –Occupier details being identified before the matter is reported for prosecution. 14/10/2014 - Writing to owners/occupiers to advice of pending prosecution - locating up to date contact details for each property.
14.	31 Moor Oaks Road, S10 1BX	Unauthorised replacement front door and frame	26/08/2014	22/10/2015 – Replacement door details have been agreed, if no progress made to replace door then the matter will be reported for prosecution. 22/04/2015 – Appeal has been dismissed within compliance period. 16/01/2015 – EN has been served on 14/11/2014 came into effect on the 12/12/2014 and needs to be complied with by 06/03/2015. The appeal against the planning application has been dismissed. – Monitor. 14/10/2014 – EN with legal, due to be served shortly
15.	9 & 11 Moor Oaks Road, S10 1BX	Unauthorised replacement front doors and frames	26/08/2014	22/10/2015 – Details have been approved for alternative and assurances have been given that it will

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>be replaced soon - Monitor. 13/07/2015 – Prosecution file to be prepared. 22/04/2015 – Planning application appeal has been dismissed, within compliance period. 16/01/2015 – EN has been served. An appeal has been made. 14/10/2014 – 2 EN's with legal, due to be served shortly</p>
16.	20 Glen Road, S7 1RA	Unauthorised replacement driveway	15/07/2014	<p>22/10/2015 – Assurances have been given that the works will be done before court date of 26/11/2015. 13/07/2015 – Prosecution file being prepared for prosecution. 22/04/2015 – The owner has assured officers that work will be done in the next few weeks. 16/01/2015 – It has been agreed that works will be carried out by the end of March 2015. 14/10/2014 EN served 23/09/14 takes effect 23/10/14 -</p>
17.	12 & 14 Crookes Road, S10 1GR	Unauthorised replacement roof tiles, fascia and guttering	28/01/2014	<p>22/10/2015 – The property has been sold and new owners have submitted application (15/03128/FUL) for new windows and will replace the roof at the same time as work starts on the windows. 13/07/2015 – EN to be served. 22/04/2015 – 16/01/2015 – The owner is not making sufficient progress to carry out</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				the works required, therefore an EN is being prepared and will be served asap. 14/10/2014 Roof replacement underway 23/07/2014 - Works underway – agreed not to serve EN as committed to resolve the issue.
18.	261, 269 & 271-273 Fulwood Road, S10	Unauthorised replacement windows	17/12/2013	22/10/2015 – File with legal for prosecution. 13/07/2015 - Appeal has been dismissed still within compliance period.16/01/2015 – the appeal has been dismissed on 21/01/2015 - 6 Month compliance period. . 06/03/14 - Appealed EN. Appealed refusal 13/02/2014 EN served, appealed under same grounds. Application refused with authority to serve EN
19.	95 Brunswick Street, S10 2FL	Non-compliance with planning conditions	14/03/2014	22/10/2015 - Application has been submitted (15/01608/FUL) pending consideration. 22/04/2015 – The works in relation to the light well has been carried out – a new application to be submitted to vary condition with regards to the landscaping scheme. 16/01/2015 – Work is being carried out to comply with the Notice - Monitor. 22/07/2014 A BCN has been

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				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.
20.	Land Between 1 To 3 and No 5 And 7 Dover Road S11 8RH	Erection of an Unauthorised wall	11/03/2014	22/10/2015 – New scheme has been approved (15/01006/FUL) – Scheme not implemented yet – Monitor progress, if no progress made then matter reported for prosecution. 13/07/2015 Still within compliance period (until October 2015) 22/04/2015 – Appeal has been dismissed still within compliance period. 16/01/2015 - Awaiting Planning Inspector decision. 18/07/2014 – Appeal Statements submitted. 1/06/2014 Appeal Lodged. 09.04.2014 – EN served with 6 month compliance period.
21	263 Cemetery Road, S11 8FS	Unauthorised replacement of windows to the front and side of 263 Cemetery Road, S11, facing Grange Crescent Road and Cemetery Road, the erection of a new soil pipe facing Cemetery Road, a new	05/11/2013	22/10/2015 – Advice from litigation is that as the company is registered in Isle of Man it is outside of the jurisdiction of the Court and prosecution is not possible. A letter to be sent threatening direct action as an alternative to prosecution. 22/04/2015 – Due in Court

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
		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.		on the 21/05/2015. 16/01/2015 – Witness statement being prepared for prosecution. 16/06/2014 – Notice has not been complied with, a reminder letter has been sent to the person in control of the property. 14/10/14 – the Notice is still within compliance period. 22/07/14 – The company is not registered in the UK and would be difficult to prosecute if they did not 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.
22	79 Barber Road, S10	Unauthorised front dormer	17/12/2012	22/10/2015 – EN was served on 01/03/2015 needed to be complied by 26/07/2013 the EN has not been complied with and is due in Court on the 5/11/2015.
23	6 Rosamond Place, S17 4LX	Breach of Condition 2 – Landscaping. Breach of Condition 1 – Completion of Development	20/02/2013	22/10/2015 – Was found guilty and fined £230, costs £150, surcharge £23 – total £403. Works have now largely been completed. NFA. 13/07/2015 – Case adjourned again due to owner being away

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>on holiday. Rescheduled for 13th August 2015. 22/04/2015 – Case has been adjourned until June 2015, due to extenuating circumstances. – Monitor.</p> <p>14/10/2014 – All paperwork with litigation ready for a 2nd prosecution. 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 not completed therefore prosecution papers being prepared for 2nd breach of control. 16/10/2013 – Case in Court, found guilty and fined £75 fine, £75 costs and £25 surcharge.</p>
24	Swanky Franks 722A Chesterfield	Non-compliance with a planning condition to clad an	13/02/2012	22/10/2015 – Reserve BCN to all directors. 22/04/2015 – S330 Notice has

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
	Road	extraction flue		not been replied to and the matter to be reported for prosecution for non-compliance of S330 Notice. 16/01/2015 – Letter and S330 Notice has been sent to all Directors. 14/10/2014 – List of all Directors now obtained, new BCN's to be served on all of them. -
25	204 Chippinghouse Road, Nether Edge, S7 1DR	Unauthorised replacement of windows and door within an Article 4 area	13/08/2012	22/10/2015 – The builder is in the process of getting the window replaced and the old door that was removed is to be put back. 16/01/2015 – A reminder letter to be sent asking to replace the ground floor window and door to fully comply with the Notice. 14/10/14 – 1 st floor windows have been replaced as agreed. A further 6 month from April agreed before the ground floor windows and door is replaced. 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.

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
26	7 Greenfield Drive, S8 7SL	Unauthorised signage on display	26/09/2011	22/10/2015 – To be reported for prosecution. 22/04/2015 – A letter to be sent asking to remove sign within 21 days, if not removed then report for prosecution. 16/01/2015 – The Section 330 Notice has not been returned a reminder letter to be sent. 14/10/2014 –Letter and S330 notice to be served.
27	Ball Inn, Mansfield Road, S12 2AG	Unauthorised Hoarding	21/06/2010	21/10/2015 – Low priority but DN to be served. 22/04/2015 – S330 Notice has been served awaiting response. 16/01/2015 – Letter and S330 Notice to be served.
28	Old Whitelow Farm, Old Whitelow Lane, S17 3AG	Re-construction of a demolished redundant farm building	30/07/2008	22/10/2015 – PP has been granted. - NFA13/07/2015 – Planning applications to be determined 22/04/2015 – New application (15/00564/FUL) has been submitted, await outcome before any further action is to be taken. 28/01/2015 – EN to be served. 15/10/2014 – Awaiting legal interpretation of legislation to ascertain whether the works are now immune from action due to the four year rule or whether a second bite provision can be applied to this case.

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
29	Norfolk Arms Public House, Ringinglow Village, S11 7TS	Unauthorised fume extraction and Lighting Columns.	19/05/2008 & 21/09/2009	<p>22/10/2015 – Final warning letter to be sent before file passed to litigation.</p> <p>13/07/2015 – New photographs to be taken and then statement to be done for prosecution. 14/10/2014 –Reminder letter to be sent asking him to comply with notice within 28 days. If no response then prosecution file to be prepared.</p>



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 10 November 2015

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.	2A Woodhouse Road, S12	Signs	18/08/2015	20/10/2015 – The signs have not been removed, statements have been done and file is with litigation.
2.	138 West Street, S1	Fascia signs	29/09/2015	20/10/2015 – Letter has been sent asking to remove sign.
3.	55 Bawtry Road S9	External wall insulation	24/06/2014	20/10/2015 – Within compliance period. 08/07/2015 - An EN has been served on 25/06/2015 comes into effect on 27/07/2015 unless appeal is made and needs to be complied by 27/11/2015.

4.	24 Dundas Road, S9	External wall insulation	24/06/2014	20/10/2015 – Within compliance period. 08/07/2015 – An EN has been served on 25/06/2015 comes into effect on 27/07/2015 unless appeal is made and needs to be complied by 27/11/2015.
5.	38 Hatherley Road S9	External wall insulation	24/06/2014	20/10/2015 – Work underway to comply with EN. 08/07/2015 – An EN has been served on 25/06/2015 comes into effect on 27/07/2015 unless appeal is made and needs to be complied by 27/11/2015.
6.	40 Hatherley Road, S9	External wall insulation	24/06/2014	20/10/2015 – Works underway to comply with EN. 08/07/2015 – An EN has been served on 25/06/2015 comes into effect on 27/07/2015 unless appeal is made and needs to be complied by 27/11/2015.
7.	Units 6A & 6B Junction 34 Industrial Estate Greasbro Road S9	Condition 6 relating to vehicle movement delivering and picking up	19/05/2015	20/10/2015 – An application to vary condition 6 imposed by 13/03662/CHU has been granted to allow vehicle movement from 07.30 - No further complaints received - NFA 08/07/2015 – A BCN has been served on 01/06/2015 and came into effect on the 28/0/2015. It is currently being complied with – Monitor.
8.	1 Blackmore Street,	Re-roofing of a listed building	16/06/2015	20/10/2015 – EN has been served and an appeal has been made. 08/07/2015 – Details have been sent to legal and admin to serve an EN
9.	751 Attercliffe Road, S9 3RF	Untidy property	31/03/2015	20/10/2015 - Notice has not been complied with – quotes to be obtained for works in default. 20/04/2015 – A S215 Notice has been served, still within compliance period (01/05/2015).

10.	8 Delves Place, S12 2AG	Untidy Land	25/03/2015	20/10/2015 – Direct action has been carried out to comply with the Notice. A prosecution file has also been prepared and sent to legal. 08/07/2015 – Some work has been done but not enough to comply with Notice – Costs to be obtained for works to be carried out in default. 20/04/2015 – A S215 Notice has been served, still within compliance period (27/04/2015).
11.	Rear of 784 Attercliffe Road, S9 3TJ	Unauthorised use as a storage yard	24/03/2015	20/10/2015 – The site has been cleared and the gates have been removed the EN has been complied with – NFA, The property is also being investigated for potential S215 action. 08/07/2015 – EN has been served on 23/04/2015, takes affect 25/05/2015 unless an appeal is made against it 12 week compliance period.
12.	20 Dovercourt Road, S2 1UA	Untidy front and rear garden	20/11/2014	20/10/2015 – Successful prosecution conditional discharge £100 costs and £15 surcharge. A letter has been sent asking to comply with Notice within 28 days from 19/10/2015. 08/07/2015 – Witness statements have been done and sent to litigation. 20/04/2015 – The Notice has not been complied a prosecution file is being prepared. 19/01/2015 – A S215 Notice has been served and needs to be complied with by 14/12/2014. A reminder letter to be sent.

13.	33 Pavilion Way, S5 6ED	Unauthorised single storey side and rear extension	09/12/2014	<p>20/10/2015 – Work has not started yet reminder letter to be sent. 08/07/2015 – Appeal against the planning application has been allowed conditionally – Condition requires plastic to be replaced by brickwork within 6 months – Deadline 16/10/2015 - Monitor 20/04/2015 – The planning application was refused on 17/03/2015 and an appeal has been lodged on the 01/04/2015. 19/01/2015 – Application (15/00183/FUL) has been submitted on 15/01/2015 for retention and alterations to design and materials, and is in the process of being logged on the system.</p>
14.	Sheiks, 274 Glossop Road, S10	Breach of Condition 3 – the shelter needs to be removed	25/09/14	<p>20/10/2015 – The BCN has been complied with – NFA. 08/07/2015 – Prosecution Statement to be done. 20/04/2015 – BCN has been served and has not been complied with, meeting has been arranged with litigation to discuss this issue. The premises are currently not being used. 09/10/14 – BCN has been drafted and is with legal Services.</p>

15.	11 Advertisement Hoardings in Wincobank Area	Unauthorised Advertisement Hoardings	22/04/14	<p>20/10/2015 – Awaiting outcome of appeals. 20/04/2015 – Appeals have been lodged against all 11 DN's statements being done. 16/01/2015 – DN have been served on 09/12/2014 and come into effect on the 03/02/2015. 09/10/14 – Discontinuance Notice (DN) being prepared by Legal Services for 8 Hoardings – no response has been received regarding S330 Notice for 3 of the hoardings – the non-return of S330 will be reported for prosecution. 08/07/14 - A letter and S330 Notice to be sent.</p>
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16.	42 Dundas Road, Tinsley, S9 1SY	Unauthorised external flue	15/10/13	<p>20/10/2015 – The owner did not attend court again and a warrant has been issued for owner’s arrest. 08/07/2015 – The owner did not attend Court the case was adjourned to 13/08/2015. 20/05/2015 – Due in Court on the 21/05/2015. 16/01/2015 – legal to be instructed to prosecute and witness statement to be done. 09/10/14 – The flue has been removed the external fan still needs to be removed. A reminder letter to be sent. 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.</p>
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17.	35-39 Southend Road, S2 5FS (Former Windsor Hotel Public House)	Unauthorised formation of self contained flats at first floor level	04/02/13 (for BCN 24/09/2015)	<p>20/10/2015 – BCN has been served on 24/09/2015 and a condition discharge application (13/00207/COND1) has been submitted which is pending consideration. 08/07/2015 – BCN is to be served in the next few days. 16/01/2015 – Reminder letter has been sent and no details received. A BCN to be served. 09/10/14 – Two outstanding issues reminder letter to be sent. 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.</p>
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18.	484 Staniforth Road, Darnall, S9 3FW	Unauthorised roof extension	25/01/2010	<p>20/10/2015 – 2nd prosecution statements being done. 20/04/2015 – No response received from the owners after the reminder letter had been sent the matter will now be reported to litigation for prosecution. 16/01/2015 – A reminder letter has been sent to the owner to establish if he has enough funds to start works to comply with Notice. 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>
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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 10 November 2015

Subject: Enforcement Report

Author of Report: Khalid Mahmood

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

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.	5 Carlisle Street East, S4	Breach of Condition relating to disable ramp regarding planning permission 11/01969/CHU.	07/05/2015	26/10/2015 – BCN has been served and an application 15/01844/NMA has been submitted to amend the original planning permission – pending consideration.
2.	1 Priory Road, S35	Non illuminated Fascia sign at front of building	28/06/20115	26/10/2015 – Prosecution statement has been done and file has been passed to

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
3.	234 Barnsley Road, S4	Conversion of garage into a bedsit apartment		legal. 26/10/2015 – Site visit has been done and the garage is no longer being used as bedsit. - NFA
4.	51-53 Malinda Street, S3	Unauthorised part demolition of Listed Building	24/04/2015	26/10/2015 – The owner was prosecuted for unauthorised works to a listed building and was subsequently fined £2,300, costs £150 and Surcharge £230 TSN was also served which was complied with. The property has been sold and new owners are working with the Council to resolve the unacceptable works.
5.	Land at the junction of Bedford Street and Cross Bedford Street (Apts 1-19 The Hub), Sheffield, S6 3AT	Failure to comply with conditions 17, 18, 19 of PP 12/00204/FUL erection of a 6 storey development of 19 student apartments comprising 80 bedrooms.	09/11/2012	26/10/2015 – Discussions taking place between developer and Planning Officer to comply with Conditions. BCN served on 4 th July 2015.
6.	110 Bolsover Road, S5	Unauthorised external wall insulation added to front and rear walls of house in breach	11/12/2014	26/10/2015 – File with legal awaiting court date. 09/07/15 - Legal proceedings being prepared & should be underway by

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
		of the materials condition in the planning permission under PD.		next update – for failure to comply with BCN. BCN served 29/1/15.
7.	523 Loxley Road, S6	Unauthorised Car Port erected at rear of house, which includes a balcony roof.	09/12/2014	26/10/2015 – Awaiting outcome of appeal. Appeal lodged against EN, process underway. EN served 19/2/15. It requires removal of canopy & balcony by 15/5/15.
8.	209 Stannington Road, S6	Unauthorised Front Extension to House	09/12/2014	26/10/2015 – 1st hearing on the 26/11/2015. EN not complied with, legal proceedings being prepared at 09/07/15. EN served 16/1/15. It requires removal of white plastic extension from the front of house by 11/5/15.
9.	Land, Rear of Former Middlewood Tavern, off Middlewood Road North, S35	Unauthorised Excavation Works.	09/12/2014	26/10/2015 – Planning application (15/03455/FUL) has been submitted. Pending consideration.
10.	Oak Lodge Farm, Thompson Hill, S35	Unauthorised siting of 2 caravans and 4 metal containers	01/04/2014	26/10/2015 – The residential caravan has been on site for over 4 years, no further action can be taken against it. Advice from legal is that 'The breach of

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
				<p>planning control here is the unauthorised change of use of the land from agricultural to residential' Therefore we have 10 years to take enforcement action. Because of a lack of satisfactory evidence to show what structures/caravans or otherwise - have permanently been sited on the land throughout the last 10 years or more - makes it impractical to pursue this matter further. However, 3 unauthorised containers and a 2nd caravan has been removed from the land following the serving of the EN therefore it is recommended for NFA. July '15 - Meeting arranged between Officers from Legal and Planning to discuss last remaining issue of 'caravan A' with respect to all available evidence on that point. Other matters resolved. 16/1/15- The Council withdrew the EN & it's interest in the Public Inquiry due legal advice (from Council's Barrister). This is due to significant steps taken by the owner /appellant to remedy the issues</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
				<p>covered by the EN. Step included removal of Two containers (containers 1 & 3) & one of the caravans (caravan B). The decision is also due to the late submission of evidence on behalf of the appellant (a few days before the Inquiry) in relation to residential caravans (caravan B was already removed but A remains).</p> <p>29/1/15 – Noted by officers on site that container 3 removed from land & container 4 has now been relocated to a position between two existing farm buildings, removing planning objections to it (on visual grounds).</p> <p>The only issue remaining is residential caravan A.</p> <p>21/4/15 - Legal advice being taken in relation to caravan A</p> <p>Appeal lodged & Public Inquiry to be held 20/1/15. EN served 16/4/14, requires removal of 2 caravans & 4 containers.</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
11.	492 Barnsley Road, S5	Unauthorised Change of Use from A1 to A5 and erection of external flue without planning permission	11/03/2014	<p>26/10/2015 – The flue has been relocated to an acceptable location. However, the use and the flue still need to be regularised. Reminder letter to be sent to validate the application.</p> <p>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.</p>
12.	Aldi, 82 The Common, S35	Non-compliance with conditions of PP 13/00498/FUL for erection of a food store, regarding (condition43) delivery of goods / times, (c25) carry out landscaping scheme, (c28) target emission reductions for store construction, (c31) environmental measures concerning delivery vehicles,	16/01/2014 (delegated)	<p>26/10/2015 – The matter to be reported for prosecution. Correspondence ongoing with Aldi management in July to resolve remaining landscape issue. Any further delay will result in Council starting legal proceedings. 20/4/15 – Landscaping not completed so owners contacted & told to finish. All details for conditions approved. Only outstanding issue is the implementation of approved landscape scheme by end of current planting season.</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
		electric charge points, cycle racks etc, (c.53) Forecourt improvements adj the mill & wood management		BCN served 17/1/14 requiring details for specified conditions (see breach) in 28 days. Delivery time condition no.43 now being complied with. The other details are being considered under new discharge of conditions application 14/00605/COND
13.	Lion Works, Handley Street, S4	Derelict listed building causing visual harm to both the area and the building itself.	04/10/2013 (delegated)	26/10/2015 - Phase 2 works started and are almost completed. 20/4/15. Works completed under phase 1 to remove most of the eyesore problems of the site. Phase 2 to begin next financial year in 2015 to restore structural integrity of the roof. 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.
14.	290-308 Pitsmoor Road, S3	(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	19/4/2011	26/10/2015 – Reminder letter to be sent if no response BCN to be served. Little progress due to other high priority work. Progress expected by next update. 06/01/15 – Conditions in breach identified,

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
				<p>contacting new 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 (2) 11/03370/ granted 3/1/12, implementation will supersede the EN. EN not complied with at 30/12/12. Holding back from prosecution for time being due to new application 11/03370 for alternative canopy to the one built.</p> <p>EN served 8/6/11, took effect 13/7/11.</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
15.	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	25/01/2011	26/10/2015 – Ongoing litigation case to pursue 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.
16.	Parker's Yard, Stannington Road, S6	Unauthorised use as self storage & metals recycling facility. 09/02757/CHU refused PP.	10/06/2010	26/10/2015 – new application (14/02426/CHU) under consideration / decision pending. 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 lack of alternative plan from Carwood Commodities. Proposed that 16 wks be given from date of cttee if approved by Members. At Jan 2014, the lease is still being actively negotiated for the Pearson Forge Site, but

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
				<p>it remains unsigned due to difficulties on the seller's part. The business is overcoming problems with bank & with the vendor for the 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. 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 Dec'11 for work to start at</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
				Pearson Forge. Alternative site that would be suitable for relocation identified & 11/01953/CHU granted 13/9/11 for former Pearson Forge at Livesey St. Appeal against EN was dismissed 14/3/11; new compliance period ends 2/7/11. EN served requiring uses to stop by 20/4/11. Appeal against refusal of 09/02757/CHU dismissed.
17.	Dial House Club, Far Lane/Ben Lane, S6	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.	15/12/2009 (delegated authority)	26/10/2015 – In discussions with Planning Officer to Resolve issues regarding bowling green. 26/09/2015 - Applications under consideration, decision pending. 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

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
				with applicant at meeting 6/8/10 subject to approval of application. BCN served 21/12/09. Condition details required by 29/3/10.



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 10 November 2015

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Claire Woods 0114 2734219

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
10 November 2015

1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

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

2.0 NEW APPEALS RECEIVED

(i) An appeal has been submitted to the Secretary of State along with an application for costs against the delegated decision of the City Council to refuse planning permission for use of ground floor double garage and utility area as a one bedroomed apartment including replacement of garage doors with windows at 31 Rosamond Close Sheffield S17 4LU (Case No 15/00472/FUL)

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for erection of a dwellinghouse at Curtilage Of 164H Birley Spa Lane Sheffield S12 4BQ (Case No 14/01467/OUT)

(iii) An enforcement appeal has been submitted to the Secretary of State against the enforcement notice issued for alleged unauthorised replacement of windows at 352 Sharrow Lane Sheffield S11 8AU (Case No 14/00572/ENART4)

(iv) An enforcement appeal has been submitted to the Secretary of State against the enforcement notice issued for alleged unauthorised development on a listed building at English Pewter Company 1 Blackmore Street Sheffield S4 7TZ (Case No 14/00207/ENUD)

3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the delegated decision of the Council to refuse planning consent for retention of 2 illuminated box signs at Betta Living Unit L Meadowhall Retail Park Attercliffe Common Sheffield S9 2YZ (Case No 15/00549/ADV) has been dismissed.

Officer Comment:-

The Inspector agreed with the Council's view that the proposed signs are large and illuminated and take up a significant part of the high level cladding either side of the entrance. In combination with the existing signage, he

agreed that it would result in a visually unattractive concentration of signage on a narrow unit frontage, giving a cluttered appearance. He noted that there were no other high level signs of this nature, meaning that that they would appear out of keeping and have an adverse impact on the retail park as a whole. He concluded that the signage would harm amenity and would be contrary to adopted planning policies.

(ii) An appeal against the delegated decision of the Council to refuse planning consent for extension of balcony to second floor apartment at 15 Whinfell Court Sheffield S11 9QA (Case No 14/03326/FUL) has been dismissed.

Officer Comment:-

The Inspector noted the main issue to be the effect of the balcony extension upon the living conditions of present and future occupants of no 14 Whinfell court (situated below the proposed works).

He noted the original upper floor balconies were recessed to allow light to the flats below and considered that the effect of the extended balcony would reduce sunlight benefit for the lower flat and cause significant overshadowing. He also agreed with officers that it would present an overbearing and oppressive feature, and therefore dismissed the appeal.

(iii) An appeal against the delegated decision of the Council to refuse planning consent for conversion of part of flower shop to flat at Katie Peckett @ The Westend 884 Ecclesall Road Sheffield S11 8TP (Case No 14/04166/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the effect on the living conditions of future occupiers of the proposed flat with regard to outlook and light.

She noted the windows that would serve habitable rooms would be within 1-2 metres of a tall hit and miss fence, and that room configurations and size would mean that the levels of light would lead to dark, gloomy rooms. She also agreed with officers that the outlook would be extremely limited from all windows. She also considered that the adjacent bin storage area, likely to be used also by the shop unit, would present a poor outlook.

The appellants claim that the accommodation would be used by young professional or students who spend limited time indoors was given no weight by the Inspector on the basis that appropriate living conditions are needed for all.

(iv) An appeal against the delegated decision of the Council to refuse planning consent for two-storey front extension and erection of a summer house to the rear garden at 5 Goathland Road Sheffield S13 7RS (Case No 15/01388/FUL) has been part dismissed.

Officer Comment:-

The Inspector concurred with the Council's view that the two storey front extension would be prominently located and would extend forward of the property's existing two storey bay window feature and be located in very close proximity to it. It would therefore appear as a dominant addition and would unbalance the pair of semi-detached dwellings in a way not seen elsewhere in the vicinity. He concluded that the extension would be harmful to the character and appearance of the dwelling and the locality and would be contrary to adopted planning policies.

4.0 APPEALS DECISIONS - ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for erection of raised veranda to rear of dwellinghouse (Re-submission of 14/04093/FUL) at 49 Halifax Road Grenoside Sheffield S35 8PA (Case No 15/00298/FUL) has been allowed conditionally.

Officer Comment:-

The Inspector considered the one main issue in this appeal was the effect of the proposal on the living conditions of the occupiers of the adjacent dwelling (No. 47 Halifax Road) with regard to privacy and an overbearing form of development.

The inspector agreed with the Council that the balcony would increase the potential for overlooking and that this could be addressed by the siting of a screen fence. However, he disagreed that such a screen fence would be unacceptably overbearing or dominant when seen from the neighbour's rear-facing windows, conservatory and garden. As such, there was no conflict with UDP policy or the advice in the SPG "Designing House Extensions". Accordingly, the Inspector granted planning permission.

(ii) An appeal against the delegated decision of the Council to refuse planning consent for two-storey front extension and erection of a summer house to the rear garden at 5 Goathland Road Sheffield S13 7RS (Case No 15/01388/FUL) has been part allowed.

Officer Comment:-

The Council had no objection to this element of the proposal but is unable to issue a 'split' decision. The Inspector agreed with the Council's assessment that the outbuilding would cause no harm and allowed this aspect of the appeal as they are able to make a split decision.

5.0 RECOMMENDATIONS

That the report be noted

Maria Duffy
Acting Head of Planning

10 November 2015

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