

Planning and Highways Committee

Tuesday 9 August 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 Chris Rosling-Josephs (Chair), Peter Rippon (Chair), Ian Auckland, Alan Law, David Baker, Jack Clarkson, Michelle Cook, Dawn Dale, Tony Damms, Roger Davison, Dianne Hurst, Joe Otten, Zahira Naz, Peter Price and Zoe Sykes

Substitute Members

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

PUBLIC ACCESS TO THE MEETING

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

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk. You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday. You may not be allowed to see some reports because they contain confidential information. These items are usually marked * on the agenda.

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

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

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

FACILITIES

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

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

**PLANNING AND HIGHWAYS COMMITTEE AGENDA
9 AUGUST 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 19 July 2016
- 6. Sheffield Conservation Advisory Group** (Pages 9 - 12)
Minutes of the meeting of the Sheffield Conservation Advisory Group held on 21 June 2016
- 7. Site Visit**
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 8. Applications Under Various Acts/Regulations** (Pages 13 - 50)
Report of the Head of Planning
- 9. Enforcement Of Planning Control: 126 Birley Spa Lane** (Pages 51 - 58)
Report of the Head of Planning
- 10. Enforcement Of Planning Control: 142 Devonshire Street** (Pages 59 - 66)
Report of the Head of Planning
- 11. Enforcement Of Planning Control: 25 Armstead Road** (Pages 67 - 72)
Report of the Head of Planning
- 12. Enforcement Of Planning Control: The Crown Inn, Hillfoot Road, Totley** (Pages 73 - 78)
Report of the Head of Planning
- 13. Record of Planning Appeal Submissions and Decisions** (Pages 79 - 82)
Report of the Head of Planning
- 14. Date of Next Meeting**
The next meeting of the Committee will be held on 30 August 2016

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either -
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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

You have a personal interest where –

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

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

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

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

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

Further advice can be obtained from Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email gillian.duckworth@sheffield.gov.uk.

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SHEFFIELD CITY COUNCIL

Planning and Highways Committee

Meeting held 19 July 2016

PRESENT: Councillors Peter Rippon (Chair), Ian Auckland, John Booker (Substitute Member), Michelle Cook, Dawn Dale, Tony Damms, Roger Davison, Dianne Hurst, Alan Law, Zahira Naz, Joe Otten, Peter Price, Bob Pullin (Substitute Member), Chris Rosling-Josephs and Zoe Sykes

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors David Baker and Jack Clarkson and Councillors Bob Pullin and John Booker were the duly appointed substitutes, respectively.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 Councillor Zoe Sykes declared a personal interest in an application for planning permission for a residential development at 250 Thompson Hill (Case No. 15/03881/OUT) as she was a Member of the Ecclesfield Parish Council Planning Committee which considered the proposed development and, she did not speak or vote thereon.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the previous meeting of the Committee, held on 28 June 2016, were approved as a correct record.

5. SITE VISIT

5.1 **RESOLVED:** That the Director of 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.

6. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

6.1 **RESOLVED:** That (a) the applications now submitted for permission to develop land under the Town and Country Planning Act 1990 and the Regulations made thereunder and for consent under the Town and Country Planning (Control of Advertisements) Regulations 1989, be decided, granted or refused as stated in the report to this Committee for this date in respect of Case No. 15/03455/FUL and

other applications considered be amended as in the minutes of this meeting, and the requisite notices issued; the granting of any permission or consent shall not constitute approval, permission or consent by this Committee or the Council for any other purpose;

(b) having (i) noted an additional representation withdrawing an objection to the proposed development and a further representation reiterating their concerns to the proposed development, as detailed in a supplementary report circulated at the meeting and (ii) heard representations from two local residents speaking at the meeting objecting to the proposed development and from the applicants speaking at the meeting in support of the proposed development, an application for planning permission for use of part of the ground floor of a dwellinghouse and garage for B1(Business) purposes (retrospective application) at 34 Northwood Drive (Case No. 16/01161/CHU) be granted, conditionally, subject to (I) amendments to (A) Condition 1 in respect of approved drawings, (B) Condition 2 in respect of restricting the business use, (C) Condition 3 in respect of preventing the sale of part of the building that has been converted for business use, (D) Condition 4 in respect of restricting the number of people permitted on the site in connection with the business use and (E) Condition 7 in respect of restricting processes and equipment on the site, all as detailed in the aforementioned supplementary report and (II) the addition of two new conditions (A) restricting the business use to the occupation of the property by the applicants and (B) requiring all equipment and materials in connection with the use to be removed once the applicants cease to occupy the property;

(c) having (i) considered additional representations from two local Ward Councillors in support of the proposed development, as detailed in a supplementary report circulated at the meeting and (ii) heard representations from the applicant's agent speaking at the meeting in support of the proposed development, an application for planning permission for the erection of a dwellinghouse at land adjoining 21 Leyburn Road (Case No. 15/04308/FUL) be deferred (i) to allow further discussions between officers and the applicant on the proposed development, to ascertain if a solution can be found in view of the level of flood risk at the site, (ii) to allow officers to provide more detailed information on the sequential test in respect of this site and nearby sites at risk of flooding and (iii) pending a visit to the site; and

(d) having noted (i) a coal mining risk assessment which confirmed that any potential risk of mining features that were hazardous at the site were low, as detailed in a supplementary report circulated at the meeting and (ii) an amended site plan circulated in advance of the meeting and at the meeting, an application for planning permission for a residential development at 250 Thompson Hill (Case No. 15/03881/OUT) be granted, conditionally, subject to (I) additional conditions in respect of (A) requiring an arboriculture impact assessment, (B) an affordable housing scheme, (C) a Construction Method Statement, (D) restrictions on construction hours, (E) restrictions on delivery hours, (F) the external lighting/floodlighting, (G) hard and soft landscapes, (H) the provision of parking, (I) ground levels, (J) a scheme for the laying out, construction, surfacing and drainage of the vehicular and pedestrian accesses to the site, (K) flood risk mitigation measures, (L) land and gas contamination, (M) intrusive investigations

recommended in a Phase 1 Preliminary Risk Assessment Report and the requirement for a Phase II Intrusive Investigation Report, (N) a Remediation Strategy Report, (O) development and associated remediation proceeding in accordance with the Remediation Strategy, (P) a Validation Report on the completion of the Remediation Strategy or revised Remediation Strategy, (Q) boundary treatments, (R) bin storage, (S) site drainage and foul drainage and (T) energy savings and (II) additional directives advising the applicant/agent (A) on the number of dwellings where the Affordable Housing Scheme would take effect and (B) that the development lies within a coal mining area and to take account of coal mining related hazards, all as detailed in the aforementioned supplementary report.

7. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 7.1 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.

8. DATE OF NEXT MEETING

- 8.1 It was noted that the next meeting of the Committee will be held at 2:00p.m. on Tuesday, 9 August 2016 at the Town Hall.

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SHEFFIELD CONSERVATION ADVISORY GROUP

Meeting held 21st June, 2016

<u>PRESENT:</u>	<u>Name</u>	<u>Organisation</u>
	Dr. Philip Booth (Chair)	Co-opted Member
	Prof. Clyde Binfield	Twentieth Century Society
	Mr. Patrick Burns	Co-opted Member
	Mr. Rob Darrington	Royal Institute of Chartered Surveyors
	Mr. Rod Flint	Georgian Group
	Mr. Howard Greaves	Hallamshire Historic Buildings Victorian Society/South
	Mr. Graham Hague	Yorkshire Industrial History Society
	Dr. Roger Harper	Ancient Monuments Society
	Mr. Philip Moore	Sheffield Society of Architects
	Dr. Jan Woudstra	Landscape Institute

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1. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Mr. Tim Hale (Sheffield Chamber of Commerce), Mr. Bob Hawkins (Council for the Protection of Rural England), Dr. Jo Lintonbon (University of Sheffield) and Mr. Bob Marshall (Royal Town Planning Institute) and Councillor Ian Saunders (Sheffield City Council) and Mr. Andrew Shepherd (Society for the Protection of Rural England).

2. **MR. MIKE HAYDEN**

The Group welcomed Mr. Mike Hayden, the recently appointed Head of Planning of Sheffield City Council. Mr. Hayden spoke of his background as the former Chief Town Planner and then Head of Planning of Chesterfield Borough Council, where he had been involved in heritage work, notably the regeneration of the Market Hall and as a former Planning Inspector. He gave his impressions of what was in the pipeline in terms of development within the City and the achievements of the City Council's Planning Service. The key issues for him now, were dealing with budget pressures and the regeneration of the City to create more jobs. A report on the New Retail Quarter would go to the Planning Committee next month.

3. **MINUTES**

The minutes of the meeting held on 17th May, 2016, were approved as a correct record, subject to the substitution, in item 8, of the words "Various matters relating to conservation areas and heritage assets were held over, with the exception of an online petition regarding the Diamond Building, University of Sheffield at www.change.org." " for the words " Members reported on various developments affecting heritage assets and conservation areas and the Group

noted that there was an online petition regarding the Diamond Building, University of Sheffield at www.change.org. “

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

- (i) the Chair (Dr. Booth) had attended, on 24th May, 2016, a follow up meeting to the Heritage Sheffield Conference, held on 14th April last. Copies of the Heritage Strategy of Nottingham City Council, which had been signed off by Members of that Council, had been circulated at the Conference. It had been accepted at the follow up meeting that that sort of confirmation was vital for such a strategy to succeed. Valerie Bayliss had since made that point and the point that the Heritage Strategy must be linked to the strategic plans, particularly the Local Plan being produced by the Sheffield City Council, to Councillor Ian Saunders, the Heritage Champion of the Council;
 - (ii) the Head of Planning had informed the Chair that it was not within his power to ensure that Dr. Woudstra was appointed as a member of the Independent Tree Panel but he would request that it be done by Amey;
 - (iii) Mr. Tony Goff was on the mend, but he would not participate in the work of Hallamshire Historic Buildings, except in an advisory capacity; and
 - (iv) Martin Evans had resigned from the Group due to pressure of work. He would be asked to seek a replacement as the representative on the Group, of the Institution of Structural Engineers; and
- (b) agreed that Heritage Sheffield be requested to send a representative to speak at a future meeting of the Group.

4. **CHAIR'S REPORT**

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

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

The Head of Planning reported that:-

- (a) the Broomhill Action Group had published the Broomhill Be Best Local Plan, which contained 47 policies and, legally, was a neighbourhood plan requiring approval by a local referendum; and
- (b) (i) Historic England had refused to list Old May House Farm, Mayfield Valley. Mr.

Greaves had applied for its listing in August 2014; and

- (ii) Historic England had offered its support, in the form of logistical support rather than funding, for local residents and City Councillors to prepare local heritage action zones within the City and Castlegate had been selected as a possible zone.

The Group noted the information and welcomed the proposal to prepare a local heritage action zone for the Castlegate area.

6. SHEFFIELD SUSTAINABLE DEVELOPMENT AND DESIGN PANEL

The Group noted that a meeting of the Sheffield Development and Design Panel would be held on 23rd June and that the items of business to be considered included schemes for development (a) within the St. Philips area and (b) on a site at Rockingham Gate.

7. HERITAGE ASSETS

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

Demolition and renovation of existing buildings and erection of new buildings to provide a mixed use development comprising A1(Shops), A2 (Financial and Professional Services), A3 (Food and Drink), A4 (Drinking Establishments), A5 (Hot Food Takeaways) and B1 (Business) units, residential accommodation (86 flats/studios and 1 cluster flat) and temporary short and long stay car parking on land and within buildings at Sidney Street, Matilda Street, Arundel Street and Sylvester Street

(Case number: 16/01450/FUL)

The Group felt that the rhythm of the windows on the Sidney Street frontage did not respect the fenestration pattern of the retained buildings but, overall, the treatment of the buildings and the scale of the development were acceptable. The Group welcomed the opening up of the Porter Brook on the site and broadly supported the new elements of the scheme. The Group had reservations concerning the proposed parking, on the opposite side of Sylvester Street. The Group recommended that the building, to be demolished on the site, should be retained to conceal the temporary parking provision.

8. MISCELLANEOUS ITEMS

Members reported on development affecting conservation areas and heritage assets and the Group noted that:-

(a) a scheme for the provision of up to 800 student flats on the site of Stokes Tiles would be brought to a future meeting;

(b) a Professor of Engineering at the University of Sheffield had stated that the design of the exterior of the University's Diamond Building had been inspired by the Gothic windows of the nearby former St George's Church;

(c) the Hawley Tool Collection contained one hundred thousand items. The Wharnccliffe Works, Green Lane, would be a perfect location for retention and display of the Collection, It was most likely that the only funding available to such a development was Heritage Lottery Funding. It was a proposal that could be fed into the Heritage Strategy;

(d) Eva Wilkinson, Secretary of the Broomhill Local History Society, had died recently;

(e) work had restarted on the renovation of the former Manor Lodge School;

(f) the Head of Planning would (i) investigate and report back on (A) the position regarding the lime trees on Cemetery Avenue and (B) the former Wharncliffe Fireclay Works, 140 -146 Devonshire Street, which had been painted red, white and blue, (ii) consider enforcement action regarding the condition of electricity distribution pillars at Greystones Road and Storth Lane, Ranmor Conservation Area and (iii) attempt to ensure that the Webb Patent Sewer Gas Lamp, on Leavygreave Road, was repaired as part of the University of Sheffield's upgrade street works;

(g) no action could be taken regarding the painting of brickwork at a newly opened restaurant on Ecclesall Road, at the junction with Cemetery Avenue. Unfortunately many brick buildings on Ecclesall Road had been painted, when the brick was much more attractive; and

(h) a statue had been erected near to the Cenotaph, Barker's Pool, that honoured the 'Women of Steel' workers in munition factories within the City, during the First and Second World Wars.

(Note: These minutes are subject to amendment at a future meeting)



SHEFFIELD CITY COUNCIL

Planning and Highways Committee

Report of: Director of Development Services

Date: 09/08/2016

Subject: Applications under various acts/regulations

Author of Report: John Williamson 2734944 and Chris Heeley 2736329

Summary:

Reasons for Recommendations

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

Recommendations:

Background Papers:

Category of Report: OPEN

Application No.	Location	Page No.
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16/02068/FUL (Formerly PP-05186786)	13 College Street Sheffield S10 2PH	17
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16/00610/FUL (Formerly PP-04839660)	Curtilage Of Lyndon And Cobblestone House, 8 High Matlock Road And 10 High Matlock Road Sheffield S6 6AS	23
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SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To the Planning and Highways Committee
Date Of Meeting: 09/08/2016

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	16/02068/FUL PP-05186786
Application Type	Full Planning Application
Proposal	Retention of service meter boxes on front elevation
Location	13 College Street, Sheffield, S10 2PH
Date Received	28/05/2016
Team	South
Applicant/Agent	Andrew Shepherd Architect
Recommendation	Refuse with Enforcement Action
Date of Recommendation	9 August 2016

Refuse for the following reason(s):

- 1 The service meter boxes, notwithstanding the proposed mitigation measures, by virtue of their size, projection and use of non-traditional materials, constitute prominent, modern and unsympathetic features which fail to preserve or enhance the character of the Conservation Area. The proposal is therefore contrary to Policies BE15, BE16 and BE17 of the Sheffield Unitary Development Plan, Policy CS74 of the Sheffield Local Plan: Core Strategy, to the aims of the Article 4 Direction in force within the

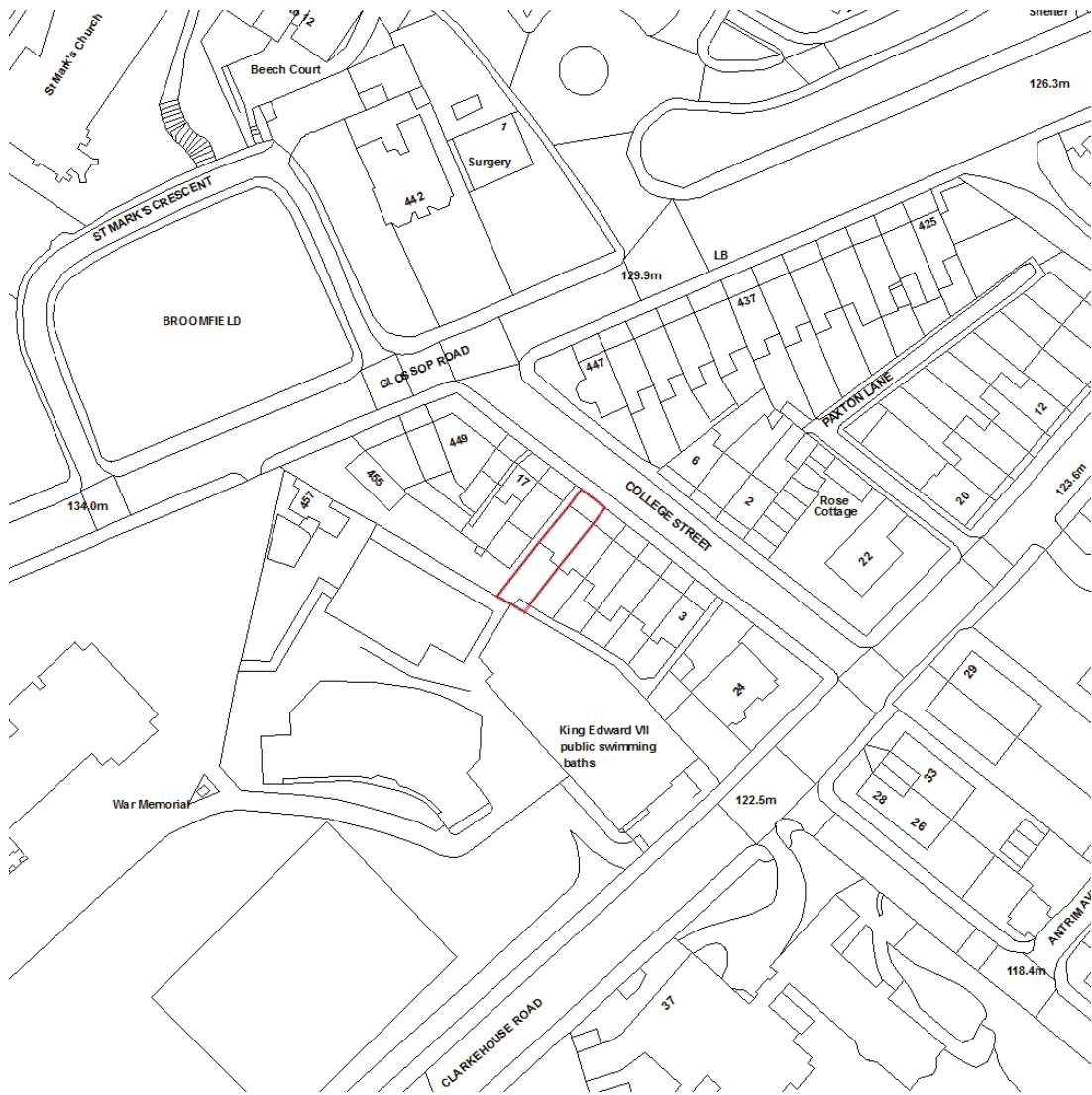
Broomhill Conservation Area, and to the requirements of Paragraphs 132 and 134 of the National Planning Policy Framework.

Attention is Drawn to the Following Directives:

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

-SUPPORTING SUBMISSION "RETENTION OF EXTERNAL METER BOXES"
2. 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 two service meter boxes and restore the building's frontage to its condition prior to the unauthorised works. The Local Planning Authority will be writing separately on this matter.
3. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, the application is considered contrary to policy requirements(s), and, there being no perceived amendments(s) that would address these shortcomings without compromising the fundamental intention of the scheme the Local Planning Authority had no alternative but to refuse consent.

Site Location



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LOCATION AND PROPOSAL

The application relates to an end-of-terrace property that is utilised as apartments and located within the Broomhill Conservation Area. It is also covered by the Article 4 Designation applying to many properties through the Conservation Area.

The application seeks planning permission to retain two service meter boxes located on the property's front elevation. These were installed in 2014 without the necessary planning permission.

RELEVANT PLANNING HISTORY

The application has been submitted in response to an enforcement enquiry from a member of the public.

SUMMARY OF REPRESENTATIONS

None

PLANNING ASSESSMENT

The main issue for assessment is whether the development preserves or enhances the character or appearance of the Broomhill Conservation Area.

The application property is identified as a Building of Townscape Merit within the Conservation Area Appraisal. The street is characterised by brick fronted, terraced dwellings. With the exception of one other property, there are no further units having meter boxes on their front elevations.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas. The Conservation Area is subject to an Article 4 Direction, which brings under planning control the replacement or alteration of the architectural features and details which are part of the special character and appearance of the area.

The two meter boxes are located adjacent to each other at the right hand side of the front elevation, adjacent to the property's exposed side elevation. They currently have a white, gloss finish and black housing for the cables running downwards. They stand proud of the property's original frontage by something in the region of 0.1m, and individually measure approximately 0.4m by 0.6m.

The applicant proposes to mitigate the impact by locating a planter box in front of the service boxes. Planters are present and include evergreen planting, which are

stated as having growth potential and being capable of providing year round masking of the service boxes. It's also proposed to paint the meter boxes with a matt paint, matching the colour of the brickwork. The Applicant argues that these two actions would remove the visual detriment to the Conservation Area's character.

The Applicant also argues that as the service boxes connect back to the installed services in the building, it would be unreasonable to resist granting retrospective planning consent. Instead, it's stated that they should instead be relocated internally at the time of the next refurbishment of the dwelling.

The planter boxes do not currently serve to fully screen views of the service boxes. Whilst the planting may grow it would be difficult to guarantee full screening, and it is not considered that it could be permanently relied upon to screen the service boxes as all planting requires consistent stewardship by current and future occupiers.

The proposed painting of the meter box frontages, even when combined with the planter boxes, would not be considered to mitigate their impacts satisfactorily. A similarly coloured matt paint would appear quite different to the surrounding brick and mortar elevation.

Even after implementation of the proposed mitigation, the meter boxes would continue to represent an alien, unsympathetic and unsightly addition to the property's frontage. The boxes would conflict with the appearance of the original frontage to a degree which harms the appearance of the property and its contribution to the character of the street scene and wider Conservation Area.

Whilst similar boxes are in existence at No11 College Street (the adjoining property), they are established and pre-date the designation of the Article 4 Direction. There are no other examples along the street. The Article 4 direction has been put in place to preserve the character and appearance of property frontages throughout the Conservation Area, by removing the ability to carry out such alterations without gaining planning permission.

Paragraph 132 of the National Planning Policy Framework requires that any harm or loss to a heritage asset, such as a conservation area, requires clear and convincing justification. On its own the harm caused by the service boxes is less than substantial and, in such cases, Paragraph 134 the National Planning Policy Framework (NPPF) says that this harm should be weighed against the public benefits of the proposal.

In the context of Paragraph 132, the proposal offers no clear public benefits and is therefore contrary to this section of the NPPF.

In relation to the impact/reasonableness on the applicant, relocation of the meter boxes would entail a certain cost, and the present arrangements may offer some internal advantages. However, the applicant offers the internal relocation at the time of the next refurbishment, implying that the costings and internal advantages would not be prohibitive.

The relocation would be likely to result in the service boxes being shifted to the respective side elevation, where they would not be of significant visibility.

The proposal is considered to fail to preserve or enhance the character and appearance of the Conservation Area. It is therefore contrary to Policies BE15, BE16 and BE17 of the Sheffield Unitary Development Plan, 1998, Policy CS74 of the Core Strategy, the aims of the Article 4 Direction in force in the Conservation Area and the principles of the NPPF which seek to protect the character and appearance of conservation areas.

As a result the proposal is considered to be unacceptable, and is recommended to be refused with enforcement action.

SUMMARY AND RECOMMENDATION

The application seeks to retain two existing service meter boxes on the front elevation of an end-of-terrace property within the Broomhill Conservation Area.

Notwithstanding the proposed modifications to the boxes, they are considered to represent an alien, unsympathetic and unsightly addition to the property, which harm the character and appearance of the building and its contribution to the Conservation Area.

For these reasons the scheme is considered to be unacceptable, and is recommended for refusal with enforcement action.

ENFORCEMENT

If permission is refused, it will be necessary to authorise the Head of Planning to take all steps, including enforcement action and the institution of legal proceedings, to secure the removal of the unauthorised service meter boxes and restoration of the affected portion of frontage to its appearance prior to the service meter box installation.

It will also be necessary to delegate the Head of Planning to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Case Number	16/00610/FUL PP-04839660
Application Type	Full Planning Application
Proposal	Erection of three dwellinghouses
Location	Curtilage Of Lyndon And Cobblestone House, 8 High Matlock Road And 10 High Matlock Road, Sheffield, S6 6AS
Date Received	16/02/2016
Team	West and North
Applicant/Agent	Cero Architecture
Recommendation	Grant Conditionally
Date of Recommendation	9 August 2016

Subject to

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Site Location Plan: 05-0815-OS2A received 16th February 2016.

Site Plan: 05-0815-OS1F received 20th July 2016.

Proposed Plans and Elevations: House Type A: 05-0815-SK1.11 received 16th February 2016.

Proposed Plans and Elevations: House Type B: 05-0815-SK1.10 received 16th February 2016.

Street Scene: 05-0815-OS3 received 2nd March 2016.

Reason: In order to define the permission.

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

3. No development shall commence until the actual or potential land contamination and ground gas contamination at the site shall have been investigated and a Phase 1 Preliminary Risk Assessment Report shall have been submitted to and approved in writing by the Local Planning Authority. The Report 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 and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

4. No development shall commence until further intrusive site investigations have been undertaken to establish the exact coal mining legacy issues on site and a report submitted to and approved in writing by the Local Planning Authority. In the event that site investigations confirm the need for remedial works to treat areas of shallow mine workings details of the remedial works shall also be submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved details.

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

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

5. 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

6. 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.

7. 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.

8. 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.

9. 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 5 year period shall be replaced.

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

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. 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.

12. Before the dwellings become occupied, all vehicle and pedestrian areas shall have been surfaced and drained to the satisfaction of the Local Planning Authority.

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

13. 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.

Other Compliance Conditions

14. The gradient of shared pedestrian/vehicular access shall not exceed 1:12.

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

15. The dwellinghouses shall not be occupied unless a sprinkler system, fitted to the requirements of BS9251, and with a minimum pressure of 1.0 bar has been provided. The sprinkler system shall thereafter be retained.

Reason: In order to ensure the safety of occupants in the event of a fire.

16. 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 dwellinghouses shall be constructed without prior planning permission being obtained from the Local Planning Authority.

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

17. The development shall not be used unless the car parking accommodation as shown on the approved plans has been provided in accordance with those plans, surfaced and drained to the satisfaction of the Local Planning Authority, and thereafter retained/maintained for the sole purpose intended.

Reason: In the interests of highway safety

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

Reason: To ensure satisfactory drainage arrangements

19. 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.

20. 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.

21. The dwellinghouses shall not be used unless the car parking accommodation for the dwellinghouses 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.

22. 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.

23. The dwellinghouse 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.

24. Notwithstanding the approved plans, the location of the proposed tree planting as per Site Plan: 05-0815-OS1F are hereby not approved and details of proposed tree planting shall be agreed in accordance with condition 9 of this planning permission.

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

Attention is Drawn to the Following Directives:

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

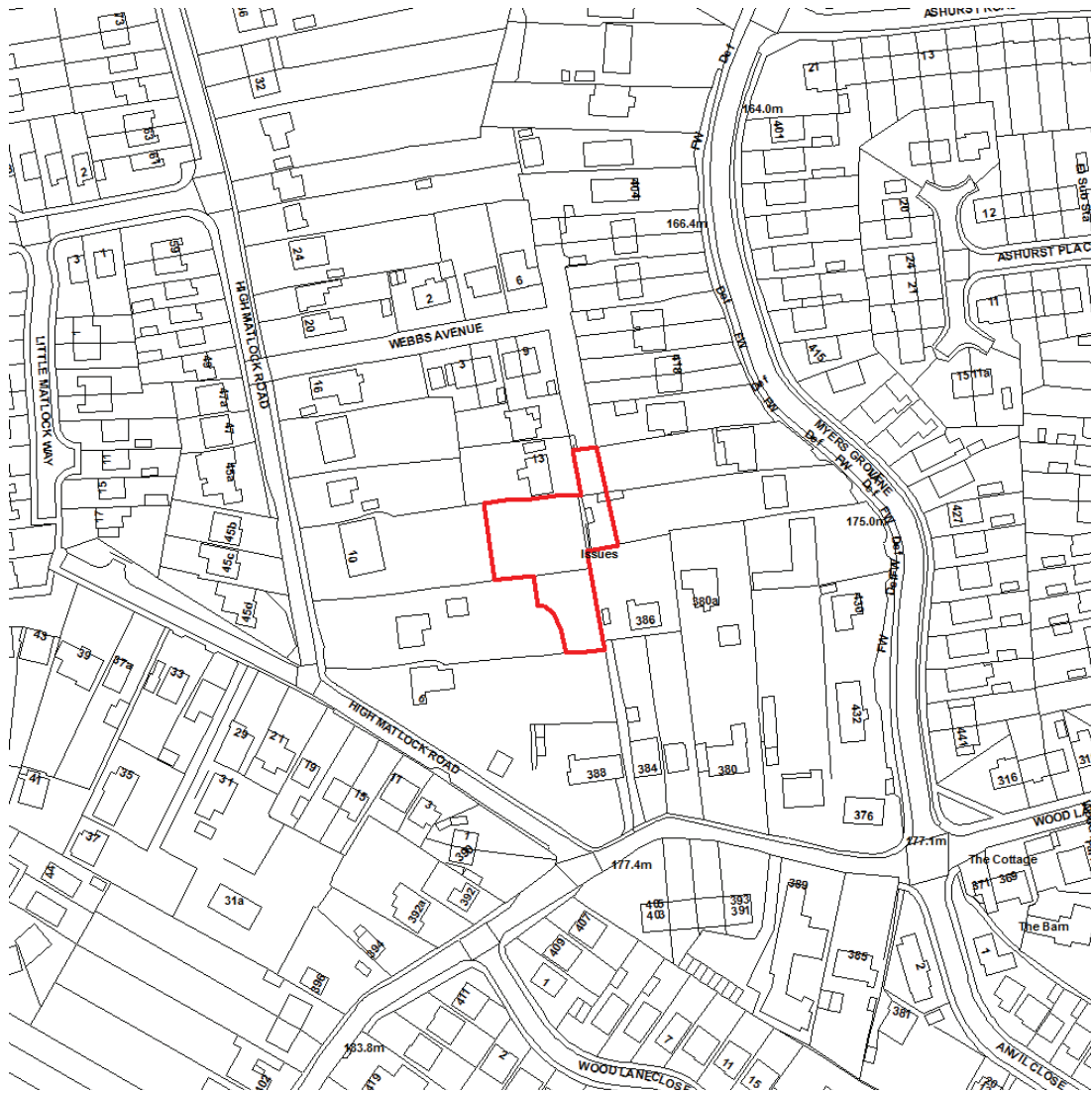
For the attention of Mr S Turner
Tel: (0114) 27 34383

4. 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.
5. 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.

6. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk. Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.
7. In the interests of local wildlife any trenches left overnight should be covered or left with a means of escape for mammals.
8. Prior to works commencing, the ecological consultant should inspect the proposed work area and immediate adjacent area for wildlife habitats and if any are found then works should cease.

Site Location



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LOCATION AND PROPOSAL

The application site relates to a parcel of land at the furthest extent of Webbs Avenue, to the rear of properties on High Matlock Road, Wood Lane and Myers Grove Lane. The site was previously rear garden area belonging to 8 and 10 High Matlock Road.

The site is in a barren state with much of the vegetation having been removed and an open boundary to the rear garden of 8 High Matlock Road.

The site is adjacent to a plot where planning permission was granted for the erection of two bungalows under planning reference 08/02615/FUL. This land was previously garden area.

The application seeks planning permission for the erection of three dwellinghouses.

RELEVANT PLANNING HISTORY

There have been a number of planning applications for similar proposals on adjacent sites to the application site. These planning applications are listed chronologically and the decision reasons are specified.

Previous applications on adjacent sites

- 02/03566/FUL - Erection of dwellinghouse (As amended plans received 09.06.2003) at Curtilage Of 424 Myers Grove Lane – Refused 30th July 2003 –

The application was refused as it was considered that the development would constitute uncoordinated backland development, detracting from the established character of the area and would also overlook neighbours. Drainage Officers considered that the proposal would have exacerbated flooding problems with regards to the watercourse and recommended refusal, but this was not a refusal reason on the decision notice.

- 02/03569/OUT – Erection of dormer bungalow at 426 Myers Grove Lane - Refused 30th July 2003. – Application was refused in line with comments stated for the above application 02/03566/FUL.

An appeal was also subsequently dismissed due to flooding issues. The inspector stated the only evidence with regards to flooding were objections raised by Council Drainage Officers during the planning application and therefore the only evidence afforded suggested that the development would exacerbate flooding. The Inspector however considered that the principle and design of the development was acceptable and the impact upon neighbouring living conditions to be acceptable.

- 04/03105/OUT - Erection of dwellinghouse (Resubmission) at 426 Myers Grove Lane - Granted conditionally 1st December 2004.

The principle of the development and the design and impact upon neighbouring living conditions were considered acceptable under the appeal for the above application (02/03569/OUT). The issues over potential flooding were considered to have been overcome after discussions with Yorkshire Water and Council Drainage Officers. The application was subsequently approved.

- 06/00236/FUL - Erection of a two-bedroomed dwellinghouse at 424 Myers Grove Lane - Refused 16th March 2006-

The application was refused as it was considered that the dwelling would constitute an uncoordinated form of backland development, which would be injurious to the amenities of occupiers of surrounding properties and the character of the area.

A subsequent appeal was also dismissed due to the significant harm to the character and appearance of the area and to living conditions of neighbours.

- 08/02615/FUL - Erection of 2 bungalows including one with integral garage and one detached garage (amendments received 03.09.2008 and 05.11.2008 and additional information received 10.12.2008) at Curtilage of 424 & 426 Myers Grove Lane - Granted Conditionally 29th December 2008.

SUMMARY OF REPRESENTATIONS

Bradfield Parish Council has objected on the following basis:

- The site and surrounding area has a complicated planning history and any considerations should also involve numbers 424 and 426 Myers Grove Lane.
- There are known drainage issues in the area and the plans submitted would seem to involve building across a culvert.
- Information appears to be inaccurate in that there are trees on the site and there are protected species, whereas the applicant has stated no to both.
- The use has been described as vacant, whereas the area has been used as garden areas for No.8 and No.10 High Matlock Road.

Loxley Valley Protection Society objects on the following basis:

- The land is described as vacant, whereas it is the bottoms of the gardens to properties on High Matlock Road.
- There is no presumption of building within gardens in Sheffield, this is an application to build on greenfield land.
- Although there are/were long gardens in this area of Stannington, many have been built upon and Webbs Avenue is becoming overdeveloped and congested.

- An adjacent site is currently a building site, the bottoms of the gardens of 424 & 426 Myers Grove Lane with planning permission for 2 properties granted under 08/02615/FUL. This followed several refusals of permission for the site & one dismissal at Appeal on application 06/00236/FUL for land to rear of 424, where the Inspector, as we read it, stated that on this part of Webbs Ave one additional dwelling with off road parking would not cause significant harm, ie that already granted on 426 under 04/03105/OUT, but further development would cause significant harm to the character and appearance of the Area and to the living conditions of neighbours, and potential residents of the proposed dwelling.
- Based on common sense & the Inspector's report, these 3 proposed properties represent an overdevelopment and could result in a detrimental effect on the living conditions of existing residents. For these reasons the planning history of 424 & 426 needs to be taken into consideration.
- There is a part open and part culverted flowing watercourse to the right branch of Webbs Avenue. It has been fed through a pipe under the new proposed driveway. When high levels of rainfall occurs, the pipe cannot cope with the flow and the unculverted areas flood gardens. The Environment Agency has objected to building near or over this watercourse.
- There are also issues over raw sewage escaping, and further development without improvement to the drainage system will exacerbate these issues.
- The gardens form a green corridor for wildlife, including protected species into the nearby green belt and Loxley Valley. The mature gardens and large trees contribute to the biodiversity of the area.
- The road, paid for by residents, will face increasing issues from building work.

Nick Clegg MP has objected to the application on behalf of a constituent:

- The main concerns raised by residents is that access to the properties would be via an unadopted road, Webbs Avenue, which is narrow and it is understood a lot of residents currently use it for parking.
- The current development is already causing problems for the residents of Webbs Avenue, damaging both the road and residents property.
- The residents also raise concerns about emergency vehicles as the refuse collection cannot negotiate the corner.
- It is understood that there are concerns about water drainage and sewage, as during heavy rain the already existing pipes and watercourse cannot cope with the current usage.

16 letters of objection have been received from neighbours.

The material planning objections are summarised as follows:

- Foul water drains are already at capacity and some residents of High Matlock Road have already had problems with sewage in their gardens.
- The application does not meet the Council's own planning guidance for garden development.
- The proposal is back land development, priority should be given to brownfield sites.
- The extra vehicular traffic, extra storm water and additional sewage will generate extra issues for the residents of Webbs Avenue.
- The road is not to highways standards and will not take significant levels of traffic.
- The impact such proposals would have, would be negative to residents not only on High Matlock Road, but especially to those living on Webbs Avenue and the backs of the houses on Myers Grove Lane which have their rear gardens and access via Webbs Avenue.
- A new vehicle and pedestrian access will have to be created as there has never been any rear access to the High Matlock Road properties. Webbs Avenue, currently a quiet dead end road would become a through road for the new properties as this would be their only access
- Indeed, putting through a road for access to the new properties would change the character of this road from an unused cul-de-sac to a thoroughfare and be detrimental to the character of the green belt area.
- The existing use is described by the applicant as vacant land; this is clearly not the case; it has always been part of the rear gardens of No's 8 and 10. There is no current policy within Sheffield City Council that automatically allows for development in rear gardens, and indeed SSC has adopted policy guidance against housing development in rear gardens. This site is obviously a green field (not previously developed) site.
- Another consideration relates to the part-culverted/part open watercourse which cannot sustain more development. There is a history of problems with overflowing and inadequate sewerage and surface water systems in this area. This has got worse in recent years due to increased rainfall and flooding occurs on a regular basis to downstream properties. Both SCC and the Environment Agency have objected to past applications and policy does not support any culverting of open water courses. Any further development in this area will increase the existing flooding problems for downstream residents. The stream that has been partly culverted to the rear of 424/426 Myers Grove Lane then emerges above ground from a large diameter pipe next to the driveway of 13 Webbs Avenue. There is currently no grill over

the opening of this pipe. It has already at least once become blocked by building waste.

- The whole of this backland area provides a Green Corridor Link into the Green Belt of the Loxley Valley (which is very close and starts at the rear of 396 Myers Grove Lane and 40 High Matlock Road) It is extremely valuable for the safe movement and living space for wildlife including protected species.
- Our house joins 10 High Matlock Road whose main drain runs down to the drain on the developers property. We have noticed that our garden has been damp for the last 6 months and after further inspection the drain has been overflowing with sewage onto my garden. Yorkshire Water has been to inspect this and have confirmed that the drains have been blocked. They came to rectify the problem but we have had to call them again as it still overflowing.
- We live in the last house on Webbs Avenue and the men on site have told us they will be installing a gate, we would like to know which way this will open? I would like to object to it opening onto our road as this will obstruct access to my property yet if it opens onto the new houses, I believe the land is too high.
- When it rains at the moment all the surface water runs onto our property and down Webbs Avenue, I think once the development is completed this will cause more problems due to the surface being raised at the top of Webbs Avenue. Webbs Avenue is an unadopted road and there is no road drainage.
- With the size of these properties I do not think the developer has taken into consideration the parking facilities for each house. The garages do not look big enough to fit a car in. Webbs Avenue is very congested with current resident's cars, as most houses have at least two cars each parked on the road.
- Webbs Avenue doesn't have any footpaths and most existing dwellings have multiple car ownership, this leads to most households parking at least one car on the road. This leads to only one car-width access down the entire length with near maximum on street parking capacity and no scope for any overspill onto High Matlock Road, due to it being a bus route. I doubt that any proposed new dwellings will have sufficient off Webbs Avenue parking - especially the proposed five bedroom dwelling. Indeed, I believe that the extra traffic caused by the
- construction and then subsequent aboding, would be detrimental to the safety of pedestrians, local residents and their children.
- We were disappointed to have been informed about this development by the Estate Agent's sign. Only after a phonecall to the planning department was I informed that only 2 of the 9 properties on Webbs Avenue had been

consulted. It was suggested that all residents on Webbs Avenue should be notified of such a development.

- 2 properties being built on an adjacent site, approved under application 08/02615/FUL, The application had been refused many times, and finally was approved with various conditions attached. A lengthy period has passed from being approved and construction of the houses. This should be taken into consideration with this application.
- Compliance with the condition in regards to wheel washing, under planning permission 08/02615/FUL, has not occurred and is relevant as it is part of the same development.
- There are 9 properties on Webbs Avenue, and the current development brings the total number of properties to 14. This is a massive increase in density. There is a great concern about the increase in traffic leading to hazardous and risky parking, compromising safety of residents.
- A greenspace is being replaced with a hardstanding. This will have issues over drainage.
- The addition of 5 dwellinghouses in total will affect the quality of life of residents with an increase in traffic, parking, damage to the road, loss of greenspace, increased noise pollution, potential drainage issues and residents safety compromised.
- It is requested a condition be attached to the proposed development, that the road surface will be repaired and made good by the developers and also wheel washing facilities be implemented.
- Further development that would utilise access from Webbs Avenue would lead to an increase in traffic volume, leading to accelerated wear and tear. This would be amplified by the fact that this proposed development is right at the end of the 'dead end' road which would dictate that vehicles have to use the same stretch to both access and leave.
- Currently, the local authority refuse collection vehicle reverses down Webbs Avenue and terminates outside No. 9 due to the tight right hand turn in the road. Bins are wheeled down from the last two properties of No 11 & No.13. I believe that this demonstrates the restricted access down the road for service vehicles and indeed fire appliances should the need arise to attend to any further dwellings.
- The application should be considered not only from the point of view of High Matlock Road and Webb's Avenue, but should also consider previous (and ongoing) applications from 424 and 426 Myers Grove lane which adjoin the application site, together with previous applications for 400 and 402 Myers Grove Lane (which share the same part culverted/part open watercourse.

- Long history of problems with overflowing and inadequate sewerage and surface water systems, this has got worse in recent times due to the increased rainfall due to climate change and flooding occurs on a regular basis to downstream properties including my own.
- The site is a haven for wildlife including protected species, and although the applicant has stated no to both questions, this is clearly not the case.
- There are quite clearly trees and hedges on the site and adjoining, even though the applicant has stated no to the questions.
- The whole of this backland area provides a Green Corridor Link into the Green Belt (which is really close and starts at the rear of 396 Myers Grove Lane and 40 High Matlock Road) of the Loxley Valley and is extremely valuable for the safe movement of wildlife. Any further development here will detract from the green established character of the area(a point which was upheld by the Planning Inspector for the Myers Grove Lane Appeals) and which is a material consideration for this application.
- Any further development in this area will exacerbate the existing flooding problems for downstream residents.
- The stream that has been partly culverted to the rear of 424/426 Myers Grove Lane then emerges above ground from a large diameter pipe next to the driveway of 13 Webb's Avenue, there is no grill over the opening of this pipe and a small child or domestic/or wild animal could easily crawl in and become trapped.
- The neighbour at no. 386 Wood Lane states that privacy in their house and garden would be compromised. All three properties would have a direct view into the garden.

No-material planning consideration objections are summarised as follows:

- The developers are assuming that the granting of planning permission is a foregone conclusion, as they are already advertising properties and have placed a sign at the start of Webbs Avenue. – This is despite the fact there are several issues which need to be resolved.
- The plan includes a soakaway, where will this be located and where will it discharge?
- Has permission been sought from the residents of Webbs Avenue to use this watercourse?
- Road damage has to be met by the residents of Webbs Avenue. It is a private road.
- There is no reference to any pre-application advice being given to the developer regarding the likelihood of planning permission being granted.

- The two additional houses that have already been built, has seen deliveries of building materials of large flatbed trucks that have difficulty getting down the Avenue. I am surprised that more damage has not been done to date.
- It has rarely been seen, that such a stupid attempt to wedge houses into such an inappropriate and unsuitable piece of land. The application has been made purely with maximisation of profit in mind, with no consideration of potential buyers, existing residents, or for the surrounding buildings and geography.
- Construction work has already led to the deterioration of the road surface on Webbs Avenue.
- The site address for the proposed dwellings is only given as No 8 High Matlock Road. It should be also 10 High Matlock Road and rear of 424 and 426 Myers Grove Lane.
- The houses proposed are 4/5 bed roomed, for which there is no demand. A housing survey of local residents in Stannington in recent years identified the need to curb further development in Stannington. The only exceptions were for more affordable starter housing such as 1-2 bedroom starter homes and small bungalows for the elderly. What is being proposed are luxury houses which do not justify the development of this green site.
- Residents of Webbs Avenue paid over £1000 each to develop the road a few years ago and we have a 100% right of way agreement from the bottom of 11 Webbs Avenue to the development access, meaning private parking.
- How can planning be given to properties being built on land to the rear of 8 & 10 High Matlock Road, when there is no access from these properties, the only access being via Webbs Avenue, without consulting the residents of Webbs Avenue first for access.
- The building work has caused considerable inconvenience to residents, with noise and mud dropped on the road, various kerbs damaged and one car hit by a lorry.

PLANNING ASSESSMENT

Policy basis

National Planning Policy Framework (NPPF)

The National Planning Policy Framework attaches great importance to the design of the built environment and emphasises its role in contributing positively to making places better for people, whilst not attempting to impose architectural styles or particular tastes.

Unitary Development Plan Policies

The application site is within a Housing Area, as defined by the Sheffield Unitary Development Plan and therefore the following policies are applicable:

- Policy H10 'Development in Housing Areas' sets the preferred, acceptable and unacceptable uses in housing areas. The preferred use is housing and therefore the development is acceptable in principle.
- Policy H14 'Conditions on Development in Housing Areas' states that in Housing Areas, development will be permitted provided:

New buildings and extensions are well designed and would be in scale and character with the neighbouring buildings.

(c) The site would not be over-developed or deprive residents of light, privacy or security, or cause serious loss of existing garden space which would harm the character of the neighbourhood.

(d) It would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

- Policy H14 is supplemented by an adopted SPG on Designing House Extensions. This document provides more detailed guidance on matters such as design, overbearing and overshadowing impacts as well as privacy.
- Policy H15 'Design of New Housing Developments' advises that new residential development should provide adequate private gardens, uniform walls to roads and easy access to homes and circulation around the site.

Also relevant are the following policies with regards to design are the following UDP policies:

- Policy BE5 'Building Design and Siting' also provides design guidance stating good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions.
- BE6 'Landscape Design' requires new development to provide a suitable landscape scheme with regards to new planting and/or hard landscaping and details of existing vegetation to be removed or retained. The development should try to integrate existing landscape features and also use native species where appropriate.

SDF Core Strategy

The following Core Strategy Policies are applicable:

- Policy CS74 'Design Principles' requires development to respect and take advantage of unique design characteristics within the local Neighbourhood.

- Policy CS24 – ‘Maximising the use of previously developed land for new housing’ states that priority will be given to the development of previously developed sites.
- Policy CS26 – ‘Efficient Use of Housing Land and Accessibility’ advises that housing development will be required to make efficient use of land but the density should be in keeping with the character of the area.
- Policy CS64 – ‘Climate change, resources and sustainable design of developments’ states that all new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and function in a changing climate. They must also be designed to use resources sustainably.
- Policy CS65 – ‘Renewable energy and carbon reduction’ applies to both buildings and conversions of 5 or more dwellings and requires all significant developments to secure the following unless it can be shown not to be feasible or viable:
 - Provide a minimum of 10% of the predicted energy needs from decentralised and renewable or low carbon energy.

Principle of Greenfield Development

The application site is designated as a Housing Area as defined by the UDP. Policy H10 states that housing is the preferred use in these areas and therefore the principle of the development is acceptable, subject to compliance with Policies H12-H16 as appropriate.

The site is a former garden, and the site would therefore need to be considered as a greenfield development site. Government planning guidance in the form of the National Planning Policy Framework (NPPF) says, in paragraph 48, that Local Planning Authorities (LPA) should make allowance for windfall housing sites in the five year supply but this should not include residential gardens. The NPPF goes on to say in paragraph 53 that LPAs should consider setting out policies to resist inappropriate development of residential gardens, for example where they would cause harm to the local area.

The High Court in Dartford Borough Council v Secretary of State for Communities & Local Government (CO/4129/2015) has judged that some residential gardens can be classified as brownfield sites. However, the judgement only applies this to gardens outside of urban areas, which does not apply to the judgement of this site.

There is, therefore, a presumption against inappropriate development in private gardens so to establish whether or not this proposal is ‘inappropriate’ the application needs to be set against all relevant policy criteria.

The NPPF also re-affirms previous national policy advice by excluding private residential gardens from the definition of previously developed land. Core Strategy policy CS24 gives priority for the development of new housing on previously

developed land and states that no more than 12% of dwellings should be constructed on greenfield land in the period up to 2025/26. It also states that such development should only occur on small sites within urban areas, where it can be justified on sustainability grounds. The current house completion database shows that 6.2% of new houses have been built on Greenfield, well within the 12% threshold.

The site is within an existing urban area, and the additional three dwellings would be in scale and form with the surrounding area, with those existing properties and the proposed dwellings having sufficient garden area. In this context, the development of this small Greenfield site for new housing complies with the aims of policy CS24.

It is noted that previous planning decisions has resulted in refusals due to be those proposals being considered to be uncoordinated backland development. This scheme is however considered on its own merits.

With regards to the potential visual impact of the development, this is considered in sections of the report below.

Density

Policy CS26 states that new housing will be required to make efficient use of the land, but the density of new housing should be in keeping with the character of the area. For the majority of the urban area, which includes the application site, this policy recommends a density of 30-50 dwellings per hectare, however it also states that densities outside this range will be permitted where they achieve good design, reflect the character of an area or protect a sensitive area. The site area of this application is approximately 0.132 hectares, which results in a density of 22.7 dwellings per hectare. The proposal is below the recommended density for the area; however the application proposes 3 dwellings with rear gardens that are comparable in size with the surrounding dwellinghouses, all of which differ in size and design anyhow. The proposal is therefore considered to reflect the character of the area.

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 three houses would make a small but positive contribution to housing land supply across the city and should be given weight.

Design

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 proposed scheme shows three two-storey detached houses. There are two properties labelled as 'Type A' on the submitted plan and these include integral garages. The other property is labelled as 'Type B' on the submitted plans and includes an attached garage. These are to be located at the end of Webbs Avenue, which is an unadopted private road.

The footprints of the properties are generally consistent with that of the surrounding area. They are slightly larger than the immediate neighbouring properties on Webbs Avenue, but are smaller than the footprint of the neighbour at No.386 Wood Lane. There is not an established building footprint or housing style in the area and therefore the proposed footprints are considered acceptable. It is considered that the layout is a logical completion to this extent of Webbs Avenue.

The dwellinghouses would be approximately 7 metres in height to the ridge, with an eaves height of approx. 4.3 metres. There is no consistent roof height or form in the local area, however the heights shown are generally consistent with those properties on Webbs Avenue. The proposed property shown on the submitted plan immediately adjacent to No.13 Webbs Avenue, would be approx. 0.6 metres lower in height, however the ridge heights of the other two proposed houses would step up in height due to the slight increase in land level across the site in a southerly direction.

The overall width and lengths are generally consistent with the area, but as stated there is no overall definitive housing form in the vicinity.

The properties are two-storey in appearance, however the relatively low eaves height reduce the overall massing of the properties. Each property shows a large gable feature and two small dormer windows to the principal elevation. They would be finished in artificial stone with artificial slate roofs and reconstituted stone heads and cills to the openings.

The material finishes and the overall designs are considered acceptable, given there is a mix of housing design, forms and material finishes in the local area.

Residential Amenity

Policy H14(c) states that in Housing Areas, development will be permitted provided that the site would not be over-developed or deprive residents of light, privacy or

security, or cause serious loss of existing garden space which would harm the character of the neighbourhood.

There are no specific guidelines in relation to the construction of new dwellings, however privacy and separation distances set out in the SPG 'Designing House Extensions' are applicable in this instance. Designing House Extensions SPG Guidelines 4-6 detail how the above policy is put into practice. These guidelines essentially require extensions to avoid overshadowing neighbouring property and maintain minimum levels of privacy.

Guideline 4 requires a minimum separation distance of 10 metres from a rear elevation to a rear boundary for reasons of privacy

Guideline 5 states that unreasonable overshadowing and over dominance of neighbouring dwellings should be avoided.

Guideline 6 states that extensions should protect and maintain minimum levels of privacy. This guideline asks for a minimum separation distance of 21 metres for main facing windows.

For the purposes of clarity and to differentiate the properties, each dwelling will be referred to separately in terms of effect on living conditions. They are referred as:

- Dwelling 'Type A' 1 – This is the first property one would encounter when accessing the site from Webbs Avenue. The most northerly sited of the 'Type A' dwellings as indicated on the submitted plans.
- Dwelling 'Type A' 2 – This is the second property one would encounter when accessing the site from Webbs Avenue.
- Dwelling 'Type B' – This is the third property one would encounter when accessing from Webbs Avenue. It is indicated as 'Type B' on the submitted plans.

Dwelling 'Type A' 1

This proposed property would be immediately adjacent to No.13 Webbs Avenue and would project beyond that neighbouring property's rear wall. It would however not break the 45 degrees line, in that the projection of the two-storey house would not project any further beyond that neighbouring property's rear wall than the distance to that neighbour's nearest main ground floor window. The proposal would therefore accord with Guideline 5 stated under SPG 'Designing House Extensions'. This neighbouring property also has no primary windows in the side elevation facing the application site, though it does have a small landing window. It is therefore not considered to overbear or overshadow the property at No.13, nor any other neighbour given the separation distances.

The dwelling would have a separation distance to the rear boundary of 11.5 metres at the nearest point. This distance accords with Guideline 4 of the SPG. The existing boundary treatment would also aid in privacy in any instance.

The proposal would be situated just over 21 metres from the properties opposite (those currently being constructed under planning permission 08/02615/FUL) which meets the separation distance specified under guideline 6. It is therefore not considered that this property would affect neighbouring privacy.

Dwelling 'Type A' 2

This proposed dwelling would project beyond the Dwelling 'Type A' 1 stated above. This would however not break the 45 degrees line mentioned above and therefore would accord with Guideline 5. Dwelling 'Type A' 1 has no side windows and therefore Dwelling 'Type A' 2 is not considered to detrimentally impact upon Dwelling 'Type A' 1 or indeed Dwelling 'Type B'. The attached garage of Dwelling Type B would abut the side elevation of Dwelling 'Type A' 2 and therefore is not considered to detrimentally affect each other's living conditions. Furthermore these properties would not directly face one another.

Dwelling 'Type A' 2 has a separation distance of approx. 9.5m which is under the recommended 10 metre distance. It is however not considered that this minimal difference would attribute to such significant additional overlooking to justify a refusal. Furthermore, the property immediately to the rear (No.10 High Matlock Road) benefits from a large rear garden and therefore Dwelling 'Type A' 2 would be a significant distance (approx.. 42 metres) from the main amenity space directly outside that neighbouring property at No.10 High Matlock Road. It is therefore not considered that this property would significantly affect neighbouring privacy beyond the rear boundary line.

Dwelling 'Type A' 2 would have a separation distance of at least 21 metres to the neighbouring property opposite (one of those being constructed under planning permission 08/02615/FUL). This distance accords with the minimum separation distance for main facing windows under Guideline 6. The property would have a distance of approx. 14 metres from a small area of the rear and side garden of No.386 Wood Lane. It is accepted that this would allow for some overlooking to this area of neighbouring garden, however the main amenity space directly outside the rear of No.386 Wood Lane would be situated approx. 20 metres from the proposed property, which is on a raised level garden area. It would allow for some overlooking to the far extent of the garden area, but given the small area it would overlook, it is not considered to be so significant that would significantly affect the privacy of No.386 Wood Lane.

Dwelling 'Type B'

This proposed dwelling would be sited to the rear extent of the site and would be sited parallel to No.386 Wood Lane, however their orientations would be reversed with No.386's principal elevation facing south and the proposed Dwelling Type B's principal elevation facing north.

The proposed dwelling would be partially screened by No.386's rear outbuilding and the separation distance from the house at No.386 is such that it is not considered that the proposal would overbear or overshadow this neighbour.

The principal elevation of Dwelling Type B would be a significant distance from any neighbouring property opposite and therefore it cannot be considered to detrimentally affect any neighbouring privacy forward of the property. The distance to the back boundary would be approx. 11 metres which accords with the recommended separation distance, however the back boundary also benefits from good levels of screening from existing vegetation on the boundary which would aid in privacy in this instance.

The proposed plans and elevation indicate a bedroom above the attached garage. This would include two dormer windows which would face No.386 Wood Lane's side and rear garden area. These dormer windows would have a distance of 14 metres from the nearest part of the rear garden of No.386 Wood Lane. It is accepted that this would allow for some overlooking to this area of neighbouring garden, however the main amenity space directly outside the rear of No.386 Wood Lane would be situated approx. 20 metres from the proposed property, which is on a raised level garden area. The area of garden approx. 14 metres from the bedroom above the attached garage is on a lower level than the main house of No.386 Wood Lane and as stated is not the main amenity space of this neighbour.

On balance, it is considered that this proposal would not significantly affect the privacy of No.386, given the main garden area immediately outside the rear elevation of the property would be situated over 20 metres away.

Amenity of future occupants

As discussed the proposed properties would not detrimentally impact upon one another and meet the recommended guidance set out in the SPG 'Designing House Extensions'. Each property also benefits from generously sized garden space, all being above the minimum recommendation of 50 square metres of garden area, with the smallest garden proposed being approx. 118 square metres.

Following on from the above, it is not considered that the development would raise any significant privacy issues or result in unreasonable overshadowing or over dominance of any neighbouring dwellings that would be harmful to their residential amenity. The proposal is therefore considered to satisfy the guidelines within Designing House Extensions and UDP Policy H14(c).

It is considered necessary to control any future extensions/outbuildings to the dwellinghouses given the potential to overshadow overbear or overlook neighbouring properties, as discussed above. It is therefore recommended that the properties Permitted Development rights be removed by condition.

Highways

Webbs Avenue is an unadopted public highway, which has likely been developed in a piecemeal fashion pre-dating planning legislation and the UDP. There's no realistic possibility of implementing a scheme to bring Webbs Avenue up to adoptable standards (drainage/lighting/kerbing/margins) owing to its existing restricted geometry. Applying the NPPF, we should only be recommending the prevention or refusal of this application on transport grounds if the residual

cumulative impacts are severe. Webbs Avenue is a public highway even though it is not adopted. Any amenity issues associated with the passing of vehicular trips generated by 3 dwellings will be almost unnoticeable. On this basis, there are no highway grounds for recommending a refusal. Conditions are recommended to be attached with regards to highways.

Parking

The two properties labelled as Type A on the submitted plans indicate that they would each have an integral garage allowing for one parking space and one off-street parking space on the driveway. This is considered acceptable and will allow sufficient parking.

Dwelling Type B is proposed to have one off-street parking space on the driveway and an attached garage showing two parking spaces. Due to the layout only one car would be able to realistically access the garage, however the property would still have two parking spaces in total which is considered to be acceptable. The dimensions scaled off the submitted plans meet the guidance for garages and off-street parking spaces as specified within the SPG 'Designing House Extensions'.

The site is also in a sustainable location, located close (approximately 100m away) to High Matlock Road that carries the 61 and 62 Bus routes.

Fire Vehicle Access

The distance from the furthest most part of the dwellinghouses to the existing road is also approx. 28 metres. South Yorkshire Fire and Rescue (SYFR) usually specify that the furthest point of a property to the public highway being no more than 45-50m from the public highway. The proposed distance meets this requirement, however it is accepted that the corner of Webbs Avenue would be difficult for a Fire Appliance to traverse if and when cars are parked along the street. On account of this, it is advised that the applicant would need to incorporate a sprinkler system into the design of the dwellinghouses. This can be secured by planning condition.

Refuse Collection

Manual for Streets March 2007 (MSF) states specifications for Refuse Collection Vehicles The width of Webbs Avenue meets the specifications stated under the MFS. A distance of 12 metres maximum is usually acceptable, however longer distances can be accepted if straight and free from obstacles. A distance of 30 metres is generally the distance that bins can be collected on foot. With this in mind, the best case scenario is that the existing property at No.13 Webbs Avenue (Furthest existing property) has a distance of 33 metres from the point that the Refuse Vehicle could park. The furthest situated of the two properties approved under planning permission 08/02615/FUL would be 58 metres away, which exceeds the 30 metres specified under the MFS.

The properties indicated as Type A on the submitted drawings would be a similar distance to those approved on the adjacent site mentioned above and the property

indicated as Type B would be a distance of 72 metres. This is not ideal and does not directly accord with Manual for Streets, however given that the road has a relatively flat gradient and the distance to the existing properties on the site and those being constructed, it is considered that the refuse collection would be acceptable in this instance and is not a sufficient reason to justify a refusal.

Furthermore, Veolia have confirmed that they have no objection to the proposed dwellings in terms of refuse collection. They have however stated that any bins will be required to be wheeled to the corner of Webbs Avenue, as their Refuse Collection Vehicles cannot traverse the corner to access the proposed site.

Drainage & Flood Risk

Core Strategy Policy CS67 'Flood Risk Management' requires development to limit surface water runoff, and the promotion of sustainable drainage.

The policy does require reductions to runoff to no more than 5 litres per second per hectare. However, it only applies this to sites of over 1 hectare.

In the case of this development, the 1 hectare requirement does limit the specific controls on runoff that can be justified. However, it is appropriate to require the new dwellings to have natural water drainage into a separate system to local sewers, which can be conditioned.

The Land Drainage Officer has stated that there are concerns over the small watercourse being used as a route for discharge and they are not in favour of an attenuation feature, as an orifice to control the flows would be too small. It has been suggested that soakaways with overflows to the watercourse can be dealt with through building control.

Yorkshire Water has stated that the local public sewer does not have capacity to accept any discharge of surface water from the site.

It is noted on previous planning applications there have been concerns over flooding, however this issue was considered to have been remedied under application reference 04/03105/OUT. In this instance also, The Land Drainage Officer is happy for the drainage to be sorted through building regulations.

Land quality Issues

Owing to the previous use of the site, there is a small risk that the site could be affected from ground contamination. It is therefore recommended that the usual suite of conditions be attached that requires the investigation of any potential ground contamination and where necessary, its remediation.

Ecology

An ecology report has been submitted and our ecologists are satisfied with the findings of the report. A directive is recommended to be attached for an ecological

consultant to inspect the proposed work area and immediate adjacent areas for species and habitats and should any be found then works should cease.

Coal

The Coal Authority records indicate that the application site falls within the defined Development High Risk Area.

A Coal Mining Risk assessment has been submitted and The Coal Authority are satisfied with the assessment and its findings, however they have recommended conditions be attached to this planning permission.

Sustainability

The precise approach to reduce emissions of greenhouse gases and to address the issue of climate change or the means to generate renewable energy and reduce carbon emissions is assessed as part of the application.

Supporting information that has been submitted indicates that each property would have the following in support of Policy C64 and CS65:

- High efficiency condensing boilers
- Hot water energy needs reduced by low-flow spray taps, flow rate-controlled air pulsed and provision of A+ rated washing appliances will reduce water energy demand by 35% from current requirements.
- The carbon reduction to the properties is set with the designs being to current building regulations.
- Windows are set to maximum allowable opening to meet building regulation to maximise light infiltration to the dwellings and utilise solar gains.
- Materials on the build are to be sourced locally and related to the green guide where possible.

Landscaping

Policy BE6 states that good landscape design will be required in all new developments. A condition will be attached to ensure appropriate landscaping is provided as part of this development.

Trees

The submitted plan indicates that one tree will be retained within the site to the rear of Type B. This tree is considered to offer amenity to the surrounding area and also aids in privacy along the boundary line with No.386 Wood Lane. A condition is recommended for the retention of this tree.

The plan also indicates that 4 trees will be retained outside the site, however this is outside the scope of this planning application's site boundary.

The site plan also indicates that 5 lime trees are proposed. This offers mitigation for the loss of trees and vegetation on the site previously. As stated however the hard and soft landscaping of the application site can be dealt with by condition.

There has been an objection from a neighbour with regards to the position of the proposed trees. In light of this, the replacement planting and location of trees can be dealt with by condition in conjunction with soft and hard landscaping.

Community Infrastructure Levy (CIL)

The development is liable to providing a contribution to the CIL, in order to provide improved infrastructure to meet the needs of new development. The agent has completed a relevant form to indicate they are aware of the required contribution for the scheme.

The floorspace created is 578 square metres in a charging zone of £30 per square metre.

Other Matters and response to representations

The following is in response to other matters raised in the representations and not directly stated in the planning assessment section of this report.

- The layout and cul-de-sac form aids in informal surveillance of the street and brings to life a currently barren area of land.
- A neighbour raised concerns that not all the properties along Webbs Avenue were consulted as part of the planning process. In light of this further properties were notified along Webbs Avenue, High Matlock Road and Myers Grove. A further consultation period was allowed for comments to be made in respect of the application.
- A concern was raised over the implementation of planning permission 08/02615/FUL, in that construction appears to have started well after the expiry date of the planning permission. This application for two houses commenced as per a Building Regulations application back in 2011 and therefore the development commenced as per the planning permission. It is understood that construction has started again around Christmas 2015, however the planning permission was implemented back in 2011.
- The wheel washing with regards to the application 08/02615/FUL has been raised with our Enforcement Officers and also has been raised with the applicant. Wheel washing conditions are recommended as part of this planning application also.
- Issues have been raised over the fact that Webbs Avenue is an unadopted private road. This is outside the remit of planning control and the matter over the use of the private road will be private matter between the developer and those who own the road.

- The applicant has been advised that they will need permission from the owner of the private watercourse, this is however outside the remit of planning control. The use of soakaways and the watercourse is something that is controlled through a building control application.

SUMMARY AND RECOMMENDATION

The principle of erecting three dwellinghouses on this site is accepted under Policy H10 of the UDP and Policy CS24 of the Core Strategy.

It is considered that the proposal represents an appropriate form of development. It delivers three additional dwellinghouses, at a time of less than 5 years housing supply in the city and therefore represents a positive, sustainable contribution to the city's housing stock.

It is considered that the development would not impact on highway safety or result in the residential amenity of neighbouring properties being unduly harmed.

For the reasons given in the report and having regard to all other matters raised, it is considered that the development accords with UDP Policies H10, H14 (a) BE5 and Core Strategy CS74, CS24, CS26 and CS64 and the National Planning Policy Framework. It is therefore recommended for approval subject to the conditions listed.



SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Head of Planning

Date: 9 August 2016

Subject: Enforcement Report
126 Birley Spa Lane S12

Author of Report: Fiona Sinclair

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

Reasons for Recommendations:

To remedy the breach of Planning Control

Recommendations:

That the 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 the unauthorised flue and shipping container; and to prevent the use of the premises as an A5 fast food takeaway.

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

UNAUTHORISED CHANGE OF USE TO AN A5 FAST FOOD TAKEAWAY AT 126 BIRLEY SPA LANE S12 4EJ

1. PURPOSE OF REPORT
 - 1.1 To inform committee members of a breach of Planning Control and to make recommendations on any further action required.
2. BACKGROUND
 - 2.1 On 5 April 2016 an application for planning permission to change 126 Birley Spa Lane from a retail shop (Use Class A1) into a hot food takeaway (Use Class A5) with ancillary seating area was received by the Local Planning Authority (reference 16/01299/FUL), and was a resubmission of a previously refused application (15/00705/FUL) for the same proposal.
 - 2.2 The property is located in a terrace of mixed use commercial properties which form part of an established 'Local Shopping Area' as defined in the Sheffield Unitary Development Plan (UDP).
 - 2.3 On 27 May 2016 a complaint was received, from a member of the public, concerning the erection of a stainless steel flue on the rear of the property (Photograph 1).
 - 2.4 Planning permission was refused on 2 June 2016, because the proposed change of use was considered to result in an unacceptable concentration of hot food takeaways in the shopping area as well as being detrimental to the amenities and living conditions of occupiers of neighbouring properties.
 - 2.5 Correspondence was entered into with the owner, on 14 June 2016 explaining that because his application, for planning permission (which included the siting of the flue) had been refused this extraction system would have to be removed.
 - 2.6 On 15 June 2016, a further complaint was received, from a member of the public concerning a sign that had been fixed to the shop front that advertised it would be opening in the near future.

2.7 On 8 July 2016 an additional complaint was received concerning the placement of a large shipping container on the hard-standing at the rear of this property.

3 ASSESSMENT OF BREACH OF CONTROL

3.1 The property is located within a shopping area, as defined within the UDP.

3.2 The area referred to in this case comprises of the Birley Spa Local Shopping Centre as defined on the UDP proposals map. Appendix 1 within the UDP defines dominance as usually meaning that non-preferred uses do not occupy more than half (50%) of the area. Following an assessment of uses within the Local Shopping area 8 (inclusive of the application site) of the existing 16 available units are currently in preferred retail (A1) use. As such 50% of the units currently remain in the preferred retail use in accordance with the requirements of policy S10 (a). The application site was formerly used as a motor spares sales (A1-retail) which is a preferred use. Although the unit is currently vacant the proposed change of use to a hot food takeaway would decrease the concentration of A1 units below 50% of units and subsequently increase concentration of A5 units contrary to policy S10(a).

3.3 The proposal would result in hot food takeaways occupying 6 of the available 16 units which is considered an over concentration of Hot food takeaway uses in this local centre where there is already a particular cluster of A5 uses in the immediate vicinity of the application site. The addition of a further hot food takeaway use is considered to harm the vitality and viability of the centre. Hot food takeaways predominantly operate in the evening time. It is highly likely that the unit would have its roller shutter pulled down during the day and would contribute little to the vitality and viability of the local centre in terms of daytime activity.

3.4 Although the unit is currently vacant the proposed change of use to a hot food takeaway would lead to the loss of a retail unit which could contribute to the vitality and viability of the district centre to a greater extent than an additional hot food takeaway.

3.5 The design of the flue extraction system is not considered acceptable. The flue is sited so that it is required to be taken internally through the building terminating through a section of flat roof and projecting a further 4 metres externally immediately adjacent to the windows and rear elevation of the residential flat above; and is therefore contrary to policy S10

3.6 The upper floors of the building are occupied as a residential flat which has a number of windows on the rear elevation. The flue is considered

to be located in to close proximity to the rear window of this residential property and due to its proximity the operation of the flue is considered to give rise to unacceptable odour, noise and disturbance issues which would detrimentally affect the amenity of residents. The proposal is therefore contrary to policy part (b) of policy S10.

- 3.7 The proposed change of use is considered to affect the vitality and viability of the shopping area and is contrary to Policy S10 (a).
- 3.8 The design and location of the fume extraction system is considered unacceptable and will detrimentally affect the amenity of residents of the first floor flat.
- 3.9 In light of the above the proposal is considered contrary to policy S10, and because of this planning permission 16/01299/FUL was refused on 2 June 2016.
- 3.10 The property can be used temporarily as a restaurant for a period of two years, providing the Local Planning Service is notified of this in writing prior to the use commencing (under the terms of the General Permitted Development Order). However, to date, no such notification has been received. In any event the flue and the shipping container would still require planning permission.
- 3.11 The shipping container is unsightly, and considered as being out of character, and to have a detrimental effect on the amenities of the neighbourhood and is, therefore contrary to UDP Policy BE5.
- 3.12 Photograph 1, shown below illustrates the unsuitability of the flue in its current location, and also that of the shipping container. Photograph 2 shows the intended use of the ground floor commercial premise.

Photograph 1



Photograph 2



4. REPRESENTATIONS.

- 4.1 Three complaints were received from members of the public, the first on 27 May 2016, the second on 15 June 2015, and the third on 8 July 2016, concerning flue, the intended use of the property and the shipping container.

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 both the use, of the premises, the siting of the shipping container and the installation of the flue are breach of planning control and as such it is not considered that the serving of a PCN would be of any value.
- 5.2 Section 172 of the Act provides for the service of an enforcement notice (EN). In this case such a notice would require the removal of the flue, and shipping container; and require the unauthorised use to cease.
- 5.3 The service of an enforcement notice will also allow for a stop notice to be served, under Section 183, of the Act, to prevent the continuation of the current use of the property.
- 5.4 There is a right to appeal to the Planning Inspectorate, against the service of an Enforcement Notice. However, it is considered that the Council would be able to successfully defend any such appeal.

6. EQUAL OPPORTUNITIES

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

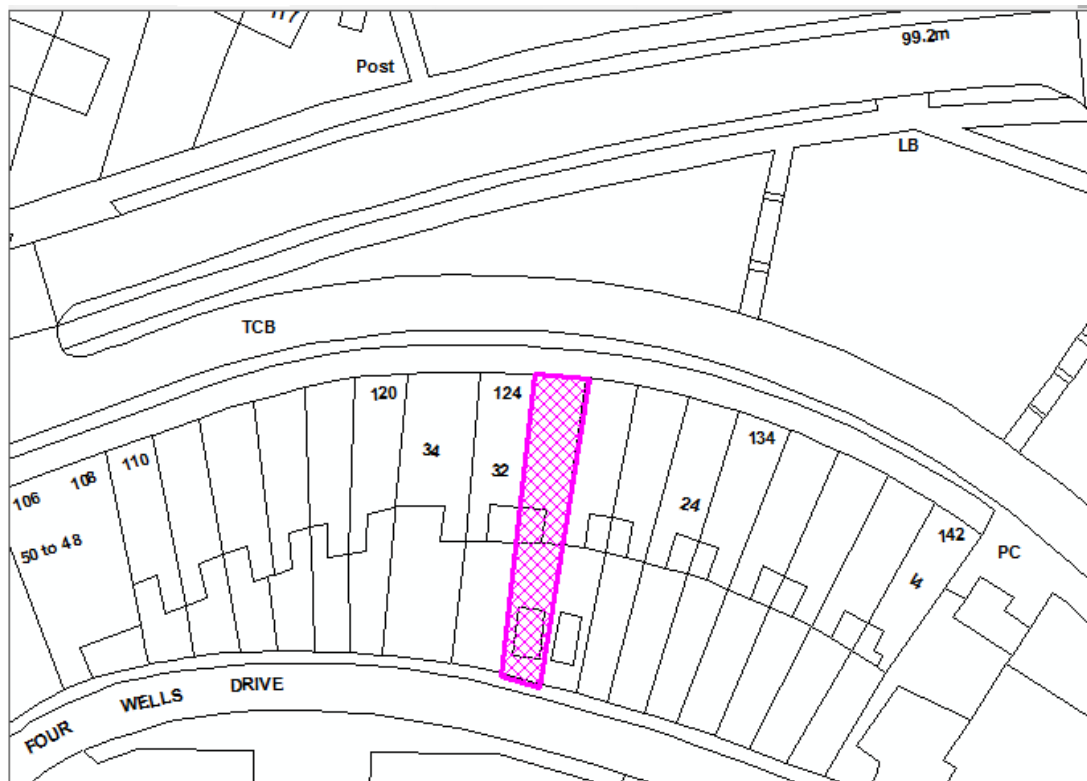
7. FINANCIAL IMPLICATIONS

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

8.0 RECOMMENDATIONS

- 8.1 That the 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 flue, and shipping container; and prevent the unauthorised use of 126 Birley Spa Lane as an A5 fast food takeaway.
- 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



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SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Head of Planning

Date: 9 August 2016

Subject: Enforcement Report
142 Devonshire Street S3 7FS

Author of Report: Fiona Sinclair

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

Reasons for Recommendations:

To remedy the breach of Planning Control

Recommendations:

That the 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 unauthorised advertisements and the repainting of the shop front in a colour scheme that is more in keeping with the original 19th Century characteristics of the listed building known as 142 Devonshire Street S3 7FS.

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

UNAUTHORISED ADVERTISEMENTS AND PAINTING OF THE SHOP FRONT TO A GRADE II LISTED BUILDING AT 142 DEVONSHIRE STREET S3 7SF

1. PURPOSE OF REPORT

- 1.1 To inform committee members of a breach of Listed Building and Advertisement Control and to make recommendations on any further action required.

2. BACKGROUND

- 2.1 142 Devonshire Street is a late 19th Century brick-built, slate-roofed, Grade II Listed Building and part of the former Wharncliffe Fireclay Works that was built for John Armitage in 1888.
- 2.2 The property is located within the Central Shopping Area, as identified in the UDP.
- 2.3 A complaint, from a Conservation Officer, was received on 27 January 2015, concerning painting of the shop front without listed building consent.
- 2.4 On 16 February 2015 correspondence was entered into with the owners of the property informing them that because it is a Grade II listed building; listed building consent is required for works of this nature. They were also advised that the garish colour scheme painted on the shop front was unacceptable as it is at odds with the character of the wider building.
- 2.5 The business owner contacted the Local Planning Authority and explained that, whilst he had no intention of repainting the shop front in a more acceptable colour, he would be submitting an application for Listed Building Consent, even though it was reiterated that it was unlikely this would be successful.
- 2.6 On 19 May 2016 representatives, from the Local Planning Service met with the business owner; and, during this meeting, it was explained why the current colour scheme was unacceptable; and also that the advertisements he had attached to the building's façade and shop front are also not in keeping with the character of the building. He was also

made aware of the options available to enable him to resolve this matter.

- 2.7 As a result of this meeting the business owner confirmed that he would apply for the necessary consents and was given a period of 28 days in which to do so.
- 2.8 To date no attempt has been made by the owner to either submit any formal applications or to rectify this matter; although officers remain willing to work with him to try to secure a solution that will see the restoration of the building's original character as well as trying to accommodate his wish to display the union flag in some form. In the absence of any willingness on the owner's part to resolve this matter, there is no option but to report this matter to this committee.

3 ASSESSMENT OF BREACH OF CONTROL

- 3.1 The property is located within the Central Shopping Area, as identified in the UDP.
- 3.2 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 painting scheme (which seeks to replicate the union flag) that has been applied to the shop front, and the signs, advertising the shop's business, are considered to be visually intrusive and do not respect the original character of the property. The fascia advert is too deep and cuts across architectural features (windows) and the projecting sign is a clumsy internally illuminated box sign. Together with the unsympathetic painting scheme these elements jar with the character of the building as a whole, as illustrated in the image later in this report. Therefore they are considered not to preserve or enhance the original 19th Century characteristics of the building and are contrary to policies BE15 and BE19 of the UDP.
- 3.5 The National Planning Policy Framework states that great weight should be given to the conservation of designated heritage assets such as this, with any harm, or loss, requiring clear and convincing justification. No such justification has been provided in this case.

- 3.6 Whilst the need of the business to advertise its presence and attract custom is recognised, there is no justification for the unauthorised scheme that has been implemented. Officers remain willing to work with the owner to resolve this matter but cooperation has not been forthcoming to date.
- 3.7 Photographs 1 and 2, below show the property in question and demonstrate that the visual harm is unacceptable particularly given the wider context of the street scene and the wider building within which the shop front is positioned.

Photograph 1



Photograph 2



4. REPRESENTATIONS.

- 4.1 No representations have been made, other than from one of the Council's Conservation 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 painting and adverts are in breach of listed building and advertisement 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 making good the harm caused by the painting of the shop front and the signs advertising the business. 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.

- 5.3 It is an offence to display without consent a sign that requires express consent under the Town and Country Planning (Control of Advertisements) Regulations 1992. A prosecution can be brought under Section 224(3) of The Town and Country Planning Act 1990.

6 EQUAL OPPORTUNITIES

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

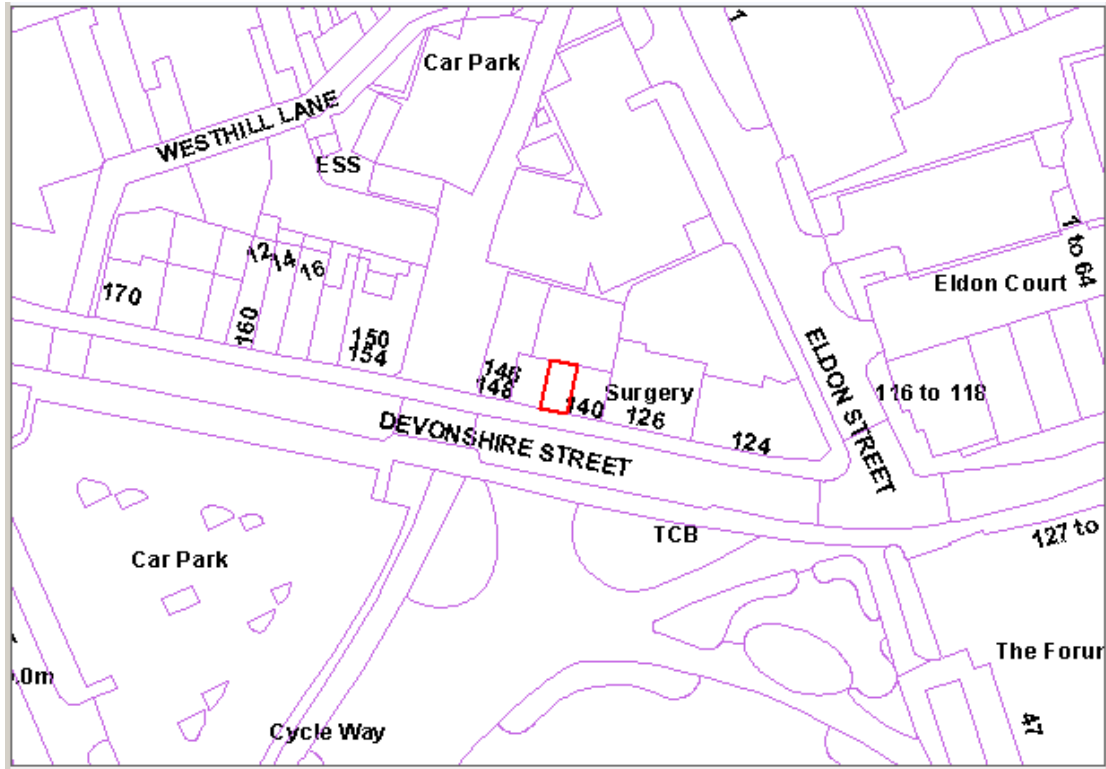
7 FINANCIAL IMPLICATIONS

- 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 Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure, removal of the unauthorised advertisements and the repainting of the shop front in a colour scheme that is more in keeping with the original 19th Century characteristics of the building.
- 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 control.

Site Plan



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SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Head of Planning

Date: 9 August 2016

Subject: Enforcement Report
25 Armstead Road

Author of Report: Lucy Bond

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

Reasons for Recommendations:

To remedy the breach of Planning Control

Recommendations:

That this Committee agrees that whilst the overall height of the decking has not been reduced in total compliance with their previous recommendation that the lowered deck is now at a level that does not cause unreasonable overlooking of neighbouring property. In addition this Committee agrees that the retention of the timber shed on the lowered deck raises no overbearing or overshadowing concerns which would justify further action.

That this Committee agrees no further action be taken.

Background Papers:

Category of Report: OPEN

ENFORCEMENT REPORT

RETENTION OF RAISED DECKING AND TIMBER SHED AT 25 ARMSTEAD ROAD.

REFUSED PLANNING APPLICATION 16/00706/FUL

1. PURPOSE OF REPORT

- 1.1 To inform committee members of alterations to the raised decking within the rear garden of 25 Armstead Road which have been made to comply with the decision of the Planning and Highways Committee on 7th June 2016 and to request that no further action be taken.

2. BACKGROUND

- 2.1 Planning application 16/00706/FUL for the retention of raised decking, a timber shed and reed fencing within the rear garden of 25 Armstead Road was refused with enforcement action by Planning and Highways Committee on 7th June 2016. At this time the Committee decided that the decking should be reduced in height to ground level with a reduction in height of the reed fence so it didn't exceed the height of the original boundary fence. The timber shed is sited on the decking.
- 2.2 Since Committee made their decision the applicant has carried out works to lower the decking but has not lowered the entire deck to ground level. The reed fencing has been reduced in height to match the height of the original boundary fence and the timber shed relocated onto the lowered deck.
- 2.3 The garden to the rear of 25 Armstead Road slopes up from the back of the property. The original raised deck was built out 150mm above the highest ground level adjacent to the rear boundary of the site resulting in its front elevation being elevated 550mm above the original garden level. The deck was accessed via steps adjacent to the boundary with 27 Armstead Road. The works now carried out have secured a reduction in height of the front of the deck to 280mm above the original garden level with the rear part now below original ground level. As a consequence the upper access step has been removed.
- 2.4 The applicant has now contacted Planning Officers to seek their approval that the deck as lowered is now acceptable. The Planning Officer has visited the site and can confirm that whilst the raised deck

and lowered reed fencing still allows limited views over the rear of neighbouring property this is not at a level which officers consider requires further action. Photograph 1 shows the view from the front edge of the deck and photograph 2 from the seating area on the deck.

Photograph 1



Photograph 2



- 2.5 It is noted that the rear elevation of the shed is still partially visible from the neighbouring garden with a limited projection above the boundary fence but it is considered that the scale of the projection above the boundary fence is not now unreasonable and that the works that have been undertaken represent an acceptable compromise solution in this case.

Photograph 3



3 EQUAL OPPORTUNITIES

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

4 FINANCIAL IMPLICATIONS

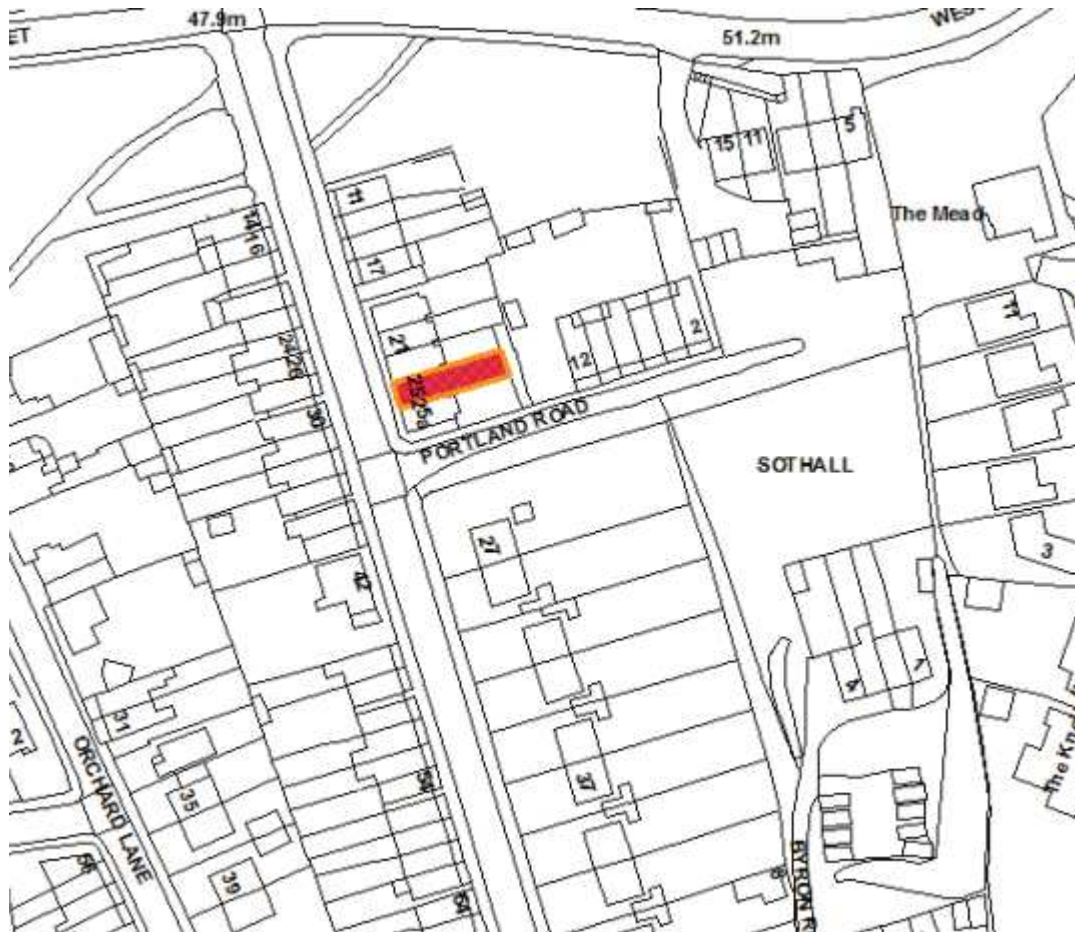
- 4.1 There are no financial implications expected as a result of this report.

5.0 RECOMMENDATIONS

- 5.0 That this Committee agrees that whilst the overall height of the decking has not been reduced in total compliance with their previous recommendation that the lowered deck is now at a level that does not cause unreasonable overlooking of neighbouring property. In addition this Committee agrees that the retention of the timber shed on the lowered deck raises no overbearing or overshadowing concerns which would justify further action.

- 5.1 That this Committee agrees no further action be taken.

Site Plan



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SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Head of Planning

Date: 9 August 2016

Subject: Enforcement Report;
The Crown Inn, Hillfoot Road
Sheffield S17 3AX

Author of Report: Jonathan Baker

Summary: UNAUTHORISED USE OF GREEN BELT LAND,
AT THE REAR OF THE CROWN INN, HILLFOOT
ROAD, TOTLEY, SHEFFIELD

Reasons for Recommendations:

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

Recommendations:

That the Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the cessation of the use, the removal of all fixtures, fittings and furniture and the re-instatement of the hedge to prevent further encroachment onto the Green Belt.

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

UNAUTHORISED USE OF GREEN BELT LAND, AT THE REAR OF
THE CROWN INN, HILLFOOT ROAD, TOTLEY, SHEFFIELD S17 3AX

1. PURPOSE OF THE REPORT

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

2. BACKGROUND

- 2.1 The Planning Service received a complaint about a section of hedgerow being removed behind the public house and a large section of the natural vegetation was mown to allow tables and chairs to be placed on the adjacent field. The complaint was concerned with preparation of land within the Green Belt for use as a beer garden, which would spoil this part of the countryside.
- 2.2 The landlord of the Crown Inn had carried out the work himself and a visit to the site showed that a large section of hedgerow had been removed to allow 8 large, wooden outdoor pub tables with attached benches to be placed in the field, along with some children's play items. A large section of the field containing these items had been mown.
- 2.3 Following a discussion with a senior planning officer and the Area Team Leader, a letter was sent to both the landlord and the owners of the public house and land requesting that all fixtures, fittings and furniture be removed from the field and the hedgerow restored to how it was previously. The letter also stated that the use was unacceptable within the Green Belt.
- 2.4 A Temporary Stop Notice was served on the land to prevent further unauthorised use for a period of 28 days. This was served personally on the landlord and by recorded delivery to the land owners.
- 2.5 Before the 28 day period had lapsed, the landlord breached the notice by allowing a large marquee to be placed on the land for the purposes of holding a wedding reception. The landlord had applied to Licencing for an events notice a few days prior to the event taking place, in full knowledge that he would be breaching the Temporary Stop Notice.

2.6 The Crown are also advertising on their Facebook page, an event for August Bank Holiday, which will more than likely take place on the field, involving live music , bouncy castles and a barbeque.

3. ASSESSMENT OF THE BREACHES OF CONTROL

3.1 This land is designated within the Green Belt in the adopted Sheffield Unitary Development Plan, (UDP). Policy GE1 states (amongst other things) that in the Green Belt, development will not be permitted, except in very special circumstances, where, it would lead to unrestricted growth of the built up area or encroachment of urban development into the countryside. Policies GE2 and GE4 seek to maintain, conserve and enhance the landscape and natural environment.

3.2 This use is considered to constitute unrestricted urban growth and encroachment into the open countryside contrary to the above policies, which is endorsed by the adopted Core Strategy Policy CS71. The land, whether part of a separate open field or whether attached in the past, is considered to be part of the countryside, beyond the urban area. If the development was to be completed into a formal beer garden, it could likely involve further urban features such as means of enclosure, lighting etc, which would further harm the landscape and natural environment.

4. REPRESENTATIONS

4.1 One complaint has been received, which was concerned that the use would spoil the peace and tranquillity of the area and cause physical damage to the Green Belt.

5. ASSESSMENT OF ENFORCEMENT OPTIONS

5.1 Section 172 of the Act provides for the service of an enforcement notice, (EN). In this case such a notice would require the cessation of the use, the removal of all fixtures, fittings and furniture and the re-instatement of the hedge to prevent further encroachment onto the Green Belt, allowing the field to re-generate back to its previous natural state.

5.2 Section 183 of the Act provides for the service of a Stop Notice in conjunction with an enforcement notice, (s172). In this case the Stop Notice would prohibit further unauthorised use should it re-start.

6. EQUAL OPPORTUNITIES

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

7. FINANCIAL IMPLICATIONS

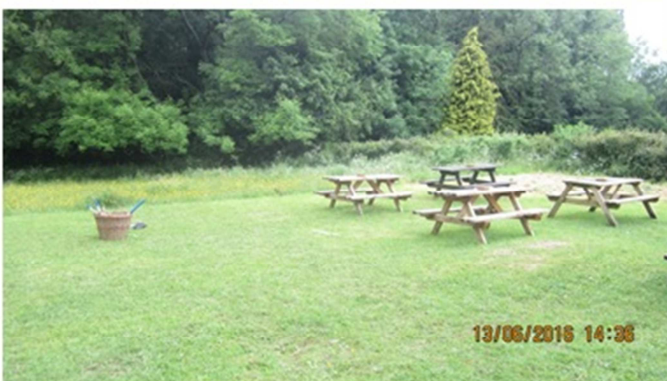
7.1 There are no financial implications arising from the recommendations in this report.

8. RECOMMENDATION

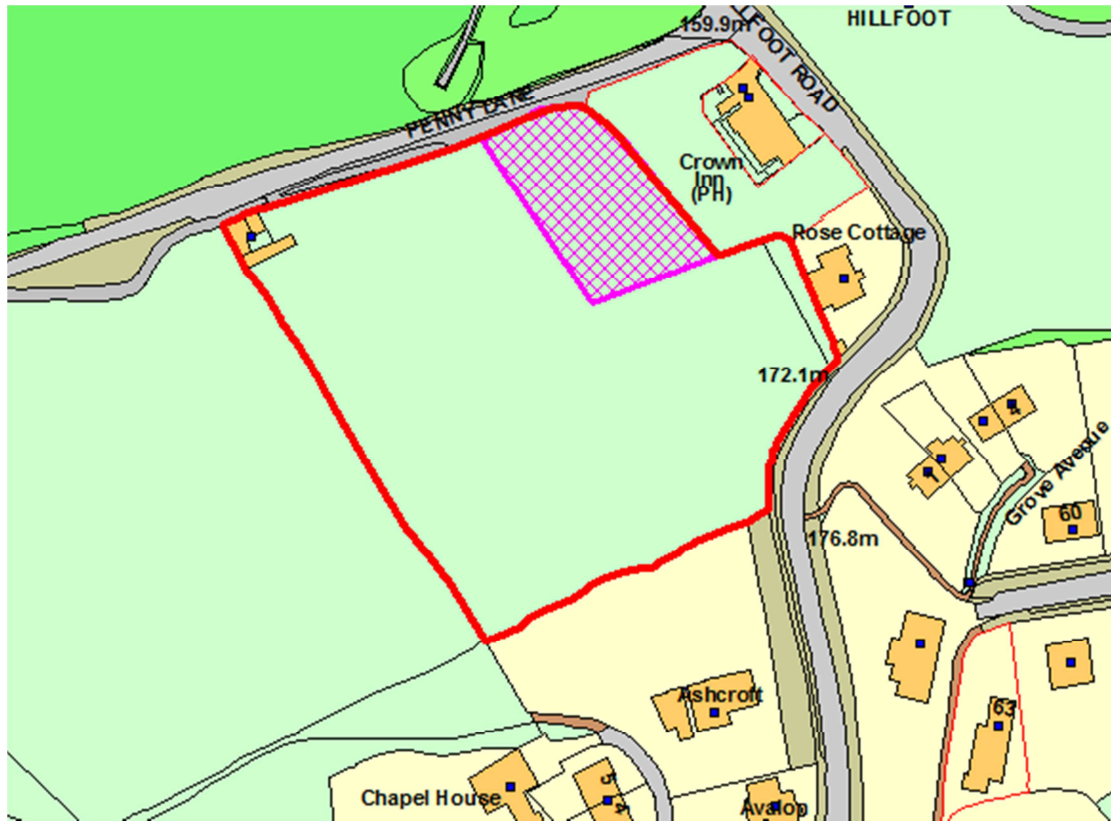
8.1 That the Head of Planning be authorised to take any appropriate action including if necessary, enforcement action and the institution of legal proceedings to secure the cessation of the use, the removal of all fixtures, fittings and furniture and the re-instatement of the hedge to prevent further encroachment onto the Green Belt.

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

Photos of tables in field:



Plan: Pink hatched area represents the area where the unauthorised use has taken place. The red line boundary represents the whole area that would be covered by the enforcement notice.



Mike Hayden-
Head of Planning

August 2016

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Development Services

Date: 9 August 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
9 AUGUST 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 delegated decision of the City Council to refuse planning permission for alteration of existing upvc windows to plastic sash windows at 483A Glossop Road Sheffield S10 2QE (Case No 16/00140/FUL)

3.0 APPEAL – ENFORCEMENT NOTICE

(i) To report that an appeal against an Enforcement Notice served in respect of the unauthorised replacement of the north light roof glazing with profile metal sheets on Princess Street elevation of the building at 1 Blackmore Street, Sheffield S4 7TZ has been dismissed with the exception of the time period for compliance, which has been extended to 26 weeks. Listed building consent is refused for the works carried out in contravention of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Officer Comment:-

The Inspector noted that the building was historically used as a laboratory for research into steel alloys, resulting in the production of stainless steel which revolutionised the local cutlery industry. It is therefore a very important building in relation to the history of stainless steel production in Sheffield. He concurred that the replacement of the original rooflights with profiled metal sheets has altered the character of the building significantly and affected its integrity. He considers the new roof to be a crude and alien addition to this fine red-brick industrial building which has a notable adverse impact on its setting and is distinctly noticeable within the street scene. In his view it has caused harm to the building's special architectural and historic features and jars with the rest of the fine architectural features of the building.

The Inspector concluded that the works are harmful to the listed building and contrary to aims and objectives of policies BE5 and BE15 of the UDP and the National Planning Policy Framework.

He dismissed the appeal but extended to the time period for compliance from

16 weeks to 26 weeks to give sufficient time to ensure proper detailing of the restored glazed north lights and the organisation of any contract for the carrying out of the necessary works.

4.0 RECOMMENDATIONS

That the report be noted

Mike Hayden
Head of Planning

9 August 2016

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