

# Planning and Highways Committee

---

**Tuesday 17 May 2016 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, Bryan Lodge, Peter Price, Chris Rosling-Josephs and Garry Weatherall

## **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](http://www.sheffield.gov.uk). You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday. 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](mailto: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  
17 MAY 2016**

**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 - 8)  
Minutes of the meeting of the Committee held on 26 April 2016
- 6. Site Visit**  
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 7. Enforcement of Planning Control: 15 Westfield Terrace** (Pages 9 - 14)  
Report of the Director of Development Services
- 8. Quarterly Overview of Enforcement Activity** (Pages 15 - 18)  
Report of the Director of Development Services
- 9. Quarterly Update of Enforcement Cases** (Pages 19 - 48)  
Report of the Director of Development Services
- 10. Applications Under Various Acts/Regulations** (Pages 49 - 120)  
Report of the Director of Development Services
- 11. Record of Planning Appeal Submissions and Decisions** (Pages 121 - 126)  
Report of the Director of Development Services
- 12. Date of Next Meeting**  
The next meeting of the Committee will be held on 7 June 2016.

This page is intentionally left blank

---

## 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](mailto:gillian.duckworth@sheffield.gov.uk).

This page is intentionally left blank



Planning and Highways Committee

Meeting held 26 April 2016

**PRESENT:** Councillors Peter Rippon (Chair), Nasima Akther, David Baker, Jack Clarkson, Tony Damms, Roger Davison, Adam Hurst, Ibrar Hussain, Alan Law, Bryan Lodge, Peter Price, Denise Reaney, Chris Rosling-Josephs, Garry Weatherall and Joyce Wright

.....

**1. APOLOGIES FOR ABSENCE**

1.1 There were no apologies for absence.

**2. EXCLUSION OF PUBLIC AND PRESS**

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

**3. DECLARATIONS OF INTEREST**

3.1 Councillor Chris Rosling-Josephs declared a personal interest in applications for planning permission for the erection of winding wheel monuments at land opposite 164-170 Woodhouse Lane and Eckington Way/Owlthorpe Greenway (Case Nos. 16/01104/RG3 and 16/00255/RG3) as he had previously declared his position on the applications. Councillor Rosling-Josephs took no part in the discussion or vote on the applications.

3.2 Councillor Bryan Lodge declared a personal interest in applications for listed building consent and planning permission for the use of part of library as café bar, including alterations and refurbishment and erection of two-storey rear extension at Walkley Library, South Road, Walkley (Case Nos. 16/00623/LBC and 16/00622/FUL) as his employer had interests in a nearby Working Mens Club. Councillor Lodge took no part in the discussion or vote on the applications.

3.3 Councillor Nasima Akther declared a personal interest in an application for condition approval submitted by the Council to approve details in relation to condition number 12 (affordable housing) of planning permission 13/04204/RG3 at Abbeydale Grange School, Hastings Road (Case No. 13/04204/CONRG3) as she had spoken with a constituent regarding the application but had not declared her position prior to the meeting.

**4. MINUTES OF PREVIOUS MEETING**

4.1 The minutes of the meeting of the Committee held on 5 April 2016 were agreed as a correct record.

**5. SHEFFIELD CONSERVATION ADVISORY GROUP MINUTES**

- 5.1 The Committee received and noted the minutes of the meeting of the Sheffield Conservation Advisory Group held on 15 March 2016.

## **6. SITE VISIT**

- 6.1 **RESOLVED:** That the Director of Regeneration and Development Services, in liaison with a Co-Chair, 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.

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

- 7.1 **RESOLVED:** That (a) the applications now submitted for permission to develop land under the Town and Country Planning Act 1990 and the Regulations made thereunder and for consent under the Town and Country Planning (Control of Advertisements) Regulations 1989, be decided, granted or refused as stated in the report to this Committee for this date in respect of Case Nos. 16/01104/RG3 and 16/00255/RG3 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) notwithstanding the officer's recommendation, an application for condition approval submitted by the Council to approve details in relation to condition number 12 (Affordable Housing) of planning permission 13/04204/RG3 at Abbeydale Grange School, Hastings Road (Case No. 13/04204/CONRG3) be refused as the Committee believed that the District Valuer's recommendation of a contribution of 22.13% towards Affordable Housing was reasonable and the developer's offer of 2.1% was therefore not acceptable;

(c) subject to an amendment to page 34 of the report and following consideration of additional representations, as outlined in a supplementary report circulated at the meeting, an application for outline planning permission for demolition of existing garages and erection of 2 dwellinghouses at site of garage block to the rear of 14 to 22 Marcliffe Road (Case No. 16/00640/OUT) be granted, conditionally;

(d) following consideration of additional representations, as outlined in a supplementary report circulated at the meeting, having considered representations at the meeting from a local resident and from the agent for the applicant, and subject to amending the hours of opening to allow later opening on Fridays, Saturdays and on Sundays immediately prior to public holidays, a representative of Walkley Library and a local resident speaking in favour of the applications, applications for listed building consent and planning permission for use of part of library as café bar, including alterations and refurbishment and erection of two-storey rear extension at Walkley Library, South Road, Walkley (Case Nos. 16/00623/LBC and 16/00622/FUL) be granted, conditionally;

(e) following consideration of additional representations, as outlined in a supplementary report circulated at the meeting, and representations at the

meeting from a local resident and a local Ward Councillor opposing the application and from the applicant's agent speaking in favour of the application, an application for planning permission for demolition of bungalow and garage, erection of 10 apartments and provision of 17 parking spaces (as amended 29/3/16, 5/4/16 and 7/4/16) at site of 58 Ivy Park Road be granted, conditionally;

(f) following consideration of representations at the meeting from a local Ward Councillor and a local resident opposing the application, and from the applicant's agent speaking in favour of the application, and, subject to the inclusion of an additional condition that the applicant must reinstall the gatepost to be removed as part of the development, an application for planning permission for erection of 2 dwellinghouses and garages (resubmission of 15/01933/FUL) – as amended by drawings received 2 and 10 February 2016, at land to the rear of 6 to 14 Canterbury Avenue (Case No. 15/03350/FUL) be granted, conditionally; and

(g) following consideration of additional information, additional representations, and subject to a revision to condition 13, as outlined in a supplementary report circulated at the meeting, and having considered representations at the meeting from a representative of a local business opposing the application and from the applicant's agent speaking in favour of the application, and, notwithstanding the officer's recommendation, consideration of an application for planning permission for demolition of existing buildings and erection of 103 student apartments (sui generis) in a 4/5/6 storey block with ancillary facilities and landscaped courtyard at Silverpride Works, Matilda Street (Case No. 15/02699/FUL) be deferred pending further consultation with businesses in the local area and additional research on solutions to noise vibrations arising from the development.

## **8. ENFORCEMENT OF PLANNING CONTROL: 25 MOOR VALLEY**

- 8.1 The Director of Development Services submitted a report informing Members of a breach of the Planning Regulations in respect of the erection of an unauthorised fence adjacent to the highway at 25 Moor Valley and making recommendations on any further action required.
- 8.2 The report stated that a complaint was received from a member of the public on 16 April 2015 concerning the erection of a 2m high fence along the front boundary of the property, which was also adjacent to a public highway.
- 8.3 Correspondence was entered into with the owner, on 28 May 2015, explaining that because the height of the fence was more than 1m above ground level, and it was adjacent to a public highway, it was not considered to be permitted development and therefore would have required planning permission.
- 8.4 The owner responded to this letter and initially agreed that the fence would be removed. However, its removal did not occur, and so on 15 September 2015 a Section 330 Information Notice was served by the Local Planning Authority.
- 8.5 To date no attempt had been made by the owner to remove the fence, or to reduce it to a more acceptable height.

8.6 **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 fence at 25 Moor Valley; and

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

**9. ENFORCEMENT OF PLANNING CONTROL: 142 DEVONSHIRE STREET**

9.1 **RESOLVED:** That the item be withdrawn from consideration pending further discussions with the owner of the property at 142 Devonshire Street.

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

10.1 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.

**11. DATE OF NEXT MEETING**

11.1 It was noted that the next meeting of the Committee will be held on Tuesday, 17 May 2016 at 2:00pm in the Town Hall.



## SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

---

**Report of:** Director of Development Services

---

**Date:** 17 May 2016

---

**Subject:** Enforcement Report  
15 Westfield Terrace S1 4GH

---

**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 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 remove of unauthorised signs from a Grade II Listed Building at 15 Westfield Terrace S1 4GH

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 UNAUTHORISED SIGNS ON A GRADE II LISTED BUILDING AT 15 WESTFIELD TERRACE S1 4GH.**

1. PURPOSE OF REPORT
  - 1.1 To inform committee members of a breach of the Listed Building Regulations and to make recommendations on any further action required.
2. BACKGROUND
  - 2.1 15 Westfield Terrace is an early 19<sup>th</sup> Century brick built (with ashlar dressings) slate-roofed commercial property which is in an area of special character.
  - 2.2 The property is a former dwelling-house that is currently in use as a restaurant, and is located within the central shopping centre, as identified in the UDP.
  - 2.3 A complaint, from a Planning Officer, was received on 20 January 2016 concerning the fixing of three unauthorised signs that had been fixed to the principal elevation of the property.
  - 2.4 On 22 January 2016 correspondence was entered into with the owners of 15 Westfield Terrace informing them that, because this property is a Grade II listed building that listed building consent is required for a development of this nature. It was also explained that because the signs, were not in keeping with the character of the building, it was unlikely that listed building consent would be granted
  - 2.5 Whilst the Local Planning Authority recognises the restaurant's legitimate need to advertise, the signs that are currently displayed on this property are not in keeping with its historic character. However, it is suggested that signs that are more sympathetic to the building's character would be permitted.
  - 2.6 To date the owners have not responded to this letter and the signs remain attached to the property; although the Planning Service is still willing to work with the owners and to provide guidance to help them achieve a more acceptable design for the signs which would meet both

their legitimate business needs and achieve compliance with the Council's requirements for advertisements on Listed Buildings.

### 3 ASSESSMENT OF BREACH OF CONTROL

- 3.1 The property is a grade II listed building that is located within an area of special character and also within the Central Shopping Area as defined within the UDP.
- 3.2 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 developments should respect the scale, form, detail and materials of the original building.
- 3.3 Unitary Development Plan Policy BE15 'Areas and Buildings of Special Architectural or Historic Interest' states that buildings and areas of architectural or historic interest which are an important part of Sheffield's heritage will be preserved or enhanced. Development which would harm the character, or appearance, of Listed Buildings, Conservation Areas or Areas of Special Character will not be permitted. Policy BE19 'Development Affecting Listed Buildings' states that external alterations which would affect the special interest of a listed building will be expected to preserve the character and appearance of the building.
- 3.4 The signs are considered to be visually intrusive and do not respect the character of the property to which they are attached because of their bulky and crude design. Therefore they are considered not to preserve or enhance the original 19<sup>th</sup> Century characteristics of the building and contrary to policies BE5, BE15 and BE19 of the UDP.
- 3.5 The photograph, below shows the property in question and demonstrates the negative impact the signs have on its appearance. The signs are overly large and crudely positioned on the elevations, partly obscuring the architectural details.

Photograph 1  
The Property's principal elevation as viewed from Westfield Terrace



#### 4. REPRESENTATIONS.

- 4.1 No representations have been made, other than from one of the Council's Planning Officers.

#### 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 signs are 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. It is an offence to carry out works to a listed building, which affects its character, under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and Section 38 of the Act provides for the service of a listed building enforcement notice. In this case such a notice would require the removal of the signs and making good the harm caused by the unauthorised development. There is a right to



appeal, to the Planning Inspectorate, against the serving of a listed building 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.

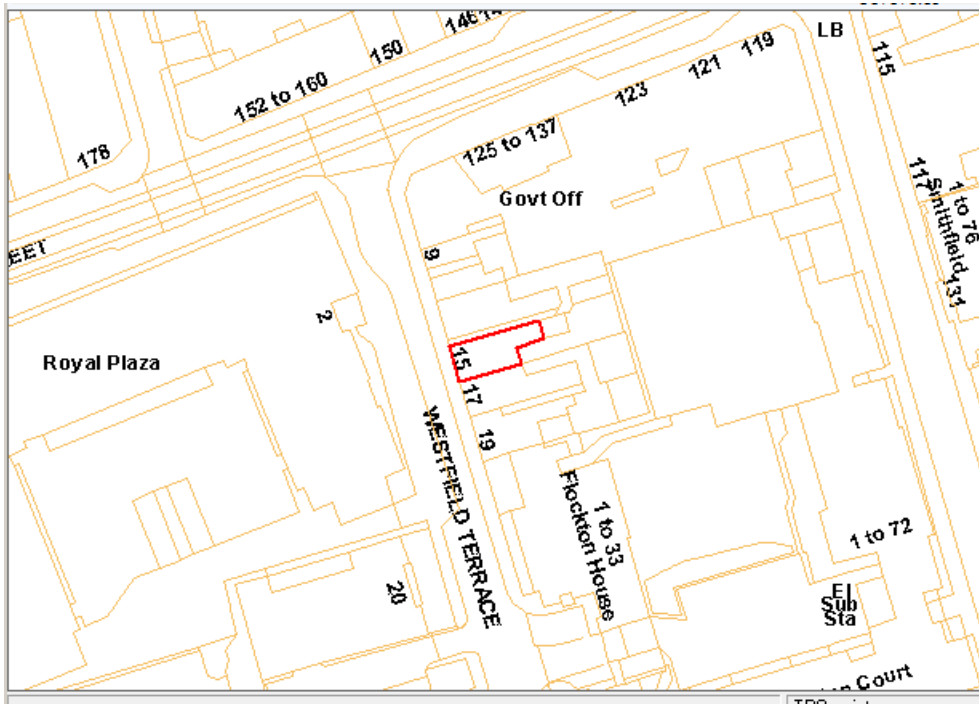
## 7 FINANCIAL IMPLICATIONS

- 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 made 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 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 signs at 15 Westfield Terrace.
- 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





## SHEFFIELD CITY COUNCIL Planning & Highways Committee

---

**Report of:** Director of Development Services

---

**Date:** 17 May 2016

---

**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

17 MAY 2016

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 1<sup>st</sup> January 2016 to 30<sup>th</sup> April 2016.

2. ACTIVITY DURING THE QUARTER

- 2.1 A large proportion of cases are closed through negotiation to remedy breaches or to regularise developments. However, where necessary, strong action is also taken to try and ensure speedy compliance. A 215 Notice was served on the former Hare and Hounds on Church Street in Stannington, the Notice required the full demolition of the former public house within 28 days. The owners and their planning representative met the Enforcement Officer and negotiated a longer compliance period to allow for a planning application for residential properties on the site to be submitted. This was agreed on the provision that the owners tidied the building up immediately. The building has been tidied up and officers are waiting for an application to be submitted.
- 2.2 In the Broomhill area covered by the Article 4 direction the owner of a property had replaced the guttering, fascia and the roof slates at the front of the property with UPVC and artificial slate without consent. Officers negotiated the replacement of the fascia and guttering to timber and the roof slates to natural slate without serving a formal Notice.
- 2.3 Bennett Grange got planning permission in 2012 for a large extension to the basement level, including an underground swimming pool. This was excavated and the spoil placed in an adjoining field, including several dozen large boulders, intended for crushing on site to use as ballast. Following a period of inactivity, a complaint came in about the general state of the field and the materials dumped on it. Officers met the owner on site, and negotiated and an acceptable schedule of works to carry out. A S215 Notice was served, which took into account that schedule. The materials have now been removed in compliance with the Notice and the land has been returned to its former state.

### 3 SCALE OF INVESTIGATIONS, INCLUDING MONITORING AND ENFORCEMENT

3.1 A total of 198 enforcement complaints were received, out of these 52% were concerned with unauthorised development and use, and 39% were failure to comply with planning conditions or approved plans. The percentage of cases involving Section 215 untidy land/buildings was 5%, unauthorised advertisements including hoardings were 3% and all other complaints were 1%.

3.2 The number of cases resolved within the target of 6 months was 46% of all the cases closed in the period. This has fallen short of the Service target of 60% for cases closed within 6 months. The low percentage is possibly the effect of a loss of one member of staff through the Place budget cuts. There are currently 541 live cases.

3.3 The table below shows the number of complaints received in the last year 2015/16 and the previous year 2014/15:-

Year 1 <sup>st</sup> April 2014 – 31 <sup>st</sup> March 2015	Year 1 <sup>st</sup> April 2015 – 31 <sup>st</sup> March 2016
595	584

3.4 The number of new cases received over the last 12 months compared to the previous 12 months has remained consistent.

### 4 WILLINGNESS TO TAKE STRONG ACTION

4.1 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 2014/15 and 2015/16 to show trends: -

Notice type	Year 1 <sup>st</sup> Apr 2014 to 31 <sup>st</sup> Mar 2015	Year 1 <sup>st</sup> Apr 2015 to 31 <sup>st</sup> Mar 2016	Quarter 1 1 <sup>st</sup> Apr – 30 <sup>th</sup> Jun 2015	Quarter 2 1 <sup>st</sup> Jul – 30 <sup>th</sup> Sep 2014	Quarter 3 1 <sup>st</sup> Oct – 31 <sup>st</sup> Dec 2015	Quarter 4 1 <sup>st</sup> Jan – 31 <sup>st</sup> Mar 2015
Breach of Conditions	13	16	6	3	4	3
Discontinuance (adverts)	11	0	0	0	0	0
Enforcement	18	14	6	2	3	3
Stop	0	0	0	0	0	0
Temporary Stop	1	2	2	0	0	0
Section 215 (untidy land)	10	6	1	1	1	3
Section 225 (signs)	43	20	5	13	2	0
Total Notices Served	96	58	20	19	10	9
Prosecutions	8	16	2	4	7	3

4.2 The number of formal Notices that have been served in the last 12 months has decreased, mainly due to not as many S225 notices served in relation to illegal signs. However, number of prosecutions

has increased. The number of Enforcement Notices, Breach of Condition Notices served in the last quarter has remained consistent.

## 5. CONCLUSION

5.1 The six month service target has fallen; however, this is expected due to the loss of one member of staff through the recent Place budget cut. The number of Notices served and prosecutions has remained consistent.

5.2 It also should be noted that the overview of the enforcement activity will now be presented to Members every six months. This will allow the Enforcement Team Leader extra time to deal with enforcement enquiries whilst still making the Enforcement Service transparent and accountable.

## 6. RECOMMENDATION

6.1 It is recommended that Members note the report.



## SHEFFIELD CITY COUNCIL Planning & Highways Committee

---

**Report of:** Director of Development Services

---

**Date:** 17 May 2016

---

**Subject:** Enforcement Report

---

**Author of Report:** Khalid Mahmood

---

**Summary:** Progress report on enforcement actions authorised by committee in the City.

---

### **Reasons for Recommendations:**

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

### **Recommendations:**

That members note the current progress on actions

---

### **Background Papers:**

---

**Category of Report:** OPEN

This page is intentionally left blank



## QUARTERLY UPDATE ON LIVE ENFORCEMENT CASES WHICH HAVE BEEN GRANTED AUTHORITY BY MEMBERS

### 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

### CITY CENTRE & EAST AREA

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
1.	25 Moor Valley, S20	Unauthorised fence	26/04/2016	<b>03/05/2016 – A letter to be sent before EN is served.</b> (15/00242/ENBC – FS)
2.	38 Sandy Acres Close, S20	Log cabin in rear garden	15/03/2016	<b>03/05/2013 – The refusal of planning permission has been appealed against (16/00263/FUL). EN to being drafted and will be served shortly.</b> (15/00626/ENUHD – FS)

3.	3 & 5 Nursery Street, S3	Illegal signage and storage of materials outside the shop	15/03/2016	<b>03/05/2016 – Working with the occupier to achieve a more acceptable scheme for the signs, the materials stored outside are considered low key and the occupier has been asked to submit a variation of condition application.</b> (15/00340/ENOA – FS)
4.	46 Paddock Crescent, S2	Tree House	15/03/2016	<b>03/05/2016 – EN being drafted and will be served shortly.</b> (14/00317/ENUHD – FS)
5.	87 High Street, S20	Flue	15/03/2016	<b>03/05/2016 – EN is being drafted and will be served shortly.</b> (14/00128/ENUD – FS)
6.	43 Moorthorpe Rise, S20	Encroachment of garden into buffer strip	22/12/2015	<b>03/05/2016 – Work has started on site and will be completed within the next few weeks – Monitor.</b> 08/02/2016 – EN has been served on 20/01/2016 and took effect on the 20/01/2016 and needs to be complied with by 22/04/2016. (15/00532/ENCHU – JB)
7.	Former South Yorkshire Police Station, Rotherham Road North, S20	Erection of a fence	19/01/2016	<b>03/05/2016 – The owner has stated that hoardings will be erected to the fence so that it will now be permitted under class 8 of the advertisement regulations (construction site) - MONITOR.</b> 08/02/2016 – land Registry search being carried out before EN is served. (15/00279/ENUD – KM)
8.	261 Staniforth Road, S9	Erection of Marquee	01/12/2015	<b>03/05/2016 - EN has been served on 22/12/2015 and took effect on 26/01/2016 compliance by 17/05/2016.</b> (14/00017/ENUD – LB)

9.	34 Leebrook Avenue, S20	Encroachment of garden into green belt	20/10/2015	<b>03/05/2016 – Work has been done to comply with Notice – NFA.</b> 08/02/2016 – EN has been served on the 17/11/2015, took effect on the 21/12/2015 with a compliance period of 28 days. Most of the work has started to comply with Notice – Monitor. 15/00283/ENCHU – JB)
10.	2A Woodhouse Road, S12	Signs	18/08/2015	<b>03/05/2016 – The signs have been removed – NFA.</b> 08/02/2015 – Owner has been prosecuted – 6 month conditional discharge – letter has been sent to remove the signage work still has not been done a 2 <sup>nd</sup> prosecution being prepared. 20/10/2015 – The signs have not been removed, statements have been done and file is with litigation.
11.	138 West Street, S1	Fascia signs	29/09/2015	<b>03/05/2016 – An application for an alternative proposal to be submitted in the next few weeks.</b> 08/02/2015 – the signage has not been removed within the time period given, a prosecution file being prepared. 20/10/2015 – Letter has been sent asking to remove sign. (13/00500/ENOA – KM)

12.	55 Bawtry Road S9	External wall insulation	24/06/2014	<p><b>03/05/2016 – Works have begun to comply with Notice – Monitor.</b>  08/02/2016 – An extension of time has been given to resolve the issue until 01/02/2016, No work has been done – chasing progress, if no progress then that matter will be reported for prosecution.  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. (15/00058/ENBC – LB)</p>
13.	24 Dundas Road, S9	External wall insulation	24/06/2014	<p><b>03/05/2016 – Works has begun to comply with Notice – Monitor.</b>  08/02/2015 – The EN has not been complied reminder letter to be sent.  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. (15/00059/ENBC – LB)</p>
14.	1 Blackmore Street, S4	Re-roofing of a listed building	16/06/2015	<p><b>03/05/2016 – The EN has been appealed against and is being considered by the Planning Inspectorate.</b> 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 (14/00207/ENUD – FS)</p>

15.	20 Dovercourt Road, S2 1UA	Untidy front and rear garden	20/11/2014	<p><b>03/05/2016 – Site visit to be done to check if any progress has been made. if not statement to be done for second prosecution.</b> 08/02/2016 – Letter has been sent asking to comply with Notice – work has not been carried out 2<sup>nd</sup> prosecution file being prepared. 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. (13/00084/ENS215 – FS)</p>
-----	-------------------------------	------------------------------	------------	---

16.	33 Pavilion Way, S5 6ED	Unauthorised single storey side and rear extension	09/12/2014	<p><b>03/05/2016 – Work to begin in the next 2 weeks to remove extension and replace it with an extension what would be PD - MONITOR.</b> 08/02/2016 – Serious defects with extension have made it impossible to comply with building regulations, therefore PP cannot be implemented. Alternative extension now PD and has building regulation approval. The existing extension to be demolished in the next few weeks.</p> <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. (16/00121/ENBC – LB)</p>
-----	-------------------------	--	------------	---

17.	11 Advertisement Hoardings in Wincobank Area	Unauthorised Advertisement Hoardings	22/04/14	<p><b>03/05/2016 – All Hoardings and supporting structures have now been removed which is a fantastic enforcement success – NFA.</b> 08/02/2016 – 10 appeals have been won by the Council and lost 1. 10 Hoardings have now been removed. However, some of the sites have support posts and electric supply box which have not been removed. A further letter has been sent asking to remove these items – Monitor. 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>
-----	--	--------------------------------------	----------	--

18.	42 Dundas Road, Tinsley, S9 1SY	Unauthorised external flue	15/10/13	<p><b>03/05/2016 – Still awaiting Police to execute the warrant.</b> 08/02/2016 – Awaiting Police to execute the warrant. A letter has gone to the Police by the City Solicitor requesting that the outstanding warrant is pursued. 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. (13/00039/ENUD – LB)</p>
-----	------------------------------------	----------------------------	----------	---



19.	484 Staniforth Road, Darnall, S9 3FW	Unauthorised roof extension	25/01/2010	<b>03/05/2016 – Court hearing on the 9/03/2016 and was subsequently adjourned until 12/05/2016.</b> 08/02/2016 – prosecution file with litigation waiting for court date. 20/10/2015 – 2 <sup>nd</sup> prosecution statements being done. 08/07/11-Fined £200+100 costs, reminder to be sent to comply with EN. 20/01/2011 (10/00384/ENUD – LB)
-----	---	-----------------------------	------------	---

## SOUTH AREA

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
1.	Former Crookes Valley Methodist Church, 198 – 200 Crookes Valley Road, S10	Signage	23/02/2016	<b>03/05/2016 – The signage has been removed but the frame still needs to be removed – Monitor.</b> (15/00412/ENOA – FS)
2.	3 Nether Edge Road, S7	Canopy	23/02/2016	<b>03/05/2016 – The owner has submitted an alternative scheme for the Councils consideration, which is under consideration. However, EN has been drafted and will be served shortly</b> (13/00634/ENUD – LB)
3.	Broomhill Property Shop, 319 Glossop Road, S10	A fascia sign has been erected on a listed building without consent	10/11/2015	<b>03/05/2016 – A letter to be sent asking to remove the signage with a reasonable time period.</b> (15/00087/ENLBD – AW)
4.	3 Crescent Road, S7	An erection of a tree house	22/12/2015	<b>03/05/2016 – The owner is to submit an alternative proposal for the Council's consideration.</b> 08/02/2016 – Planning application (15/03806/FUL) has been refused and letter to be sent that an EN will be served if the tree house is not removed. (15/00256/ENUHD – AW)
5.	259 Abbeydale Road, S7	Unauthorised erection of digital signage		<b>03/05/2016 – An application (16/00914/ADV) has been submitted pending consideration.</b> 08/02/2016 – A letter to be sent asking to remove signage or submit an application for an alternative more acceptable sign.

				(15/00454/ENBC – AW)
6.	183 – 187 Abbeydale Road, S7	Unauthorised canopy	19/01/2016	<b>03/05/2016 – EN has been served on 04/04/2016 took effect on 6/05/2016 and needs compliance by 06/11/2016.</b> 08/02/2016 – EN to be served (13/00499/ENUD – FS)
7.	16 Moor Oaks Road, S10	Unauthorised replacement of windows	01/12/2015	<b>03/05/2016 – An appeal has been made to the Planning Inspectorate, statement to be done.</b> 08/02/2016 – EN has been served on 01/02/2016 and takes effect on 04/03/2016 and needs compliance by 04/09/2016 (14/00138/ENART4 – AW)
8.	30 Stainton Road, S11	A rear dormer balcony	01/12/2015	<b>03/05/2016 – An appeal has been made to the planning Inspectorate against the planning decision (15/03156/FUL) awaiting outcome before any further action is taken.</b> 08/02/2016 – An EN has been served on 14/01/2016 and takes effect on 22/02/2016 and needs compliance by 16/05/2016. (15/00282/ENUHD – AW)
9.	352 Sharrow Lane, S11	Unauthorised replacement of windows	29/05/2015	<b>03/05/2016 – Appeal has been upheld – NFA</b> 08/02/2016 - 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. (14/00572/ENART4 – FS)
10.	166 Abbeydale Road, S7	Unauthorised canopy	03/03/2015	<b>03/05/2016 – 1<sup>st</sup> hearing was on 04/02/2016 and 2<sup>nd</sup> hearing was on 03/03/2016 did not attend for both and a warrant has been issued for his arrest.</b> 08/02/2016 – File with litigation waiting for a court date. 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 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). (13/00146/ENUD – FS)
11.	13 College Street, S10 2PH	Unauthorised replacement of roof tiles within an Article 4 Area	11/04/2014	<b>03/05/2016 – The owner has given assurances that works to the roof will be done shortly.</b> 08/02/2016 - Prosecution file being prepared for litigation. 20/01/2015 – The time period for compliance has expired and reminder letter to be sent. (13/00373/ENART4 – AW)
12.	Vestry Hall 80 Crookesmoor Road Sheffield S6 3FR	Untidy Grade 2 Listed building	16/10/2014	<b>03/05/2016 – The works have not been done and the company has gone into receivership. Legal advice being sort on what action can be taken.</b> 08/01/2016 – The works are in two parts 1 <sup>st</sup> part should have been completed by 31/01/2016 and 2 <sup>nd</sup> part by 31/03/2016 – no work has been done yet to comply and the matter is to be reported for prosecution. 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.

				(11/00127/LGF215- JB)
13.	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	<p><b>03/05/2016 - A new phased deadline has been given for the works to be carried out. If the first phase is not carried out before the 25/06/2016 then the matter will be reported for 3<sup>rd</sup> prosecution.</b></p> <p>08/02/2016 – No work has been carried out, In discussion with owner to agree an alternative time period given the financial situation of the owner. 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<sup>nd</sup> 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<sup>nd</sup> prosecution.</p> <p>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.</p> <p>(10/00370/ENART4 – KM)</p>
14.	166, 223-225, 234, 235, 243-245 and 280 Abbeydale road, S7	Illegal Signs	16/09/2014	<p><b>03/05/2016 – Signs at 223- 225 have been removed. Identifying up to date details for properties 166, 234, 235 and 243 -245 before these are reported for prosecution.</b> 08/02/2016 – Serving 330 Notice on new occupiers and prosecution</p>

				<p>file being prepared for 223-225 Abbeydale Road. 22/10/2015 – No 280 has been prosecuted and fined £420 in total and the signs have been removed. 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.  (13/00164/ENOA – AW – 166)  (13/00160/ENOA – AW – 234)  (13/00162/ENOA – AW – 235)  (13/00161/ENOA – AW – 243-245)</p>
15.	31 Moor Oaks Road, S10 1BX	Unauthorised replacement front door and frame	26/08/2014	<p><b>03/05/2016 – The matter has been reported for prosecution.</b> 08/02/2016 – Final letter to be sent before the matter is reported for prosecution. 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</p>

				(14/00209/ENART4 – AW)
16.	261A, 269 & 271-273 Fulwood Road, S10	Unauthorised replacement windows	17/12/2013	<b>03/05/2016 – the prosecution has been adjourned until May 2016 to give the owner the opportunity to replace the windows.</b> 08/02/2016 – Prosecution took place on 04/02/2016. The owner did not attend and case was adjourned until 3/03/2016 for the Court to write to him that if he doesn't attend a warrant will be issued. 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 (13/00396/ENUD – AW – 271-273) (13/00533/ENART4 – AW – 261A) (14/00165/ENART4 – AW – 269)
17.	Land Between 1 To 3 and No 5 And 7 Dover Road S11 8RH	Erection of an Unauthorised wall	11/03/2014	<b>03/05/2016 - Condition application has been submitted and is pending consideration (15/01006/COND1) – Monitor.</b> 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. (14/00171/ENUD – BG)
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 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.	05/11/2013	<b>03/05/2016 - 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.</b> 22/04/2015 – Due in Court 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. (13/00131/ENUD – KM)
25	204 Chippinghouse Road, Nether Edge, S7 1DR	Unauthorised replacement of windows and door within an Article 4 area	13/08/2012	<b>03/05/2016 – The old door has been put back and timescale to be agreed for the last window to be replaced.</b> 08/02/2016 – the old door is to be put back before end February and a time period is to be agreed for the window. 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 <sup>st</sup> 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. (12/00106/ENUD – KM)
26	7 Greenfield Drive, S8 7SL	Unauthorised signage on display	26/09/2011	<b>03/05/2016 – A final reminder letter to be sent before prosecution.</b> 08/02/2016 – 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. (10/00905/ENOA – AW)
27	Ball Inn, Mansfield Road, S12 2AG	Unauthorised Hoarding	21/06/2010	<b>03/05/2016 - Low priority but DN to be served.</b> 22/04/2015 – S330 Notice has been served awaiting response. 16/01/2015 – Letter and S330 Notice to be served. (10/00189/ENHOA – BG)

29	Norfolk Arms Public House, Ringinglow Village, S11 7TS	Unauthorised fume extraction and Lighting Columns.	19/05/2008 & 21/09/2009	<p><b>03/05/2016 – A joint site visit to be carried out with Planning and enforcement officer to assess current situation before prosecution file is prepared.</b> 22/10/2015 – Final warning letter to be sent before file passed to litigation. 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. (10/00759/ENBC – BG)</p>
----	--	--	-------------------------	---

## WEST AND NORTH AREA

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
1.	Meade House, 96 - 100 Middlewood Road, S6	Reduction of eaves height planning permission (15/03524/FUL)	05/04/2016	<b>03/05/2016 – Planning application 16/01600/FUL has been submitted to rectify the planning position.</b> (16/00215/ENUD– LB)
2.	2A Stanley Road, S35	Unauthorised container	10/11/2015	<b>03/05/2016 – The container has been removed, the EN has been complied with – NFA.</b> 09/02/2016 – EN has been served 02/12/2015 took effect in 06/01/2016 and needs compliance by 30/03/2016. (14/00643/ENUD – LB)
3.	1 Priory Road, Ecclesfield, S35	Non illuminated Fascia sign at front of building	28/06/2015	<b>03/05/2016 – An alternative sign has been agreed and replaced – NFA.</b> 09/02/2016 – An application for alternative signage has been granted and the signage has been changed- NFA 26/10/2015 – Prosecution statement has been done and file has been passed to legal. (14/00280/ENOA – BG)
4.	110 Bolsover Road, S5	Unauthorised external wall insulation added to front and rear walls of house in breach of the materials condition in the planning permission under PD.	11/12/14	<b>03/05/2016 – Difficulties in identifying the owners address details so that a summons can be served – further investigations being carried out.</b> 26/10/2015 – File with legal awaiting court date. 09/07/15 - Legal proceedings being

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
				prepared & should be underway by next update – for failure to comply with BCN. BCN served 29/1/15. (14/00591/ENBC – LB)
5.	523 Loxley Road, S6	Unauthorised Car Port erected at rear of house, which includes a balcony roof.	09/12/14	<b>03/05/2016 – Awaiting Inspector decision.</b> 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. (12/00731/ENUD – BG)
6.	209 Stannington Road, S6	Unauthorised Front Extension to House	09/12/14	<b>03/05/2016 – Work has not been carried out as required by the Notice, prosecution file is being prepared.</b> 09/02/2016 – 6 month conditional discharge given in Court. A letter to be sent asking to comply with EN. 26/10/2015 – 1 <sup>st</sup> 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. (13/00135/ENUD – BG)
7.	Land, Rear of Former Middlewood Tavern, Middlewood Road North	Unauthorised Excavation Works.	09/12/14	<b>03/05/2016 - Planning application (15/03455/FUL) has been submitted. Pending consideration.</b> (14/00141/ENUD – LB)

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
8.	Oak Lodge Farm, Thompson Hill, S35	Unauthorised siting of 2 caravans and 4 metal containers	01/04/14	<p><b>03/05/2016 - Letter has been sent to previous owner of property asking to confirm when the use began. 26/10/15 – 3 unauthorised containers and one caravan have now been removed from the land following the serving of an EN. One caravan remains that is being used as residential accommodation. This is considered to be a breach of planning control by way of the unauthorised change of use of the land from agricultural to residential. To be immune from enforcement action the landowner must show that the land has been used continuously for residential purposes for 10 years or more. A letter is to be sent to the previous owner seeking further information regarding the history of the use of the caravan.</b></p> <p>16/1/15– The Council withdrew the EN &amp; its 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 covered by the EN. Step included removal of Two containers (containers 1 &amp; 3) &amp; one of the caravans (caravan B). The decision is also</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
				<p>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 &amp; 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 &amp; Public Inquiry to be held 20/1/15. EN served 16/4/14, requires removal of 2 caravans &amp; 4 containers.</p>
9.	492 Barnsley Road	Unauthorised Change of Use from A1 to A5 and erection of external flue without planning permission	11/03/2014	<p><b>03/05/2016 – The application has been validated and is pending consideration.</b></p> <p>09/02/2016 – 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. Application submitted for change of use &amp; flue, ref: 14/02077/FUL Preparations being made</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
				for service of EN to remove flue and negotiations needed to find alternative method of venting fumes away without causing visual harm. (11/00147/ENUD – KM)
10.	290-308 Pitsmoor Road	(1) Use of Ground floor for retail shop, 1 <sup>st</sup> & 2 <sup>nd</sup> floors as HIMO, (11/00050/FUL refused) (2) Canopy to front of Shop refused PP	19/4/2011	<b>03/05/2016 - Application for signage (16/00262/ADV), condition discharge application (11/01912/COND1) and variation of condition application (16/00271/FUL) have been submitted pending consideration.</b> 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, 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

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
				<p>prepared for this PP.            (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 &amp; 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.            EN served 8/6/11, took effect 13/7/11.            (14/00535/ENBC – KM)</p>
11.	Youth Club Building, Burgoyne Road, S6	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	<p><b>03/05/2016 - Briefing notes being prepared by legal on what action to be taken.</b> 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 &amp; prosecution to be considered.</p>
12.	Parker's Yard, Stannington Road, S6	Unauthorised use as self-storage & metals recycling	10/06/2010	<p><b>03/05/2016 – new application (14/02426/CHU) under consideration /</b></p>



NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
		<p>facility. 09/02757/CHU refused PP.</p>		<p><b>decision pending.</b> 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 weeks be given from date of committee if approved by Members. At Jan 2014, the lease is still being actively negotiated for the Pearson Forge Site, but it remains unsigned due to difficulties on the seller's part. The business is overcoming problems with bank &amp; 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</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
				<p>reports. Work on site now likely to be later, March, due to owners Bank requiring more info on structural stability of site buildings &amp; land contamination. Relocation - the legal process begun &amp; discharge planning conditions also taking place now. Initial estimate is Dec'11 for work to start at Pearson Forge. Alternative site that would be suitable for relocation identified &amp; 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. (10/00464/ENUD – LB)</p>
13.	Dial House Club, Far Lane/Ben Lane, S6	<p>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 &amp; finishes to frontage, C8-pedestrian access to new bowling green, C9-new pavilion details, C10-bowling</p>	15/12/2009 (delegated authority)	<p><b>03/05/2016 - Condition 8 relating to pedestrian access, Condition 9 relating to details of pavilion to serve the new bowling green and condition 10 programme of maintenance have not been discharged - BCN to be served.</b> 09/02/2016 – Conditions applications have been determined site visit to be done to check if work has been carried out in accordance with what has been approved. 26/10/2015 – In discussions with Planning</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
		green maintenance.		<p>Officer to Resolve issues regarding bowling green. 26/09/2015 - Applications under consideration, decision pending. Discharge of Conditions applications, 13/00599/COND &amp; 13/00606/COND 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 &amp; Members was held in Dec10 &amp; promise to start work along agreed lines made to start Jan'11. Discharge of conditions agreed in principle with applicant at meeting 6/8/10 subject to approval of application. BCN served 21/12/09. Condition details required by 29/3/10.</p>

This page is intentionally left blank



## SHEFFIELD CITY COUNCIL

### Planning and Highways Committee

---

**Report of:** Director of Development Services

---

**Date:** 17/05/2016

---

**Subject:** Applications under various acts/regulations

---

**Author of Report:** Lucy Bond and John Williamson 2734218

---

**Summary:**

---

#### **Reasons for Recommendations**

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

**Recommendations:**

---

**Background Papers:**

**Category of Report:** OPEN

Application No.	Location	Page No.
16/00375/FUL (Formerly PP-04794428)	Site Of Old Westfield School And Sports Centre Westfield Crescent Sheffield S20 5AQ	51
16/00071/FUL (Formerly PP-04717377)	77 Walden Road Sheffield S2 3PL	75
15/04500/FUL (Formerly PP-04572117)	Land Adjacent To Finestra Systems Ltd Old Lane Halfway Sheffield S20 3GZ	84
15/04196/FUL (Formerly PP-04640961)	Creevela Works Parsonage Street Sheffield S6 5BL	92
15/03581/FUL (Formerly PP-04522231)	21 Middlewood Road Sheffield S6 4GU	113

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning  
To the Planning and Highways Committee  
Date Of Meeting: 17/05/2016

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	16/00375/FUL (Formerly PP-04794428)
Application Type	Full Planning Application
Proposal	Erection of 150 dwellinghouses with associated access, car parking, landscaping and open space
Location	Site Of Old Westfield School And Sports Centre Westfield Crescent Sheffield S20 5AQ
Date Received	29/01/2016
Team	City Centre and East
Applicant/Agent	DLP Planning Ltd
Recommendation	G Conditional Subject to Legal Agreement

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:

Highways Key Plan - 100-002 Rev C  
Landscape Layout - 105 Rev A  
Street scenes - 1602-04 Rev A  
Street scene locations - 100-103  
Cross sections - 1602.05  
Layout plan - 100 - 001 Rev E  
Enclosures plan - 100 - 002 Rev C  
House types - 4118022 - Buchan  
411DA8022 - Buchan DA  
4128022- Auden  
4128022B1 - Auden  
4208022 - Repton  
4288022 - Ryton  
4288022B1 - Ryton  
4298022 - Hallam  
4298022B1 - Hallam  
3058023D - Tolkein  
3078023D - Darwin  
307DA8023D - Darwin Dual Aspect  
3188023D - Derwent  
3208023D - Malory  
4298023D - Hallam  
4118023B1 - Buchan  
4118023D - Buchan  
4128023D - Auden  
4208023D - Repton  
8111120.100.009  
8111120.100.010  
Character Area Plan -100 - 002 RevA

Reason: In order to define the permission.

## Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)

3. Development shall not commence until results from any additional intrusive investigations to characterise un-investigated areas of the site (the areas proposed for Public Open Space and Sustainable Urban Drainage), and as may be required by the Local Planning Authority, have been submitted to and approved in writing by the Local Planning Authority. The report(s) shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004).

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



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

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

5. Prior to the commencement of development, any mitigation required for the areas of the site affected by coal mining workings shall have been completed, in accordance with the recommendations in the "Soakaways and Mining Investigation" letter produced by Lithos Consulting and dated the 28th September 2015. Details of these works shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that any coal mining works are properly dealt with

6. No development shall commence until details of the means of ingress and egress for vehicles engaged in the construction of the development and a layout of the site compound, storage areas and contractor parking, have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the arrangements for restricting the vehicles to the approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.

Reason: In the interests of protecting the free and safe flow of traffic on the public highway it is essential that this condition is complied with before any works on site commence.

7. The Development shall not commence until full details of the proposed surface water drainage has been submitted to and approved by the Local Planning Authority including the arrangements for surface water infrastructure management for the life time of the development. These works shall be carried out concurrently with the Development and shall be operating prior to the occupancy of the development.

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

8. No development shall commence until details of the implementation, adoption, maintenance and management of the sustainable drainage system have been submitted to and approved in writing by the Local Planning Authority. The system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation, and a management

and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

Reason: In the interests of sustainable development and given that drainage works are one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences in order to ensure that the proposed drainage system will be fit for purpose.

9. No development shall commence until full details of measures to protect the existing trees/hedges to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

Reason: In the interests of protecting the identified trees on site. It is essential that this condition is complied with before any other works on site commence given that damage to trees is irreversible.

#### **Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)**

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

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

11. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development shall not be brought into use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be

prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Sheffield City Council policies relating to validation of capping measures and validation of gas protection measures.

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

12. The development shall not be begun until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the reconstruction of the footways adjoining the site before the development is brought into use. The detailed materials specification shall have first been approved in writing by the Local Planning Authority.

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

13. The development shall not be used unless that part of the road providing access thereto has been provided in accordance with the approved plans.

Reason: In the interests of the safety of road users.

14. No demolition and/or construction works shall be carried out unless equipment is provided for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway. Full details of the proposed cleaning equipment shall be approved in writing by the Local Planning Authority before it is installed.

Reason: In the interests of the safety of road users.

15. The dwellings shall not be used unless the car parking accommodation 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.

16. The new junction to Moss Way shall not be used unless the sight line, as indicated on the approved plans, has been provided. When such sight line has been provided, thereafter the sight line shall be retained and no obstruction to the sight line shall be allowed within the sight line above a height of 1 metre.

Reason: In the interests of the safety of road users.

17. Prior to that part of the development commencing, details of the proposed surfacing for all highways and private drives within the development shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: In the interests of visual amenity

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

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

19. 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.

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

- Eaves
- Verges
- Window reveals
- Rain water goods
- Boundary treatments

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

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

21. No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources shall have been installed before any part of the development is occupied and a post-installation report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

Reason: In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change and given that such works could be one of the first elements of site infrastructure that must be

installed it is essential that this condition is complied with before the development commences.

22. A comprehensive and detailed hard and soft landscape scheme (which includes the recommendations outlined in the ecological appraisal reference R-2341-01.01) for the site shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and ecology of the site

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

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

24. The development shall be carried out in line with the recommendations made in the enhancements section of the "Preliminary Ecological Appraisal", Report Reference R-2341-01.01. Details of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority and prior to the development being brought into use such measures shall be implemented.

Reason: In the ecological interests of the site.

25. The development shall be constructed in line with the mitigation measures identified in section 6.13 of the Air Quality Assessment Report submitted by BWB Consultants and dated November 2015

Reason: In the interest of air quality

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

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

27. Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3 (three) metres

either side of the centre line of the 150mm and 300mm sewers and 5 (five) metres either side of the 1125mm and 525mm sewers which cross the site

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

28. No new tree planting shall be permitted over of within 6 (six) metres either side of the centre line of the sewers which cross the site

Reason: In order to protect the structural integrity of the pipe from tree root infestation

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

Reason: In the interest of satisfactory and sustainable drainage

30. The surface water discharge from this brownfield site shall be reduced by at least 30% compared to the existing peak flow. In the event that the existing discharge arrangements are not known, or if the site currently discharges to a different outlet, then a discharge rate of 5 litres per second per hectare should be demonstrated. If it can be demonstrated that the existing discharge rate is less than 10 litres per second then 10 litres per second can be applied for the proposed development. This should be achieved by sustainable drainage methods where feasible. Should the design not include sustainable methods evidence is to be provided to show why sustainable drainage methods are not feasible for this site. Detailed proposals for surface water disposal, including calculations to demonstrate the reduction, must be submitted to and approved by the Local Planning Authority prior to commencement of building. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure satisfactory drainage

### **Other Compliance Conditions**

31. With the exception of mid-terraced properties, all service/metre boxes shall be located on the side elevations of dwellings.

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

32. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Schedule 2, 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 (dwellings) 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.

Attention is Drawn to the Following Directives:

1. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.
2. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk). Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.
3. You are required as part of this development, to carry out works within the public highway: As part of the requirements of the New Roads and Street Works Act 1991 (Section 54), 3rd edition of the Code of Practice 2007, you must give at least three months written notice to the Council, informing us of the date and extent of works you propose to undertake.

The notice should be sent to:-

Sheffield City Council  
Sheffield  
S1 2HH

For the attention of Mr P Vickers

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

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

You should apply for a consent to: -

Highways Adoption Group  
Development Services  
Sheffield City Council  
Howden House, 1 Union Street  
Sheffield

S1 2SH

For the attention of Mr S Turner  
Tel: (0114) 27 34383

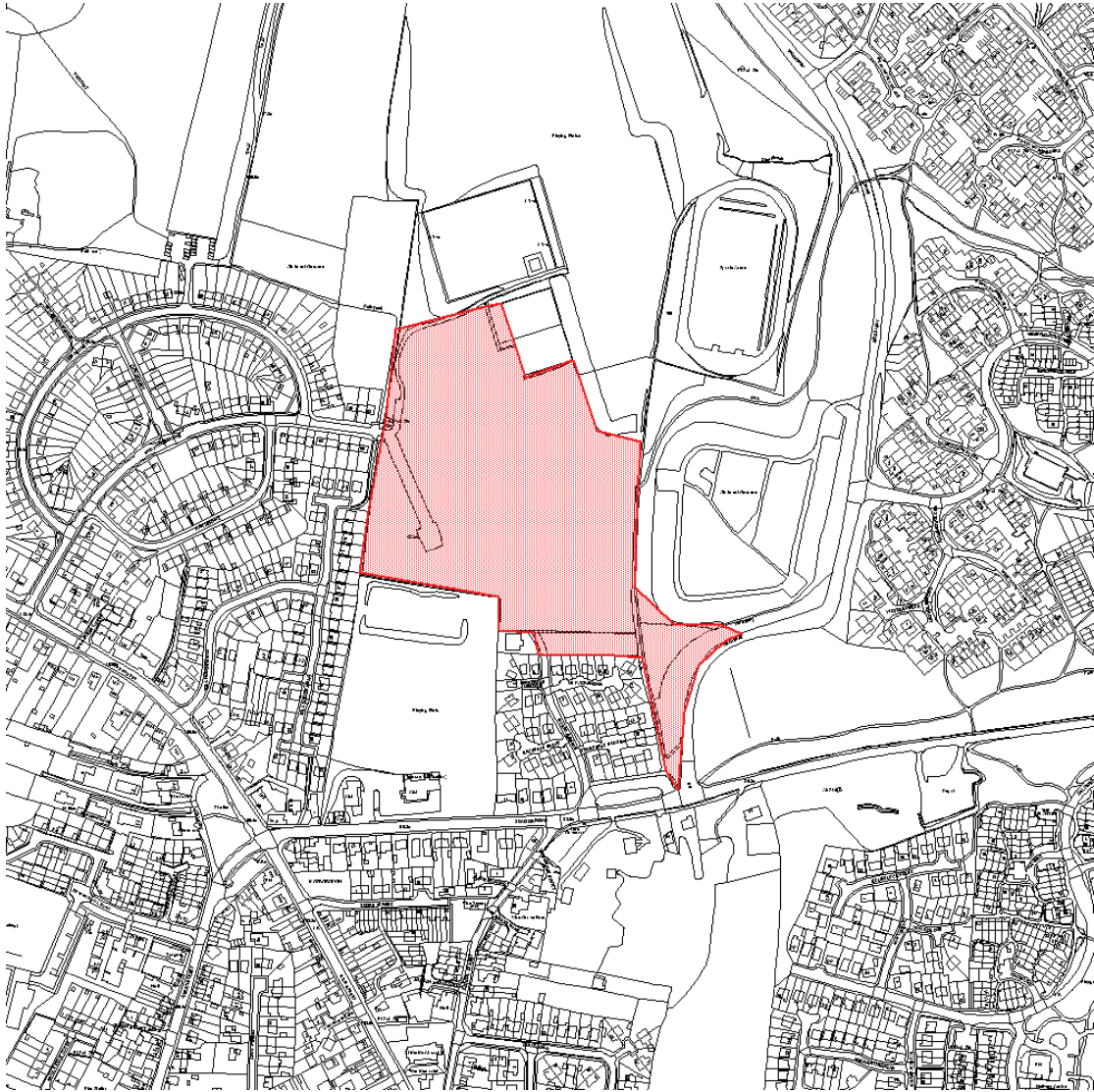
5. To ensure that the road and/or footpaths on this development are constructed in accordance with the approved plans and specifications, the work will be inspected by representatives of the City Council. An inspection fee will be payable on commencement of the works. The fee is based on the rates used by the City Council, under the Advance Payments Code of the Highways Act 1980.

If you require any further information please contact Mr S A Turner on Sheffield (0114) 2734383.

6. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
7. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process, or a draft Liability Notice will be sent if the liable parties have not been assumed using Form 1: Assumption of Liability.



Site Location



© Crown copyright and database rights 2013 Ordnance Survey 10018816

## LOCATION AND PROPOSAL

The application relates to the former Westfield School and Sports Centre which was closed in December 2006 in conjunction with the opening of the new Westfield Secondary School on Eckington Road. The school buildings have been demolished and the site is now vacant.

The site is approximately 4.59 hectares and slopes downward in a south easterly direction, with a number of plateaus. The site is predominantly overgrown grassland with a number of trees located mainly to the south/west of the site and mature hedges forming a number of boundaries.

Housing is located to the east and partly to the south of the site. To the south west is a playing field and facilities owned and used by the Miners' Welfare Club. Immediately to the north are sports facilities and farmland located within the Green Belt, whilst allotments are located to the east.

The site is located within a Housing Area as designated in the adopted Sheffield Unitary Development Plan. A Planning and Design brief has been produced for the site and approved by the Planning and Highways Area Committee in July 2014. The brief was produced following extensive consultation and discussions with local residents over a number of years. This document recommends that the site should be re-developed primarily for residential purposes in line with local planning policy.

Planning permission is now sought for the erection of 150 dwellinghouses with a new access off Moss Way and associated car parking, landscaping and open space.

## RELEVANT PLANNING HISTORY

There is no relevant planning history

## SUMMARY OF REPRESENTATIONS

The application has been advertised by way of neighbour letters and site notices.

Three letters of representation have been received; the points raised are detailed below:

- Has there ever been subsidence recorded?
- Are there any coal seams close to the surface?
- Are all underground workings known and recorded?
- Account needs to be taken of vans and lorries in turning areas?
- Will there be enough parking provided and what the impact on Moss Way/Station Road will be?
- Where will workers park?
- Would like guarantees that no vehicles will park on Toll House Mead during construction works.
- High traffic volumes on nearby road, could lead to road damage and impact highway safety.

- Dust emissions and noise will impact on health.
- Will there be any health and safety requirements, e.g. will local residents be told to stay out of gardens or keep windows closed due to dust or pollution?
- Object to semi-detached properties being built to rear of Toll House Mead due to concerns about overlooking.
- Toll House Mead is characterised by detached houses and consider that the new development should be consistent with this.
- Would like a guarantee that significant notice of any work being carried out directly to the rear will be given and that there will be no intrusion over boundary wall.
- Has the situation with schools and GP surgeries been taken into account. Local children unable to get in to local school so where will the additional children go?
- Westfield Medical Centre has recently closed and patients have had to move to nearby surgeries, will surgeries be able to cope with hundreds more patients?

A statement of Community Involvement has been submitted with the application. This details how consultation has been carried out in line with the Council's Statement of Community Involvement (SCI). A public consultation leaflet was sent to residents in close proximity to the site, a total of 4 letters were received as a result of the consultation. These responses related to the impact of construction works and loss of trees to the western boundary of the site. A query was also raised regarding the use of the retained access into the site from Westfield Crescent.

## PLANNING ASSESSMENT

### Land Use Policy

The National Planning Policy Framework requires housing developments to be considered in the context of the presumption in favour of sustainable development and advocates the delivery of a wide choice of high quality homes.

The relevant local policy documents are the adopted Unitary Development Plan (UDP, 1998) and the Sheffield Development Framework (SDF) Core Strategy document (2008). The Core Strategy is more up-to-date, providing the overall spatial strategy for the SDF over the period 2009 to 2026.

The sites fall within a Housing Area as allocated in the adopted Sheffield Unitary Development Plan (UDP). They are similarly designated as Housing Areas in the Sheffield Local Plan Pre Submissions Proposals Map. Policy H10 "Development in Housing Areas" states that in these areas housing will be the preferred use. The development of the site for housing is therefore acceptable in principle.

The site previously accommodated a secondary school and is therefore considered to be a brownfield site. Core Strategy Policy CS24 prioritises building on brownfield sites and requires that no more than 12% of dwelling completions will be on

greenfield sites between 2004/05 and 2025/26. The proposed development will help to achieve this policy requirement.

Core Strategy Policy CS26 aims to make efficient use of land for new housing and sets out appropriate density ranges dependent on location and accessibility. The site is within an existing urban area where there is a target density of 30 to 50 dwellings per hectare. The proposal achieves a density of 32 dwellings per hectare and so complies with this policy requirement.

In terms of creating mixed communities CS41 promotes a mix of housing including homes for larger households, especially families. The development proposes a mixture of two, three and four bed properties and so meets the aims of this policy. CS41(a) states that on larger sites, no more than 50% of units should be of a single house type, in this case 10% of the units are two-bed, 44% are three-bed and 46% are four-bed.

## Design

Policy CS74 "Design Principles" of the Core Strategy states that high quality development will be expected which respects, takes advantage of and enhances the distinctive features of the city, its districts and neighbourhoods. It also states that development should contribute to place making and contribute to a healthy, safe and sustainable environment which promotes the city's transformation and helps to transform the character of physical environments that have become run down and are lacking in distinctiveness. Development should also enable all people to gain access safely and conveniently, providing, in particular for the needs of families, children, disabled and elderly people and should contribute towards creating attractive, sustainable and successful neighbourhoods.

Unitary Development Plan Policy BE5 "Building Design and Siting" states that good design and the use of high quality materials will be expected in all new buildings.

Policy H14 "Conditions on Development in Housing Areas" states that new development will be permitted provided that new buildings are well designed and in scale and character with neighbouring buildings.

The proposed development has undergone a number of changes during pre-application discussions and also through the duration of the planning application.

A new access into the site is to be created off Moss Way, this will be the only access into and out of the site for all but 11 dwellings which will be accessed off Mosssdale Avenue. An area of Open Space will be located at the entrance of the site, this area will be landscaped and will provide an attractive setting.

The layout takes advantage of the site's positive features by locating outward facing dwellings to the north and east boundaries, this also ensures the development links well with the surrounding area. The dwellings to the north boundary have views over the Green Belt and also offer natural surveillance over this area of land. Similarly the location of dwellings to the eastern boundary ensures that the public footpath to the east of the site is well overlooked. Areas to

the south and west have been designed to reflect the pattern of development in the adjacent residential areas.

The layout provides a logical and legible street pattern with pedestrian links to the key routes in the surrounding area, such as Mosssdale Avenue, Westfield Crescent and the footpath to the east of the site. The highways link to existing routes at Westfield Crescent (although there is no vehicular link here) and Mosssdale Avenue (vehicular access to 11 dwellings). Although vehicular access to the surrounding area is limited, this approach was advocated by local residents in consultation on the design brief.

The design incorporates a number of character areas which are successfully used to define the street hierarchy. Character Area 2 is the primary street through the site and is characterised by larger detached dwellings, set back from the highway by driveways and gardens. Boundary treatments comprise railings, these will create a sense of openness.

Character Area 1 consists of two areas of high density semi-detached/terraced housing where parking dominates. The amount of parking in these areas is not ideal visually and will create two small car dominated areas, nevertheless the provision of off-street parking is vital to ensure on-street parking is kept to a minimum. On balance, although not ideal, these areas are acceptable.

Character Area 3 comprises a shared surface which has been designed to give priority to pedestrians by slowing traffic down through a number of design measures. These include the meandering road layout, the location of dwellings close to the highway and planting beds within the highway to narrow the carriageway width. It is considered that the highway and dwelling layout could have been more successful in this area. In particular, the eastern part of the highway is relatively straight and could have incorporated more bends and pinch points to slow traffic effectively. Nevertheless, the inclusion of planting beds and landscaping within the highway is considered to successfully narrow the highway and overall it is considered that this route will be sufficiently convoluted, such that it will deter through traffic and create slow traffic speeds. Some minor amendments to the layout of area 3 are expected and will be updated at committee.

The boundary treatment to Character Area 3 comprises box hedging, this will create a softer feeling which will add to the more intimate nature of this area. This will be further strengthened by the surface treatment of the highway.

A total of 16 different house types are proposed and are standard Miller Homes house types. The dwellings in character areas 1 and 2 will be constructed predominantly from brick work with tiled roofs. The dwellings in character area 3 have a slightly different appearance and are differentiated from the other dwellings by the inclusion of tile hanging at first floor levels. The house types are well dispersed across this site and this helps create varied street scenes. The proposed materials are acceptable and are found elsewhere within the locality. Conditions will be added to any approval to ensure that high quality materials and detailing are used.

As detailed previously the land falls across this site with a level difference of approximately 14 metres from the north east corner to the south west corner. A number of sections through the site have been submitted which demonstrate how the development will accommodate these levels. A degree of cutting and infilling will be carried out across the site to smooth out the existing plateaus and create a more even slope across the site.

## Amenity

Policy H14 "Conditions on Development in Housing Areas" states that new schemes should not lead to overdevelopment, deprive residents of light, privacy or security and provide adequate amenity space. Policy H14 is also supplemented by an adopted Supplementary Planning Guidance on Designing House Extensions which sets out more detailed guidance on subjects such as design, overbearing and privacy. Whilst this document relates to house extensions, the guidance and in particular separation distances are a useful tool in determining the appropriateness of new housing development.

UDP Policy H15 "Design of New Housing Developments" is also relevant and expects the design of new housing developments to provide good quality living accommodation. This includes adequate private garden space or communal open space to ensure that basic standards of daylight, privacy, security and outlook are met. It also expects that walls or fences are provided around rear garden areas next to roads, footpaths or other open areas.

Additionally, as with all housing developments, there is a need to ensure that development is acceptable in terms of potential nuisances - such as unacceptable air pollution, noise or other nuisance or a risk to health and safety.

The development has been designed to ensure that adequate separation distances exist between windows in order to prevent overlooking and privacy issues. Generally, there is over 21 metres between main facing windows and at least 12 metres between main windows and blank gable elevations. Furthermore the dwellings have been designed to have private amenity spaces of at least 50 square metres and a distance of 10 metres to rear garden boundaries, in accordance with relevant guidance. There are a number of exceptions where dimensions fall slightly below the aforementioned standards, however in these cases the site specific circumstances ensure that amenity levels are acceptable. For example the gardens which back on to the playing fields (plots 22 to 27) are approximately 8.5 metres long, however garden areas are well in excess of 50 square metres and there are no dwellings to the rear of the site which may suffer overlooking. In these instances future buyers will determine whether these standards are acceptable to them.

The site borders existing residential development to the east of the site on Westfield Crescent and Toll House Mead. The dwellings on Westfield Crescent have their side elevations facing the development site and do not have any main primary windows in the side elevations facing the site. As such and in combination with separation distances and landscaping along boundaries, these dwellings will not suffer unacceptable overbearing or overshadowing from the development.

The dwellings on Toll House Mead have their rear elevations facing the development site. A minimum distance of 24 metres will exist between these dwellings and the rear of new properties. This is adequate to ensure that unacceptable overlooking does not occur. The landscaping along the boundary is also to be retained and will also soften the impact of the development, particularly at ground floor level.

Existing dwellings are also located adjacent to part of the southern boundary. A distance of 13 metres will exist between the rear elevations of dwellings in Kildale Gardens and the side elevation of plot 11. This is adequate to ensure the new dwelling does not have an unacceptable overbearing impact and as no main windows are proposed for the side elevation of plot 11 there will not be a loss of privacy.

The dwellings are to be located in an existing residential area where the level of noise is commensurate with such an area. As such it is considered that the site will provide adequate conditions with regards to noise levels.

A combined phase I contaminated land desktop study and phase II site investigation have been submitted. The site investigations included trial pitting, rotary open hole probing and ground gas monitoring. No significant contaminants were encountered during the intrusive site investigation and therefore large scale remediation works are not considered necessary. The Environmental Protection Service are in agreement with the surveys, however they note that two large areas of the site have not been investigated (the SuDs pond to the north and the Open Space to the south). Further investigation of these areas is necessary and will be conditioned as part of any approval.

In line with the above, it is considered that the proposal would not be harmful to the amenity of occupiers of existing neighbouring properties or occupiers of the development itself. In these respects the proposal would accord with UDP Policy H14 and H15.

## Highways

UDP Policy H14 sets out that development will be permitted provided it would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

Policy CS53 of the Core Strategy deals with management of travel demand and says that good quality public transport and pedestrian routes will be promoted, the best use of existing road capacity will be made and maximum car parking standards will be applied to manage the provision of private parking spaces.

The development will be accessed via a new access onto Moss Way. This will be the primary route into and out of the site, with the exception of access to 11 units which will be accessed via Mossdale Avenue. Emergency access will also be provided via Mossdale Avenue and Westfield Crescent and will be separated by bollards.

The highway layout has been designed to slow vehicular traffic through its layout which includes a number of sharp corners and build outs. A number of shared spaces are included in the site, with the exception of one, these do not provide through routes and are short in length thus ensuring that the number and speed of vehicles will be minimised and priority given to pedestrians. The shared street which provides a through route has been designed to restrict vehicle speeds through the design and layout of the highway and dwellings. The narrowing of the highway at various points along the shared access will result in some vehicle manoeuvres out of driveways being quite difficult but not impossible. Overall it is considered that the design of this section of highway will restrict speeds and ensure that it is not used as a cut through for traffic from the wider estate.

Car parking has been provided at a ratio of 1 or 2 per dwelling. This level of provision is considered to be acceptable and will ensure that unacceptable levels of on-street parking do not occur.

Potential traffic generation created by the site has been calculated by selecting similar edge of town sites from the TRICS database. This has been used in association with vehicular modal splits from the census to estimate that the development will create 130 and 119 total vehicle movements in the morning and evening peak periods respectively.

The supporting information in the transport statement concludes that the development may result in a slight increase in queues from between 1 to 3 vehicles before the development to 2 to 4 vehicles after the development. The ratio of junction flow to capacity will be reduced following the proposed development, however the junction will still operate within capacity. It is considered that the increase in junction flow to capacity and the slight increase in queuing will not result in noticeable delays to journeys and so is acceptable.

It is however noticed that the junction is getting close to capacity and any future development within the locality could result in the junction reaching capacity and highways improvements works being necessary. Whilst this development will clearly contribute to the creation of this situation, it would be unreasonable to request a contribution towards improvement works in this case given that there are no other extant permissions in place, nor any applications pending consideration.

The site is located in a sustainable location within walking distance of a range of services and amenities. There are a number of bus stops within walking distance of the site which provide services to a variety of areas. Additionally there is a Supertram stop 1.1km away from the site. The availability of good public transport links provides an alternative to the private car and ensures that the site is accessible by sustainable modes.

### Sustainability

Policy CS64 of the Core Strategy deals with climate change and the sustainable design of developments. This says that development should achieve a high standard of energy efficiency, make the best use of solar energy, passive heating



and cooling, natural light and ventilation and minimise the impact on existing renewable energy installations.

In this regard, the dwellings have been designed to minimise energy consumption through the use of energy efficient boilers and water saving features to toilets and showers.

Policy CS65 of the Core Strategy says that all significant development will be required to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy.

The applicant has confirmed that photovoltaic panels will be fixed to the roofs of dwellings in order to provide the 10% renewable energy requirement.

Furthermore, the site will see the reuse of a Brownfield site in an existing residential area. The site is located within walking distance of existing services, amenities and bus stops, as well as the Supertram stop just over 1km from the site.

The development complies with the requirements of CS64 and CS65 and will result in the sustainable redevelopment of a Brownfield site.

#### Flood Risk and Drainage

Core Strategy Policy CS67 deals with flood risk management and requires the use of Sustainable Drainage Systems on all sites where feasible and practical.

The NPPF requires a site specific flood risk assessment for proposals of 1 hectare or greater in flood zone 1 and states that such assessment "...must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."

In accordance with the above a Flood Risk Assessment has been submitted with the application. This identifies the site as being in a flood zone 1 with a low probability of flooding of 1 in 1000 in any one year. The development of housing in flood zone 1 is acceptable in accordance with the NPPF.

The plans indicate a SuDs basin to the north of the site, the northern half of the site will drain to this detention basin by gravity. Attenuated flows from the basin will enter the nearest surface water sewer at a 30% reduced discharge rate.

The southern half of the site will drain to a storage tank on site, attenuated flows will drain to the nearest surface water sewer. Permeable paving is also proposed for private driveways.

The Lead Local Flood Authority is satisfied with these methods. However, these arrangements are subject to approval by the relevant statutory undertakers and further details will be required by condition.

## Landscape

Unitary Development Plan Policy BE6 seeks to ensure that good landscaping design is provided in all new developments.

A tree survey has been undertaken to establish the quality and health of vegetation on site. The survey indicates that there are a number of trees, particularly within the south west of the site that are classed as category B trees, these are trees whose retention is desirable and are in moderate to good condition. The plans indicate that the almost all class B trees will be removed and this amounts to 36 trees or groups of trees along with 47 category C trees/groups of trees.

The loss of these trees is not ideal, however, unfortunately their locations cannot be easily accommodated into a suitable layout for the site. Furthermore, the extent of work which is to take place on the site, including level differences is such that the retention of trees and corresponding root protection zones is not possible. In order to compensate for the loss of trees a number of new species are proposed across the site. These include mature native species in the areas of open space and smaller ornamental trees in gardens and as street trees.

The hedgerow to the east of the site has been identified as a category area specimen and is shown to be retained. Similarly the majority of other hedgerows bordering the site are shown to be retained, with the exception of a small section along the southern boundary adjacent to the playing fields. Whilst retention of this would have been desirable, it is noted that the location of houses prevents this and in the wider context of the site this loss is marginal.

Full hard and soft landscaped details will be secured via condition, including detailed proposals for tree planting and root protection zones for retained species.

## Ecology

Policy GE11 of the UDP seeks to protect and enhance the natural environment. Therefore, the design, siting and landscaping of development should respect and promote nature conservation and include measures to reduce any potentially harmful effects of development on natural features of value.

An ecological survey has been produced. This assessed the potential for a number of species including bats, badgers, amphibians, reptiles and nesting birds. A more detailed bat emergence survey was considered necessary and focused on the substation building and trees. This survey concluded the likely absence of roosting bats and that bat activity across the site is low.

A number of habitats are present across the site and are described in the ecological report as rough neutral grassland, broad-leaved trees, scattered scrub and shrub, hard-standing with short ephemeral vegetation, tall ruderal vegetation, close mown amenity grassland, hedgerows and buildings. The site has only been vacant for the last 10 years and so vegetation on site has not yet become mature or overly diverse. As such its loss to development will not have a significant impact in biodiversity or habitat terms.

The Hedgerow to east of the public footpath beyond the eastern boundary of the site is classified as "important" under the Hedgerow Regulation 1997. As such this should be adequately protected to BS 5837 to ensure there is no impact from development.

A key principle of the NPPF is to conserve and enhance the natural environment. The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

The development will result in most of the site being utilised for housing development and associated roads, parking and gardens etc. The most valuable landscaping will be restricted to site boundaries and the areas of open space. The removal of trees within the site will lead to the loss of some existing natural habitat and biodiversity. Nevertheless there is still potential to design wildlife enhancements into the development. Recommendations for such enhancements include the planting of new native trees across the site, the creation of wild flower meadows to the north and south of the site, the creation of wetland habitats in the SuDs areas and the inclusion of bat and bird boxes. These will be secured via condition.

#### Air Quality

Policy GE23 "air pollution" of the UDP sets out that development will only be permitted where sensitive uses would not be affected by air pollution.

Core Strategy Policy CS66 "Air Quality" is also relevant and stipulates that action to protect air quality will be taken in all areas of the city, especially where residents in road corridors with high levels of traffic are directly exposed to levels of pollution above national targets.

The whole of the City's urban area is designated as an Air Quality Management Area (AQMA). An air quality assessment has been carried out in support of the application in order to assess the impact of the proposed development on the AQMA. The report uses a dispersion model to predict pollutant concentrations and concludes that there will be a negligible impact on both NO<sub>2</sub> and PM<sub>10</sub> concentrations and on the AQMA as a whole. Furthermore, NO<sub>2</sub> and PM<sub>10</sub> concentrations are identified as being below the target Air Quality Standard and as such the development would not be harmful to air quality.

The report suggests that mitigation measures are employed during construction in order to reduce emissions and these will be secured by condition.

#### Coal Mining

The development falls within a Coal Mining Development High Risk Area. The development is supported by a Geo-environmental Appraisal Report which includes details of ground investigations and also by a Soakaways and Mining Investigation Letter. The results conclude that some of the boreholes which were

drilled to the south of the site encountered known workings, voids or broken ground. As such mitigation will be required beneath some of the plots in the form of drilling and grouting.

The Coal Authority are satisfied that the proposed remedial works are appropriate to address the coal mining legacy issues present on the site and has no objection to the development subject to condition.

### Affordable Housing

Policy CS40 of the Core Strategy sets out that developers of all new housing developments will be required to contribute towards the provision of affordable housing where this is practicable and financially viable. The Affordable Housing Interim Planning Guidance (2014) provides further guidance and identifies the site as being within the South East Affordable Housing Market Area, where the affordable housing requirement is 10%.

The development will meet the full 10% requirement through on site provision within the site. This will comprise 11 x two-bedroom dwellings and 6 x four-bedroom dwellings. This mix is considered appropriate and is representative of demand in the area. The dwellings will be affordable rented for people from the Council's Housing Register.

The dwellings are located across two different areas within the site. The legal agreement states that these dwellings will be completed and offered to the registered social landlord by the time that 50% of dwellings on the site have been completed.

There will be no visual difference between the affordable housing and the market housing; this along with the division of the units between two separate areas will encourage social integration within the development.

A legal agreement is currently being prepared for the affordable housing provision. This has not yet been finalised and signed, an update on this will be provided at committee.

### Community Infrastructure Levy (CIL)

The Community Infrastructure Levy was introduced in July 2015 and is now the main mechanism to seek pooled developer contributions to help meet the city's strategic infrastructure needs. CIL replaces all other financial contributions with the exception of affordable housing. The Planning Brief details that financial contributions will be required towards the provision of education and open space, however these are now covered by CIL.

The site lies within zone 3 where the financial contribution is £30 per square metre. Based upon the estimated floor space figure of 14,119 square metres, this equates to a contribution of £423,570.

## Public Art

UDP Policy BE12 (Public Art) encourages the provision of these works in places that can be readily seen by the public and as an integral part of the design of major developments.

A condition will be attached to any approval to ensure that an element of public art is included in the development.

## RESPONSE TO REPRESENTATIONS

The majority of issues raised through representation are discussed in the above report. Those which are not are addressed below:

A condition has been attached requiring details of a site compound, parking layout etc. in order to ensure that parking on adjacent streets does not occur.

Dust, emissions and noise from the development are controlled via separate legislation.

Any extra demand for school places/medical facilities will be met through the CIL contribution.

## SUMMARY AND RECOMMENDATION

This application seeks planning permission for 150 dwellings of the site of the former Westfield School.

The principle of constructing dwellings on the site is acceptable and is in line with the adopted Planning Brief (2014). The layout, design and general appearance of the development is considered acceptable.

The dwellings will provide adequate living conditions for future residents and provide sufficient amenity and privacy. Furthermore, the design and layout is such that the scheme will not have a negative impact on the amenities of existing residents.

The scheme includes a new access off Moss Way and this is considered acceptable. The highways within the site have been designed to reduce traffic speed and adequate off-street parking provision will be provided. The traffic from the development will lead to a slight reduction in the junction flow to capacity rate and lead to a marginal increase in queuing. However, the junction will still operate within capacity and the additional queuing will not add a noticeable difference to journey times.

The development will provide an element of renewable energy and will include Sustainable drainage systems in line with relevant policy. The development will not have a harmful ecological impact and replacement trees will be provided for those lost through development.

Affordable housing will be provided on site in the form of 15 units subject to the signing of the legal agreement.

The development complies with the National Planning Policy Framework and relevant Unitary Development Plan and Core Strategy Policies. As such it is recommended that members grant planning permission subject to the proposed conditions and the signing of the legal agreement to secure the on-site affordable housing.

---

Case Number	16/00071/FUL (Formerly PP-04717377)
Application Type	Full Planning Application
Proposal	Demolition of existing dwellinghouse and erection of a dwellinghouse including living accommodation to basement and roofspace
Location	77 Walden Road Sheffield S2 3PL
Date Received	08/01/2016
Team	City Centre and East
Applicant/Agent	G9 Design
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:

1588\_11\_B Proposed section (4.5.2016)  
1588\_10\_C Proposed section (4.5.2016)  
1588\_01\_B Location and Block Plan  
1588\_08\_D Proposed elevations (SE and SW) (4.5.2016)  
1588\_07\_D Proposed Elevations (NW and NE) (4.5.2016)  
1588\_06\_D Proposed Plans (First and attic) (4.5.2016)  
1588\_05\_D proposed plans (ground and first) (4.5.2016)

Reason: In order to define the permission.

**Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)**

3. No demolition works shall commence before a contract for the carrying out of the redevelopment scheme hereby approved has been made, including a full structural survey report, and evidence that such a contract has been made has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that premature demolition does not take place and result in an undeveloped site, some time before rebuilding, which would be highly detrimental to the adjoining semi-detached property and to the street scene.

4. No development shall commence until full details of any new retaining structures required along any site boundary have been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

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

**Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)**

5. No development shall take place, including any works of demolition, until details are submitted for written approval by the Local Planning Authority specifying measures to monitor and control the emission of dust during demolition and construction works.

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

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

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

**Other Compliance Conditions**

7. Construction and demolition works that are audible at the site boundary shall only take place between 0730 hours and 1800 hours on Monday to Fridays, and between 0800 hours and 1300 hours on Saturdays, and not at any time on Sundays and Public Holidays.

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



Attention is Drawn to the Following Directives:

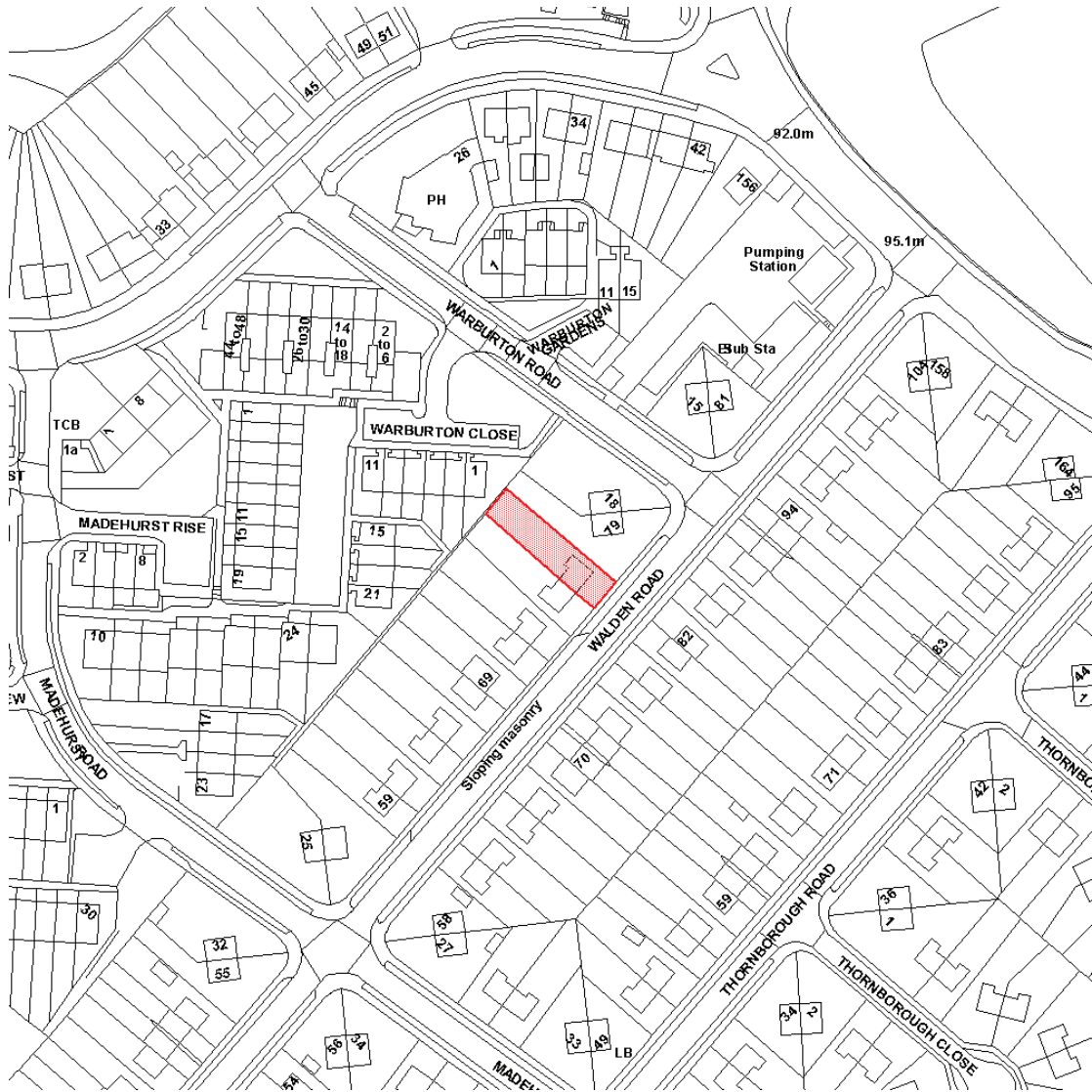
1. Section 80 (2) of the Building Act 1984 requires that any person carrying out demolition work shall notify the local authority of their intention to do so. This applies if any building or structure is to be demolished in part or whole. (There are some exceptions to this including an internal part of an occupied building, a building with a cubic content of not more than 1750 cubic feet or where a greenhouse, conservatory, shed or pre-fabricated garage forms part of a larger building). Where demolition is proposed in City Centre and /or sensitive areas close to busy pedestrian routes, particular attention is drawn to the need to consult with Environmental Protection Services to agree suitable noise (including appropriate working hours) and dust suppression measures.

Form Dem 1 (Notice of Intention to Demolish) is available from Building Control, Howden House, 1 Union Street, Sheffield S1 2SH. Tel (0114) 2734170

Environmental Protection Services can be contacted at Development Services, Howden House, 1 Union Street, Sheffield, S1 2SH. Tel (0114) 2734651

2. 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.
3. The applicant should install any external lighting to the site to meet the GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.

Site Location



© Crown copyright and database rights 2013 Ordnance Survey 10018816

## LOCATION AND PROPOSAL

The application site comprises of a two storey semi-detached hipped roofed dwelling house.

The application seeks permission to demolish the existing two bedroom house (one half of a pair of semi-detached properties) and erect a 6 bedroom family property in its place.

The application site is in a designated Housing Area as defined in the adopted Sheffield Unitary Development Plan (UDP) and the locality comprises of dwellings of similar design and appearance as the application site.

## RELEVANT PLANNING HISTORY

No relevant planning history.

## SUMMARY OF REPRESENTATIONS

10 Letters of representation have been received including comments from Councillor Jack Scott, the issues are summarised as follows:

- A 6 bedroom dwelling will be out of character in an area that is characterised by two bedroom properties
- The proposal would represent an overdevelopment of the site.
- The property could be used as a house in multiple occupation/hotel.
- Two off street parking spaces is insufficient for a property of this size in an area where there are already on street parking issues.
- A number of properties don't have off street parking and drives are already often blocked due to inconsiderate parking.
- The increase in traffic and parking will endanger children's safety when crossing the road.
- The extension would create overshadowing and loss of light due to its size.
- The excavation required to accommodate the property could undermine the foundations of adjoining properties and cause subsidence.
- Loss of privacy due to overlooking.
- Drainage issues.
- The demolition will cause chaos.
- The existing rendered property is out of place and a dwelling which is three times larger will be even more obtrusive.

Councillor Jack Scott

- The proposal is not in keeping with the character and tone of the local area.
- It will significantly worsen local parking issues and currently has completely inadequate parking for a proposal of this size.
- The matter should be referred to the planning committee so these significant issues can be addressed fully.

## PLANNING ASSESSMENT

### Policy Issues

The site is in a Housing Policy Area where the preferred use of land is for housing purposes. Therefore the demolition and erection of a replacement dwelling is considered acceptable in principle.

The key issue to consider in this case is the design, scale and massing of the replacement dwelling and its impact on neighbouring properties and the street scene. These issues are discussed in detail below.

### Demolition

Where the redevelopment of a site is proposed following demolition, the planning process can only consider the demolition in terms of whether the appearance of the site will be acceptable after the redevelopment has taken place, although it is accepted that it is unusual to demolish and re-build one half of a semi-detached property, as is the case here. In this case there will be a strict process to follow outside of the planning process which involves the Party Wall Act. The demolition will also have to be overseen by a structural engineer. A condition can also be attached to any subsequent planning approval to ensure that the demolition does not proceed before a contract of works for the redevelopment is in place.

### Design

The National Planning Policy Framework (NPPF) requires good design that promotes or reinforces local distinctiveness.

Core Strategy Policy CS74 states that high quality development will be expected which would take advantage of and enhance the distinctive features of the city's neighbourhoods.

Unitary Development Plan (UDP) Policy BE5 reinforces the need to ensure that new buildings complement the scale, form and architectural style of surrounding buildings

Section a) of Policy H14 (Conditions on Development in Housing Areas) within the UDP states that new development should be well designed and in scale and character with neighbouring buildings. The proposed dwelling is of a very similar design and appearance to the existing property on site, in terms of its appearance to the street, with the main difference being that the new dwelling is approximately 2.5 metres wider and 1 metre taller. At present the dwelling sits at a lower level to its attached neighbour, with a stepped roofline.

The front elevation incorporates matching fenestration to the existing and neighbouring dwellings as well as feature projecting brick heads, cills and string course. A porch and light wells are also added. The hipped roof is to be changed to a half hip end. The majority of dwellings in the street scene have hipped roofs however the proposed change to the shape of the roof is not considered to be

harmful to the overall appearance of the streetscene and is a common form of roof alteration that is accepted throughout the city.

The dwelling is proposed to be faced in white render which is not considered to be out of character as a number of properties in the locality are pebble dashed or rendered.

The rear elevation incorporates two pitched roof dormer windows to serve two attic bedrooms and a roof light to serve the stairwell. Ground floor and basement level accommodation which projects beyond the rear elevation of the existing property is also proposed. The rear elevation is visible at an angle from Warburton Road to the north-east but, as amended is not considered to be visually intrusive from this vantage point.

In light of the above the proposal is not considered to harm the character of the streetscene or visual amenities of the locality and there is a similar example of an extended and altered property on the same road. The proposal is considered acceptable from a design perspective and considered to comply with section a) of H14.

Section c) of Policy H14 states that new development should not deprive residents of light, privacy or security, or cause serious loss of existing garden space which would harm the character of the neighbourhood.

The property benefits from a substantial rear garden area, the topography of which slopes away gradually from the house towards the rear of the plot. The dwelling is proposed to extend beyond the rear elevation of the neighbouring property 3 metres at ground floor level and 6 metres at basement level.

The existing house already has a rear extension with balcony over and the rear garden area is already terraced. However, in order to form the basement level accommodation substantial digging out of the rear garden area will be required. The applicant has submitted site sections which illustrate that the proposal will not give rise to any unacceptable overshadowing, overbearing or overlooking of neighbouring properties. Some retaining structures may be required along the site boundary; details of which will be secured by condition.

The attached dwelling No.75 has an existing flat roofed extension which projects approximately 3 metres from the rear elevation along the site boundary and as such the proposed ground floor rear projection is not considered to give rise to any harmful overshadowing or loss of light.

A distance of 17 metres from the basement level windows and 24 metres from the upper floor windows is retained to the rear boundary which will ensure that the proposal will not give rise to any harmful overlooking of the properties to the rear of the site on Warburton Close.

No 79 Walden Road which is located to the south west of the property is located at a lower level than the application site, however taking account of the orientation of No. 79 and its position on the plot set away from the boundary with the application

site, the separation distances between the properties ensures that the proposed dwelling will not give rise to any unacceptable overshadowing or overbearing.

The proposal is therefore considered to comply with policy H14 c)

#### Highways

Section d) of Policy H14 states that new development should provide safe access to the highway network, appropriate off-street parking and not endanger pedestrians.

The submitted plans indicate that two off street car parking spaces can be provided on the site frontage. 3 spaces would usually be required for a 6 bed property in accordance with the council's interim parking standards. Local residents have identified that there are significant parking and congestion issues on the street and the proposal for a 6 bedroom property will only make the situation worse. Whilst this proposed level of parking provision is slightly below standard and the on street parking issues are noted; the slight under provision is not considered significant enough on its own to warrant the refusal of planning permission. The proposal would retain the ability for the applicant to park a third vehicle on the highway in front of their existing driveway and given the proximity of the site to high frequency bus services on East Bank Road, the level of parking proposed is considered acceptable from a highways perspective and complies with policy H14 d).

#### Environmental Protection

The Council's EPS service has reviewed the proposals and confirms that the site is not in a noise sensitive area so the technical requirements of the Building Regulations will provide acceptable internal noise levels such that a specific planning condition is not required. Similarly, the historic OS records show that the site was undeveloped until the 1940s so there is no requirement for land contamination survey work as the risk to human health is low.

Conditions are recommended to deal with construction noise and dust due to the close proximity of residential properties, as well as external lighting.

#### RESPONSE TO REPRESENTATION

The majority of planning issues are covered in the main body of the report.

The applicant is seeking permission for a family home; the proposal is not for a house in multiple occupation or a hotel. Any such changes would require separate planning permission.

In relation to noise and disturbance from construction and demolition this is covered by separate legislation.

The applicant will require building regulations approval where the relevant drainage and structural issues will be resolved to ensure that the proposal does not harm the integrity of adjoining properties.

#### SUMMARY AND RECOMMENDATION

In light of the above the proposed replacement dwelling house is considered to comply with adopted local and national planning policy and does not give rise to any substantial design, amenity or highways issues. It is therefore recommended that planning permission is granted subject to the listed conditions.

---

Case Number	15/04500/FUL (Formerly PP-04572117)
Application Type	Full Planning Application
Proposal	Erection of a warehouse-storage unit
Location	Land Adjacent To Finestra Systems Ltd Old Lane Halfway Sheffield S20 3GZ
Date Received	14/12/2015
Team	City Centre and East
Applicant/Agent	Five Seventy Three
Recommendation	Refuse with Enforcement Action

Subject to:

Refuse for the following reason(s):

1. The proposed development does not include sufficient parking or manoeuvring space within the site, which results in an increase in on-street parking in the vicinity of the site and in the manoeuvring of Heavy Goods Vehicles within the public highway due to the lack of an on-site turning facility. This is detrimental to the safety of road users and to the free and safe flow of traffic on Old Lane and is considered contrary to Unitary Development Plan Policy IB9 and the National Planning Policy Framework.
2. The site plan with amended red line and drawings showing the car parking layout and swept paths of all vehicles within the site requested in writing via email on 17th March 2016 has not been supplied. In the absence of such information the Local Planning Authority must assume that the proposed development could have a detrimental impact on the adjoining highway network. As such, the development is deemed contrary to Policy IB9 of the Unitary Development Plan.

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 it was not possible to reach an agreed solution in negotiations.

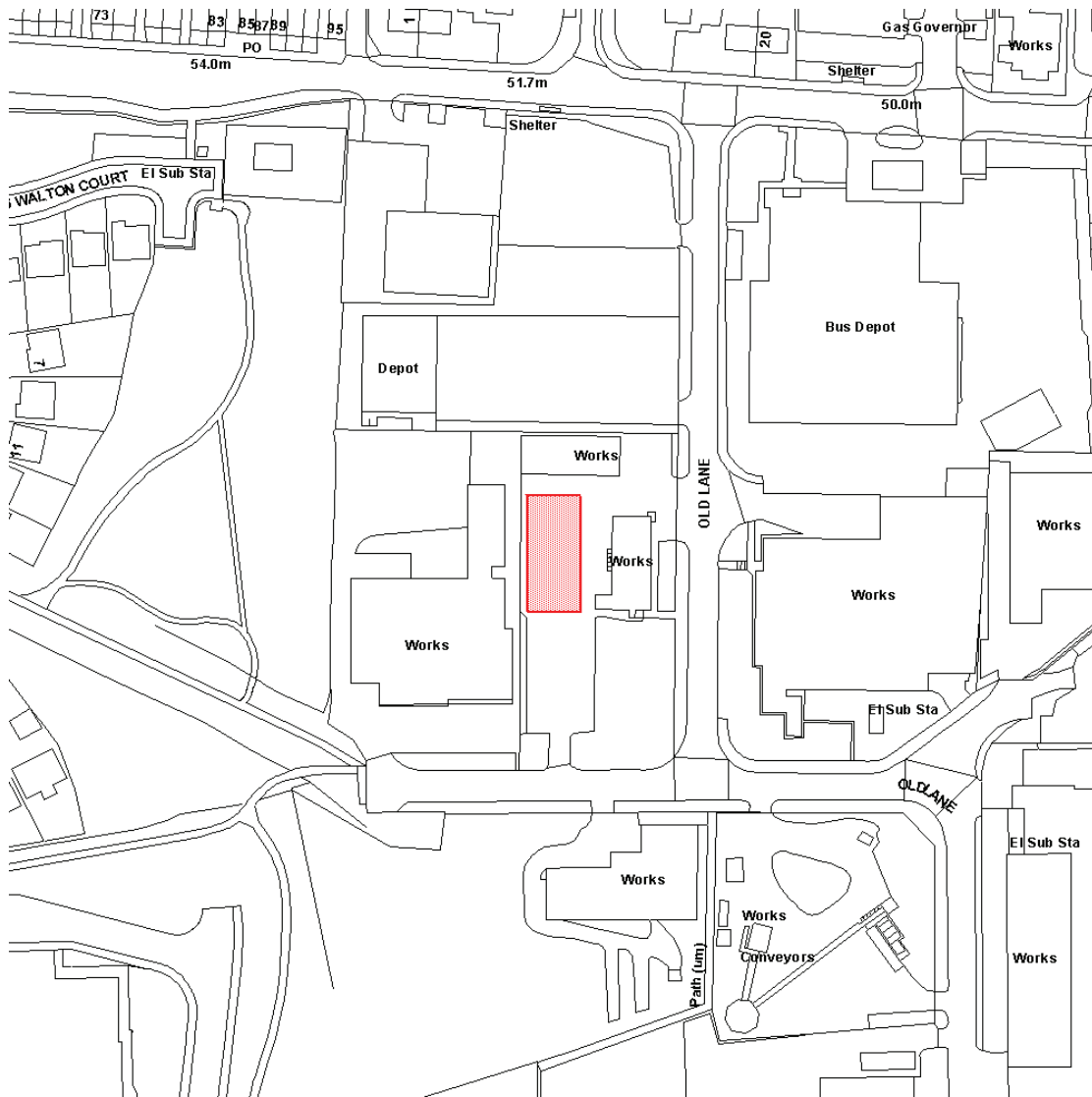


2. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:

PL - 001, PL - 003 and PL - 004.

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 unauthorised building. The Local Planning Authority will be writing separately on this matter.

# Site Location



© Crown copyright and database rights 2013 Ordnance Survey 10018816

## LOCATION AND PROPOSAL

The application site lies within a General Industry Area and relates to the business premises of DP Services Machine Removals Ltd, which is located on the west side of Old Lane within an industrial estate. The site comprises of an 'L' shaped plot, which has an extended industrial unit fronting onto Old Lane and a further industrial unit, recently constructed, positioned at the rear of the site. A 2 metres high palisade fence with 2 pairs of gates marks the front boundary and provides a means of vehicular access to the site.

The site is set within a commercial context, with a variety of industrial and B1 business units, the buildings of which vary in size and architectural styles. Immediately adjacent to the site, to the south, is a two-storey building which is occupied by 'The Beacon Community Church'; and to the west are the business premises of Rotary Renewables Engineering which includes both single-storey brick structures and two/three storey industrial units with an ancillary enclosed car park positioned to the south of the application site.

Retrospective planning permission is sought to retain a metal, profile clad, dome-shaped industrial unit positioned in the south-west corner, at the rear of the site. The building serves to provide additional covered storage in connection with the existing business.

## RELEVANT PLANNING HISTORY

95/01420/FUL - Single-storey extension to a workshop – Granted Conditionally – 25.01.1996. Concerns were raised with regards to the servicing of the site, owing to a resultant reduced width of hard-standing along the southern edge of the site. However, it was confirmed that an alternative, much larger means of access was available from the south. Conditions were imposed, requiring details of servicing areas and amended parking spaces to be submitted and approved.

## SUMMARY OF REPRESENTATIONS

Following neighbour notification, no letters of representation have been received in respect of this application.

## PLANNING ASSESSMENT

### Policy Issues

The application site lies within a General Industrial Area, as defined in the Unitary Development Plan (UDP) and as such, it is relevant to apply UDP Policy IB9. The proposal seeks retrospective permission, for the retention of an industrial warehouse unit, a use which falls within B8 (storage and distribution) use classification. UDP Policy IB5 states that B2 and B8 are the preferred uses, and therefore the proposed use is considered acceptable in principle.

It is worthy to note that the history of the site suggests that the use of the original building in situ was used as a workshop, which falls within a B2 use. No such

planning permission exists to regularise the use, however, The Town and Country Planning Use Classes Order 2015 does permit a change of use from B2 (general industrial) to B8 and therefore it is necessary to apply for a lawful use certificate.

#### Design/Visual Amenity Issues

UDP Policy IB9, which relates to conditions on development in General Industrial Areas, requires that new development be well designed and of a scale and nature appropriate to the site.

UDP Policy BE5 requires that development be of good design and be constructed using good quality materials.

The design of the warehouse unit is utilitarian in appearance and does not serve to enhance the visual appearance of the site or the wider area. The design of the unit does not reflect the same architectural style and detailing as the existing building. The unit is large and does occupy the south-west corner of the site, set back behind an existing two-storey building. The curved nature of the unit combined with the shiny metal exterior does result in a building which is distinctive. The rear of the unit is visible from the south, from the adjacent highway, Old Lane but is viewed in the context of surrounding buildings which are of similar scale. Given the set back position of the unit and the local context, it is not considered that the unit is visually obtrusive and does not compromise the street scene.

On this basis, the design of the building is considered acceptable and will accord with UDP Policies IB9 and BE5.

#### Highway Issues

UDP Policy IB9 permits development provided that it would be adequately served by transport facilities and provide safe access to the highway network and appropriate off-street parking.

There are significant highway implications arising from the proposed development. The site is 'L' shaped and has 2 buildings positioned on the land. An existing industrial unit is set back 12 metres from the front boundary of the site, with a hard-surfaced forecourt to the front, which is used for servicing and the parking of vehicles. The hard-standing reduces to 4.5 metres in width and extends along the southern edge of the site, leading to a newly constructed warehouse unit. The Highways Officer has expressed concern with regards to the servicing and parking arrangements of the site, given the restricted dimensions of the site and the extent of built form.

At the time of a site visit conducted by the Highways officer, which took place approximately 4pm on a weekday, 3 vehicles were observed to manoeuvre in the highway in order to reverse into the application site. During such time, it was clear that drivers were finding it difficult to position the vehicles within the restricted highway space and resorted to using the access of the site on the opposite side of Old Lane to gain enough space to reverse into the application site. The manoeuvres obstructed the highway for some considerable time and appeared to

look difficult to achieve. Such operations are considered to be detrimental to highway safety.

Further information was sought, in the form of drawings showing swept paths of all vehicles (HGVs and service vehicles where applicable), turning within the site. It was also requested that a layout plan showing the parking arrangements for all vehicles be submitted. No such information has been submitted although a copy of a Goods Vehicle Operators Licence has been submitted in support of the application. The licence permits 6 motor vehicles and 4 trailers for this site. It is relevant to note the following guidance which is provided by The Office of the Traffic Commissioner, for applicants seeking a Goods Vehicle Operators Licence:-

'When choosing an operating centre you should make sure that there is sufficient space to park all your vehicles when they are not in use, even if all vehicles will not be in the operating centre at the same time. You should also make sure that you can enter and exit the site safely and that visibility is clear in each direction. In addition to your application for an operator's licence, you should check that your proposed operating centre meets the requirements of planning law. If you are unsure, contact your local planning authority. Authorisation to use an operating centre under an operator's licence does not convey any approval under planning law and using the operating centre without the correct planning approval may lead to enforcement action by the planning authority.'

Clearly, it is the case that the possession of a Goods Vehicle Operators Licence does not convey any approval under planning law and neither has it been demonstrated that the applicant has met the requirements of the above licence.

Given what was observed during the above-mentioned site visit it would appear that HGVs are not turning within the site. Furthermore, no other information has been provided to demonstrate that HGVs can manoeuvre within the site. It is likely that the hard-standing is too small to allow the turning of HGVs or it may be the case that the applicant is reluctant to have vehicles turn within the site. In any event, it is not considered acceptable for HGVs to turn within the highway as they currently do at this location.

It should be borne in mind that during the planning process of a previous application (refer 95/01420/FUL), which sought permission for a single-storey extension to the existing industrial unit, concerns were raised with regard to the servicing and parking arrangements for the site. Planning permission was granted on the basis that details of servicing and parking be submitted and approved by the Local Planning Authority. No such evidence exists to suggest that these conditions were discharged. It was also the case that an alternative, much larger means of access was available for use, from the south of the application site. This access no longer appears to be available but is used as a car park, which serves the adjacent business premises of Rotary Renewables located to the west.

UDP car parking guidelines requires that 1 car parking space should be provided per 3 members of staff. The application form states that there are 10 members of staff and as such, it is necessary to provide 4 car parking spaces. Additional parking accommodation should also be provided for any other vehicles such as

lorries etc. The completed application form states that there are 2 car parking spaces and 2 other spaces available for other vehicles within the site. It is acknowledged that the site can comfortably accommodate at least 2 car parking spaces, however, whether it can accommodate the other spaces and the turning facility has not been demonstrated. It is also relevant to note that the Operator's licence states that parking accommodation should be available for 6 motor vehicles and 4 trailers. In the absence of a detailed layout it is not be unreasonable to assume that there is insufficient space within the site.

Given the above, the proposed development is not considered acceptable in highway safety terms and thus, does not accord with UDP Policy IB9.

The National Planning Policy Framework (NPPF) states, amongst other things, in paragraph 35 that developments should be designed to accommodate the efficient delivery of goods and supplies; and create safe and secure layouts which minimise traffic conflicts. The proposal does not demonstrate that these requirements have been met.

#### Amenity Issues

UDP Policy IB9 relates to conditions on development in Industry and Business Areas. New development will be permitted provided that it does not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

The proposed development is located within an industrial area, where there are is no residential accommodation located in close proximity. It is necessary to safeguard the amenities of existing occupants of adjacent commercial units and for this reason two conditions have been recommended by the Environmental Protection Service, to be imposed, to control plant noise and amplified music.

Informatives have also been recommended, which relate to plant noise, external lighting and construction.

#### Coal Authority

The application site lies within a High Risk Coal Mining Referral Area. A Coal Mining Risk Assessment report has been submitted, which concludes that there is potential coal mining workings within proximity of the new unit. The Coal authority concurs with the recommendations made in the submitted report that intrusive site investigation works should be undertaken, prior to development commencing, to ascertain the ground conditions and establish the exact situation regarding the coal mining legacy of the site.

The Coal Authority recommends the imposition of a condition requiring site investigation works to be carried out and any remedial works required should be undertaken prior to the commencement of development. Given that the development is retrospective it is not possible to carry out such works.

## Land Contamination

The application site lies within an area identified as potentially being contaminated land. Coal Authority data indicates a coal outcrop and probable shallow coal mining workings, and as such, there is the potential for underground gases, which may present a risk to future occupiers of the development. The Environmental Protection Service has recommended a number of conditions to ensure that the site is fully investigated and where necessary, appropriate remediation measures be carried out. Again, the retrospective nature of the application presents a difficulty in this respect.

## SUMMARY AND RECOMMENDATION

The siting of a warehouse unit, for B8 purposes, within a General Industrial Area, is considered acceptable in principle.

The design of the warehouse unit is considered acceptable.

Occupiers of adjacent commercial premises will not be adversely affected by the development.

Following advice from the Coal Authority and the Council's Environmental Protection Service, they have confirmed that it was necessary to carry out intrusive site investigations, prior to commencement of development.

The development, however, raises significant concerns in respect of highway safety. The site is restrictive in size and in the absence of details to demonstrate that sufficient space is available to manoeuvre vehicles within the site and provide appropriate car parking accommodation, the application cannot be supported. Furthermore, it has been observed that inappropriate manoeuvres of HGVs are being carried out within the public highway, to the detriment of highway safety. This is considered contrary to the aims of UDP Policy IB9 and the National Planning Policy Framework.

It is therefore recommended that the application is refused and authority is given to take appropriate enforcement action.

## ENFORCEMENT

Given that the warehouse unit is in situ, and is therefore unauthorised development, it is necessary to seek appropriate enforcement action to secure the removal of the building.

It is therefore recommended that the Director of Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised building and that the Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including action to resolve any associated breaches of planning control.

---

Case Number	15/04196/FUL (Formerly PP-04640961)
Application Type	Full Planning Application
Proposal	Demolition of existing buildings and erection of 6 apartments with car parking accommodation (As amended by drawings received 14 April 2016)
Location	Creevela Works Parsonage Street Sheffield S6 5BL
Date Received	18/11/2015
Team	West and North
Applicant/Agent	R Bryan Planning
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 No. CWa/002a/2115 (Existing and Proposed Site Layout Plans);  
Drawing No. CWa/003a/2115 (Revised Lower Ground Floor Level);  
Drawing No. CWa/004a/2115 (Revised Ground Floor Level);  
Drawing No. CWa/005a/2115 (Revised First Floor Level);  
Drawing No. CWa/006a/2115 (Revised Front Elevation - Parsonage Crescent);  
Drawing No. CWa/007a/2115 (Revised Rear Elevation to Enclosed Courtyard);  
Drawing No. CWa/008a/2115 (Revised Side Elevations);  
Drawing No. CWa/009a/2115 (Revised Street Scenes);



Drawing No. CWa/010a/2115 (Revised Sections); and  
Drawing No. CWa/008/2115 (Revised Side Elevation)

received on the 14 April 2016 from Planned Design Solution Ltd

Reason: In order to define the permission

**Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)**

3. Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

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

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

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

5. No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

## Part B (pre-occupation/use)

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

6. Intrusive site investigation works shall be undertaken prior to commencement of work on site in order to establish the exact situation regarding coal mining legacy issues on the site.

In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings, all remedial works shall be first submitted to and agreed in writing by the LPA and thereafter carried out in accordance with these details.

Reason: In order to ensure that any previous coal mining activities in the area is properly dealt with.

### **Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)**

7. Before the development is commenced, full details of the design of the re-profiling works to the rear of the existing highway retaining structure flanking Parsonage Crescent/Parsonage Road shall have been submitted to and approved in writing by the Local Planning Authority (to include materials, method of compaction, substructure/buttress arrangements). The works shall be completed only in accordance with the aforementioned details once Technical Approval has been issued.

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

8. Notwithstanding the submitted plans, before the development is commenced, full details shall have been submitted to and approved in writing by the Local Planning Authority of the demarcation and surfacing material between the rear of existing footway and the footprint of the proposed dwellings. The demarcation and surfacing shall have been provided in accordance with the aforementioned approved details prior to occupation.

Reason: In the interests of pedestrian safety.

9. No development shall commence until details of the means of ingress and egress for vehicles engaged in the construction of the development have

been submitted to and approved in writing by the Local Planning Authority. Such details shall include the arrangements for restricting the vehicles to the approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.

Reason: In the interests of protecting the free and safe flow of traffic on the public highway it is essential that this condition is complied with before any works on site commence.

10. No demolition and/or construction works shall be carried out unless equipment is provided for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway. Full details of the proposed cleaning equipment shall be approved in writing by the Local Planning Authority before it is installed.

Reason: In the interests of the safety of road users.

11. The development shall not be begun until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the reconstruction of the footways adjoining the site before the development is brought into use. The detailed materials specification shall have first been approved in writing by the Local Planning Authority.

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

12. 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 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.

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

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

14. A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

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 unless otherwise approved by the Local Planning Authority.

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

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

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

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

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

17. 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

18. The accommodation shall not become occupied unless the car parking space has been provided as indicated on the approved plans, surfaced and drained to the satisfaction of the Local Planning Authority, and thereafter retained/maintained for the sole purpose intended.

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

19. The accommodation shall not become occupied unless 2.0 metres x 2.0 metres vehicle/pedestrian intervisibility splays have been provided on both sides of the means of access such that there is no obstruction to visibility greater than 600mm above the level of the adjacent footway and such splays shall thereafter be retained.

Reason: In the interests of the safety of road users.

20. No doors/windows shall, when open, project over the adjoining footways.

Reason: In the interests of pedestrian safety.

21. The development shall not be used unless all redundant accesses have been permanently stopped up and reinstated to kerb and footway and means of vehicular access shall be restricted solely to those access points indicated in the approved plans.

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

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (and any order revoking and re-enacting the order) no first floor windows or other openings shall be formed in the side (north-western) elevation of the building facing 56 Parsonage Crescent without the prior written approval of the Local Planning Authority.

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

Attention is Drawn to the Following Directives:

1. The proposed development will have implications regarding existing and proposed retaining structures. You are advised under Section 167 of the Highways Act to contact Mr Stephen Cseh (Technical Officer Structures) 0114 2057482, with regards to seeking the necessary approvals.
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.

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

You should apply for a consent to: -

Highways Adoption Group  
Development Services  
Sheffield City Council  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

For the attention of Mr S Turner  
Tel: (0114) 27 34383

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

The notice should be sent to:-

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

For the attention of Mr P Vickers

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

5. The applicant is advised that Sheffield City Council, as Highway Authority, require that drives/vehicular access points be designed to prevent loose gravel or chippings from being carried onto the footway or carriageway, and that they drain away from the footway or carriageway, to prevent damage or injury.
6. Before the development is commenced, a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which agreed in writing with the Local Planning Authority. Any deterioration in the condition of the highway attributable to the construction works shall be rectified in accordance with a scheme of work to be agreed with the Local Planning Authority.
7. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.
8. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk). Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.
9. 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



© Crown copyright and database rights 2013 Ordnance Survey 10018816



## BACKGROUND

The application relates to the site of Creevela Works in Walkley. The site has been subject to a number of planning applications over recent years, with the latest being in 2014 where planning permission for the demolition of the building and the erection of 4 dwellinghouses (2 3-bedroomed and 2 2-bedroomed), under planning reference No. 14/00831/FUL was refused on grounds of insufficient parking. An appeal lodged by the applicant was dismissed in July 2015, under reference No. 14/00040/WR. Details of these two decisions are discussed within the body of this planning report.

## LOCATION AND PROPOSAL

The site of Creevela Works is situated on the corner of Parsonage Crescent and Parsonage Street and is identified in the UDP as being within a Housing Area. The site is also located within a Coal Mining Referral Area.

The site is made up of a traditional two-storey stone building and two separate yard areas covering an area of approximately 616 square metres. The building is effectively 'L' shaped in appearance with its two wings extending out at right angles to the two adjoining roads. The building has been extended in the recent past with a two storey flat roofed extension added to the rear of the building. The building has also been significantly altered over the years with changes to the window and door openings, the introduction of a steel shutter door and uPVC windows, much of which has significantly and adversely affected the character and appearance of the building.

The site is enclosed along part of its Parsonage Street frontage by 1-1.25m high stone walling and abuts up against the side gable walls of a two storey semi-detached house to its north west (56 Parsonage Crescent) and a detached house to its east (52 Parsonage Street). The site has two access points, one off Parsonage Street and the other from Parsonage Crescent, the second via a set of high security gates. The site falls approximately 900mm from north to south (Parsonage Crescent frontage) and approximately 1300mm from west to east. (Parsonage Street).

The building is currently unoccupied but previous to this has been used by the applicant (Clear Line) for the past 18 years as an office and depot in connection with the applicant's business, which specialises in building cladding systems including glazing, metal cladding and curtain walling. The building itself is understood to date back to the late 18<sup>th</sup> or early 19<sup>th</sup> century and was formerly used in connection is likely to have been developed as part of a farm complex associated with Primrose House, the original farmhouse.

The street scene is predominantly residential in character, which is largely made up of traditional two-storey stone terrace housing. To the north of the site are two storey terrace houses with associated rear gardens (45-59 Providence Road) and across Parsonage Crescent to the south west and south east are two storey terrace houses (47-63 Parsonage Crescent and 26-38 Parsonage Crescent). To the immediate north east of the site is a two-storey detached dwellinghouse that sits forward of the building's front gable wall to Parsonage Street (52 Parsonage Street).

The applicant is seeking full planning permission to demolish the existing building and erect a split-levelled 2/3 storey building to provide 6 apartments (4 2-bedroomed and 2 1-

bedroomed). Parking for seven vehicles would be provided on site, one for each of the apartments and one disabled bay.

## RELEVANT PLANNING HISTORY

As stated above, the application site has been subject to a number of planning applications over recent years, the latest being the refusal of planning permission to demolish the buildings that make up Creevela Works and erection of four dwellinghouses in August 2014, this subsequently being upheld at appeal by the Planning Inspector. Previous to this, planning permission was allowed at Public Inquiry in February 2006 to demolish the existing building and erect a three-storey building to provide 6 one and two bedroomed apartments.

A brief summary of the relevant applications are listed below:-

00/01342/FUL – Alterations and use of part of building to form two flats for multiple occupation – Granted 11/10/2000

04/00118/FUL – Erection of 4-storey building to provide 10 1-2 bedroom apartments - Withdrawn 24/03/04

04/02809/FUL – Erection of 3-storey building to provide 6 1-2 bedroom apartments with associated parking – Refused 29/09/04  
Appeal allowed 16/02/06 – Appeal Reference No. APP/J4423/A/04/1169443

13/03273/PREAPP – Pre-application advice to address the principles of dwelling numbers, off-street parking provision and other design elements – Closed

14/00831/FUL - Demolition of existing building and erection of 4 dwellinghouses (as per amended drawings received 19 August 2014) – Refused 29/10/14  
Appeal Dismissed 01/07/15

## SUMMARY OF REPRESENTATIONS

The application has generated a significant amount of interest from residents of neighbouring properties with 33 letters of objection. Representations have also been received from a local councillor, Walkley Community Forum and Paul Blomfield MP.

A summary of the comments received are listed below:-

Object (33)

- The barn is one of the oldest buildings in Walkley and is of great historic importance; Buildings such as this create charm and character and should not be demolished;
- The conversion of the building would be better place than its demolition and new build;
- Insufficient on-site parking provision that will result demand for on-street parking on the adjoining streets;

- Highway safety concerns; The proposed development creates a blind corner, which will lead to issues of safety for car drivers and pedestrians crossing the road; Visibility for/of cars using Parsonage Street would be greatly impaired;
- The existing roads are already heavily used; the proposed development would increase traffic along the adjoining roads;
- Overdevelopment of the site; The development is larger than the guidelines for number of dwellings per hectare as set out in Policy CS26;
- Overshadowing of neighbouring properties; The proposed development is approximately 1.5m higher than the previous refused scheme;
- Loss of Privacy; The proposed building would overlook into neighbouring properties;
- Loss of Light owing to the proposed height of the building;
- Light pollution;
- There is already work going ahead as if in preparation for development including 2m high fencing around the building;
- Detrimental to health due to the increased pollution and traffic;
- The building is out of character with the surrounding area; The building is significantly higher than the existing building and should be reduced in height.
- The development contravenes the South Yorkshire Residential Design Guide (N2), which states that 'New Development should maintain or enhance the positive character and identity of the area in which it is located.'
- Concerns that there would be subsequent opportunity for future conversion of the loft/attic
- Architecturally poor design;
- Lack of neighbour consultation;
- The Design and Access Statement is inaccurate, which states that the archaeological survey showed no value in the building. In fact, SYAS considers that even in its altered state, the building and site is historically important and recommend its conversion rather than its demolition and re-build;
- Climate change;
- Failure to use existing materials for energy efficiency or recycling purposes;

Councillor Neal Gibson-Abo-Anber supports the objections of local residents on the following grounds:-

- The building is out of character with the surrounding area;
- The existing roads are already heavily used; the proposed development would increase traffic along the adjoining roads;
- Overdevelopment and significantly exceeds the density for the area; and
- Loss of a historic building. The existing building should be converted.

Walkley Community Forum has in the past objected very strongly to demolish Creevela Works. The building is one of the oldest and most interesting buildings in Walkley. Local residents have no objection to the conversion of the existing building to create possible three flats. The proposal to provide six apartments, with the building built right up to the pavement edge and to an unacceptable height is considered to be unacceptable. Concerns are also raised with regard to highway safety with cars exiting from a narrow driveway into a bend on part of Parsonage Crescent where there is parking on both sides of the street.

Walkley Forum is further concerned that the site was suddenly fenced off before Christmas, with notices claiming the site was dangerous, which have subsequently been removed. This is a further indication of the determination of the company to push through their plans on the pretext of the building being unsafe, when it actually looks in a very good state of repair. The people of Walkley have fought very hard to save sound homes from being demolished in the 1970s. It is sad that forty years on, developers are able to neglect and then demolish buildings (such as on Highton Street and Camm Street) to replace them with the maximum numbers of dwellings that can be crammed on the site.

Paul Blomfield MP fully supports the views of his constituents who are opposing the development of this site. There have been a number of previous applications made regarding the site and this application does not appear to have adequately addressed the concerns raised previously. These include inadequate parking provision, highway safety concerns caused by an increase in on-street parking and the demolition of a historic building rather than its conversion. Further concerns raised include potential increase in flood risk, population density per hectare, loss of daylight and overlooking.

## PLANNING ASSESSMENT

It is considered that the main issues relevant to this application are as follows:-

- The Principle of Development – Policy and Land Use;
- Demolition/Archaeological Issues;  
Design Issues and its effect on the character and appearance of the surrounding area;
- Residential Amenity Issues;
- Ground Contamination issues and former coal mining activities;
- Noise Issues;
- Flood Risk Management; and
- Community Infrastructure Levy

These are considered in turn below.

### Principle of Development – Policy and Land Use

The application site is situated in a Housing Area, where housing is the preferred use under UDP Policy H10.

Core Strategy Policy CS24 seeks to maximise the use of previously developed land for new housing. This policy details that priority will be given to the development of previously developed sites (brownfield sites) and no more than 12% of dwelling completions will be on greenfield sites in the period between 2004/05 and 2025/26.

The application relates to a brownfield site that is situated in a Housing Area. The development would therefore accord with UDP Policy H10 and Core Strategy CS24.

Core Strategy Policy CS26 relates to the efficient use of housing land and accessibility. Under this policy, it states that housing development will be required to make efficient use of land but the density of new housing should be in keeping with the character of the area

and support the development of sustainable, balanced communities. The application site is situated within an area where the density range should be in the order of 40 to 60 dwellings per hectare according to this policy. In respect of this application, the density of the development based on 6 units would be approximately 97 dwellings per hectare. It is accepted that this is significantly outside the density range set out in the policy, however, in officers' opinion, the density of the development can be justified given the type of development proposed (apartment scheme) and the fact that the character of the immediate area is built at a much higher density than the policy position.

Members are advised that it is not unusual that development proposals for apartment schemes such as this results in a much higher density. It should also be noted that the footprint to ground area ratio is not too dissimilar to the neighbouring terrace houses. Officers are therefore satisfied that the proposal makes efficient use of the land and does not amount to the overdevelopment of the site that would be harmful to the residential neighbourhood.

Paragraph 49 of National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development. It goes on to state that where an LPA cannot demonstrate a five year housing supply, relevant policies for the supply of housing should not be considered up-to-date.

With regard to this, Sheffield currently can demonstrate a 4.7 year housing supply of deliverable housing sites across the city. While less weight can be given to housing supply policies in the development plan as detailed in the NPPF, it is considered that the proposed development of this site for six apartments would make a small but positive contribution to housing land supply across the city and should be given weight.

Also material to this application in officers' opinion is the 2006 appeal decision that granted full planning permission to demolish the existing building and erect a three storey building for 6 apartments. Since the appeal decision, there have been no significant changes in either development plan policy or government guidance contained in NPPF that would change the position with regard to the re-development of the site for housing.

Based on the above, the principle of erecting a two storey building to provide six apartments on this site should therefore be viewed acceptable. Policies H10 of the UDP and Policies CS24 and CS26 are considered to be met.

#### Highway Issues

UDP Policy H14 (d) requires that in Housing Areas, new development or change of use proposals be provided with safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

The Committee will recall that the previous application was refused on highway grounds as being contrary to UDP Policy H14(d) as it was felt by Members that the proposal to erect four dwellinghouses with provision of a single car parking space would exacerbate existing on-street parking problems to the detriment of the living conditions of local residents. This view was upheld by the Planning Inspector in her appeal decision. Despite accepting that there is a bus route and local shops along Walkley Road and South Road,

the Planning Inspector considered that it was highly likely that the residents of the new properties would be car owners as these are up a hill and across a busy road. She commented that the introduction of 4 additional units with only one off-street car parking space without any means of managing demand for travel would result in additional cars being parked in the Parsonage Crescent/Street area and compound an already undesirable situation.

On account of the refusal of this planning permission, the applicant has decided to return to a residential apartment scheme with on-site parking for seven vehicles, one of these being for disabled parking. The submitted scheme is shown on Drawing No. CWa/003/2115, which shows four undercroft parking bays, along the building's Parsonage Crescent frontage, two spaces to the rear of the site and one to the rear of the ground floor flat (Flat 1) adjacent to 52 Parsonage Crescent. Access to the rear courtyard and parking spaces would be taken from Parsonage Crescent at the site's north-western corner.

Members are also made aware that the application was until relatively recently in business use, which generated demand for on-street parking. As set out in the previous application, vehicular activity associated with the previous business use of the site generated approximately 10 to 15 staff vehicles, 1 to 3 visitor vehicles, 5 to 7 work vehicles, and 5 deliveries (rigid lorries) each day, with much of the parking occurring on the surrounding streets with only 4 to 6 spaces available internally.

With regard to the above, officers are satisfied that the level of parking provision would be sufficient to cater for the likely demands of the six apartments and unlikely to result in any significant additional demand for on-street parking that significantly impact on the living conditions of both existing residents and future occupants of the proposed development.

Conditions that should be attached to any grant of planning should include re-profiling works to the rear of the existing highway retaining wall flanking Parsonage Crescent/Road, intervisibility splays at the site entrance and car parking provided in accordance with the submitted plans. Subject to appropriate highway conditions being attached, UDP Policy H14 (d) is considered to be met.

#### Demolition/Archaeological issues

The information that was submitted as part of the 2014 application has again been submitted in support of the application. The Committee may recall that an archaeological desk-based assessment and buildings appraisal was carried out by ArchHeritage, using a brief provided by South Yorkshire Archaeology Service (SYAS). This assessment has indicated that the site developed as part of a farm complex associated with Primrose House, the original farmhouse. The date of the original construction is uncertain but may date from the late 18<sup>th</sup> or early 19<sup>th</sup> century. The present buildings seem most likely to have been a barn or farm outbuildings.

The appraisal identified substantial alterations to the buildings at various times. Between 1893 and 1905 a large range at the south-west was demolished in association with the widening of Parsonage Crescent and a smaller structure at the south-east was cleared for the construction of Parsonage Street. The site was in use as stables and storage in 1911 and as the premises of Hall and Roberts, building contractors, between 1939 and 1954.

From the 1950s to the present day, the buildings went through a number of ownerships and were further altered.

SYAS have stated that as one of the few surviving parts of the agricultural past of Walkley, these buildings and the wider development site are important, even in their altered state. There is also potential for important remains relating to the agricultural past of Walkley to exist on this site. Groundwork associated with the development of the site could therefore destroy finds and features of potential archaeological importance.

For these reasons, SYAS recommends that the developer reconsiders the proposal to demolish and instead seek to convert the existing buildings, thus retaining this important element of Walkley's historic landscape. However, in the event that the applicant is not prepared to seek the retention of the building, SYAS recommends that a condition be attached that requires the applicant to submit a Written Scheme of Investigation that sets out a strategy for archaeological investigation of the building.

It is clear from the high number of the representations received that there is a strong desire to retain the building in situ given its local significance to the historic landscape of Walkley. However, it should be noted that the building is not listed nor does it lie within a Conservation Area and has been subject to significant alterations and extensions over the years that have harmed rather than preserved the character and appearance of the building. Members are advised that the policy position (UDP Policy BE20) in terms of the retention of historic buildings which are of local interest but not listed is one of 'encouragement', and unlike listed buildings, do not have the same level of protection.

While it is acknowledged that the building is of some local interest, given the policy position and the extent that the building has been altered over the years, it would be difficult in officers' opinion to seek the retention of the building. This view is further emphasised by the Planning Inspector's decision in February 2006 that allowed for the demolition of the building in connection with the redevelopment of the site for flats and latterly the June 2015 decision, which the Planning Inspector raised little concern with its demolition and its redevelopment for housing.

While officers acknowledge the number of concerns raised with regard to the demolition of the building, to refuse the application on grounds of being contrary to Policy BE20 cannot be justified.

One representation received to this application states that the site is in an Area of Special Character (ASC) and should be subject to meeting Policy BE18, which seeks the retention of buildings and walls and other features that contribute to the character of the Area. Members are advised that the site is not within an ASC.

Design Issues and the Effect of the Development on the character and appearance of the surrounding area

UDP Policy H14 relates to conditions on development in Housing Areas. It details at Part (a) that new buildings and extensions are well designed and would be in scale and character with neighbouring buildings.

UDP Policy BE5 seeks to ensure good design and the use of good quality materials in all new and refurbished buildings and extensions. The principles that should be followed include encouraging original architecture where this does not detract from the scale, form and style of surrounding buildings, the use of special architectural treatment be given to corner sites and that designs should take advantage of the site's natural features.

Core Strategy Policy CS74 sets out the design principles that would be expected in all new developments. It details that high quality development respect and take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods. At Part (c) it includes the townscape character of neighbourhoods with their associated scale, layout and built form, building styles and materials.

The application has been amended on the advice of officers following concerns raised with regard to the external appearance of the building. Following these amendments, officers' remain satisfied with the design quality of the building and that it is of appropriate scale and massing. The context of terraced streets with houses of similar scale and materials is strong and distinctive in this part of the city. The proposed layout creates a back edge of pavement building line, which is contextual and acceptable and allows parking to be concealed to the back of the building, partly through the provision of undercroft parking, which is welcomed.

The proposed building would be split-levelled owing to the site's ground levels presenting itself as two storey facing the adjoining streets and part three-storey to its rear. The building would be 'L' shaped in appearance, built up against the back edge of pavement to both adjoining streets and designed with a dome-like roof corner feature and a contemporary full height glazed panel feature with glazed pitched roof along the central section of the building' elevation to Parsonage Crescent. To the rear, the plans show two of the apartments (Flats 4 and 6) would have glazed Juliet balconies and comprise a three storey off-shot that at the junction of the building's two wings that would serve the stairwell. The proposed materials would be natural stone (front elevations and side gables), red brick (rear elevation) and a slate roof.

The overall massing of the building is considered to be successfully broken up by the different components and form of the building, with the height and form of the building being lowered to 52 Parsonage Street that allows it to sit comfortably in context with this neighbouring property. The number of design improvements that have been secured that include increase the floor to floor levels to allow enlarged openings, the removal of the stone plinth, lintels increased in depth to 300mm, widening of the proposed glazed entrance from 1200mm to 1800mm and the addition of rainwater goods to provide elevation separation lines.

For the reasons set out above, it is considered that the development is acceptable from a design perspective and would be in general accordance with UDP Policies H14 (a) and Policy BE5 and Core Strategy CS74. While concerns have been raised in terms of the scale and massing of the building, particularly with regard to its height, it is considered that the proposed building is an appropriate response to the site and would not appear out of scale or appear overbearing to the detriment of the surrounding area or street scene. The street scene drawings submitted with the application are considered to support this view.



## Residential Amenity Issues

Policy H14 (c) states development should not result in over-development, deprive residents of light, privacy or security, or cause serious loss of existing garden space which would harm the character of the neighbourhood.

In officers' opinion, the only properties directly affected by the development are No. 52 Parsonage Street and Nos. 56-58 Parsonage Crescent. All other properties are considered to be adequately distanced from the site that any impact on their residential amenity is likely to be minimal. A separation distance of over 30m would be maintained between the main bulk of the building to the terrace houses to the north of the site (47-55 Providence Road) with the south-western wing of the building onto Parsonage Crescent partially screening the end gable wall.

This separation distance is considered to be sufficient to avoid any significant loss of residential amenity of these neighbouring properties from overshadowing, loss of outlook or loss of privacy. Although a separation distance of only 13.8m would be maintained between the proposed building and properties facing the site (49-59 Parsonage Crescent), the built form of housing arrangements of houses built close to or up against the back edge of the highway is characteristic of the street and should be maintained in the interests of streetscape.

To achieve a much greater separation distance between properties would require the building to be set back on site, something that cannot be justified given the character and existing built form of the adjoining streets. It should also be noted that the Planning Inspector in her assessment of the planning appeal in 2004, that it was not uncommon for properties to face each other at these distances in the area and did not consider that the proposal would appear overbearing when viewed from these properties.

With regard No. 56-58 Parsonage Crescent, this pair of semi-detached dwellinghouses are situated to the north-west of the site, the nearest of these (No. 56) does not include any main windows within its side gable facing the application site.

The proposed plans show that the apartment block's end gable would have no windows within its elevation and would not extend beyond the side gable wall of No. 56. Owing to this, and the main outlook of the apartment block (Flats 4 and 6) facing north-east and away from these two neighbouring properties, it is considered that any impact on their residential amenity as a result of the development would be minimal with no significant loss of privacy or outlook. A condition should be attached to any approval that restricts any new openings being placed within the side gable wall.

In terms of overshadowing, while several concerns have been raised with regard to this, officers remain satisfied that any impact would be minimal. It is accepted that the rear of the building is three storey in height and additional overshadowing would occur as a result, but this is mostly likely to fall onto the rear courtyard of the site itself and not neighbouring properties given the separation distance between the building and neighbouring properties and the form/layout of the building being built up to and following the road alignment of the two road frontages.

With regard to No. 52 Parsonage Street, this two storey dwellinghouse is situated to the immediate north of the site on its Parsonage Street frontage. It was noted from officer's site visit that this neighbouring property's rear garden is significantly overlooked from the existing building's upper floors and has a poor outlook on its western side owing to a high masonry wall that extends along the full length of its western boundary.

It is considered that the proposed development would significantly improve the residential amenity of this neighbouring property by reducing the amount of overlooking between the two properties as well as improving its outlook. The section of the proposed apartment block nearest to this dwellinghouse would include no windows within its side elevation and have its principal outlook facing into the site's central courtyard and away from this neighbouring property.

Although it is accepted that the proposed building would extend beyond the rear elevation of this dwellinghouse by approximately 3m, this would be a significant improvement to the high boundary masonry wall that extends along the full length of the property's western boundary.

Some concerns have been raised with regard to light pollution. In officers' opinion the extent of light pollution onto neighbouring properties' rear yards and gardens would be minimal. The application site is enclosed by high boundary walls along its northern and eastern boundaries to avoid any significant light spillage from vehicles when entering and leaving the site.

Officers are also satisfied that the future occupants of the apartments would benefit from a good standard of accommodation that would exceed the minimum guidelines set in South Yorkshire Design Guide as well as having an approximate 90 square metre landscaped garden area to the north-eastern section of the site. It is recommended that a condition be attached that requires this garden area to be landscaped prior to the accommodation of the apartments being brought into use.

#### Ground contamination issues and former coal mining activities

The proposed residential use with private gardens is vulnerable to the presence of contamination. The site has an industrial heritage, and is identified on Environmental Protection Services (EPS) GIS records as a site potentially adversely affected by contamination.

The applicant has submitted a Phase 1 Land Quality Report (ref. 62250R1; Feb 2014). This report identifies that there are a number of potential risks to end users associated with land quality. However, despite this, the report then concludes that only a watching brief is required, and does not recommend intrusive investigations, gas monitoring or analysis of soils.

EPS do not agree with the conclusions of the report and cannot recommend the Phase 1 report for LPA approval. Accordingly, as no satisfactory land quality reporting has been submitted, EPS has recommended that the full suite of land quality conditions be attached as standard.

The application was accompanied by a Coal Mining Risk Assessment on account of the site falling within a Coal Mining Referral Area. The Coal Mining Risk Assessment correctly identifies that the application site may have been subject to past coal mining activity with records from the Coal Authority indicating that the site is in an area of coal outcrops which may have been subject to historic unrecorded coal mine workings.

Having reviewed the available coal mining and geological information of the Coal Mining Risk Assessment, the Coal Authority is satisfied that the risks of voided ground from shallow abandoned coal mine workings is low but recommend that a condition be attached that requires the carrying out of intrusive site investigations to assess any voiding prior to work commencing on site.

#### Noise Issues

Environmental Protection Services (EPS) has commented that the future occupants of the apartments are unlikely to suffer from any significant environmental noise impacts and do not recommend a specific noise condition.

#### Flood Risk Management

Policy CS67 relates to Flood Risk Management and sets out how the extent and impact of flooding will be reduced. These include requiring that all developments significantly limit surface water run-off and the requiring the use of SUDS or sustainable drainage techniques on all sites where feasible and practicable. No details have been provided in respect of what measures if any will be incorporated into the scheme to limit surface water run-off. As such, it is recommended that a condition be attached that requires details to be submitted showing measures that would be incorporated to reduce surface water run-off.

Yorkshire Water has inspected the supporting submission and makes no comment.

#### Community Infrastructure Levy

The Council has adopted a Community Infrastructure Levy (CIL) to provide infrastructure to support new development. Mostly CIL replaces some previous payments negotiated individually as planning obligations, such as contributions towards the enhancement and provision of open space (UDP Policy H16) and towards education provision (Core Strategy Policy CS43).

The development site falls within an area where CIL is applicable with the amount payable based on 499 square metres of net additional gross internal floorspace. The CIL form has been signed by the applicant's agent on their behalf.

#### SUMMARY AND RECOMMENDATION

The applicant is seeking full planning permission to demolish the existing building and erect a split-levelled 2/3 storey building to provide 6 apartments. The application has been submitted in response to an earlier application to re-develop the site for four dwellinghouses that was refused in October 2014 and subsequently dismissed at appeal due to lack of on-site parking.

The principle of developing the site for housing is accepted under UDP Policy H10 and Core Strategy Policies CS24 and CS26.

It is considered that the development is of acceptable design quality, responds positively to the context of the site and adjoining properties and would not unduly harm the character or appearance of the street or surrounding area. The proposed development includes 7 off-street parking spaces, a number that is considered to be adequate to meet any likely parking demands of the apartment's future residents. Highways DC have raised no objection from a highway perspective and have recommended a number of conditions that would ensure safe access onto the adjoining highway.

Officers are also satisfied that the development would not unduly harm the residential amenity of neighbouring properties with no significant loss of privacy, overshadowing or loss of outlook.

Although the development involves the loss of a building that is considered to be a heritage asset and of some local interest, given the level of intervention of the building over the years, the policy position and previous appeal decisions, it is considered difficult to insist that the building be retained in situ. To do so in officers opinion would be unreasonable and likely to be difficult to sustain at appeal.

For the reasons set out in the report, it is considered that the development would be in general accordance with UDP Policies H10, H14, BE5 and BE20 and Core Strategy Policies CS24, CS26, CS67 and CS74 and also government guidance contained in NPPF.

It is therefore recommended that the application be approved subject to the conditions listed.

---

Case Number	15/03581/FUL (Formerly PP-04522231)
Application Type	Full Planning Application
Proposal	Change of use from shop (Use Class A1) to hot food takeaway (Use Class A5) and single-storey rear extension
Location	21 Middlewood Road Sheffield S6 4GU
Date Received	28/09/2015
Team	West and North
Applicant/Agent	Jeff Sowerby Architect
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:

Tap01-A, Tap02-A

Reason: In order to define the permission.

**Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)**

**Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)**

**Other Compliance Conditions**

3. No customer shall be permitted to be on the ground floor commercial food premises hereby permitted outside the following times: 07:00 hours to 23:00 hours on all days.

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

4. No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof, including acoustic emissions data, have first been submitted to and approved in writing by the Local Planning Authority. Once installed such plant or equipment shall not be altered.

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

5. Movement, sorting or removal of commercial waste materials, recyclables or their containers in the open air shall be carried on only between the hours of 0700 to 2300 Mondays to Saturdays and between the hours of 0900 to 2300 on Sundays and Public Holidays.

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

6. No amplified sound or live music shall be played within the commercial use hereby permitted at above background levels, nor shall loudspeakers be fixed externally nor directed to broadcast sound outside the building at any time. The specification, location and mountings of any loudspeakers affixed internally to the building shall be subject to written approval by the Local Planning Authority prior to installation.

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

7. The commercial food use hereby permitted shall not commence unless a scheme for the installation of equipment to control the emission of fumes and odours from the premises is submitted for written approval by the Local Planning Authority. These details shall include:

- a) Plans showing the location of the fume extract terminating 1m above eaves and including a low resistance cowl.
- b) Acoustic emissions data.
- c) Details of any filters or other odour abatement equipment.
- d) Details of the system's required cleaning and maintenance schedule.

The use shall not commence until the approved equipment has been installed and is fully operational and shall thereafter be installed, operated, retained and maintained in accordance with the approved details.

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

8. The building shall not be used for the above-mentioned purpose unless a suitable receptacle for the disposal of litter has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

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



© Crown copyright and database rights 2013 Ordnance Survey 10018816



## LOCATION AND PROPOSAL

The application relates to premises at the junction of Middlewood Road and Taplin Road. No. 21 Middlewood Road is a two storey brick-built end of terrace property on a parade of units that feature commercial uses at ground floor and some residential flats above. The first floor of No.21 Middlewood Road is not residential

Planning permission is sought for a change of use of the premises from a shop (Use Class A1) to a hot food takeaway (Use Class A5) and single-storey rear extension.

The site is identified on the Unitary Development Plan Proposals Map as being within a Shopping Area.

## RELEVANT PLANNING HISTORY

There is no relevant planning history relating to this site.

## SUMMARY OF REPRESENTATIONS

14 letters of objection have been received. Objections raised are outlined below;

- proposed rear extension encroaches onto a congested yard area and impact of parking and access
- increase in odours
- increase in noise
- increase in parking and traffic problems
- design of chimney is unsympathetic to the immediate area
- unsociable opening hours will create undesirable living environment
- extraction system will have a significant detrimental impact on the occupiers of the 3 flats on Taplin Road
- proposed opening hours raises concerns

Other non-planning issues

- increase in litter
- views from the flats located to the rear will have a view of a chimney stood approx.3m from the bedroom and living room windows
- sufficient amount of hot food takeaways within immediate vicinity
- concern with type of hot food proposed
- problems with vermin

## PLANNING ASSESSMENT

Policy

The application site is located in a Local Shopping Centre, and as a result the proposal is required to be assessed under the provisions of the following policies:

Policy S7 of the UDP 'Development in District and Local Shopping Centres'; refers to shops (Class A1) as preferred in those centres, with a number of acceptable uses including takeaways. The details are subject to the provisions of Policy S10.

Policy S10 'Conditions on Development in Shopping Areas' states applications for changes of use will be permitted provided that, amongst other things:

- a) It would not lead to a concentration of uses which would prejudice A1 dominance as the preferred use in the LSC.
- b) Not cause residents in any housing to suffer from unacceptable living conditions, including air pollution, noise, other nuisance or risk to health and safety.
- c) Be well designed and of a scale and nature appropriate to the site.
- d) Provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

#### Retail Dominance

Within this shopping Area 62% of units in Hillsborough are A1 and as such it is not therefore considered in this instance that the proposal will impact negatively on the dominance of the shopping centre, or its vitality, and the proposal meets the aims of Policy S7 in this regard.

#### Design and Appearance

There are no significant alterations to the front and side of the proposed shop unit, other than signage changes. To the rear a small single storey rear extension is shown which will project approx. 1.8m and will incorporate a pitched roof. The extension will match the materials of the existing building and as such will integrate well with the existing. As such the relevant objective outlined in policy S10 is adhered to.

#### Impact of the Change of Use on existing residents

As discussed above the principle of an A5 use in this location is considered to be acceptable. However, Policy S10 also requires proposals for changes of use to have an acceptable impact upon the residents of any housing.

The site is close to residential streets on Middlewood Road and Taplin Road. As a result, there is a potential that the proposed use could cause unacceptable living conditions to these neighbouring residential; properties. The flats to the rear of the site in question are approx. 4-5m from the proposed extractor fan, some of these flats have their main bedroom and living room windows facing the site in question and as such this would normally be unacceptable. However in this instance the proposed extension and the extractor fan are angled away from the main views from these neighbouring windows and as such their main outlook will not be compromised.

Environmental Protection officers have been consulted and have recommended conditions to further control the main issues in terms of noise, odour and opening

times, it is considered that these will combat the main concerns raised by the local residents as set out above.

Therefore it is considered subject to appropriate conditions, that the proposed change of use is acceptable with regard to UDP Policy S10.

#### Highways

There is no dedicated off road car parking available, with waiting restrictions in place in front and side of the unit, sufficient loading areas are shown to the rear of the premises. The change in use of the premises is not considered to generate significantly different traffic movements from those of the previous use and so will not generate any highway safety issues.

#### SUMMARY AND RECOMMENDATIONS

This is an application for a change of use of a retail unit (Class A1) into a hot food takeaway use (Class A5).

It is considered that the proposals do not create any dominance issues, do not have a detrimental impact on the amenities of occupiers of nearby residential units, or create any highways issues.

Subject to conditions the scheme is considered acceptable with regard to Policy S7, and S10 of the Unitary Development Plan, and the proposal is therefore recommended for conditional approval.

GRANT CONDITIONALLY

This page is intentionally left blank



## SHEFFIELD CITY COUNCIL Planning & Highways Committee

---

**Report of:** Director of Regeneration & Development Services

---

**Date:** 17 May 2016

---

**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  
17 May 2016

### 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 against the decision of the Council at its meeting of 29 September 2015 to refuse planning permission for the demolition of car showroom and associated buildings and erection of mixed use development comprising four blocks ranging from 6-12 storeys in height to provide 2027m<sup>2</sup> of retail space, 130 residential apartments, 44 student cluster flats (209 beds) with subterranean car parking accommodation, associated landscaping works, external bin store, cycle parking and electricity substation at 245 Ecclesall Road Sheffield S11 8JE (Case No 15/01180/FUL)

### 3.0 APPEALS DECISIONS - DISMISSED

(i) To report that an appeal against the decision of the Council at its meeting of 26 May 2015 to refuse planning consent for the erection of two semi-detached dwellinghouses at Land To The Rear Of 328 Bole Hill Road Sheffield S6 5DF (Case No 14/02959/OUT) has been dismissed.

#### Officer Comment:-

The main issues were the effect of the proposal on the character and appearance of the area including the adjacent Green Belt and also whether or not refuse storage facilities could be suitable located in terms of carrying / dragging distances.

The Inspector considered that the site fulfils a very positive function helping to soften the urban character of the area and complements the other adjoining green areas to the south west and north east. The proposed dwellings would be very isolated from surrounding development and would have an intrusive and harmful impact on the landscape setting, appearing out of place and discordant within the wooded setting particularly from Nichols Road. This would be contrary to Policy GE4.

With regard to waste disposal and given the distance of the site from Bole Hill

Road, a bin store was proposed to be located on land within 30 m of Bole Hill Road and 25 m of the site. In this circumstance, taking into account the distance of the dwellings from the adopted highway, waste would only be collected in bags. The Inspector did not consider storing waste in bags, rather than bins, to be a practical or appropriate arrangement and weighed against allowing the proposal. In addition, the Inspector saw that Nichols Road is extremely steep, even with the alterations proposed, and the gradient would be such that it would be very difficult and impractical for bins to be dragged up to Bole Hill Road. For these reasons, the service arrangements for collection of waste would be unsatisfactory and conflict with the relevant parts of policies BE9, BE10 and H14, the Manual for Streets and the NPPF.

The Inspector concluded that there would be significantly adverse impacts on the character and appearance of the area and that service arrangements would be unsatisfactory and the environmental harm would, therefore, outweigh the limited social and economic benefits and so would not deliver sustainable development.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning consent for a Single-storey rear extension to dwellinghouse and alterations to glazing on side elevation at 3 Mosborough Hall Farm Hollow Lane Sheffield S20 5DN (Case No 15/01861/FUL) Appeal A and Appeal B - have been dismissed.

Officer Comment:-

The appeal site is part of several former agricultural buildings which face around a central courtyard and are Grade II listed buildings. The main issue the Inspector considered was whether the proposed extension and alterations would preserve the character of the listed building.

The Inspector noted that overall the appeal building is a good example of a vernacular barn, incorporating some fine architectural and functional details. He considered that the extension would create a box-like addition to the otherwise simple corner part of the former barn complex and would create an awkward relationship with a first floor window, jarring with the simple original fenestration pattern and uncluttered elevations. He felt that it would also create an incongruous relationship with an original northward projecting feature close by the north facing elevation (known as a Gin Gang) and would harmfully complicate the simple form and layout of the barn by introducing an overly domestic extension.

He concluded that overall the proposals would have a harmful effect on the special architectural and historic interest of the listed building and dismissed the appeals.

#### 4.0 APPEALS DECISIONS - ALLOWED

(i) To report that an appeal against the delegated decision of the Council to

refuse planning consent for a single-storey rear extension at 8 Silkstone Road Sheffield S12 4RH (Case No 15/03745/HPN) has been allowed.

Officer Comment:-

The proposal is for a 6 metre long rear extension (submitted under the larger house extensions notification procedure).

The Inspector noted that that the finished floor level of the extension would be much lower than those of the existing property and that the eaves of the extension would be slightly less than 2 metres above natural ground level, which would be no higher than the existing timber fence on the boundary, which would screen the side elevation of the extension from the ground floor windows and garden of the adjoining house.

The Inspector noted that the ridge would be 3.6 metres above ground level but at its highest would be 3 metres away from the boundary. Coupled with the shallow pitch he considered that there would be limited views of the roof from the neighbouring property.

He concluded that the proposal would not have an unacceptable effect on the living conditions of the occupiers of the neighbouring house and allowed the appeal.

#### 5.0 APPEAL – ENFORCEMENT NOTICE

(i) To report that an appeal against a Enforcement Notice served in respect of unauthorised installation of 3 uPVC windows at 352 Sharrow Lane Sheffield S11 8AU (Case No 14/00572/ENART4) has been allowed.

Officer Comment:-

The enforcement notice required removal of the 3 windows and replacement with timber sliding sash windows. The appeal was submitted on ground (a) – that planning permission should be granted.

The Inspector considered that other older works carried out on the frontage of the property, that pre-dated recent planning controls had adversely affected its appearance. In particular an incongruous and unsympathetic flat roofed 2 storey side extension with upvc doors and windows and poor finishes has a seriously detrimental impact on the appearance of the house. In addition all other windows on the property are also upvc.

Although he acknowledged the Council reasonably seeks to retain the original character and appearance of the Conservation Area, much has been lost in this case and on neighbouring property, and he concluded that the 3 upvc frames have not materially added to the substantial harm caused to no.352 and exceptionally planning permission should be granted.

He therefore allowed the appeal and quashed the notice.

This outcome runs contrary to the majority of Inspector's decisions in the



Article 4 Conservation Areas, where they have disregarded other unsympathetic works on neighbouring sites and on the appeal sites in support of the Council's aims for incremental enhancement and improvement of the conservation areas.

## 6.0 RECOMMENDATIONS

That the report be noted

Mike Hayden  
Head of Planning

*17 May 2016*

This page is intentionally left blank