

# City Centre, South and East Planning and Highways Committee

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**Monday 4 February 2013 at 2.00 pm**

**To be held at the Town Hall, Pinstone Street, Sheffield, S1 2HH**

**The Press and Public are Welcome to Attend**

## **Membership**

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Councillors Alan Law (Chair), David Baker, Richard Crowther, Tony Downing, Jayne Dunn, Ibrar Hussain (Deputy Chair), Peter Price, Janice Sidebottom and Diana Stimely

## **Substitute Members**

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

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## **PUBLIC ACCESS TO THE MEETING**

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The areas covered by the City Centre, South and East Planning and Highways Committee, include Arbourthorne, Beauchief, Birley, Dore, Ecclesall, Gleadless, Graves Park, Greenhill, Nether Edge and Totley.

The Committee is responsible for planning applications, Tree Preservation Orders, enforcement action and some highway, footpath, road safety and traffic management issues. It is also responsible for determination of City Centre planning, development of transport matters and strategic development projects affecting the City as a whole.

A copy of the agenda and reports is available on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk). You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday, or you can ring on telephone no. 2734552. You may not be allowed to see some reports because they contain confidential information. These items are usually marked \* on the agenda.

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

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

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## **FACILITIES**

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

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

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**CITY CENTRE, SOUTH AND EAST PLANNING AND HIGHWAYS COMMITTEE  
AGENDA  
4 FEBRUARY 2013**

**Order of Business**

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- 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**  
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting**  
Minutes of the meeting of the Committee held on 14 January 2013
- 6. Sheffield Conservation Advisory Group Minutes**  
Minutes of the meeting of the Committee held on 11<sup>th</sup> December 2012
- 7. Site Visit**  
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 8. Applications Under Various Acts/Regulations**  
Report of the Director of Development Services
- 9. Enforcement of Planning Control: 227-229 Abbeydale Road**  
Report of the Director of Development Services
- 10. Enforcement of Planning Control: Windsor Hotel Public House, 35-39 Southend Road**  
Report of the Director of Development Services
- 11. Enforcement of Planning Control: 3 Long Line**  
Report of the Director of Development Services
- 12. Enforcement of Planning Control: Dore Masonic Hall, Dore Road**  
Report of the Director of Development Services
- 13. Record of Planning Appeal Submissions and Decisions**  
Report of the Director of Development Services
- 14. Date of Next Meeting**  
The next meeting of the Committee will be held on 25 February 2013



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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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New standards arrangements were introduced by the Localism Act 2011. The new regime made changes to the way that members' interests are registered and declared.

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

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

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

You **must**:

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

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

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

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

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -
  - under which goods or services are to be provided or works are to be executed; and
  - which has not been fully discharged.
- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) -
  - the landlord is your council or authority; and
  - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
  - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
  - (b) either
    - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Under the Council's Code of Conduct, members must act in accordance with the Seven Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership), including the principle of honesty, which says that 'holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest'.

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

You have a personal interest where –

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

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously, and has been published on the Council's website as a downloadable document at [-http://councillors.sheffield.gov.uk/councillors/register-of-councillors-interests](http://councillors.sheffield.gov.uk/councillors/register-of-councillors-interests)

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

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

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

Further advice can be obtained from Lynne Bird, Director of Legal Services on 0114 2734018 or email [lynne.bird@sheffield.gov.uk](mailto:lynne.bird@sheffield.gov.uk)

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City Centre, South and East Planning and Highways Committee

Meeting held 14 January 2013

**PRESENT:** Councillors Alan Law (Chair), David Baker, Tony Downing, Jayne Dunn, Ibrar Hussain (Deputy Chair), Diana Stimely, Andrew Sangar (Substitute Member) and Ian Saunders (Substitute Member)

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**1. APOLOGIES FOR ABSENCE**

1.1 Apologies for absence were received from Councillors Janice Sidebottom and Peter Price and Councillors Andrew Sangar and Ian Saunders attended the meeting as the duly appointed substitutes. An apology for absence was also received from Councillor Richard Crowther but no substitute was appointed.

**2. EXCLUSION OF PUBLIC AND PRESS**

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

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. MINUTES OF PREVIOUS MEETING**

4.1 The minutes of the meeting of the Committee held on 17 December 2012 were approved as a correct record subject to an amendment to the case reference in paragraph (e) of item 7 on page 7 to read 12/02874/LBC.

**5. SITE VISIT**

5.1 **RESOLVED:** That the Director of Development Services, in liaison with the Chair, be authorised to make arrangements for a site visit on Thursday 31st January, 2013 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 as amended as in the minutes of this meeting, and the requisite notices issued; the granting of any permission or consent shall not constitute approval, permission or consent by this Committee or the Council for any other purpose;

(b) (i) following consideration of additional representations as contained within a supplementary report circulated at the meeting and subject to amendments to condition 4 outlined in the officer report to limit Heavy Goods Vehicle Movements to the site to 8 per day and 40 per week, and condition 6 to amend the commencement hour of operation from 0700 hours to 0900 hours, Monday-Saturday, an application for planning permission for change of use of units for sorting and baling of non hazardous and non putrescible waste with external storage of empty skips at Units 6A and 6B, Junction 34 Industrial Estate, Greasbro Road (Case No. 12/03594/CHU) be granted, conditionally, (ii) the Head of Transport, Traffic and Parking Services be requested to give consideration to the introduction of advisory 20mph speed limit signs or other safety measures on Greasbro Road, (iii) the Director of Development Services be requested to undertake direct public consultation with residents on Greasbro Road on any future applications at the Industrial Estate and (iv) the Director of Development Services be requested to give consideration to including the provision of an alternative access to the Junction 34 Industrial Estate (avoiding Greasbro Road) within the Sheffield Development Framework or, if this is not possible, to include this within any future formal Planning Brief that is prepared for the adjoining vacant Outukumpo site.

(c) following consideration of additional supporting submissions and officer response, as contained within a supplementary report circulated at the meeting, an application for planning permission for the demolition of storage building and erection of two dwellinghouses including construction of temporary access road (as amended 23/11/12) at Fern Glen Farm, Hathersage Road (Case No. 12/03177/FUL) be refused as the Committee considered that the proposed development, by reason of the scale, form, massing, siting and external layout of the two dwellinghouses, was out of keeping with the farmstead character of the site and would be injurious to the visual amenities of the rural green belt and an area of high landscape value and this would, therefore, be contrary to Policies BE5(a), GE4 and GE8 of the adopted Unitary Development Plan and Policy CS74 of the Sheffield Development Framework Core Strategy;

(d) following consideration of additional information and officer recommendations as contained within a supplementary report circulated at the meeting, applications for listed building consent and planning permission for the addition of 4 rooms in existing roofspace and alteration to arrangement of rooflights (application under Section 73 to vary condition 2 (approved plans) of planning permission no. 11/04038/FUL (conversion of former church building to form 19 student cluster flats)) at Crookes Valley Methodist Church, Crookesmoor Road (Case Nos. 12/03172/LBC and 12/03078/FUL) be granted, conditionally, subject to the signing of a Section 106 legal agreement; and

(e) following consideration of amended plans as outlined within a supplementary report circulated at the meeting, an application for planning permission for the erection of 64 residential units comprising 44 dwellinghouses and 20 apartments with associated access, car parking and landscaping and 3 business units (Use Class B1) at land at Infield Lane, Britannia Road and Catcliffe Road (Case No. 12/03042/FUL) be granted, conditionally, subject to the completion of a legal agreement or the addition of a condition requiring the completion of a legal

agreement in a pre-agreed form before any development commences on site.

## **7. ENFORCEMENT OF PLANNING CONTROL: 326 GRANVILLE ROAD**

- 7.1 The Director of Development Services submitted a report informing Members of a breach of planning control in relation to the unauthorised creation of a hardstanding surface at the front of 326 Granville Road and making recommendations on any further action required.
- 7.2 The report stated that a complaint was received in August 2010 about the creation of a drive and a hard standing area at the front of the property. A site visit was carried out and it was noticed that a small wall with a hedge had been removed and a concrete based hard standing area had been created which was more than 5 square metres. No dropped kerb had been created and officers had not witnessed any vehicles parked on the hard standing area.
- 7.3 Several letters had been sent to the owner of the property and telephone conversations had taken place in trying to resolve this issue. The owner had removed a small part of the hard standing near to the pavement to create a porous area to allow water to run-off into it. However, this permeable area was not sufficient to stop water run off onto the highway.
- 7.4 Further letters had been sent to the owner suggesting that a drain or gully was created at the bottom of the hard standing area to allow water to run-off into a permeable or porous area, so that water can be soaked into the ground and not onto the highway. The owner had ignored any requests to do this and it was now considered that the matter should be reported for further action.
- 7.5 **RESOLVED:** That (a) authority be given to the Director of Development Services or the Head of Planning to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the unauthorised hard standing at the front of 326 Granville Road; and
- (b) delegated authority be given to the Head of Planning, in consultation with the Chair (Councillor Alan Law) to vary the action authorised to achieve the objectives hereby confirmed including taking action to resolve any associated breaches of planning control.

## **8. ENFORCEMENT OF PLANNING CONTROL: 40 WOOLLEY WOOD ROAD & 11 HOLYWELL ROAD**

- 8.1 The Director of Development Services submitted a report informing Members of a breach of planning control in relation to the unauthorised use of premises for the storage and hire of skips at 40 Woolley Wood Road, Sheffield and potential breaches at 44 Woolley Wood Road and 11 Hollywell Road.
- 8.2 The report stated that previously enforcement action had been taken against the property at 40 Woolley Wood Road for the breaking and dismantling of equipment including vehicles and for the storage of scrap metal, pallets and associated machinery and also for the unauthorised use of the highway in the vicinity of 30 to

72 Woolley Wood Road for the open storage of scrap metal on vehicles and for the purpose of storage of commercial vehicles and trailers.

- 8.3 A recent complaint had been received regarding the use of 40 Woolley Wood Road for the storage of skips and the use of premises as a skip hire business. An officer visited the site and noticed numerous skips stored at the property and a skip loader outside the premises. Skip hire uses do not fall within any use class and were considered to be sui generis use.
- 8.4 Several requests had been made asking the owner/occupier to stop this use and remove the skips and the skip loader. Assurances had been given by the occupier that the skips would be removed, however, to date the skips and skip loader had not been removed.
- 8.5 It was considered expedient that this matter was reported directly for enforcement action because of the extensive nature of the problems and the fact that the owner/occupier had been un-cooperative in the past with issues relating to these properties and the Council had had to take enforcement action against the owner to resolve these issues.
- 8.6 At the time of writing the report there had been no evidence of a breach of planning control in relation to either 44 Woolley Wood Road or 11 Hollywell Road. The concern was that the service of an enforcement notice at 40 Woolley Wood Road may result in the displacement of activity from that site to the other two sites as has occurred in the past.
- 8.7 44 Woolley Wood Road had previously also been the subject of enforcement action against the property for the storage of scrap metal, pallets and the parking of commercial vehicles, trailers and parking of vehicles associated with the scrap metal business.
- 8.8 11 Hollywell Road is the formal place of business of the owner/occupier of the business and had not previously been the subject of planning enforcement action as it had permission for a B8 – Storage or Distribution use but it had been the subject of previous complaints. The formation of a skip hire business would however require planning permission as this was a sui generis activity which fell outside the use class.
- 8.9 **RESOLVED:** That the Committee:-
- (a) gives authority to the Director of Development Services or Head of Planning to take all necessary steps, including enforcement action, service of a stop notice and the institution of legal proceedings, if necessary, to secure the cessation of the use of the premises at 40 Woolley Wood Road for the storage of skips and skip hire and the removal of skips and skip loaders from the property;
  - (b) delegates to the Director of Development Services or the Head of Planning power to authorise the taking of all necessary steps, including enforcement action, service of a stop notice and the institution of legal proceedings, if

necessary, to secure the cessation of the use of the premises at 44 Woolley Wood Road or 11 Hollywell Road for the storage of skips, skip hire and the removal of skips and skip loaders from those premises in the event that the evidence of a breach of planning control relating to the running of such a skip hire business from either premises comes into the possession of the Council; and

- (c) delegated authority be given to the Head of Planning, in consultation with the Chair (Councillor Alan Law), to vary the action authorised to achieve the objectives hereby confirmed including taking action to resolve any associated breaches of planning control.

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

- 9.1 The Committee received and noted a report of the Director of Development Services detailing (a) planning appeals recently submitted to the Secretary of State and (b) the outcome of recent planning appeals along with a summary of the reasons given by the Secretary of State in his decision.

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# Agenda Item 6

## SHEFFIELD CONSERVATION ADVISORY GROUP

### Meeting held 11th December, 2012

PRESENT:	<u>Name</u>	<u>Organisation</u>
	Dr. Philip Booth (Chair)	Co-opted Member
	Mr. Tim Hale (Deputy Chair)	Sheffield Chamber of Commerce
	Mrs Christine Ball	Civic Trust/South Yorkshire Industrial History Society
	Mr. Patrick Burns	Co-opted Member
	Mr. Howard Greaves	Hallamshire Historic Buildings Society
	Mr. Graham Hague	Victorian Society
	Mr. Bob Hawkins	Council for the Protection of Rural England
	Mr. Stanley Jones	Hunter Archaeological Society
	Mr. Philip Moore	Sheffield Society of Architects
	Mr. Andrew Shepherd	Society for the Protection of Ancient Buildings
	Dr. Alan Watson	Institution of Civil Engineers

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

Apologies for absence were received from Prof. Clyde Binfield (20th Century Society), Mr. Rod Flint (Georgian Group), Mr. Bob Marshall (Royal Town Planning Institute) and Dr. Malcolm Tait (University of Sheffield).

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

The minutes of the meeting held on 23rd October, 2012 were approved as a correct record subject to (a) the addition, in the attendance, of the words "Mrs Christine Ball Civic Trust/South Yorkshire Industrial History Society" and (b), the substitution, in item 2 of the words " (v) Mr. Hawkins would report" for the words "(iv) Mr Hawkins would report" and, in item 8 (a) the words "monument to Alderman Thomas Wylie, originally near Brightside Station" for the words "community monument" and, arising therefrom, the Group (i) noted that:-

(A) (1) John Mothersole, Chief Executive of the City Council had agreed to meet the Chair (Dr. Booth) and discuss the development of the Edwardian Extension of the former Jessop Hospital for Women;

(2) details of the site selection process involving the Extension had been published on the Council's website;

(3) Prof. Mike Hounslow, University of Sheffield, felt that it would not be appropriate for representatives of the University to meet representatives of the Group and discuss the

development;

(4) a campaigner against the development had contacted Mr Hale and Dr Booth to obtain their support for his campaign;

(5) the application for the development would be considered by the Council's City Centre and East Planning Committee at its meeting on 17th, December;

(6) the Sheffield Telegraph had published a letter and an article by Mr Greaves, regarding the development,

(7) the Telegraph and the Star had not published letters, regarding the development, from Mrs. Valerie Bayliss;

(8) the University had stated that it required from the site nineteen thousand square feet of space, rather than the original sixteen and a half thousand square feet of space;

(9) English Heritage could call in the application as the proposed demolition would amount to substantial harm to the building and there had been procedural failings by the architect, particularly in examining whether demolition was justified; and

(10) demolition of the building would set a precedent for development of other important buildings nearby;

(B) the proposed development of the Wicker as a gateway to the City would require the demolition of a timber yard at that location;

(C) (1) over the last few years, significant changes had been made to a number of crucible furnaces within the City, including replacing slate roofs with metal sheeting and the insertion of a flue through the roof of a furnace, which all involved major changes to what were essentially simple buildings;

(2) Mr Hawkins would liaise with the Head of Planning to enable investigation of these matters;

(3) the remains of a furnace, in the cellar of a house at Grenoside, had been added to the Statutory List; and

(4) the City Council had not yet received a copy of a report by Mr. Craig Broadwith, English Heritage, on Metal Trades Buildings at Risk within South Yorkshire;

(D) following its sale by auction, the Abbeydale Picture House would be used as a Climbing works/school. It was believed that it could be possible for the building to revert to its original use as a theatre;

(E) a bid for Heritage Lottery funding would be made to carry out restoration work on the organ at the City Hall;

(b) (i) approved the representation of the Group by the Chair (Dr. Booth) and Mr. Moore at a meeting with Mr. John Mothersole, regarding the proposed demolition of the Edwardian Wing of the former Jessop Hospital and (ii) thanked Mr Greaves for his efforts in connection with the development; and

(c) requested the Head of Planning, in the event that he obtains copies of the above report by English Heritage on Metal Trades Buildings At Risk in South Yorkshire, to make a copy available to the Group.

### **3. CHAIR'S REPORT**

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

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

The Head of Planning reported that (a) (i) the closing date for submitting representations on the changes, proposed by the Government, to the permitted development rights regarding larger extensions was 24th December, 2012, (ii) the City Council had objected to the proposals and a number of other authorities had also objected strongly to



them and (b) the consultations on proposed changes to the granting of listed building consent would not go ahead, with the exception of the proposals regarding the certificate of lawfulness.

The Group noted the information.

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

The Group noted that the next meeting of the Sheffield Sustainable Development and Design Panel was scheduled to take place on 31st January, 2013.

6. **HERITAGE ASSETS**

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

- (a) **Construction of new main entrance, outpatients and ward building in south east of hospital building site, including new service yard and delivery zone, alterations to 8-10 Northumberland Road, closure of part of Durham Road and part of Durham Lane, alterations/extension of existing main entrance building on Clarkson Road and provision of new frontage, demolition of 9 Clarkson Street and demolition of extension at 5-7 Clarkson Street and at 12 Northumberland Road, at the Children's Hospital, Western Bank (Case Number: 12/03393/FUL).**

The Group felt that there was no objection, in principle, to the development, subject to justification of the loss of 9 Clarkson Street. The Group queried whether the development was too big for the site. The Group suggested that consideration be given to the possibility of the nearby car park of the University of Sheffield, on Clarkson Street, being used for the development, to reduce its impact on traffic movements within the area. The Group considered that it should be stressed that there could be no further development on Clarkson Street and Northumberland Road. The Group suggested that the wall to the access point should be of natural stone, with the details of scale of coursing and modelling being to the satisfaction of the Head of Planning. The Group welcomed the proposed green roofs.

- (b) **Refurbishment and conversion of Kutrite Factory to form 7 houses and 8 apartments at site of 1-7 Allen Street, 7,9,11,13 and 15 Smithfield and Snow Lane (Case Number: 12/03596/LBC)**

The Group felt that the information was both inadequate and inaccurate. The Group considered that the development did not respect or enhance the conservation area and that the proposed demolitions were unjustified. The Group suggested that the use for residential accommodation was acceptable, in principle, subject to careful treatment of the building and subject to the type of residential accommodation being appropriate. The

Group raised strong objections to the proposed treatment of the listed building.

NOTE: The Group deferred, pending a visit of inspection to the site, consideration of an application for development at Barnes Hall Farm, Bracken Hill (Case No: 12/03475/LBC and 12/03474/FULL)

## **7. MISCELLANEOUS ITEMS**

Members of the Group reported on developments affecting Heritage Assets and Conservation Areas and the Group noted that:-

- (a) the proposed developments of the former Ranmoor and Ballard Halls of Residence had been advertised in the Sheffield Telegraph;
- (b) the City Council's Building Standards officers regularly checked the condition of the former Sufi Centre, Vincent Road. The building, which was still apparently in sound condition, was subject to planning permission for development as a hotel;
- (c) the furniture of the Highfields Library, which was being refurbished, had been removed and had possibly been sold;
- (d) sash windows were being replaced at 11-15 St Barnabas Road, which was a listed building;
- (e) the scheme for development of the former first-class dining room at Sheffield Station, for the Sheffield Tap, had been considered by the Group. It was anticipated that the refurbished building would re-open soon;
- (f) the City Council had sold Mount Pleasant to an individual. There had been, as yet, no enquiries regarding its future use;
- (g) planning permission for development of the former Anglican Chapel, General Cemetery, had been granted two years previously. The scheme had been considered by the Group;
- (h) work had begun on the residential development of the former Art College, Psalter Lane;
- (i) the scheme of development of the former St. John's Methodist Church, Crookesmoor Road, included the insertion of additional lighting;
- (j) the new extension to St. Thomas Church, Crookes, formed a link to the former Endowed School;
- (k) the former Pearl Works was for sale;
- (l) the planning officer overseeing the development of 17 Southgate,

Eckington, was in fact a private consultant, who was being retained by North East Derbyshire District Council ;

- (m) There were two planning applications for development of the former Hallam Towers Hotel. Notice had been served on the owner in connection with the condition of the building, following vandalism of the concrete links and subsequently a planning application for their demolition had been received. The windows would be boarded up and the vegetation would be tidied up along the Fulwood Road section of the site. A further application had been received, for revision of the conditions attached to the existing permission for its development; and
- (n) There had been no progress regarding the condition of Loxley Chapel.

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

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**SHEFFIELD CITY COUNCIL**  
**City Centre South and East Planning and**  
**Highways Committee**

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**Report of:** Director of Development Services

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**Date:** 04/02/2013

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

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**Author of Report:** Chris Heeley and Lucy Bond

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**Summary:**

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**Reasons for Recommendations**

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

**Recommendations:**

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**Background Papers:**

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**Category of Report:** OPEN

Application No.	Location	Page No.
12/04037/FUL	Site Of Phoenix House 67 To 73 Common Side Sheffield S10 1GF	19
12/04013/FUL	24 Ashgate Road Sheffield S10 3BZ	34
12/03838/FUL (Formerly PP-02337487)	Telephone Box Outside 315-319 Ecclesall Road Sheffield S11 8NX	43
12/03571/FUL (Formerly PP-02306559)	Former Electricity Substation Adjacent 47 Roach Road Sheffield S11 8AU	51
12/03452/COND	Land To The South Of 91-102 Doveholes Drive Sheffield S13 9DP	66
12/03415/FUL (Formerly PP-02259276)	Land To The South Of 91-102 Doveholes Drive Sheffield S13 9DP	67
12/03394/CAC (Formerly PP-02275946)	Sheffield Children's NHS Foundation Trust, The Childrens Hospital, Western Bank, 8 -12 Northumberland Road, 5 - 9 Clarkson Street, Sheffield S10 2TH	78
12/03393/FUL (Formerly PP-02275946)	Sheffield Children's NHS Foundation Trust, The Childrens Hospital, Western Bank, 8 -12 Northumberland Road, 5 - 9 Clarkson Street, Sheffield S10 2TH	81

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning  
To the City Centre and East Planning and Highways Committee  
Date Of Meeting: 04/02/2013

LIST OF PLANNING APPLICATIONS FOR DECISION OR INFORMATION

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

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Case Number	12/04037/FUL
Application Type	Full Planning Application
Proposal	Demolition of offices and erection of 6 dwellinghouses with integral garages
Location	Site Of Phoenix House 67 To 73 Common Side Sheffield S10 1GF
Date Received	19/12/2012
Team South	
Applicant/Agent	Chris Carr Architects Ltd
Recommendation Grant	Conditionally

Subject to:

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

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

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

The drawings numbered  
P03 Rev B  
P05 Rev B

P06 Rev B  
P07 Rev B  
P08 Rev C  
P09 Rev C  
P10 Rev A

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs of the of the completed development being obtained from decentralised and renewable or low carbon energy;

Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources or additional energy efficiency measures shall have been installed before any part of the development is occupied and a post-installation report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS65.

- 4 The surface water discharge from the site shall be reduced by at least 30% compared to the existing peak flow and detailed proposals for surface water disposal, including calculations to demonstrate the reduction, must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, or an alternative timeframe to be approved in writing by the Local Planning Authority. In the event that the existing discharge arrangements are not known, or if the site currently discharges to a different outlet, then a discharge rate of 5 litres / hectare should be demonstrated. The development shall thereafter be carried out in accordance with the approved details.

In order to mitigate against the risk of flooding.

- 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.

In order to ensure an appropriate quality of development.



6 The residential accommodation hereby permitted shall not be occupied unless a scheme of sound attenuation works has been installed and thereafter retained. Such scheme of works shall:

- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey,
- b) Be capable of achieving the following noise levels:  
Bedrooms: LAeq 15 minutes - 30 dB (2300 to 0700 hours),  
Living Rooms: LAeq 15 minutes - 40 dB (0700 to 2300 hours),
- c) Include a system of alternative acoustically treated ventilation to all habitable rooms.

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

In the interests of the amenities of the future occupiers of the building.

7 The windows in the rear elevations of the proposed dwellings, at first and second floor levels and facing Bower Road, shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of it shall at any time be glazed with clear glass without the prior approval of the Local Planning Authority.

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

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, Part 1 (Classes A to H inclusive), Part 2 (Class A), or any Order revoking or re-enacting that Order, no extensions, porches, garages, ancillary curtilage buildings, swimming pools, enclosures, fences, walls or alterations which materially affect the external appearance of the dwellings shall be constructed without prior planning permission being obtained from the Local Planning Authority.

In the interests of the amenities of occupiers of adjoining property, bearing in mind the restricted size of the curtilage.

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

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

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

In the interests of the visual amenities of the locality.

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

In the interests of the visual amenities of the locality.

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

To ensure that the Local Planning Authority can confirm when the maintenance periods specified in associated conditions/condition have commenced.

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

In the interests of the safety of road users.

- 14 The dwellings shall not be used unless the car parking accommodation for 1 car per dwelling as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

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

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

- 16 Before the development hereby permitted is occupied arrangements shall be agreed with the Local Planning Authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development

shall obtain a resident's parking permit within any controlled parking zone which may be in force in the city at any time.

In order to define the permission.

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

In order to ensure an appropriate quality of development.

- 18 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.

In the interests of the safety of road users.

Attention is drawn to the following justifications:

1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below:

BE5 - Building Design and Siting  
BE6 - Landscape Design  
BE9 - Design for Vehicles  
H7 - Mobility Housing  
H10 - Development in Housing Areas  
H14 - Conditions on Development in Housing Areas  
H15 - Design of New Housing Developments  
H16 - Open Space in New Housing Developments  
CS24 - Maximising the Use of Previously Developed Land for New Housing  
CS46 - Quantity of Open Space  
CS63 - Responses to Climate Change  
CS64 - Climate Change, Resources and Sustainable Design of Developments  
CS74 - Design Principles

The proposed development is considered to be sympathetically designed so as not to greatly impact upon the character and appearance of the surrounding locality.

Situated within the centre of the site the proposal is considered not to impact on the amenities of the area and as such, accords with UDP and Core

Strategy policies: BE5, BE6, BE9, H7, H10, H14, H15, H16, CS24, CS46, CS63, CS64 and CS74.

The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report at [www.sheffield.gov.uk/planningonline](http://www.sheffield.gov.uk/planningonline) or by calling the planning officer, contact details are at the top of this notice.

# Site Location



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## LOCATION AND PROPOSAL

The application relates to a parcel of land which was occupied, up until recently, by a modest sized flat roofed office block. The building was set slightly back from the road and within a defined Housing Area. It is believed that residential units were originally sited on this parcel of land and this proposal seeks permission to erect 6 family dwellings, each having three bedrooms and one off street parking space.

The office block has been demolished and the site is fenced off from the public domain. The site has been levelled and excess rubble has been removed. The land slopes away to the east/ rear of the site and backs onto neighbouring residential units; these properties are set significantly lower down than the subject site. There are two public houses to the north of the site and a mixture of residential properties that vary in size and architectural style.

The property is set within a sustainable location and is approximately 1.6 km from Sheffield city centre. The site is set off a main arterial road that leads into the city centre. Commonside, the road upon which the parcel of land is sited, starts to get much wider as it heads south.

## RELEVANT PLANNING HISTORY

The parcel of land has been subject to two previous applications that are relevant to the determination of this application.

This is a resubmission of an application that was submitted towards the end of 2012 and was subsequently withdrawn. The application was identical in terms of the number of dwellings proposed and their siting within the plot of land. Further information was required and the application was withdrawn to give the applicant more time to provide further details regarding sustainability and amenity issues.

The office building was built with asbestos ceilings and was in a state of disrepair. The structure had become dangerous and a concern to public safety.

The applicant, after withdrawing the previous application, submitted a prior approval application which was needed to determine whether full planning permission was required for the demolition of the original building or not. Full planning consent was not required and the demolition of the building was considered to be acceptable under the General Permitted Development Order. The office building has subsequently been demolished.

## SUMMARY OF REPRESENTATIONS

There have been three representations received in connection with this application. Two representations object to the proposal whilst the other representation supports it. The issues that have been raised in the two representations can be summarised as:

- The building will be taller than the office block and this will impact upon the sense of space and privacy currently enjoyed. This will create a feeling of being closed in, in an area that is already very densely housed;
- The proposal will increase noise and this will affect the quality of life currently enjoyed;
- The materials do not appear to match the other materials of the surrounding area.
- Ensure the building fits with the surrounding area.

These issues are material planning considerations and are discussed in the subsequent report.

## PLANNING ASSESSMENT

### Policy Issues

The application relates to a parcel of land which is defined as a Brownfield site. The site is set within a Housing Area as defined in the Unitary Development Plan (UDP).

The most relevant local planning policies are outlined in both the UDP and the adopted Core Strategy. The policies identified are:

- BE5 – Building Design and Siting
- BE6 – Landscape Design
- BE9 – Design for Vehicles
- H7 – Mobility Housing
- H10 – Development in Housing Areas
- H14 – Conditions on Development in Housing Areas
- H15 – Design of New Housing Developments
- H16 – Open Space
- CS24 – Maximising the Use of Previously Developed Land for New Housing
- CS26 – Efficient Use of Housing Land and Accessibility
- CS63 – Response to Climate Change
- CS64 – Climate Change Resources and Sustainable Design of Development
- CS65 – Renewable Energy and Carbon Reduction
- CS74 – Design Principles

The use of the land for residential purposes is the preferred use as stipulated in UDP policy H10. Policy CS24 states that priority will be given to development on previously developed land, with 88% of new dwellings expected to be constructed on previously developed land. The proposal therefore supports the aims of this policy.

Policy CS26 'Efficient Use of Housing Land and Accessibility', seeks to ensure that proposal makes efficient use of land. Whilst the policy does specify desired densities, it also states that housing densities outside of the specified ranges maybe acceptable if they achieve good design which reflects the character of the area. This proposal would create a density of 75 dwellings per hectare, compared with the desired density specified in the Core Strategy of 40 – 60 dwellings per hectare. (The density is stipulated within section c and this refers to urban areas which are sustainable and near high frequency bus routes.) The proposal is

considered to be representative of the character of the area in terms of its density and as such, also acceptable in terms of this policy. The character of the area is discussed further in the subsequent report.

The National Planning Policy Framework is also relevant to the assessment of this application and it should be noted that the general presumption throughout the national policy document, is one in favour of sustainable development. All local planning policies have been considered to be in line with this document.

### Design Issues

UDP policies BE5, H5, H14, H15 and Core Strategy policy CS74 seek high quality designs which respect and enhance the surrounding area within which the development sits. The policies seek to ensure that development is of a scale and nature which is appropriate to the surrounding area.

In particular, CS74 seeks to ensure new developments respect and enhance the townscape character of the city's districts, including the scale, layout, built form, building styles and materials.

This application seeks permission to erect a row of 6 brick and slate built family dwellings that would face out on to Commons side. The proposed dwellings would be sited on what is, to a developer, a challenging site. The ground slopes away to the rear and the separation distances between the rows of dwellings to the rear is restrictive. Accordingly, the design of the buildings has had to innovatively address amenity issues, whilst also finding a design which complements the character and existing built forms of the surrounding area.

The dwellings proposed would be built using a variety of materials and these include brick, natural slate and more contemporary materials such as a metal cladding systems to the rear triangular bay windows. The area comprises of a mixture of different housing styles. The majority of the buildings are brick built two storey terraced dwellings, although there are various detached and semi detached buildings present. The materials stated are indicative, and if permission is granted, a condition should be attached to ensure that samples are provided before the development is commenced. This will ensure that the materials match the prevalent brick style found in the immediate area.

The proposal seeks to erect a row of terraced properties that are similar in height and massing to the others within the street. They would be set within fairly small grounds, but this reflects the urban grain and the size of gardens within the immediate area. The scale, massing and setting of the proposed dwellings is therefore consistent with the character of the area.

The properties are three bedroomed family dwellings with shared living accommodation at basement level. At ground level there is an open garage that fronts the highway and the front door is covered by a canopy that also provides screening to bin storage areas. There are no other properties within the street that have car ports or garages; and terraced dwellings are typically, but not exclusively built up to the back edge of footway.



It should also be considered, that whilst the removal of the open garages may represent an improvement on the design of the frontages, off street car parking is considered necessary for dwellings of this size. Another alternative to the open garages would be to have a large area of hardstanding to one side of the dwellings instead, or vehicle spaces in front of the dwellings. These are considered likely to have a much greater impact upon the visual amenities of the area and would be harmful to the character of the street. Consideration has also been given to a car free scheme, however as stated above, some parking is considered appropriate here.

Unlike the previous withdrawn scheme, the front windows at first floor level have been made larger to respect the windows of the neighbouring properties. The detailing of the frontages is acknowledged to be a variation from the typical street scene in the surrounding area, but on balance is considered to be satisfactory.

The properties would sit slightly back from the public highway. This is different to other properties within the street which sit directly onto the public highway. However, the street is not completely traditional in terms of its layout and the proposed dwellings would sit amongst a variety of architectural styles. This would enable the proposal to fit in with the existing street, whilst adding a new dimension to the townscape.

It should also be stressed that the previous, now demolished building was of a very poor design that certainly did not echo the residential nature of the area. Given that this scheme mirrors the general built form of the area and is not, for instance, an apartment block of a similar massing to the original office block; this scheme is considered to be on balance, more akin to the residential nature of the area and as such acceptable with regards to UDP and Core Strategy policies.

Paragraph 60 of the NPPF states that planning decisions should not attempt to impose architectural styles or particular tastes and should not stifle innovation, originality or initiative in order to conform to particular development forms or styles. It does however go on to say that it is proper to seek to promote or reinforce local distinctiveness. In this regard, the scheme acknowledges the local characteristics of red brick terraced dwellings, with pitched slate roofs, and produces a building of appropriate form and scale.

The one area where there is some deviation from local character is in the provision of open garaging and windowless ground floors. There is a concern that this will create a somewhat unattractive frontage, lacking activity and surveillance on the street frontage, however, on balance, this is considered a reasonable compromise to allow for the provision of off street parking spaces, and the frontage is broken up with canopy treatments and areas of landscaping, that will add interest to the street scene. The canopies will overhang vertical galvanized steel screens facing the street frontage that will enclose private bin stores and provide a supporting structure for a vertical “green wall” with climbing plants set immediately to the rear of a frontage hedge running the full width of the site, other than where it is punctuated by vehicle access points.

The scale, massing, siting and detailing of the proposed scheme is considered to be acceptable and is compliant with the Council's design policies. Furthermore, the sustainable location and design is encouraged within such policies and within the NPPF. As such, in this respect, the proposal meets the requirements of local and national planning policies.

### Sustainability

Core Strategy policies CS63, CS64 and CS65 all seek to ensure that new developments are sustainable and address the issues of climate change.

The building is sited on a very accessible site with good public transport links to the city centre. It has a density which is considered to be acceptable for this location and the buildings shell has been designed to meet the Code for Sustainable Homes Level 3.

The proposal will include photo voltaic roof tiles to the rear elevation which is considered to enable the proposal to provide 10% of its energy needs from low carbon energy sources. The proposal would also remove large areas of hardstanding that were associated with the offices, and this will mean a significant reduction in surface water run off. It is considered that the proposal would meet the criteria stipulated in Core Strategy policies CS63, CS64 and CS65.

### Amenity Issues

Policy H14 of the Unitary Development Plan, seeks to provide reasonable standards of living for both occupants of the proposed development and those who neighbour the site.

The proposed dwellings would front Commonsides and the rear gardens, owing to the shape of the plot of land, would vary in size. The gardens vary in terms of length and size. The gardens range from a minimum distance of 6.8 metres in length to a maximum distance of 11.5 metres. The garden sizes would therefore vary from approximately 25 square metres to 67 square metres.

Whilst the gardens are fairly small, the internal living arrangements are spacious. The dwellings would have large open plan kitchens and lounges that open out onto the gardens. Accordingly, the design of the dwellings will appeal to those who seek a modern style of living and the internal amenity spaces link well with the external areas.

The dwellings would be taller than the offices that previously occupied the site. However, they are set a minimum distance from the nearest neighbouring property by over 12 metres. Whilst the supplementary planning guidance relating to house extensions is not strictly relevant in this case, the recommended minimum separation distance of 12m outlined in this document does assist in assessing the consideration of overbearing impact.

There is a high boundary wall that separates the dwellings to the rear and the proposed development. This wall already has an impact upon the amenities of the

existing properties and would reduce the visible impact of the proposed dwellings when viewed from the neighbouring sites. Similarly, the neighbouring buildings on Commonsides are much closer to the dwellings behind and, they are of a similar height to the proposed dwellings. Whilst the proposal will have more of a presence upon the neighbouring properties than the previous office building it is not considered that the proposal would significantly impact upon the outlook and daylight currently enjoyed by these neighbouring properties. Furthermore, with the above reason in mind, it is also not considered to have any more of an impact upon these dwellings than the other properties along Commonsides. On balance, it is considered that the proposal does meet the policies outlined in UDP policy H14 and the proposal would not significantly overbear/ overshadow the neighbouring residential units.

The properties are set quite close to the rear boundary and the windows have been designed to prevent the outlook of the bedroom windows from directly overlooking the properties to the rear. On the properties where there is not 10 metres to the rear boundary, and 21 metres to the rear elevations of the neighbouring properties, a triangular bay window has been included in the design to ensure that any outlook is not directly into the rear windows or gardens of the closest neighbouring properties. (Separation distances that are referred to have been taken from the Supplementary Planning Guidance: Designing House Extensions.) An element of obscure glass is provided in the bay windows to ensure bedrooms to the dwellings have good natural light and good privacy levels, whilst retaining a limited outlook.

Timber pergolas have been set out in the rear gardens of the dwellings to ensure that a reasonable level of privacy from any sideways overlooking is maintained between the subject buildings. Overall, the windows to the rear of the site are not considered to impact upon the neighbouring residential properties. Furthermore, outlook and daylight to the habitable rooms are considered to be of a standard that would provide a good standard of living for any occupants.

The windows facing Commonsides have outlooks that are similar to the other properties within the street and these windows are not considered to be detrimental to the amenities of the properties on Commonsides.

Concerns have been raised regarding noise and other disturbances arising from the proposed development. The buildings would be occupied for longer periods than the original offices; however, their size and nature are not considered to have any greater impact upon the properties to the rear when compared with the offices. It should also be noted here that no restrictions were in place to restrict the hours of use of the office premises and in theory, the offices could have been used throughout the day and potentially have been a greater source of commotion than the three bedroomed family houses. The dwellings and their associated use are not considered to be out of character with the area or a potential source of noise that would be to the detriment of the surrounding residents.

Two public houses (The Hallamshire Hotel, and The Closed Shop) are located in very close proximity to the dwellings. There is therefore significant potential for noise and disturbance to occur impacting upon the amenities of future occupiers of the dwellings. However, it is considered that a suitable condition can be reasonably

imposed requiring a scheme of sound insulation to ensure satisfactory internal noise levels. Subject to such a condition, the proposal in this respect is considered to be acceptable.

The siting and design of the proposal is such that the impact upon the neighbouring properties is considered to be negligible. The proposal provides good levels of amenities for the occupants and the neighbouring properties. As such, it is considered that the proposal meets the requirements of UDP policy H14.

### Mobility Housing

UDP policy H7 seeks to provide a proportion of new housing that meets the Local Planning Authority's mobility housing standards. This policy applies to all developments which include five or more units. The policy states that mobility standards will be encouraged except where the physical characteristics of a site make this impracticable. The site is heavily constrained, and slopes steeply to the rear and the properties are therefore set out on more than two levels. As such it has not proved possible to achieve full mobility housing standards on the units, or a proportion of them as required by the policy.

However, the dwellings will be designed to ambulant disabled standards, and all have level access from the public highway, and provide toilet facilities on this level. In this context, whilst the requirements of policy H7 have not been fully met it is not considered that the scheme could reasonably be resisted on this basis.

### Provision of Open Space

UDP policy H16 'Open Space in New Housing Developments', requires the developer to contribute to the provision, or improvement of informal open space within the surrounding area; where it can be demonstrated that there is a shortfall in the provision, or where existing provisions are in need of enhancement.

In this instance, following assessment, the catchments areas for informal and formal open space are well below the minimum guidelines required. A contribution is therefore required. The financial contribution required is £11,031.30 and such a sum will be secured by a Planning Obligation under section 106 of the Town and Country Planning Act 1990.

### Highways Issues

The proposal seeks permission to erect six three bedroomed dwellinghouses. The properties are set on a relatively busy road which gets wider as it runs south. The properties within the street rely on street parking, although within the wider surrounding area some properties do have small driveways and cars can be kept off the street.

The dwellings are family dwellings and it is considered necessary to provide some off street car parking spaces. Whilst dwellings of the size proposed would usually be expected to provide 2 car parking spaces, the very sustainable location and close proximity to Sheffield city centre are considered to be sufficient enough

reasons to negate the requirement for two spaces. The provision of one car parking space per unit is considered to be sufficient in this instance and in accordance with UDP parking guidelines.

The open garages that are provided are set back from the back edge of footway by 2m and this distance is considered to allow for safe access and egress to the dwellings, and to and from the public highway. The proposal is therefore considered to be acceptable in highway safety terms.

## SUMMARY AND RECOMMENDATION

The proposed buildings are considered to be sympathetic to the character and appearance of the surrounding area. The materials, built form, massing and detailing are considered to be acceptable and the proposal provides a row of terraces which would offer a good standard of living for future occupants and whilst the view of the site for neighbouring residents would undoubtedly change, the scheme does not present any issues that are considered to result in a significantly detrimental impact upon their amenities.

The proposal would significantly improve the appearance of a brownfield site which is currently derelict and fenced off to the street. The improvements are welcomed and considered to strengthen the sites relationship with the neighbouring sites and the wider residential area.

The principle of the development within such a site, and the details of the proposed residential units that have been provided, meet the criteria stipulated within both UDP and Core Strategy policies BE5, BE6, BE9, H7, H10, H14, H15, H16, CS46, CS63, CS64 and CS74. Furthermore, the sustainable location and use of a brownfield site for housing, is in accordance with the NPPF also.

Accordingly it is recommended that planning permission is granted subject to conditions and the completion of a legal agreement to secure provision for recreation space in accordance with UDP policy H16.

## HEADS OF TERMS FOR PLANNING OBLIGATION

The owner shall, on or before, the commencement of development, pay to the Council, the sum of £11,031.30 to be used towards the provision or enhancement of Open Space within the vicinity of the site.

In the event of a satisfactory S106 Planning Obligation, covering the Heads of Terms set out in the preceding paragraph, not being concluded by the 13 February 2013, it is recommended that the application be refused for the failure to make provision in this regard.

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Case Number 12/04013/FUL

Application Type Full Planning Application

Proposal Replacement of wooden windows with uPVC  
(retrospective application)

Location 24 Ashgate Road  
Sheffield  
S10 3BZ

Date Received 13/12/2012

Team South

Applicant/Agent PA Estates Management Ltd

Recommendation Refuse

For the following reason(s):

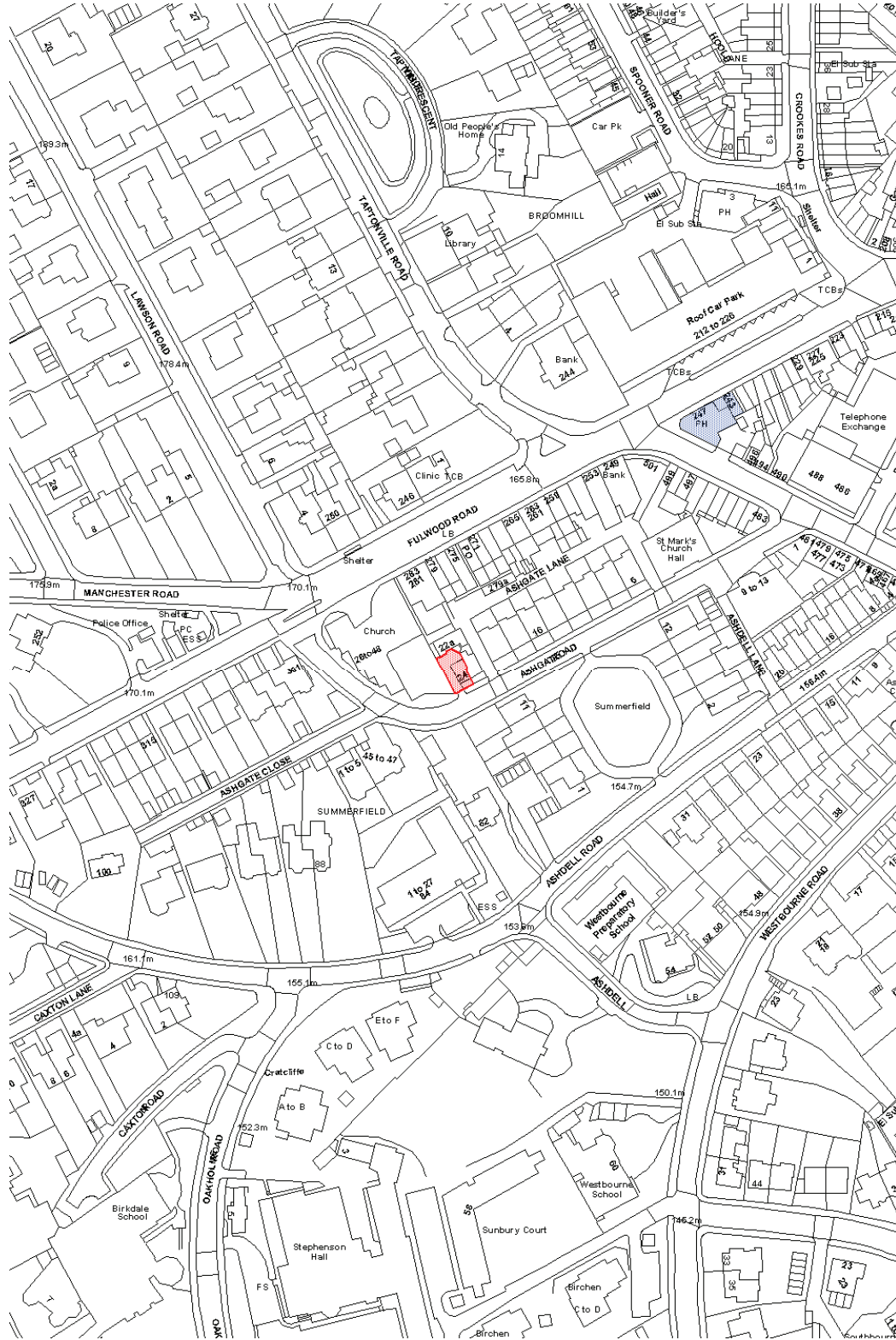
- 1 The Local Planning Authority consider that the proposed development, by virtue of its design, including window frame widths, poor detailing, materials and scale, would detract from the setting and special architectural and historic interest of 6 -20 Ashgate Road, a Grade II Listed Building. In this respect the proposal is contrary to Policy BE19 of the Unitary Development Plan.
- 2 The Local Planning Authority consider that the design of the subject windows as detailed in the above application, by reason of their poor detailing, materials and scale, would be out of keeping with the design of the original house and would be injurious to the character of the property itself and the surrounding Broomhill, Article 4 (2) Direction Conservation Area. It would therefore be contrary to Unitary Development Plan Policies S10 and BE16, and policy CS74 of the adopted Core Strategy.

Attention is drawn to the following directives:

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

2. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, based on seeking solutions to problems arising in relation to dealing with a planning application, this application is retrospective and was submitted without the applicant having entered into meaningful pre-application discussions about the planning policies that apply to the proposal and has shown insufficient regard for those policy requirements, so it has not been possible to reach an agreed solution in this case.

# Site Location



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#### LOCATION AND PROPOSAL

The application relates to a large residential unit that has historically been converted into two dwellinghouses. The large stone and slate built property is characteristic of the area and has been identified by the Local Planning Authority as having significant architectural merit.

The property is set slightly back from the road and behind a stone boundary wall which is a common feature within the street. It is considered to be a good example of a mid to late Victorian double fronted dwelling. There are small grounds to the side and rear of the pair of semi detached properties and access to the residential properties is taken from both Ashgate Lane and Ashgate Road. To the northwest of the site there is a church and to the east along Ashgate Road there is a row of brick built Victorian terraces which are Grade II Listed.

The property is situated within both an Article 4 (2) Direction Conservation Area and a District Shopping Centre, as defined in the Unitary Development Plan. The site is bound by a residential area. Ashgate Lane which is located to the east of the site marks the start of the residential area.

The application property has been subjected by the Local Planning Authority to the Article 4 (2) Direction and permitted development rights have been removed. The good quality, traditionally proportioned timber windows in the front elevation of 24 Ashgate Road have been replaced with uPVC frames and this application therefore seeks retrospective planning permission to authorise their replacement. It has been submitted in response to enforcement officer investigations.

#### RELEVANT PLANNING HISTORY

The building which is the subject of this application has been separated into two dwellings. There is no history associated with the separation of the building but, this must have happened before 1981 as there is a 1981 planning consent which granted permission for their demolition. This was not implemented.

This application seeks permission to retain uPVC windows that have been installed in the front elevation of the property. The windows require planning permission as the property is the subject of an Article 4(2) Direction property within the Broomhill Conservation Area. As such, the building has had its permitted development rights removed.

The adjacent dwelling and other half of the property, number 22, has identical uPVC windows but these were installed before the area became an Article 4(2) Direction Conservation Area. Owing to this, these windows were installed under the General Permitted Development Order 1995 and do not require planning permission. The Local Planning Authority do not therefore have control in this matter.

#### SUMMARY OF REPRESENTATIONS

There have been no representations received in connection with this application, though the application was submitted in response to enforcement officer investigation following a complaint from a neighbouring resident.

## PLANNING ASSESSMENT

### Policy Issues

The application property is set within a District Shopping Centre and the Broomhill Article 4 (2) Conservation Area. The application is to be assessed, therefore, against UDP policies S10, BE16 and BE19.

In March 2009, the Core Strategy Policy Document was adopted and this forms part of the Sheffield Development Framework. It is considered that it is in accordance with the principles of the National Planning Policy Framework. Core Strategy policy CS74 is therefore also relevant to the assessment of this application.

UDP policy S10 'Conditions on Development in Shopping Areas', states that any development will be well designed and of a scale and nature that is appropriate to the site.

Policy BE16 'Development in Conservation Areas' puts a further emphasis on the quality of a proposals design. In essence, the policy seeks to preserve and enhance the overall Conservation Area and the architectural heritage with which the area comprises.

The subject building has been identified in the Conservation Area Appraisal as being a building of significant architectural merit. It is sited to the west of row of Victorian terraced properties that are Grade II Listed. The subject building not only contributes to the quality of the surrounding conservation area, but also the immediate setting of the listed buildings.

UDP policy BE19 is relevant to development that affects listed buildings. Whilst the proposal does not directly impact upon the fabric of the listed building, the subject property follows the line of the listed row of terraced properties and therefore contributes greatly to the setting of the said terraces. Policy BE19 insists that proposals that affect the setting of listed buildings should preserve and enhance their juxtaposition.

Core Strategy policy CS74 reinforces the aims of the UDP policies and strengthens the Local Planning Authority's position regarding the preservation of Sheffield's built heritage.

### Design Issues

This application relates to a modest sized, stone built double fronted dwelling. The front windows to both dwellings numbered 22 and 24 have been replaced, at different times, with uPVC mock sash windows. The windows have horn details and the opening casements are split with 50/ 50 proportions. The dwellings would have originally had timber framed sliding sash windows and these windows give the buildings within the conservation area their character.

The two dwellings, numbers 22 and 24, were not refurbished at the same time and one installed uPVC windows before the Article 4 (2) Direction was implemented. Evidence has been provided showing this to be the case. The neighbouring property number 22, installed the uPVC mock sash windows when the property still benefited from permitted development rights. No action can therefore be taken against this property as they did not require formal planning consent. The subject property of this application, no 24, installed uPVC windows after the Article 4 (2) Direction removed the permitted development rights. These windows do require planning consent and as such, this application has been submitted to seek approval for the retention of these windows and is to be assessed against the above relevant planning policies.

The casement windows have wide uPVC frames and a gloss white finish. The windows have also been detailed with mock sash horns and the first floor windows been divided into four sections to replicate the sliding sash casements on the neighbouring properties. However, the vertical bars are very thin and do not enhance the quality of the uPVC windows. It is considered that the frames are overly large and are too modern to sit comfortably within the delicately detailed window surrounds. The windows are extremely prominent and visually harmful to the character of the area.

The purpose of the Article 4 (2) Direction is to ensure that any proposal, regardless of its scale and nature, contributes to the quality of the original architecture and the surrounding area. The adopted planning policies and the Broomhill Conservation Area Appraisal and Management Proposals seek to prevent the erosion of the character of the area and the buildings original built form. The use of uPVC means that the windows to be retained are out of proportion and detract from the detailing of the windows surrounds and timber detailing that is prominent on the original dwelling. Although the neighbouring property no 22 would still have uPVC windows, this should not be used as an argument for the further erosion of the character of the original building. These windows do not set a precedent for further poor quality development, and over time through exercise of planning controls, the windows of No. 22 are expected to return to timber.

The windows don't respect the original form and detailing of the timber sash windows. The width of the frames, together with the detailing and plastic appearance of the opening casements, are disrespectful to the character and detailing of the original building and contrary to the UDP policy S10 and BE16.

The siting of the building, so close to a large row of listed Victorian terraces, would also mean that such poor detailing would impact upon the visual setting of the listed building. The proposal would also be contrary, therefore, to UDP policy BE19 and Core Strategy policy CS74.

#### Amenity Issues

The windows within this application solely relate to existing window openings. No new openings have been created and as a result of this, the application is not considered to give rise to any amenity issues. In this respect, the proposal would

not be contrary to UDP policy S10 (b) which seeks to ensure the amenities of any neighbouring properties, such as privacy levels, are retained.

## ENFORCEMENT

As this application seeks permission to retain the uPVC mock sash windows that have already been installed to the property, enforcement action will be required to remedy the situation, if Members agree to the decision recommended in this report.

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

## SUMMARY AND RECOMMENDATION

This application, which seeks authorisation to retain uPVC mock sash windows in the front elevation of an Article 4 (2) Direction property, is considered to be contrary to the design principles outlined in UDP and Core Strategy policies.

Whilst no new window opening have been created, which could have been detrimental to the amenities of neighbouring properties, the windows installed are of very poor quality that do not respect the character and detailing of the original dwelling, the surrounding conservation area and the listed buildings. The materials, width and detailing of the windows are considered to constitute an incremental erosion of the character of the area and as such, are deemed to be visually prominent within the street. If tolerated, such a proposal would weaken the Local Planning Authority's efforts to enhance and preserve the architectural merits of the Broomhill Conservation Area.

Owing to the reasons outlined in the above report, the proposal is considered to be contrary to UDP policies BE16, BE19, S10 and Core Strategy policy CS74. Accordingly, the application is recommended for refusal.

It is recommended that planning permission is refused and that the Director of Development Services or Head of Planning be authorised to take any appropriate action, including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the uPVC mock sash windows with more appropriate timber sliding sash frames.

Should it be necessary, it is also requested that the Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

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Case Number 12/03838/FUL (Formerly PP-02337487)

Application Type Full Planning Application

Proposal Retention of combined automated teller machine (ATM) and payphone kiosk

Location Telephone Box Outside 315-319 Ecclesall Road  
Sheffield  
S11 8NX

Date Received 10/12/2012

Team South

Applicant/Agent BT Payphones

Recommendation Refuse with Enforcement Action

Subject to:

- 1 The Local Planning Authority considers that the proposed design of the ATM kiosk, owing to the replacement of a glazed kiosk with a solid walled kiosk, would be out of scale and character in the street scene, detracting from the visual appearance of the street and would therefore be contrary to Policies BE14 and S10 of the Unitary Development Plan.
- 2 The Local Planning Authority consider that the use of the proposed ATM will result in an intensification of the use of the narrow section of pavement to the side of the ATM, encouraging pedestrian use of the carriageway to pass the obstruction, to the detriment of the safety of pedestrian and road users, contrary to the aims of UDP policies S10 and T8.

Attention is drawn to the following directives:

1. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, based on seeking solutions to problems arising in relation to dealing with a planning application, this application is retrospective and was submitted without the applicant having entered into meaningful pre-application discussions about the planning policies that apply to the proposal and has shown insufficient regard for those policy requirements, so it has not been possible to reach an agreed solution in this case.
2. The Director of Development Services or the Head of Planning has been authorised to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the

combined automated teller machine (ATM) and payphone kiosk The Local Planning Authority will be writing separately on this matter.



# Site Location



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## LOCATION AND PROPOSAL

The proposal refers to the pavement in front of 315-319 Ecclesall Road, directly in front of a unit used as a bar. This unit features a forecourt which originally was open to pedestrian use, but has since been formalised as a private terrace to the unit.

The location previously consisted of two phone boxes. There is other local street furniture, albeit of a smaller size, consisting of a litter bin, lighting columns and information signs referring to local parking restrictions. The street is also tree-lined, with the trees in alignment with the location of the application site.

The two phone boxes have been removed and replaced with a combined automated teller machine (ATM) and payphone kiosk, and comprises of a solid metal box with external ATM and phone. This application seeks retrospective consent for the retention of this kiosk.

The pavement here is relatively narrow, and measurements on site indicate a separation gap of 1.2m between the kiosk and the forecourt of the retail unit.

## RELEVANT PLANNING HISTORY

08/04240/FUL

This application sought permission for the removal of one of the phone boxes on the site and its replacement with a combined automate teller machine (ATM) and payphone kiosk. The kiosk was similar in external appearance to the example sought in this latest application. The application was refused on the basis that it would have formed an incongruous addition that would not comply with the design standards set by policy S10, and that the external use of the kiosk, including queues for the ATM by users and companions of users would compromise highway safety by further restricting the narrow width of the pavement in this position, encouraging pedestrians to utilise the highway to pass the site.

## SUMMARY OF REPRESENTATIONS

One petition has been received with 120 signatures. The covering letter to the petition objects to the proposal based upon concerns that the proposal will restrict pedestrian movement on the pavement, especially as the pavement is very busy here; that the kiosk is not in keeping with the streetscene and is detrimental to the visual amenity and character of buildings; the 'cash' signs on the kiosk represent excessive; and that the kiosk fails to be sited and designed to minimise its visual impact as required by UDP policy BE14.

The above issues are planning related matters that are considered in the assessment below. In addition, several comments have been received in the letter that are not planning related matters, notably concerning the retrospective nature of this application, competition with other ATMs in the local area and disturbance caused by the original installation of the kiosk.

## PLANNING ASSESSMENT

### Policy

The proposal site is situated in a Local Shopping Centre as defined by the adopted Sheffield Unitary Development Plan (UDP). As a result, the assessment will take account of the aims of policy S10 'Conditions on Development in Shopping Areas' from the adopted Sheffield Unitary Development Plan (UDP). In addition, attention will be paid to UDP policies BE7 'Design of Buildings Used by the Public' and T8 'Pedestrian Routes'. As the kiosk includes telecommunications equipment, BE14 'Telecommunications' also applies.

### Design

The most relevant design policies are UDP policies S10 (part d) that requires development to be well designed and of a scale and nature appropriate to the site, and BE14, which requires telecommunications equipment to be sited and designed so as to minimise its visual impact.

The new kiosk is constructed with an external aluminium shell powdercoated in a light grey colour, with an ATM and phone located on either side at 90 degrees to the road. The structure is 2.496m high and covers a ground area of 1.012m by 0.894m. The structure is asymmetrical, and the section with the ATM projects out of the main body of the kiosk by 183mm. The kiosk features several signs, with 6 'cash' signs, which range in size from 670x215mm to 1280x460mm and one 'cashzone' sign with dimensions of 580x177mm.

Generally, the external appearance of the kiosk is considered to be very poor. The outward appearance of the kiosk, involving the use of solid aluminium facing, produces a very prominent design. UDP policy S10 emphasises that development should be "well designed and of a scale and nature appropriate to the site". The original phone boxes did add to the clutter of the street. However, the effect of these phone boxes is mitigated by the large expanse of glazing, which made them more lightweight in appearance. The kiosk is also very prominently sited, being next to the road and occupying a significant proportion of the pavement width. The kiosk is also larger than the closest street furniture, which comprises of a low rise bin and narrower street lights and sign poles.

Generally, the solid form of the large structure results in an unacceptable and prominent feature. The immediate streetscene is an attractive thoroughfare is a main arterial route into the city centre. As a result, the site is in a prominent location. The placement of a solid structure in close proximity to the highway in a streetscape with no existing tall solid structures will result in an incongruous addition that would not comply with the standards set by policy S10, as it will be a visual development out of context with site. It would be impossible to argue that the equipment has been sited in a way to minimise its visual impact, and as such the development is also contrary to UDP policy BE14.

Pedestrian Safety

Policy S10 (part f) emphasises that any development should not endanger pedestrians. T8 requires attention to be paid to the safety, convenience and attractiveness of footpaths.

The carriage way adjacent to the site is very busy and part of a main arterial route into and out of the City. A busy taxi route is also located immediately adjacent to the kiosk. The measured separation gap between the kiosk and the forecourt of the neighbouring bar is 1.2m, 300mm less than as stated in the application information. The forecourt is enforced by a raised deck, but was originally effectively an extension of the pavement onto private land before this private ownership was later enforced. The 1.2m gap is excessively narrow considering the levels of pedestrian traffic that use the pavement.

The proposal will result in a change in the use of the structure compared to the previous telephone boxes, whereby it will encourage people to queue in order to use the service. Queuing patrons, plus companions waiting for users, are very likely to impede the accessway between the kiosk and the neighbouring forecourt. From a highway safety point of view, this is unacceptable, as pedestrians are likely to be tempted to step into the carriageway to pass the kiosk should the 1.2m gap become blocked by users. As a result, the proposal will not allow for safe and easy pedestrian movement, and will be contrary to the aims of UDP policies T8 and S10 (part f).

In addition, the submitted information includes information that the gap between the previously existing telephone boxes and the forecourt of the neighbouring commercial unit was 1.3m, 100mm greater than the existing measured distance. The 1300mm separation gap is also referred to in the former application for the site under 08/04240/FUL. As a result, this proposal has potentially reduced the width of the useable pavement by 100mm. With no evidence to the contrary, it is also argued that the proposal has also exacerbated the narrow width of the pavement.

#### Other Matters

Policy S10 encourages uses that will enhance the use of a shopping centre. In the case of an ATM, it is noted that ATMs do provide cash that may be used within local shops. However, Ecclesall Road already consists of several ATM units within close proximity to the application site including within an A5 unit opposite (next to the Nursery Tavern), the Shell garage, Waitrose, and at the Berkeley Precinct.

#### SUMMARY AND RECOMMENDATION

The Local Planning Authority considers that the proposed design of the ATM kiosk, owing to the replacement of a glazed kiosk with a solid walled kiosk, is out of scale and character in the street scene, detracting from the visual appearance of the street and is therefore contrary to Policies BE14 and S10 of the Unitary Development Plan. In addition, the Local Planning Authority consider that the use of the proposed ATM results in an intensification of the use of the narrow section of pavement to the side of the ATM, encouraging pedestrian use of the carriageway to pass the obstruction, to the detriment of the safety of pedestrian and road users, contrary to the aims of UDP policies S10 and T8 of the Unitary Development Plan.

It is therefore recommended that Planning Permission is refused and as the development is retrospective, that authority be given to the Director of Development Services or Head of Planning to take all necessary steps, including enforcement action, if necessary, to secure the removal of the combined automated teller machine (ATM) and payphone kiosk.

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Case Number 12/03571/FUL (Formerly PP-02306559)

Application Type Full Planning Application

Proposal Demolition of existing disused electrical substation and erection of 2 terraced dwellinghouses with associated landscaping and car parking provision

Location Former Electricity Substation Adjacent 47  
Roach Road  
Sheffield  
S11 8AU

Date Received 16/11/2012

Team South

Applicant/Agent Axis Architecture

Recommendation Grant Conditionally

Subject to:

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

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

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

Drawings numbered:

- 26607\_P(02)00 Rev.A.
- 26607\_P(02)01
- 26607\_P(04)01 Rev A.
- 26607\_P(04)02 Rev A.
- 26607\_P(04)03 Rev A.
- 26607\_P(04)04
- 26607\_P(05)01
- 26607\_P(05)02
- 26607\_P(05)03
- 26607\_P(05)04

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

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

In order to ensure an appropriate quality of development.

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

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

- 5 The gradient of shared pedestrian/vehicular access shall not exceed 1:12 unless otherwise approved by the Local Planning Authority.

In the interests of the safety of road users.

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

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

- 7 The bedroom window on the elevation of the offshot at first floor level of house 1 facing east shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of it shall at any time be glazed with clear glass without the prior approval of the Local Planning Authority.

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

- 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 dwellings 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.

In the interests of the visual amenities of the locality.

- 9 Before development is commenced, full details of proposed measures to ensure a sustainable building design, including measures to reduce energy consumption, shall have been submitted to and approved by the Local



Planning Authority. The development shall then be constructed in accordance with such approved details.

In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change.

Attention is drawn to the following justifications:

1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below:

BE5 - Building Design and Siting  
BE15 - Areas and Buildings of Special Architectural and Historic Interest  
BE16 - Development in Conservation Areas  
BE17 - Design & Materials in Areas of Special Character or Historic Interest  
H14 - Conditions on Development in Housing Areas  
CS74 - Design Principles  
CS31 - Housing in the South West Area  
CS64 - Climate Change, Resources and Sustainable Design of Developments  
CS51 - Transport Priorities  
CS53 - Management of Demand for Travel

Overall it is considered that the development complies with the relevant policies and proposals, and would not give rise to any unacceptable consequences to the environment, community or other public interests of acknowledged importance.

The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report at [www.sheffield.gov.uk/planningonline](http://www.sheffield.gov.uk/planningonline) or by calling the planning officer, contact details are at the top of this notice.

Attention is drawn to the following directives:

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

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

Development Services  
Howden House  
1 Union Street

Sheffield S1 2SH

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

2. 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

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

The notice should be sent to:-

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

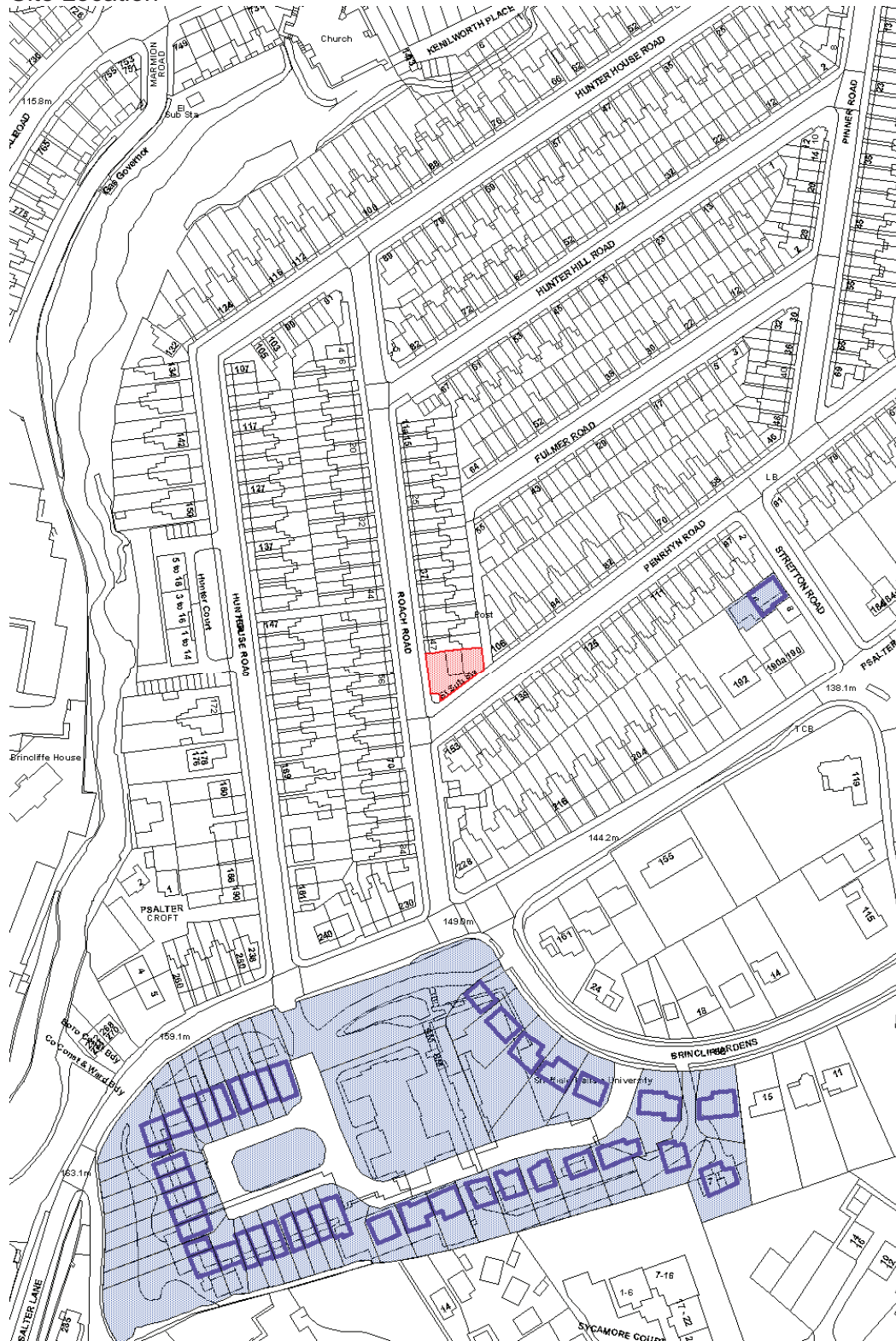
For the attention of Mr P Vickers

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

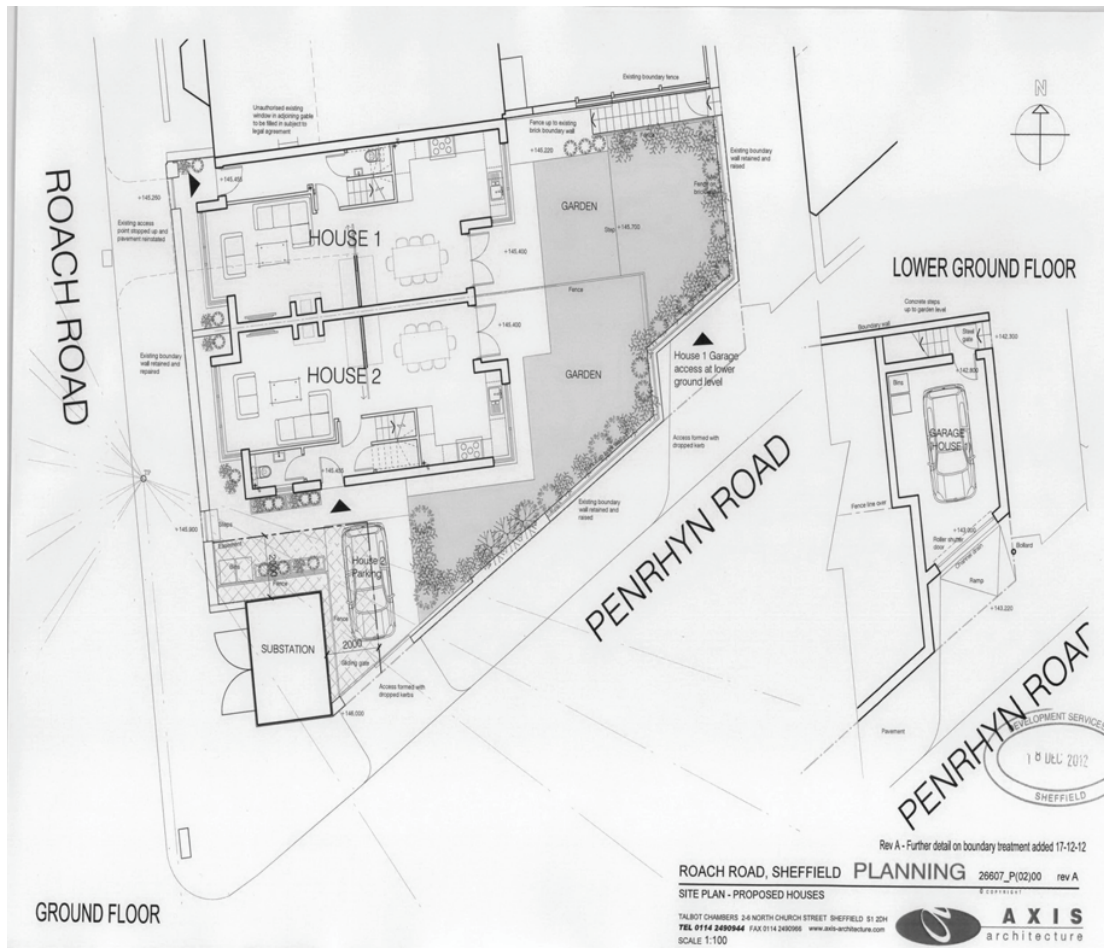
4. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.

5. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk). Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

# Site Location



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## LOCATION AND PROPOSAL

The site is located at the corner of Roach Road and Penrhyn Road, Hunters Bar, which is a residential area of predominantly two storey, red brick terraced houses. Roach Road slopes down from the north which means that the terraces have a varied roof line, which step down in line with the slope. Penrhyn Road is even steeper and the road slopes significantly down to the north east.

The application site, which lies next to 47, Roach Road, slopes down from west to east and a single storey red brick electricity sub station, now no longer used is in the centre of the site. There is a level parking area in front of this which is accessed from Roach Road and there is further open land at the rear. In the south corner of the site, a new much smaller sub station has been recently constructed. This is excluded from the application and will remain.

Around the site is a red brick wall and mature hedge. At the rear is a public footpath, set below the rear wall of the application site which links Penrhyn Road with Fulmer Road to the north.

This application seeks detailed planning permission for the demolition of the former substation and the erection of two houses, each with an off street parking facility

and rear gardens. The houses would continue the terrace along Roach Road and each would contain 4 bedrooms.

## SUMMARY OF REPRESENTATIONS

Seven letters of objection from neighbours have been submitted which set out the following comments.

The development will abut the flank wall of 47, Roach Road where there is a window lighting the hall and providing indirect light to two other rooms.

There would be oblique overlooking of the rear of 47, Roach Road.

This would be detrimental to the amenities, light, privacy and living conditions of neighbours.

There is inadequate parking provided at only one space per house and this will lead to extra demand on the street, which is already heavily used, particularly in the evenings.

No vehicle turning area within the site is provided.

The design is not characteristic of the area. The large, flat roofed dormers and modern design jars and this would be a prominent and alien development, being overbearing and unsightly.

All existing houses have distinctive bay windows and the proposed bays are larger and totally out of character.

The external materials of timber cladding and metal are out of character with the area.

The existing boundaries are characterised by medium height brick walls and hedges which would be replaced by higher walls and less planting which would reinforce the prominence of the scheme.

The houses would be larger than those around them.

There would be a detrimental impact on local wildlife.

The existing building on site should be protected.

There would be a loss of open space which would be contrary to UDP policy BE18.

A planning application at a site adjoining 153, Penrhyn Road was refused because of the unsatisfactory design and a detrimental impact on the Nether Edge Conservation Area.

The application is contrary to UDP policies BE5, BE15, BE16, BE17 and H14, Core Strategy policy CS74 and to paragraph 17 of the National Planning Policy Framework (NPPF).

A petition signed by 50 residents has been submitted which sets out the following objections to the application.

This is a prominent site and the large scale development will affect the character of the road.

The existing architecture is unique and unspoilt and the scheme is contrary to this.

The design will degrade the quality of the whole street.

Councillor Nikki Bond objects to the application on the following grounds.

It would have a detrimental impact on adjoining residents.

Loss of privacy

The proposed houses are larger than existing ones.

Detrimental impact on street parking.

Detrimental impact on wildlife due to loss of hedges.

#### PLANNING ASSESSMENT

Land Use Policy.

The adopted Unitary Development Plan (UDP) shows that the site is part of a designation for housing and UDP policy H10 confirms that housing is the preferred use in such areas.

Core Strategy policy CS74 says that new development should contribute to place making and the creation of sustainable neighbourhoods.

The site is not contained within the Nether Edge Conservation Area or in an Area of Special Character, as stated by neighbours.

The NPPF, in paragraphs 48 and 49 says that local planning authorities may make an allowance for windfall sites when considering the delivery of new homes and when determining applications they should be considered in the context of the presumption in favour of sustainable development. Paragraph 60 makes reference to the need to reinforce local distinctiveness in design of new development.

## Layout, Design and External Appearance.

UDP policy BE5 deals with building design and siting and says that good quality design and materials would be expected in new development. The design and layout should take account of the site's features.

UDP policy H14 says that new buildings in housing areas should be well designed and in scale and character with neighbouring buildings.

Core Strategy policy CS74 deals with design principles and expects high quality development.

Core Strategy policy CS31 says that, in south west Sheffield, priority will be given to safeguarding and enhancing its areas of character.

Two houses are proposed and these would be built next to 47, Roach Road. The existing front and rear building lines will be respected and the ground floor bay front facing windows would also respect the line of existing bays. The proposed houses would be slightly higher than those to the north because of rising land levels so the ridge line would step up slightly from the adjoining houses and continue the roof pattern in this respect. Existing terraced houses on Roach Road have chimneys located between pairs of houses and the proposal will continue this.

At the rear, both properties include a two storey rear offshot which would match the depth of rear offshots on houses to the north.

The two houses would be two storeys high and the eaves height would be slightly higher than 47 Roach Road to match the jump in the ridge line, which allows the roof plane to match existing houses.

In common with neighbouring properties, the proposed houses have a small forecourt to the front bounded by a low brick wall with gardens to the rear. The sloping topography has been used to allow the incorporation of a basement level garage at the rear for house 1 with access taken from Penrhyn Road. An off street parking space for house 2 is provided next to the building with access, again taken from Penrhyn Road.

On the street elevation, each house has been designed with a projecting window at ground floor, the intention being to create a contemporary interpretation of the traditional terraced bay window. The proportions are slightly larger and have a square edge as opposed to angular.

The bay windows use standing seam metal cladding and corner glazing with the bedroom windows above having a deep surround to provide a similar appearance to the bays.

On the gable elevation of house 2 which faces south windows have been inserted to allow natural light to penetrate from the south.



On the south east corner of the proposal, furthest away from the dominant character of the street scene the proposal includes a bold contemporary feature in the form of a wrap around first floor corner window in a raised timber box having a projection of about 1 metre deep. As well as benefitting from plenty of natural light from its south west orientation, this introduces a strong feature at the prominent corner of the site

The rear offshot on the other house is a much more traditional design having a single pitch roof, very similar to that of the neighbour at 47, Roach Road.

In the front roof plane, each house would have two velux windows, similar in size and scale to those in 47, Roach Road. In the rear roof plane, a pair of dormer windows would sit centrally.

With respect to external materials, the majority of the exterior would be red brick and roofs would be natural slate, in keeping with the predominant character of the area. Metal cladding is proposed for the bay windows and the rear dormers. Both offshots would be rendered with the wooden corner feature creating additional interest. Windows would be slimline aluminium framed painted dark grey.

Enclosed bin stores would be included within the site, made of close boarded fencing. The garage at the rear would be set back from the pavement and would have a roller shutter door and the parking space at the corner would have sliding gates.

The boundaries would retain the red brick walls which would be increased in height slightly where necessary and planting would be introduced behind the walls.

The design of the two houses is considered to be of good quality, which satisfies all relevant policy criteria. The houses adopt a very similar height, scale, footprint and massing to immediately adjacent properties and are consistent with the general scale and appearance of the surrounding area.

The predominant external materials are red brick and slate roofs which reflect existing houses and it is considered an acceptable approach to mark this prominent site with well designed features such as the wooden corner window and the contemporary bays.

Sustainability.

Core Strategy policy CS64 requires new development to be designed to reduce emissions of greenhouse gases, achieve a high standard of energy efficiency and use sustainable resources such as solar panels and water recycling.

The applicant has confirmed that the houses would be constructed to a high specification in terms of energy consumption using low and zero carbon and renewable technologies where possible creating energy efficient homes.

A number of options have been considered by the applicant, including solar heating panels for heating domestic water, air source or ground source heat

pumps, wood burning stoves, water conservation by way of rainwater harvesting and low energy internal and external lighting. A condition would control the implementation of sustainable features.

Impact on Neighbours' Amenities.

UDP policy H14 says that new development in housing areas should not result in overdevelopment, deprive residents of light, privacy or security or harm their amenities.

Core Strategy policy CS74 says that new development should contribute towards creating sustainable neighbourhoods.

Local residents have expressed concern that the proposal would impact on privacy and light and there are a number of issues to assess with respect to this.

The occupant at 47, Roach Road which adjoins the site on the north side has recently introduced a window into the side elevation which provides light to a hall and secondary light to other rooms. The proposed development would prevent any light reaching this window. The applicant has responded to this by providing documentation confirming their view that the new window is on a party boundary, is not legal and the owners of the application site are within their rights to ask for the window to be removed. More relevant however is that in Planning terms, the window is borrowing amenity from neighbouring land and cannot therefore be reasonably protected. Consequently, no weight can be attached to the impact of the proposal on this window.

At the rear of the site, the flank wall of 106, Penrhyn Road faces the rear elevation of the proposal and there are two windows on this elevation that would be affected by the development. There are also two skylights on the roof of 106, Penrhyn Road, one on each plane which also might be affected. The applicant has carried out a full assessment of the impact of the proposal on these windows and set out measures that would resolve any potential overlooking.

The two windows are located at first and second floor levels, the top one being close to the ridge line serving an attic room. In the rear elevation of the proposal, there are windows associated with the kitchen diner at ground floor level, the main bedroom at first floor and bedrooms in the roof served by the dormer windows.

With respect to the first floor window at 106, Penrhyn Road, this would be completely screened from the ground floor of the development by the boundary wall. There would only be limited impact on the second floor window because of the angles involved.

The first floor windows of the proposal would have views towards both windows in the flank wall opposite. The window of the proposed offshot of house 1 would only be 11.5 metres from the flank wall and the applicant has proposed to use opaque glazing in this window, which is one of two serving the bedroom. The existing window in the offshot of 47, Roach Road is also treated with opaque glass, so there would be parity with this.

The window in the offshot of house 2 is 15 metres away and at such an oblique angle that there would be no impact from this.

There are two other windows at first floor of the proposal but these are set back between 14 to 15 metres, at an angle and one is part screened by the side wall of the offshot. The distances are very similar to those between windows of existing houses and given the angles involved, the proposal is considered to be acceptable in this respect.

The dormer windows are also between 14 and 15 metres from the second floor window and the same argument can be applied to these as those on the first floor. The dormer windows would allow views of the two skylights but the angle is such that it would not be possible to see into the rooms associated with these and there would be no impact on privacy here.

It is accepted that the distances between windows are less than the minimum privacy distances set out in the adopted Supplementary Planning Guidance (SPG) on Designing House Extensions. This SPG says that there should be at least 21 metres between habitable room windows facing across private space. However, some weight should be given to the characteristics of the area and in this instance, there is public access between the application site and the side of 106, Penrhyn Road so the space is not completely private. The traditional terraces in the area are built much closer together and in many cases, it is not possible to achieve modern standards with infill development and maintaining the character of the area is an important consideration.

Part of the proposed development involves altering the levels at the rear of the site to allow meaningful gardens to be introduced and as part of this, the boundary between the rear garden of 47, Roach Road and the application site would, in part, be increased in height by up to 80cms. This would slightly increase shading to this garden but the benefit would be that privacy between the two properties would be retained.

In summary on this point, whilst there are some areas where the proposals do not fully comply with guidelines, the proposal is not considered to have a significant impact upon the amenities of neighbours and it is developed in a manner that reflects the development pattern and densities of the area.

It is considered that there would be no significant impact on the amenities of residents.

Highways, Access, Parking and Transportation.

UDP policy H14 says that new development should provide safe access to the highway, provide adequate off street parking and not endanger pedestrians.

Core Strategy policies CS51 and CS53 seek to prioritise transport and manage the demand for travel, respectively.

The site is in a sustainable location close to a wide variety of facilities on Ecclesall Road and in Hunters Bar where there are shops and good bus services and to Psalter Lane where there are also bus services.

One off street car parking space is proposed for each house, one being a garage and the other a space next to the house. This is acceptable as there is considerable scope for off street parking in the close vicinity if the need arises. Both accesses are to Penrhyn Road and will not impact on pedestrian safety.

Local residents have expressed concern that the development could result in a significant increase in pressure on street parking. It is accepted that the roads in this area are heavily parked but the limited increase in demand would not, in officer's opinion, be significant enough to merit resisting the proposal on these grounds.

Local residents also feel that an on site turning area should be provided but this would not be justified.

The parking and access arrangements are therefore considered acceptable.

## RESPONSE TO REPRESENTATIONS

Many of the representations were concerned with the design of the houses and the subsequent impact on the amenities of existing residents and on street parking levels. These issues have been addressed already in this report but some concerns still need to be resolved.

The houses are not larger than existing ones in the area. They occupy a very similar footprint to existing dwellings.

There would not be a significant impact on local wildlife as gardens would be provided and any boundary hedges lost would be replaced.

The existing building on site is not of sufficient visual quality or character to merit it being retained and the site is not within the Nether Edge Conservation Area.

There is reference made to the scheme resulting in a loss of open space. The site is not allocated as open space and the space on the site is ancillary space around the building. Gardens will be provided as part of this application so there will be space on the site.

Reference was made to an earlier planning application refusal at 153, Penrhyn Road suggesting that this was a precedent to this application. The proposal and characteristics associated with the refusal are different to this application and a direct comparison cannot be made. In any event, each application must be determined on its individual merits.

## SUMMARY AND RECOMMENDATION

This application seeks approval for the demolition of a former sub station and the construction of two new houses with off street parking and private gardens.

The scale, design and external appearance are acceptable. The height, dimensions and massing are very similar to the existing terraced housing in the area and the predominant external red brick and slate roofs would be in keeping with existing houses. The design has contemporary elements but these are acceptable, being well designed and would establish a clear identity at this prominent corner site.

There would be no significant harm to the amenities of existing residents, all issues relating to potential loss of privacy having been carefully assessed. Whilst there are some shortfalls in guidelines with respect to separate distances, these repeat existing situations that typically occur in the surrounding area and the development reinforces local character and density.

The on access and site parking provision is acceptable, the site is well served for buses and there is a shopping centre within walking distance.

The proposal is considered to be acceptable, satisfies all policy criteria and is, therefore, recommended for conditional approval.

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Case Number 12/03452/COND

Application Type Approval of Detail Reserved by Condition

Proposal Application to approve details in relation to condition number 13. Sound Insulation Measures relating to planning permission 04/01622/OUT

Location Land To The South Of  
91-102 Doveholes Drive  
Sheffield  
S13 9DP

Date Received 07/11/2012

Team City Centre and East

Applicant/Agent Signet Planning

Recommendation Defer

For Report and site plan please see 12/03415/FUL.

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Case Number 12/03415/FUL (Formerly PP-02259276)

Application Type Full Planning Application

Proposal Erection of a 7.5 metres high acoustic fence and associated landscaping

Location Land To The South Of  
91-102 Doveholes Drive  
Sheffield  
S13 9DP

Date Received 02/11/2012

Team City Centre and East

Applicant/Agent Signet Planning

Recommendation Grant Conditionally

Subject to:

- 1 The acoustic fence hereby approved shall be installed and erected within 3 months of the date of this decision notice in accordance with the acoustic fence specifications submitted on the 2nd November 2012 (akoustic horizontal timber fence) or alternative acoustic fencing system of the same character and appearance which meets the requirements of the RPS noise validation report (ref:B6978/ENV/P2) unless otherwise agreed in writing with the Local Planning Authority.

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

- 2 The development must be carried out in complete accordance with the following approved documents:  
Site location plan received 2nd November 2012  
Dwg No.H2844-FD01 fence detail  
Landscape plan and section received 2nd November 2012  
unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 The approved landscape works which shall include extra heavy standard trees shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved in writing by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date

of implementation and any plant failures within that five year period shall be replaced unless otherwise approved by the Local Planning Authority.

In order to define the permission.

- 4 No development shall commence until an acoustic fence Management Plan, including short, medium and long term aims and objectives, management responsibilities and maintenance schedules for the fence, has been submitted to and approved in writing by the Local Planning Authority. The acoustic fence Management Plan shall thereafter be implemented as approved and maintained to the satisfaction of the Local Planning Authority.

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

Attention is drawn to the following justifications:

1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below:

H14 - Conditions on Development in Housing Areas

Overall it is considered that the development complies with the relevant policies and proposals in the development plan, and would not give rise to any unacceptable consequences to the environment, community or other public interests of acknowledged importance.

The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

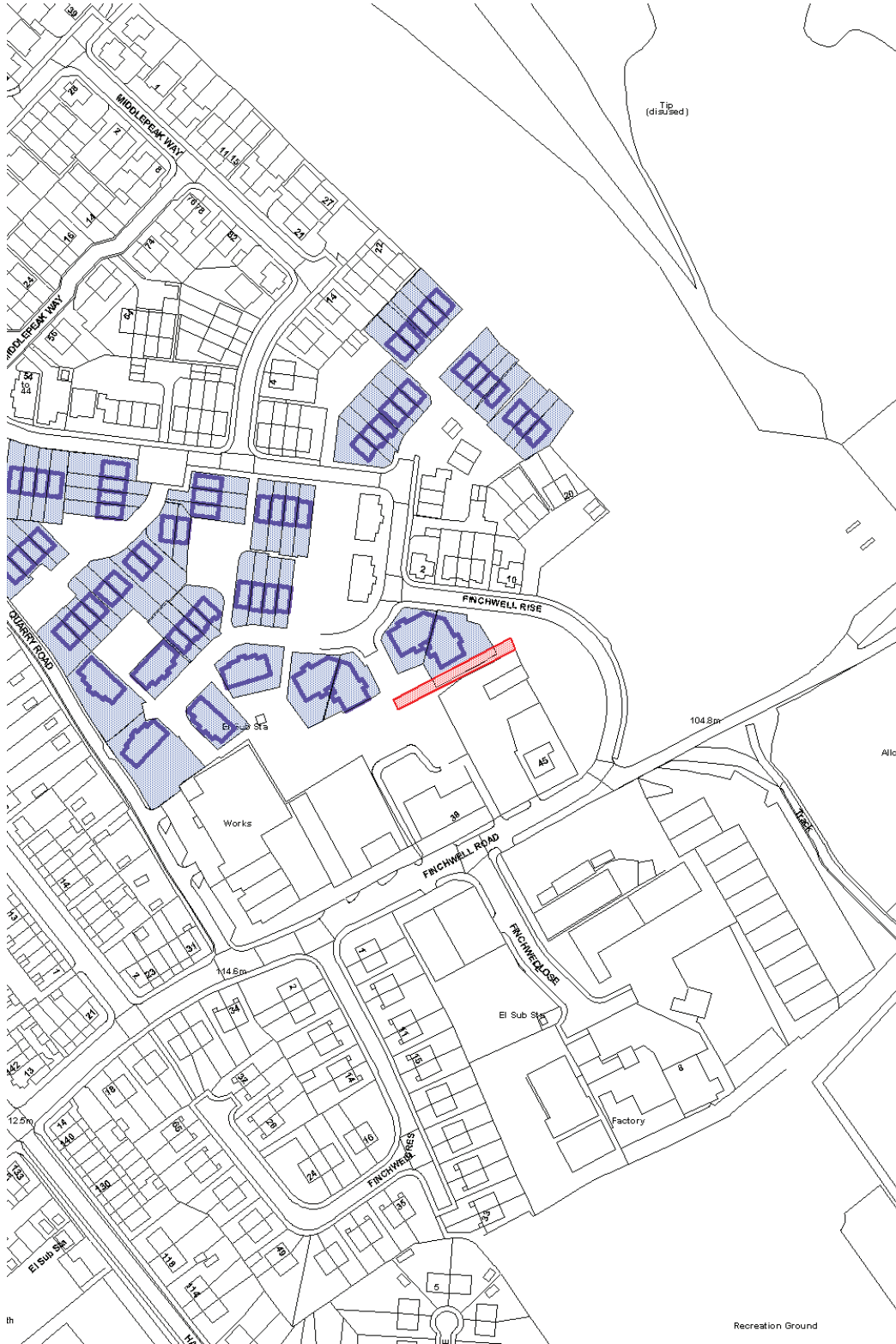
This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report at [www.sheffield.gov.uk/planningonline](http://www.sheffield.gov.uk/planningonline) or by calling the planning officer, contact details are at the top of this notice.

Attention is drawn to the following directives:

1. The applicant is advised to contact the Council's Environmental Protection services to agree an appropriate noise validation methodology for the acoustic fence in order to satisfy the requirements of condition 13 of planning ref: 04/01622/FUL



Site Location



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## LOCATION AND PROPOSAL

This is a joint report comprising of an application (ref: 12/03452/COND) to discharge condition 13 of planning permission 04/01622/OUT which the applicant is proposing to satisfy by the erection of a 7.5 metre high timber acoustic fence, which is also subject to a planning application (ref: 12/03415/FUL). Both the condition application and planning application are intrinsically linked together and the issues raised by the proposals are considered jointly in this report.

The application site forms of part of a nearly completed residential estate comprising of over 300 dwellings which occupies a former scrap yard site accessed from Finchwell Road and Halesworth Road, Handsworth.

A majority of the permitted dwellings have been constructed. The part of the site that specifically relates to compliance with condition 13 is a block of flats at 91-102 Doveholes Drive which is located adjacent to the southern boundary of the residential estate. The flats have been constructed and occupied without complying with condition 13.

Condition 13 of planning application 04/01622/OUT states:

'The proposed dwellings shall not be occupied unless approved sound insulation measures to be detailed in a report accompanying any future applications have been implemented and retained in accordance with the details then submitted. A validation report shall then be submitted and approved in writing by the Local Planning Authority following an agreed methodology.'

It is proposed to erect an acoustic fence to satisfy the above condition which will be located between the flats on Doveholes Drive and existing commercial properties which front Finchwell Road. The proposed acoustic fence is approximately 7.5 metres in height and 50 metres in length, extending from the northern boundary of No.45 Finchwell Road part way across the rear boundary of No.39 Finchwell Road.

The proposed fence is located on the boundary between an allocated Housing Area and a Business Area as defined in the adopted Sheffield Unitary Development Plan (UDP). The Business Area encompasses the commercial premises immediately to the south of the application site fronting Finchwell Road and a small industrial estate further to the south, which is accessed from Finchwell Close. The Housing Area encompasses the partially constructed residential estate to the north as well as older established residential areas to the west and south west of the site.

The planning and conditions applications have been submitted as a result of complaints regarding noise and disturbance from the late night operation of an established business premises on Finchwell Road.

#### RELEVANT PLANNING HISTORY

04/01622/OUT - Residential development – Granted Conditionally.

05/01134/REM - Erection of 210 dwellinghouses and 96 apartments, highways and landscaping works and erection of sewage pumping station (amended layout received 3/1/2006) – Granted Conditionally.

07/01716/REM - Residential development - revised layout of plots 78 to 134, (additional information received) (Amended plans received 22/6/07, 27/7/07, 07/08/07, 02/10/07) – Granted Conditionally

#### SUMMARY OF REPRESENTATIONS

There have been 15 letters of representation in total, to both the condition and planning applications including 4 letters of correspondence from the same party, as well as comments from Clive Betts MP. The issues are summarised as follows;

Clive Betts MP

- Owner of adjoining business has lost income.

- The proposed measures will not reduce noise to a level that will no longer raise the possibility of further valid noise complaints.
- Existing business should be able to continue to operate without restriction.
- Issue should be resolved by Barratt Homes and not be the responsibility of neighbouring premises.
- Original noise report should have identified the noise issues.

#### In objection to the conditions application

- Loss of view.
- Fence will be an eyesore on arrival to the estate.
- Impact on future property sales.
- Proposal will detrimentally affect property value.
- The fence will not alleviate noise issue from industrial unit's saws and machinery.
- The fence will not resolve the issue of non compliance with condition 13.
- Failure to comply with a planning condition should not result in restrictions being imposed on established commercial premises.
- Fence is unlikely to provide appropriate level of amenity for residents.
- The developer does not have a valid planning application as condition 13 has not been complied with.
- Commercial premises should not be forced to alter buildings or there operations to protect neighbouring properties from noise and disturbance.
- Adjoining commercial premises have operated without restriction for a number of years.
- The agreed noise level is higher than that imposed on other residential developments.
- The planning conditions cannot be signed off until the effectiveness of the fence is validated.

#### In objection to the planning application

- Loss of light and warmth.
- Loss of view.
- Devaluation of property.
- Noise cannot be heard unless outside the flats.
- The size of the fence is disproportionate to the problem.
- A sensible alternative would be to relocate the pallet manufacturer as it is a small operation and the buildings are not in a good condition.
- Developer could purchase the manufacturing unit and relocate it to remove the problem.
- The fence would be oppressive and overbearing.
- Who will be liable for the upkeep of the fence?
- The fence would be higher than an enclosure that would surround a prison.
- The fence should not be erected and either the residents or business should be relocated.
- The fence would be susceptible to wind damage.
- The fence will not stop the noise.

- The erection of the fence will give the company the right to work through the night.
- Loss of income and business as a result of restrictions imposed on hours of operation.

## PLANNING ASSESSMENT

### Noise and Amenity Issues.

Policy H14 'Conditions on Development in Housing Areas' seeks to ensure that residents do not suffer from unacceptable living conditions by virtue of noise and other risk to health and safety.

Plots 91 to 102 Doveholes Drive have been occupied without compliance with condition 13 of planning approval 04/01622/FUL which required the development to meet specific noise criteria as set out in a noise report accompanying the approved outline application planning ref: 04/01622/OUT.

Both the planning and conditions applications have been submitted following complaints to the Council's Environmental Protection Services (EPS) regarding unacceptable noise levels caused by commercial operations of plant machinery being operated by Shirt's Box Company Ltd in the early hours of the morning. Shirt's Box Company Ltd are a commercial premises located to the rear of No.45 Finchwell Road adjacent to the application site boundary. The Shirt's Box Company Ltd's premises comprise of a single storey building located close to the rear boundary of the site with a yard area to the frontage adjacent to the site access from Finchwell Road. Shirt's Box Company Ltd make bespoke timber boxes mainly for steel transporting. The operations of the company are restricted by planning ref: 77/3959P, which imposes a number of conditions on the operation of the premises including types of machinery that can be used and restrictions on working outside, however it does not impose any hours of use restrictions.

Following complaints to the Council's EPS regarding noise from Shirt's Box Company Ltd's early morning operations, EPS visited the site and informed the owner of the statutory noise nuisance legislation as well as details of enforcement procedures and was given proactive advice on noise control. EPS advised that all noisy machinery should be operated between 0800 and 1800 hours Monday to Fridays and 0800 and 1300 on Saturdays. It is understood that Shirt's Box Company Ltd are currently adhering to the requests of EPS and as such no formal noise abatement notices have been served at this time.

The applicants have undertaken a noise report in accordance with a methodology which is accepted by the council, which has monitored/predicted the impact of noise on the amenity of residents of the flats at 91-102 Doveholes Drive with their windows open during the night time 2300 to 0700 hours. The noise report has identified the primary source of noise affecting the amenity of residents as the late night/early morning operations of Shirt's Box Company Ltd which include the use of cutting and sawing machinery. The noise monitoring was undertaken whilst Shirt's Box Company Ltd was in full operation.

In order to ensure compliance with condition 13 of 04/01622/OUT the applicant's noise report proposes to mitigate the noise by erecting a 7.5 metre high acoustic fence along the site between the residential flats at 91-102 Doveholes Drive and Shirt's Box Company Ltd on Finchwell Road. The applicant's noise assessment has shown that the fence will result in a noise reduction of 18 dB, which will ensure compliance with the noise report submitted with the outline application, which required a noise level of 35dB to be met during the night (2300 to 0700). This is subject to noisy activities being undertaken close to the base of the noise barrier or within buildings.

In order to ensure the fence provides the predicted noise reduction of 18 dB the operations of Shirt's Box Company Ltd must comply with the requirements of the conditions imposed on their operations by planning consent 77/2959P, specifically this will be to ensure that no work is undertaken outside the building and that only the authorised cutting and sawing machinery is used.

A noise survey has been commissioned on behalf Shirt's Box Company Ltd and submitted as an objection to the planning and conditions applications which rebut the claims of the applicant's noise consultants. The objector's noise report states the proposed acoustic fence will not adequately mitigate the noise from Shirt's Box company Ltd's operations. The objectors noise report recorded instances of + 31 dB and +36 dB above background levels during the night time monitoring period, which is higher than the levels recorded by the applicants noise consultants. The objector's noise report concludes that there are no mitigation measures available that would protect Shirt Box Company Ltd current working practices and operations and allow Shirt's Box Company Ltd to work unrestricted hours. The objector's noise report has been considered by the Council's EPS. The report follows a recognised methodology, all be it a different methodology than the applicants noise report, however both noise monitoring reports follow accepted EPS standards.

The amenity of residents of properties on Doveholes Drive should be adequately protected from noise breakout. Validation testing of the proposed acoustic fence will be required in accordance with an approved method statement to demonstrate that the required noise standards have been achieved by the installation of the acoustic fence. In the event that the noise levels are not achieved, then notwithstanding the noise mitigation measures proposed thus far, the applicants will be required to provide a further scheme of noise mitigation measures capable of achieving the specified noise levels, details of which will be submitted to the Council under a conditions application.

The fence is located approximately 9 metres from the gable end of the flat block. The gable end does not have any primary windows facing the fence. Taking account of the separation distance between the flat block and the fence, and the fact that 3.5 metres of the fence will be located below the floor level of the properties the fence is not considered to give rise to any unacceptable overbearing or overshadowing issues. The closest dwelling to the site on Finchwell Road is No.45 which is located approximately 35 metres from the proposed fence. Further separation is also provided by a single storey commercial building located between the fence and the rear garden of No.45. As such the proposed development is not considered to give rise to any unacceptable overbearing or overshadowing issues.

Subject to the above the proposal is considered acceptable from an amenity perspective and complies with policy H14.

#### Design and Visual Impact.

Policy H14 'Conditions on Development in Housing Areas' seek to ensure that development is well designed and of a scale and nature appropriate to the site. The proposed fence is to be a solid timber construction and in order to provide the appropriate sound attenuation it will be 7.5 metres in height. The fence is not considered to be prominently sited due to its position between established commercial premises fronting Finchwell Road and located to the rear of the recently erected three storey block of flats fronting Doveholes Drive which are located at a higher level.

The proposed fence is set back approximately 50 metres from Finchwell Road behind established commercial premises which afford the fence a degree of screening when viewed from Finchwell, similarly the built form of the flats also provides substantial screening when the site is viewed from Doveholes Drive. The three storey flat block on Doveholes Drive is located approximately 3.5 metres above the properties on Finchwell Road. This significant change in levels between the sites is considered to reduce the visual impact of the fence. The fence will present itself at a height of approximately 4 metres when viewed from the private car parking area to the rear of the flats on Doveholes Drive, and will be seen in the context of the flats when viewed from Finchwell Road, which will provide a backdrop to the proposal. Therefore, whilst undoubtedly the fence will be a large structure, the fence is not considered unduly prominent and obtrusive or considered to give rise to any unacceptable overshadowing or overbearing.

The fence will be a high quality timber structure and a landscape buffer is proposed along the full length of the northern side of the fencing in order to soften its appearance when viewed from Doveholes Drive. The proposal is therefore considered to comply with policy H14.

#### RESPONSE TO REPRESENTATIONS

A right to view is not a planning matter, nor is the alleged affect on property values or the perceived affect the proposal may have on the ability to sell a property in the future. Concerns have been raised regarding the structural stability of the proposed fence and future maintenance. The applicant has confirmed that the fence can be erected with relevant foundations to ensure its structural stability and should planning permission be granted a condition will be attached to ensure it ongoing maintenance. Relocation of the premises to a perceived more appropriate location could not be enforced through the planning process.

#### SUMMARY AND RECOMMENDATION

The planning application seeks planning permission to erect a 50 metre long 7.5 metres high acoustic fence in order to satisfy condition 13 of the planning approval 04/01622/OUT. These applications have been submitted following complaints from residents of a block of flats at 91 to 102 Doveholes Drive, Handsworth due to noise



and disturbance arising from the early morning operations of Shirts Box Company Ltd who are located to the rear of No. 45 Finchwell Road and make bespoke timber boxes. The proposed acoustic fence is to be located on the boundary between No. 91 to 102 Doveholes Drive and the rear boundary of No.45 (Shirt's Box Company Ltd).

The proposed acoustic fence although large occupies a relatively concealed position to the rear of established commercial premises on Finchwell Road and the rear of newer residential properties to the north, which are elevated approximately 3.5 metres higher. The existing commercial properties on Finchwell Road provide screening to the fence and the change in level between the properties minimises the visual impact of the development as the fence will be seen in the context of rising land and a large block of three storey flats. Additional landscaping in the form of tree and shrub planting will also be provided. In light of the above the fence is considered acceptable from a design perspective and complies with policies H14 and IB9 of the UDP. The fence is not considered to result in any unacceptable overbearing or overshadowing of adjoining properties due to the position of the fence and its distance from residential dwellings.

The applicant has submitted a noise report which demonstrates that the proposed acoustic fence will mitigate noise from the adjoining commercial premises (Shirt's Box Company Ltd) to an acceptable level during the night time in order to satisfy condition 13 of the planning approval 04/01622/FUL and to continue to allow Shirt's Box company Ltd to work in the late evening and early morning. It is therefore recommended that planning permission is granted to erect the proposed acoustic fence. With regard to the conditions application, this cannot be determined until the fence is erected and further noise monitoring is undertaken to validate the sound attenuation properties of the structure, as such it is recommended the conditions application is deferred at this time. Should the noise validation find that the fence mitigates the noise to the prescribed level the condition will then be discharged. Should the validation testing fail, notwithstanding the noise mitigation measures proposed by this application, the applicants will be required to submit a further scheme of noise mitigation measures capable of achieving the specified noise levels.

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Case Number 12/03394/CAC (Formerly PP-02275946)

Application Type Conservation Area Consent Application

Proposal Demolition of No. 9 Clarkson Street, and demolition of an extension at 5-7 Clarkson Street and at 12 Northumberland Road

Location Sheffield Children's NHS Foundation Trust,  
The Childrens Hospital, Western Bank,  
8 -12 Northumberland Road, 5 - 9 Clarkson Street,  
Sheffield S10 2TH

Date Received 31/10/2012

Team City Centre and East

Applicant/Agent Avant i Architects Ltd

Recommendation Grant Conditionally

Subject to:

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

In order to comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Regulations 1990.

- 2 No demolition before a contract for the carrying out of the works of redevelopment of the site has been made.

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

Attention is drawn to the following justifications:

1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below:

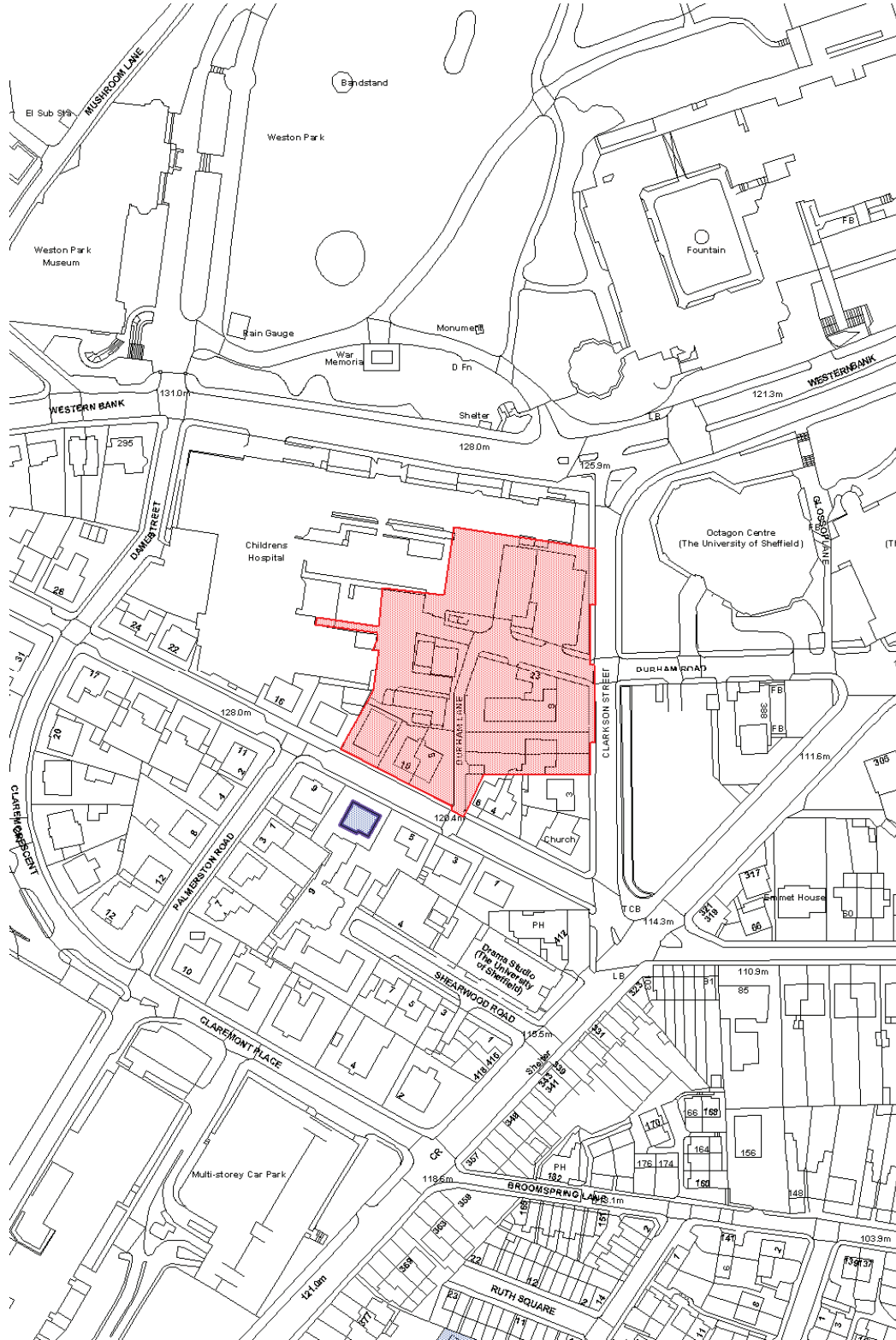
BE15 - Areas and Buildings of Special Architectural and Historic Interest  
BE16 - Development in Conservation Areas

Overall it is considered that the development complies with the relevant policies and proposals, and would not give rise to any unacceptable consequences to the environment, community or other public interests of acknowledged importance.

The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with this application.

This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report at [www.sheffield.gov.uk/planningonline](http://www.sheffield.gov.uk/planningonline) or by calling the planning officer, contact details are at the top of this notice.

# Site Location



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For Report please see 12/03393/FUL

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Case Number 12/03393/FUL (Formerly PP-02275946)

Application Type Full Planning Application

Proposal Construction of a new main entrance, outpatients and ward building in the south-east of the hospital site including new service yard and delivery zone, alterations to 8/10 Northumberland Road, closure of part of Durham Road/part of Durham Lane, alterations/extension of the existing main entrance building along Clarkson Road and provision of new frontage, demolition of 9 Clarkson Street, and demolition of an extension at 5-7 Clarkson Street and at 12 Northumberland Road

Location Sheffield Children's NHS Foundation Trust,  
The Childrens Hospital, Western Bank,  
8 -12 Northumberland Road, 5 - 9 Clarkson Street,  
Sheffield S10 2TH

Date Received 31/10/2012

Team City Centre and East

Applicant/Agent Avant i Architects Ltd

Recommendation Grant Conditionally

Subject to:

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

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

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

11062-AA-07-XX-PL-007 Rev C;  
11062-AA-07-XX-PL-008 Rev C;  
11062-AA-07-XX-PL-009 Rev C;  
11062-AA-07-XX-PL-010 Rev C;  
11062-AA-07-XX-PL-011 Rev C;  
11062-AA-07-XX-PL-012 Rev C;  
11062-AA-07-UA-PL-013 Rev C;  
11062-AA-07-C-PL-016 Rev C;  
11062-AA-07-D-PL-017 Rev C;

11062-AA-07-XX-PL-018 Rev C;  
11062-AA-07-XX-PL-019 Rev B received on 31/10/2012

11062-AA-07-A-PL-014 Rev D and 11062-AA-07-B-PL-015 Rev D received  
on 23/1/2013

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

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

In order to ensure an appropriate quality of development.

- 4 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 landscaping scheme shall be implemented in an agreed timeframe and thereafter maintained.

In the interests of the visual amenities of the locality.

- 5 No development shall commence until full details (geometry, signing and lining required to restrict vehicle use to left in / left out only) of the junction to the patient drop off with Clarkson Street shall be submitted to and approved in writing by the Local Planning Authority.

In the interests of the safety of road users.

- 6 Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, details of the layout and marking out of the car parking accommodation shall have been submitted to and approved in writing by the Local Planning Authority. The extension shall not be used unless the car parking accommodation has been provided in accordance with the approved plans and thereafter such car parking accommodation shall be retained for the sole use of the occupiers of the development hereby approved.

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

- 7 No gates or barriers shall be erected at the ingress to the patient car park unless full details are submitted to and agreed in writing by the local

planning authority of measures to ensure that vehicles entering the car park do not impede the free and safe flow of vehicular traffic on Clarkson Street.

In the interests of the safety of road users.

- 8 The Development shall not be used unless the sight lines, as indicated on plans included in Appendix H of the Transport Statement dated 02/08/2012, have been provided. When such sight lines have been provided, thereafter the sight lines shall be retained and no obstruction to the sight lines shall be allowed within the sight lines above a height of 1 metre.

In the interests of the safety of road users.

- 9 No development shall commence until the improvements (which expression shall include traffic control, pedestrian and cycle safety measures) to the highways listed below have either;

a)been carried out; or

b)details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the extension is brought into use.

Highway Improvements:

Clarkson Street (signing / lining and footway reconstruction)

Glossop Road (signing and lining)

Western Bank (signing and lining)

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

- 10 Prior to the improvement works indicated in the preceding condition being carried out, full details of these improvement works shall have been submitted to and approved in writing by the Local Planning Authority.

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

- 11 No development shall commence until details of the means of ingress and egress for vehicles engaged in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the arrangements for restricting the vehicles to the approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.

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

- 12 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.

In the interests of the safety of road users.

- 13 The development shall not be used unless provision has been made within the site for the accommodation of delivery/service vehicles in accordance with the approved plans. Thereafter, all such areas shall be retained free of all obstructions, including the storage, display and depositing of materials, packaging or other objects, so that the service yard is fully available for the parking, turning and manoeuvring of delivery/service vehicles.

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

- 14 Vehicles servicing the hospital site shall not exceed 12 metres in length.

In the interests of the safety of road users.

- 15 Before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient cycle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the development shall not be used unless such cycle parking has been provided in accordance with the approved plans and, thereafter, such cycle parking accommodation shall be retained.

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

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

The Travel Plan(s) shall include:

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



4. Provisions that the verified/validated results will be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.

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

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

- 17 Prior to any work commencing on site a Construction Management Plan including details of construction vehicle routeing, parking and turning areas within the site and arrangements for parking of contractors vehicles shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved plan.

In the interests of the safety of road users.

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

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

- 19 No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof have first been submitted to and approved in writing by the Local Planning Authority, and once installed such plant or equipment should not be altered without prior written approval of the Local Planning Authority.

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

- 20 Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 3 metres either side of the centre line of the 300mm and 225 mm sewers that cross the site.

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

- 21 Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 3 metres either side of the centre line of the water main that crosses the site.

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

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

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

- 23 The proposed green/brown roof (vegetated roof system) shall be provided on the roof(s) in accordance with locations shown on the approved plans. Details of the specification and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority prior to foundation works commencing on site. The green/brown roof(s) shall be provided prior to the use of the building commencing unless otherwise approved. The plants shall be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced.

In the interests of biodiversity.

- 24 The development hereby approved shall be constructed to achieve a minimum rating of BREEAM 'very good' and before the development is occupied (or within an alternative timescale to be agreed) the relevant certification, demonstrating that BREEAM 'very good' has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.

In the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS64.

- 25 Unless otherwise agreed in writing, a report shall be submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs of the of the completed development being obtained from decentralised and renewable or low carbon energy.

Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources or additional energy efficiency measures shall have been installed before any part of the development is occupied and a post-installation report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS65.

Attention is drawn to the following justifications:

1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below:

CF6 - Development in Institution: Health Areas  
CF8 - Conditions on Development in Institution Areas

BE15 - Areas and Buildings of Special Architectural and Historic Interest  
BE16 - Development in Conservation Areas  
CS63 - Responses to Climate Change  
CS64 - Climate Change, Resources and Sustainable Design of Developments  
CS65 - Renewable Energy and Carbon Reduction

The proposed extension is a very well thought through, contemporary addition to Sheffield's Children's Hospital which will bring unity, in visual and functional terms, to the southern half of the site which, for many years, has seen only piecemeal, uncoordinated development.

The design competition process, with which the local planning authority were encouraged to participate, ensured that we have arrived at the best possible solution, with minimal harm to the neighbouring conservation area.

The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report at [www.sheffield.gov.uk/planningonline](http://www.sheffield.gov.uk/planningonline) or by calling the planning officer, contact details are at the top of this notice.

Attention is drawn to the following directives:

1. 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

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

The notice should be sent to:-

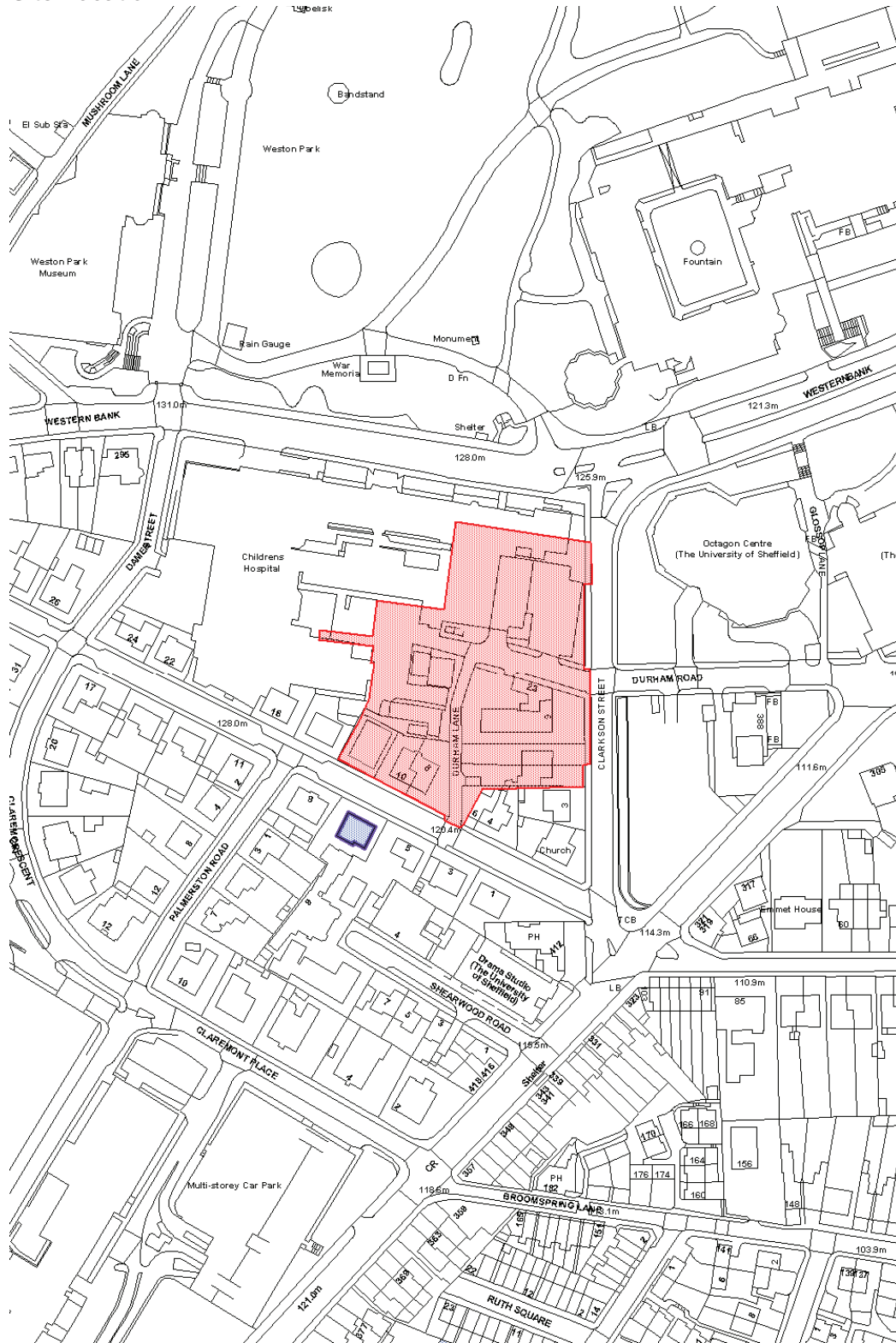
Sheffield City Council  
2-10 Carbrook Hall Road  
Sheffield  
S9 2DB

For the attention of Mr P Vickers

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

3. 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.
4. 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.

# Site Location



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## LOCATION AND PROPOSAL

Sheffield's Children's Hospital is located on the southern side of Western Bank, between Clarkson Street to the east, Damer Street to the west and Northumberland Road to the south. It sits in a busy location, between the city centre and Broomhill, in an area dominated by the University of Sheffield and the Children's, Weston Park and Hallamshire Hospitals.

On the northern side of Western Bank is the historic Western Park which sits between the grade II\* listed Mappin Art Gallery and the University of Sheffield's grade II listed Firth Court.

To the east of the Children's Hospital lies the University of Sheffield owned Octagon Centre, a multi-purpose conference centre and music venue which is also used for examinations, lectures and graduation ceremonies, plus the Durham Road surface level car park. The car park is also owned by the University, who are shortly expected to submit an application for the erection of a multi-storey car park.

To the south, the hospital site is bound by the Northumberland Road Conservation Area, an area characterised by two storey, brick and stone built 19th Century residential buildings in Gothic and Classical styles. The hospital backs directly on to the rear of the detached and semi-detached villas which run along the northern side of Northumberland Road, most of which are owned by or are in the process of being purchased by the hospital. However, in the south east corner of the site, the hospital is separated from adjoining properties by Durham Lane, a narrow lane linking Clarkson Street to Northumberland Road, which is cobbled at its southern end. Properties to the east of Durham Lane include grade II listed buildings at numbers 1 and 3 Clarkson Street.

Damer Street separates the Children's Hospital from the villas to the west, beyond which lies the Weston Park Hospital.

Sheffield's Children's Hospital is one of a small number of specialist children's hospitals in the UK. In order to complement the high quality of care it provides in Sheffield, the region and beyond, it is seeking to modernise its patient accommodation by applying for planning permission to build a large extension in the south eastern corner of the hospital site. This area of the site is currently occupied by:

- portions of Durham Road and Durham Lane;
- number 9 Clarkson Street/23 Durham Road (a three-storey Victorian house which houses the Trust's IT and HR offices and the hospital IT hub);
- single-storey sheds and temporary portacabin style accommodation;
- the hospital's emergency generators, medical gas stores, and VIE (medical oxygen) storage tanks;
- car drop-off and parking areas serving the main entrance; and
- access for service vehicles.

The extension, which will front onto Clarkson Street, will provide:

- a new ward block with 72 en-suite bedrooms;
- a new main entrance to act as a focal point for the hospital; and
- the creation of a ground floor outpatients department comprising of 24 consulting rooms and associated diagnostic and treatment facilities.

In addition, the proposals include the separation of service and general hospital traffic, as well as the provision of a covered car park, a covered service yard and new plant areas at basement and roof level.

In order to facilitate these proposals, conservation area consent is also sought for the demolition of 9 Clarkson Street, and for extensions at 5-7 Clarkson Street and at 12 Northumberland Road.

#### RELEVANT PLANNING HISTORY

A large number of planning applications have been dealt with in relation to the Children's Hospital, the majority of which involved minor additions or changes to the existing building. These include:

12/02584/FUL An application for the erection of a new roof top plant room was approved in October 2012. The new plant room will allow the relocation of IT communications equipment from 9 Clarkson Street.

10/02984/FUL In October 2010, an application for the replacement of fourth floor windows and the installation of coloured rainscreen cladding to the fourth floor of the Stephenson Block was approved.

09/03511/FUL A planning application for a small first floor infill extension to the hospital to form additional consulting rooms for the Outpatient Department was granted in January 2010.

08/04468/FUL In October 2008, planning permission was granted for a single-storey front extension and alterations to the delivery entrance of the hospital.

08/04113/FUL Consent for a two-storey extension to form an MRI scanner facility unit was approved in September 2008.

08/02299/FUL Proposals for a single/two-storey extension to form a plant room and alterations to two windows were granted in June 2008.

07/04695/FUL In January 2008, an application for a first floor extension and internal alterations to form part of high dependency unit were approved.

06/04358/FUL An application for the provision of two oxygen vies, a nitrogen store and a roof top air handling unit were granted in March 2007.

06/04346/FUL Planning permission was granted in January 2007 for alterations and an extension to form additional changing facilities and archive storage space.

05/04091/FUL In December 2005, planning permission was granted for a single-storey building to form a two room extension to the ophthalmic ward.

05/03252/FUL An application for the erection of a courtyard conservatory to form additional waiting and play areas was approved in September 2005.

05/01187/FUL An extension to the Intensive Care Unit was approved in May 2005.

04/00841/FUL In April 2004 consent was granted for a link corridor extension to form a W.C. and offices.

03/04759/FUL In February 2004, permission was granted for an extension to form a link between No.16 Northumberland Road and the adjacent theatres to form a rest area for the theatres.

03/04691/FUL An application for alterations and extensions to form two new theatres, new offices above the pathology department and new changing facilities was approved in March 2004.

03/03387/FUL The extension of an existing plant room and erection a link corridor between 16 Northumberland Road and the new theatres was approved in November 2003.

03/01215/FUL A two-storey extension for use as a child assessment unit was approved in May 2003.

01/10199/FUL In January 2002 planning permission was granted for a single storey extension to the ophthalmic office.

## SUMMARY OF REPRESENTATIONS

One representation was received in connection with the proposed extension of the Children's Hospital. The representation, from a local resident, was generally in favour of the proposals, but raised the following concerns:

- there is a public perception that parking should be available at the hospital, which impacts on the surrounding neighbourhoods to the extent that a large car park in the middle of a residential area is now being proposed.
- Aside from increasing air pollution, serious road safety issues would be created by bringing a large volume of traffic onto neighbouring residential streets.
- There may be things the hospital can do to their patient appointment policies and parking provision within the new development to ease traffic congestion and to avoid negative affects on the large number of families and children living in the communities nearby.

At their meeting on the 11th December 2012, the Conservation Advisory Group (CAG) felt that there was no objection, in principle, to the development, subject to justification of the loss of 9 Clarkson Street. The Group queried whether the



development was too big for the site and suggested that consideration be given to the possibility of the nearby car park of the University of Sheffield, on Clarkson Street, being used for the development, to reduce its impact on traffic movements within the area. The Group considered that it should be stressed that there could be no further development on Clarkson Street and Northumberland Road. The Group suggested that the wall to the access point should be of natural stone, with the details of scale of coursing and modelling being to the satisfaction of the Head of Planning. The Group welcomed the proposed green roofs.

The scheme was presented to the Sheffield Sustainable Development and Design Panel on 28th June 2012. The Panel welcomed the opportunity to review this important development, and commended the hospital on its aspiration to continue to develop and improve their facilities within the city, and to resolve some of the problems that had arisen on this challenging site.

The Panel felt that the design team demonstrated a strong understanding of this complex brief, and supported the proposals, but recognised that a number of issues still required further refinement and analysis in order to realise a successful scheme.

The Panel recognised that the introduction of such a large form within the Conservation Area represented a significant challenge. Whilst the approach to arrange the building mass behind 8/10 Northumberland Road was supported in principle, they urged the design team to continue to develop this idea to ensure that this relationship was successful.

Whilst the decision to demolish 9 Clarkson Street was accepted, the height and position of the new block resulted in a significant juxtaposition with the remaining buildings along Clarkson Street. The Panel considered that some further analysis of this view would be beneficial in determining the impact of the building in relation to the neighbouring buildings.

The Panel supported the decision to reconfigure the building, which they recognised would improve the location of the main entrance as well as lead to associated internal improvements that might prove to be beneficial in terms of way finding and space planning within the hospital. The proposed location of the main entrance was extremely visible, particularly from Glossop Road by virtue of the long vista created by Durham Road, which the Panel considered was a positive step in enhancing the legibility of the building.

The Panel was not wholly convinced with how the area running alongside the vehicle drop off would function, and considered that this needed some further design development to clarify how it might operate, and ensure that it contributed to creating a welcoming environment for pedestrians.

The panel welcomed the intention to create a decked courtyard over the car park. The intention to introduce trees was also supported, but the Panel recognised that further work was necessary to establish the depth of the deck and the column positions.

The Panel was supportive of the elevational approach, and the choice of material, which it considered helped to link the building to its immediate context. The introduction of a brick screen successfully united the new and retained buildings. The aspiration to introduce modulation and pattern into this brickwork, and to also introduce visual richness to the elevation beneath the access ramp, was welcomed.

The Panel recognised that Clarkson Road formed a key part of the wider strategic highway network for the city, and noted the significant amount of traffic that used the road throughout the day, which resulted in frequent queuing traffic at each end.

The Panel agreed with the decision to organise traffic movement away from Northumberland Road, which would have a detrimental impact on its residential nature and the character of the Conservation Area, but recognised that the volume of traffic on Clarkson Road had significant implications for how the various vehicle access points might operate.

The access to the drop off area, in particular, is extremely close to the junction with Western Bank, raising the potential for vehicles to be blocked from entering which raised the strong possibility of exacerbating traffic problems along this stretch of road and affecting the wider highway network.

The Panel welcomed the commitment to achieve Breeam excellent and recognised that there were a number of different options currently under investigation.

The overriding rationale, combining a lightweight structure, concrete floor plates and passive ventilation, which would result in a flexible building that responded effectively to changes in temperature, was supported.

The intention to ensure that the public foyer/ reception space enjoyed significant amounts of natural light, which would assist in creating an attractive and welcoming environment, was supported.

## PLANNING ASSESSMENT

### Land Use

The application site lies within a designated Institution: Health Area as defined in the Unitary Development Plan (UDP). Policy CF6 of the UDP (Development in Institution: Health Areas) provides for the maintenance and development of the City's hospitals on key sites, whilst seeking to protect neighbouring housing areas from inappropriate or over intensive development that could cause a problem to people living nearby.

As the proposed extension is located in the south east corner of the existing hospital site, opposite University owned land, it is considered that its impact on neighbouring residential properties will be limited. The impact of the development on the amenities of the occupants of specific properties is discussed below, as are the highway implications of the development. It is generally considered, however, that as the hospital extension comprises of a modernisation of their existing

facilities, as opposed to the provision of new facilities, levels of traffic generated by the development will remain largely the same.

The proposals are therefore considered to comply with the aims of policy CF6.

### Design and Conservation

Policy CF8 of the UDP (Conditions on Development in Institution Areas) requires new development in Institution Areas to be well designed, of a scale and nature appropriate to the site, while Policy BE5 (Building Design and Siting), states that original architecture will be encouraged, but that new buildings should complement the scale, form and architectural style of surrounding buildings.

With regard to the site's historic context, Policy BE15 of the UDP (Areas and Buildings of Special Architectural or Historic Interest) advises that buildings or areas of special architectural or historic interest, which are an important part of Sheffield's heritage, should be preserved or enhanced and that development which would harm the character and appearance of listed buildings or conservation areas should not be permitted.

Similarly, Policy BE16 of the UDP (Development in Conservation Areas) states that development should preserve or enhance the character or appearance of a conservation area and that, buildings which make a positive contribution to the character or appearance of a conservation area, should be retained.

The proposed hospital extension was the subject of a design competition in which six design teams were chosen to develop a proposal based upon a detailed brief supplied by the hospital. The local planning authority were involved throughout the competition process and input into the content of the brief by providing advice on the sensitivities of the historic environment, in particular the adjoining Northumberland Road Conservation Area, as well as the opportunities to rationalise the functional and visual qualities of the current hospital site to create a high quality addition to the townscape. Officers were also involved in the assessment the submitted schemes. Consequently, the winning scheme was considered to respond positively to the constraints and development opportunities of the site.

The proposals comprise of a three and four storey extension plus basement. The scale of development is considered to compliment the existing hospital buildings and the retained historic properties and, unlike some of the other competition entries, a relatively small proportion of the historic fabric is proposed for demolition, despite the constrained nature of the site.

The green space to the south west of the extension is well-positioned and cleverly exploits the gardens to the rear of the villas on Northumberland Road, creating an attractive and domestic scale enclosure, while the decision to concentrate vehicular access into and out of the site from Clarkson Street helps to minimise the impact of the development on the conservation area in traffic terms.

The development creates a strong new access to the hospital from Clarkson Street which can be seen in long views from Glossop Road. The slim, vertical proportions of the modest clock tower, together with the horizontal form of the entrance canopy, contrasts with the language of brick planes used for the main mass of the building, clearly signalling the position of the main entrance without the need for grandiose gestures.

A red brick screen is used in order to provide a consistent appearance along the Clarkson street frontage and to mask much of the late 20th century elements of the existing hospital. The screen, which incorporates areas of open brickwork lattice, is considered to be a simple, contemporary feature which fits well with both the existing properties on the site and the surrounding townscape.

The sloping site has been exploited to provide level access via a new patient drop off facility, with separate car park and service entrances beneath the hospital. The drop off area is separated from the footway by a good quality stone retaining wall which provides a strong edge to the site.

The Northumberland Road Conservation Area is a heritage asset as defined by the National Planning Policy Framework (NPPF). The NPPF advises that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset the greater the weight should be and consent should be refused where a proposed development will lead to significant harm.

In order to facilitate the proposed development, it is necessary to demolish number 9 Clarkson Street, the northernmost property on a run of early Victorian villas on the edge of the conservation area. Unlike the neighbouring properties, number 9 has been altered significantly over the years and its external appearance has undoubtedly been compromised. Its loss is not, therefore considered to cause significant harm to the character or appearance of the conservation area or, therefore, the significance of the designated heritage asset.

The NPPF also advises that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this instance it is considered that the benefits to the public of improving the facilities on offer at the Children's Hospital are very great and outweigh the loss of number 9 Clarkson Street, particularly when bearing in mind the very constrained nature of the hospital site and the fact that this really is the only available area to extend into.

### Sustainability

Policies CS 63 (Responses to Climate Change), CS 64 (Climate Change, Resources and Sustainable Design of Developments) and CS 65 (Renewable Energy and Carbon Reduction) of the Core Strategy set out the Council's objectives for reducing the impact of climate change.

Policy CS 63 provides an overall statement of actions proposed including giving priority to development in the City Centre and other areas that are well served by sustainable forms of transport, promoting high density development in locations that are well served by sustainable forms of transport, designing development to increase energy efficiency and reduce energy consumption and carbon emissions, generating renewable energy, reducing flood risk and encouraging biodiversity.

Policy CS 64 requires all new buildings to achieve a high standard of energy efficiency, to make the best use of the natural features of a site by exploiting solar energy, natural light, and ventilation, to use resources sustainably by minimising water consumption and maximising water re-cycling, to re-use existing buildings where possible and use sustainable materials. It also requires new developments to achieve a minimum BREEAM (BRE Environmental Assessment Method) rating of Very Good.

In addition, policy CS 65 requires all significant developments to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy.

The application site is located on the edge of the city centre and is well served by public transport.

The extension has been developed to achieve as a minimum a BREEAM “very good” certification, but will achieve an “excellent” rating in crucial areas like energy performance. A wide range of sustainability measures have been adopted to achieve this, including a highly insulated envelope to minimise heat loss. Facades and roofs will typically have a U-value of 0.15W/m<sup>2</sup>K or better. These values will also be achieved on the parts of the refurbished building where the existing footprint of the building block is extended or where the façade is being replaced.

To reduce the requirements for cooling, lights and other service installations with low heat output will be used, and solar gain during the summer time will be reduced through the use of high performance solar glass on the southern and western facades.

The applicant is committed to specifying products and materials that are both robust and sustainable: with a low embodied energy, locally sourced wherever possible, and fully recycled or with high recycled content.

They will assess the embodied carbon of the building as part of the design process and aim to find genuinely functional products and materials that help to reduce the environmental impact.

Many of the main structural elements of the building, such as columns, shear walls and floor planks, will be manufactured off site. Production of such elements under factory conditions significantly reduces construction waste and increases quality. Similarly, en-suite bathrooms will be pre-constructed as pods.

Areas of the roof are also being considered as potential green roofs. As the type and extent of green roof has yet to be determined – depending on the level of biodiversity required, sedum blankets, wildflower blankets and brown roofs are under consideration – their provision will be secured by condition.

The extension to the Children's Hospital is considered to respond positively to the Council's objectives for reducing the impact of climate change and therefore complies with Policies CS 63, 64 and 65 of the Core Strategy.

## Landscape

Despite the limitations on space, the design and layout of the proposed extension has created a number of opportunities for enhancing the landscape. They include the main entrance, drop off and Clarkson Street frontage, the podium garden (above the basement car park and service yard), the link spaces to Northumberland Road and the green roofs.

The drop off area adjacent to the main entrance will be a high quality shared surface with raised planters in key areas adjacent to the building and along the stone retaining wall to the highway. The language is clean and simple so as to not detract from the building and to assist with way finding.

The podium garden performs a range of functions. It is an attractive 'garden' space to look onto from the new extension (to aid recovery), a quiet but usable outdoor space for patients and their parents/carers, a sensory/therapeutic garden, to aid the health and wellbeing of patients and staff, and an outdoor play space for children of various ages.

Very much a garden for patients and visitors, planting within the podium will be located within raised planters with integrated seating and will be chosen for visual interest throughout the year as well as low-toxicity and low-allergen. High-quality paving units will flow through from the atrium and the space will incorporate a rubber crumb-surfaced play mound and play zones.

A series of terraces provide stepped access from the podium garden to the retained section of Durham Lane. These provide additional planting opportunities and create a link to the traditional gardens of the Victorian houses in the Conservation Area. The planting in this area also reduces the height and dominance of the retaining wall to the Service Yard, softening its scale. The stone setts and kerbs to Durham Lane are to be retained as they make a significant contribution to the character of this part of the conservation area.

A new landscaped courtyard will be created to the rear of numbers 10 and 12 Northumberland Road, a predominantly planted area to protect the setting of numbers 10 and 12 and to improve views from the wards and rooms in the new hospital. A path runs through the courtyard, linking various access points and emergency exits to Northumberland Road and a staff cycle store.

Three areas of the hospital roof are likely to be available for greening. A combination of green and brown roofs are proposed, the details of which are reserved by condition.

## Highways

Policy CF8 (Conditions on Development in Institution Areas) requires new development in Institution Areas to provide safe access to the highway network.

As the hospital extension comprises of a modernisation of their existing facilities, as opposed to the provision of entirely new facilities, and the basement level car park replaces the parking spaces currently located on site, it is accepted that the development will not result in any material increase in traffic. The main area of concern from a highways perspective is, therefore, the creation of new and additional access points on to Clarkson Street, and the impact this may have on the operation of this busy section of the highway.

The existing vehicular access arrangements are far from ideal. The majority of vehicle movements (servicing and drop off) occur on Durham Road, leading to a currently chaotic situation with vehicles trying to access the car park, manoeuvre and service the hospital. The situation is made worse by the fact that the main entrance to the hospital is from Durham Road and as a result vehicles are also in conflict with pedestrians. The proposals separate out the conflicting movements and are therefore very welcome.

The critical access point is that to the drop off area as it lies only 30 metres from the junction of Western Bank and Clarkson Street. However, in order to prevent the obstruction of through traffic and safeguard against the poor visibility faced by vehicles turning right out of the drop off area, a signed 'left in/left out' arrangement will be introduced. It is considered that this will prevent blockages and protect the safety of road users.

The drop off area is intended as a quick turnover facility for dropping off patients. It will not be used for patient parking or blue badge car parking (this is available in the basement car park). Moreover, the hospital is committed to the efficient management of this area and to the provision of staff to supervise its operation.

The submitted plans indicate that adequate visibility splays can be provided either side of the car park access and, as use of the basement service yard will be managed on an appointment basis, this too should not cause disruption to the traffic on Clarkson Street.

Subject to the proposed conditions, it is considered that the proposals provide safe access to the highway network and therefore comply with Policy CF8 of the UDP.

## Residential Amenity

The nearest noise sensitive uses to the extension site are the residential properties at the southern end of Northumberland Road. However, it is considered that the amenities of the occupants of these properties, in particular number 1 Clarkson

Street and number 6 Northumberland Road, will be protected from the service yard, the nearest noise source, as it is enclosed along the boundary. Furthermore, as previously described, use of the service yard will be strictly managed and most users will not generate significant levels of noise.

The proposals do not raise any privacy issues and the outlook of the residents of neighbouring properties is protected as a result of the sensitive landscape proposals. It is therefore considered that residents will be protected from unacceptable living conditions as required by Policy CF8 of the UDP.

#### SUMMARY AND RECOMMENDATION

The proposed extension is a very well thought through, contemporary addition to Sheffield's Children's Hospital which will bring unity, in visual and functional terms, to the southern half of the site which, for many years, has seen only piecemeal, uncoordinated development.

The design competition process, with which the local planning authority were encouraged to participate, ensured that we have arrived at the best possible solution, with minimal harm to the neighbouring conservation area. This is a most welcome and much needed addition to the Children's hospital which will bring its facilities up to the latest standards of health care provision.

As a result of the sensitive design and approach to dealing with the historic context, the proposals are considered to comply with all relevant policies in the UDP, the Core Strategy and the NPPF, and Members are therefore recommended to grant planning permission and conservation area consent subject to the proposed conditions.





## SHEFFIELD CITY COUNCIL City Centre South and East Planning & Highways Committee Report

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**Report of:** Director of Development Services

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**Date:** 04.02.2013

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**Subject:** Enforcement Report

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**Author of Report:** Abby Wilson

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**Summary:** Illegal signs at 227 and 229 Abbeydale Road.

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### **Reasons for Recommendations**

Signs do not benefit from deemed consent and are contrary to UDP policies S11 and BE13. The signs are inappropriately located at a high level causing excessive harm to neighbouring residential properties and creating a cluttered appearance in the street scene that is detrimental to the character of the area.

### **Recommendations:**

That the Director of Development Services or Head of Planning be authorised to take any appropriate action including the institution of legal proceedings to secure the removal of the first floor signs at 227 and 229 Abbeydale Road.

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

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### **Background Papers:**

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**Category of Report:** OPEN

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## **ENFORCEMENT REPORT**

### **ILLEGAL ADVERTISEMENTS AT 227 & 229 ABBEYDALE ROAD, S7 1FJ**

#### **1. PURPOSE OF THE REPORT**

- 1.1. The purpose of this report is to inform Committee Members of breaches of planning control and to make recommendations on any further action required.

#### **2. BACKGROUND & LOCATION**

- 2.1. 227 and 229 Abbeydale Road are two storey brick terraced properties. East and West is located at the ground floor at 227 and is a restaurant (A3 use). Talk Time is a mobile communications shop (A1 use) located in the ground floor unit at 229 Abbeydale Road. This block of Abbeydale Road is a mix of retail, financial and professional, and food and drink outlets with first floor flats. 227 and 229 are both in the same ownership.
- 2.2. To the north and south of this block of mixed use units on Abbeydale Road lie areas of terraced housing.
- 2.3. A complaint was received in March 2012 regarding a new illuminated projecting sign at 229 Abbeydale Road advertising Talk Time (see Appendix A). The sign was internally illuminated and causing excessive light into neighbouring flats. On inspection, several signs were identified as illegal at both 227 and 229. Each unit had a projecting illuminated sign at first floor window level (Appendix A and B). A sign above each shop front was illuminated by each character however additional strip lighting had been fitted to further illuminate the signs (see Appendix C). There was also an illuminated forecourt sign (see Appendix D).
- 2.4. A letter was sent to the owner of 227 and 229 Abbeydale Road and to the Company Secretaries at East and West and Talk Time. The letter dated 21<sup>st</sup> March 2012 advised the signs did not benefit from deemed consent and identified those signs that were not considered acceptable and must be removed (within 28 days), and also those that may be considered through an advertisement consent application.

- 2.5. The Company Secretary of East and West responded and arranged a site visit on 11<sup>th</sup> April 2012. He had inherited the signs but was agreeable in complying with the Council's requests. He agreed to speak to the company secretary of Talk Time who had fitted the strip lighting at 227 & 229. The strip lighting was shortly disconnected and removed from 227. He also said he was happy for the owners to remove the projecting illuminated sign and the forecourt sign as he was not responsible for them but had been invited to utilise them.
- 2.6. No response was received from the owner of the properties, nor was a response received from the company secretary of Talk Time.
- 2.7. A reminder was sent on 02 July 2012. The reminder advised the 2 projecting illuminated signs, illuminated forecourt sign and strip lighting illumination (now just above the shop window at 229) were illegal and must be removed, and the letter provided a warning of potential prosecution.
- 2.8. The company secretary at 229 made contact and agreed to remove the forecourt sign and prevent illumination of the large projecting sign at 229 as a matter of priority. This was completed by the 10<sup>th</sup> July, removing the more harmful of the breaches and the original source of complaint at the address.
- 2.9. The company secretary was aware that although the illumination had been removed, the size and location of the projecting sign was not appropriate and the sign would need to be removed. Reluctance to remove the projecting sign was expressed due to the presence of similar projecting signs in the locality. It was agreed that neighbouring illegal illuminated signs should also be targeted. An area of Abbeydale Road was identified to target illegal signs at first floor level. Nine further properties between 166 and 245 Abbeydale Road have been contacted requesting the removal of illegal signage above ground floor level to ensure fairness in light of the demands made on 227 and 229.
- 2.10. A new complaint was received in October 2012 regards the projecting Talk Time sign causing problems for neighbouring properties. A site inspection confirmed that the sign had once again become illuminated. The owner was contacted and in response, made apologies and stated that the sign would be permanently disconnected from an electricity supply. At the time of this report, the sign remains illuminated. The East and West sign at 227 has remained illuminated throughout although it is smaller and has a lower luminosity than that at 229.

### **3. REPRESENTATIONS**

- 3.1. Two complaints have been received from separate sources regarding the nuisance caused by the illumination of the projecting sign at 229 Abbeydale Road.

### **4. ASSESSMENT OF THE BREACHES OF CONTROL**

- 4.1. 227 and 229 Abbeydale Road both display illegal projecting signs as they do not benefit from deemed consent under Schedule 3, Part 1, Class 4B, *Illuminated advertisements on business premises* and Class 5, *other advertisements on business premises*, of the Town and Country Planning (Control of Advertisements) Regulations 2007.
- 4.2. Class 4B specifies that;-  
 (8) No point of the advertisement may be higher above ground level 4.6 metres or the bottom level of any first floor window in the wall on which the advertisement is displayed, whichever is the lower  
 (10) Illumination may be –  
 by halo illumination, or  
 so long as no part of the background of the advertisement is illuminated, by illumination of each character or symbol of the advertisement from within.
- 4.3. Both signs are illuminated or have the potential to be illuminated and do not meet the conditions of deemed consent under class 4B
- 4.4. In addition – if the signs were to become or remain non-illuminated, they still require consent under Class 5
- 4.5. *Class 5 Advertisements on business premises must not:*  
 (5) (a) *Have its highest part more than 4.6 metres above ground level the bottom level of any first floor window in the wall on which the advertisement is displayed*
- 4.6. The signs are contrary to planning policy BE13 of the Unitary Development Plan. BE13 (b) (ii) only allows for illuminated advertisements if they would not be a traffic hazard nor harm the character or appearance of the area and (c) (ii) not harm living conditions or the character or appearance of the area due to size, colour or intensity of the light.
- 4.7. The signs in question cause a light intrusion nuisance in the immediate adjacent flats. The flats have main outlook windows within approximately 1.2 metres of the signs, which will undoubtedly cause significant nuisance to the occupants of the flats.
- 4.8. Projecting signs should be incorporated into the shop front, preferably in line with the fascia sign, such that all signage is contained within the lower portion (ground floor) of the shop unit. Randomly located high level signage such as these two examples results in an uncoordinated appearance and clutter within the street scene.
- 4.9. The signs are inappropriately located at a high level on the building frontage which detracts from the appearance of the building and increases the signs prominence. They result in a cluttered arrangement of signs within the front elevations of the properties to the detriment of the quality of the street scene.

4.10. There are other examples of high level signage in the area which are being dealt with as a separate matter and will be the subject of a future report; this should not carry any weight in considering the appropriate course of action.

4.11. Officers recognise the need for businesses to advertise, especially in the current economic climate, however the current signs cause harm to neighbouring occupiers and to the streetscene, and an alternative design and location for the signs would be acceptable.

## **5. ASSESSMENT OF ENFORCEMENT OPTIONS**

5.1. It is an offence to display without consent a sign that requires express consent under the Town and Country Planning (Control of Advertisements) Regulations 2007. A prosecution can be brought under Section 224(3) of the Town and Country Planning Act 1990 in such circumstances. A prosecution could be brought against the illegal signs identified above ground floor level at 227 and 229 Abbeydale Road.

## **6. EQUAL OPPORTUNITIES**

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

## **7. FINANCIAL IMPLICATIONS**

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

## **8. RECOMMENDATION**

8.1. That the Director of Development Services or Head of Planning be authorised to take any appropriate action including if necessary, the instigation of legal proceedings in relation to (i) the illegal display of the projecting illuminated sign at 227 Abbeydale Road to prevent its continued display and (ii) the illegal display of the projecting sign at 229 Abbeydale Road.

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.

**Appendix A – Talk Time projecting sign, 229 Abbeydale Road**



**Appendix B – East and West projecting sign, 227 Abbeydale Road**



Appendix c – Strip lighting



Appendix D – Forecourt Sign now removed









## SHEFFIELD CITY COUNCIL City Centre, South & East Planning & Highways Committee

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**Report of:** Director of Development Services

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**Date:** 4 FEBRUARY 2013

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**Subject:** Enforcement Report

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**Author of Report:** Adam Chapman

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**Summary:** Unauthorised formation of self contained flats at first floor level of the former Windsor Hotel Public House, 35-39 Southend Road Sheffield S2 5FS

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**Reasons for Recommendations:**

The owner is not making any attempt to resolve this issue and it is now considered that the matter should be reported for further enforcement action.

**Recommendations:**

That authority be given to the Director of Development Services or Head of Planning to take all necessary steps, including enforcement action, service of a stop notice and the institution of legal proceedings, if necessary, to secure the cessation of the use of the upper floor of the premise as self contained flats.

To delegate to the Director of Development Services or the Head of Planning power to authorise the taking of all necessary steps, including enforcement action, service of a stop notice and the institution of legal proceedings, if necessary, to secure the cessation of the use of the upper floor of the former Windsor Hotel as self contained flats.

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.

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**Background Papers:**

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**Category of Report:** OPEN

## DEVELOPMENT SERVICES

REPORT TO CITY CENTRE,  
SOUTH & EAST PLANNING  
AND HIGHWAYS  
COMMITTEE

4<sup>TH</sup> FEBRUARY 2013

## ENFORCEMENT REPORT

UNAUTHORISED FORMATION OF SELF CONTAINED FLATS AT FIRST FLOOR OF THE FORMER WINDSOR HOTEL PUBLIC HOUSE 35-39 SOUTHEND ROAD, SHEFFIELD, S2 5FS.

### 1. PURPOSE OF REPORT

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

### 2. BACKGROUND AND BREACH

- 2.1 The former Windsor Hotel is a two storey detached building previously used as a public house at ground floor and associated residential property at first floor. The property is located within a Local Shopping Area as designated in the Sheffield Unitary Development Plan.

- 2.2 A complaint was received in August 2012 regarding works which were being undertaken within the building. After further investigations it has been determined that the first floor has been converted from 1 flat (which was associated with the operation of the ground floor of the premises as public house) to the creation of a number of self contained first floor flats.

- 2.3 The owner was informed that planning permission would be required to form multiple flats at first floor level. The owner confirmed that the works were on going and a formal planning application would be submitted in due course to regularise the works. However, to date, no such application has been received.

- 2.4 Enforcement action in respect of all breaches of planning control is subject to time limits – 4 years for operational development and 10 years for change of use, except for the change of use of buildings to use as dwellinghouses. Approximately 5 of the flats have been occupied since August 2012. A Planning Contravention Notice (PCN) will be served requesting further information and to determine how many flats have been provided.

### 3. ASSESSMENT OF BREACH OF CONTROL

- 3.1 The site is located at the junction of Southend Road within a Local Shopping Area, commercial properties are located either side of site and the wider area is residential in character.
- 3.2 Following a site visit it is evident that a number of self contained flats (approximately 6 flats) have been formed at first floor level. No detailed plans have been submitted for consideration.
- 3.3 The use of the first floor of the building as flats (Use Class C3) is an acceptable use in principle accordance with UDP Policy S7 (Development in District and Local Shopping Centres).
- 3.4 The upper floor flats are accessed from a door located in the side elevation that provides access to the upper floor via a stair well. A number of flats do not have adequate natural light or provide suitable outlook or living conditions which is considered contrary to policy S10 (b) of the UDP.
- 3.5 The site benefits form some external space to the side of the property, however this area is currently filled with waste associated with the construction works, but could be laid out to provide a communal area if required for the flats.
- 3.6 Ideally, one car parking space per flat should be provided in accordance with the Council's Car Parking Guidelines. However, the site is in a sustainable location and there is an opportunity to provide some allocated parking on the site frontage if required.
- 3.7 The development represents an acceptable land use in the Shopping Area. Adequate provision can be made for car parking and external amenity space but living conditions of a number of the flats are considered to be unacceptable due to the absence of any outlook from habitable rooms. This in turn does not provide adequate levels of natural light or outlook to meet the basic requirements for living accommodation.
- 3.8 An assessment of any insulation measures between the flats and the public house below is also required to determine if residents would be affected by noise and disturbance.
- 3.9 The photo image shows the entrance to a bedroom that has no external windows in one of the flats, which shows the absence of any outlook and natural lighting to the habitable bedroom and demonstrates that the unauthorised flats provide poor living conditions for the occupants.



#### 4. REPRESENTATIONS

4.1 No representations have been received to this matter.

#### 5. ASSESSMENT OF ENFORCEMENT OPTIONS

5.1 The service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 enables the Local Planning Authority to issue Enforcement Notices where there has been breach of planning control. In this case the notice would require the cessation of the use of the building as self contained flats. There is a right of appeal to the Planning Inspectorate against the service of an Enforcement Notice. However it is considered that the Council would be able to defend any such appeal. A Planning Contravention Notice (PCN) will be served requesting further information about the use of the building and number of flats provided.

#### 6. FINANCIAL IMPLICATIONS

6.1 There are no financial implications arising from the recommendations of this report

#### 7. HUMAN RIGHTS ACT 1998

- 7.1 The proposed enforcement action will mean the removal of somebody's living accommodation. Members will need to consider the following.
- 7.2 Article 8 of the Act refers to the Right to respect for private and family life.
- a. Everyone has the right to respect for his private and family life, his home and his correspondence.
  - b. There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
- 7.3 Article 1 (First Protocol)
- 7.4 Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law.
- 7.5 The proceeding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.
- 7.6 The rights protected by Articles 8 and 1 (First Protocol) in the 1998 Act are qualified in terms of restrictions imposed in the public interest. In this case the interference with the rights of any occupiers of the building is in accordance with planning law and is legitimate and proportionate to the breach of planning control. The use of the building as 7 flats is only possible due to unauthorised development contrary to planning policies set out in this report.
- 7.7 As previously stated in section 3, the poor quality of the living accommodation is unacceptable development. It is therefore in the wider public interest to ensure the cessation of the unauthorised use; interference with the occupiers Human Rights is necessary and justified because of the poor living conditions of the occupants.
8. EQUAL OPPORTUNITY IMPLICATIONS
- 8.1 There are no equal opportunities implications arising from the recommendations of this report.
9. RECOMMENDATIONS

9.1 That authority be given to the Director of Development Services or Head of Planning to take all necessary steps, including enforcement action, service of a stop notice and the institution of legal proceedings, if necessary, to secure the cessation of the use of the upper floor of the premise as self contained flats.

9.2 To delegate to the Director of Development Services or the Head of Planning power to authorise the taking of all necessary steps, including enforcement action, service of a stop notice and the institution of legal proceedings, if necessary, to secure the cessation of the use of the upper floor of the former Windsor Hotel as self contained flats.

9.3 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

D Caulfield  
Head of Planning

4 February 2012



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## SHEFFIELD CITY COUNCIL City Centre South and East Planning & Highways Committee Report

**Report of:** Director of Development Services

**Date:** 04.02.2013

**Subject:** Enforcement Report

**Author of Report:** Abby Wilson

**Summary:** UNAUTHORISED OUTBUILDING IN THE FRONT GARDEN OF 3 LONG LINE, DORE, S11 7TX

### Reasons for Recommendations

The outbuilding lies forward of the principal elevation of the original dwellinghouse and does not benefit from being 'permitted development'. Situated within the Green Belt and an Area of High Landscape Value, the outbuilding is contrary to national and local policies. Freestanding buildings are deemed to be inappropriate unless for agriculture or forestry or other specified uses that do not conflict with the purpose of including land within the Green Belt. The outbuilding is prominent in the front garden area and detracts from the openness of the Green Belt to the front of the property on a site that already has significant additions to the original building.

### Recommendations:

That the Director of Development Services or Head of Planning be authorised to take any appropriate action including the institution of legal proceedings to secure the removal of the outbuilding.

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**

REPORT ON THE UNAUTHORISED OUTBUILDING IN THE FRONT GARDEN OF 3 LONG LINE, DORE, S11 7TX

### **1. PURPOSE OF THE REPORT**

- 1.1. The purpose of this report is to inform Committee Members of a breach of planning control and to make representations on any further action required

### **2. BACKGROUND / LOCATION**

- 2.1. A large wooden outbuilding is situated forward of the front elevation of 3 Long Line, S11 7TX. The property lies within an area recognised by the Sheffield Unitary Development Plan as an Area of High Landscape Value within the Green Belt.
- 2.2. Long Line is to the North of Dore Village and consists of a long straight road, with dwellings along most of the western side, otherwise surrounded by agricultural land.
- 2.3. The outbuilding is positioned on a plot immediately in front of the front elevation of the neighbouring property 3a Long Line. See Appendix A for the location plan.
- 2.4. An original complaint was received in January 2012 regarding the outbuilding. The complaint was withdrawn as the owners confirmed the outbuilding was intended for a location at the rear of the property. A concrete base, and electricity supply had already been supplied to this intended location and the owner stated the outhouse would be moved within eight weeks.
- 2.5. In August 2012 a further complaint was received as the outbuilding was still in position at the front of the property.
- 2.6. A letter, dated 07 September 2012, advised the owners at 3 Long Line, that the outbuilding was unauthorised and invited them to contact the planning department to discuss possible solutions.
- 2.7. The owners contacted the Council within 14 days and advised of their intentions to move the outbuilding to a plot at the rear and requested until the end of October 2012. This was agreed. On the 30th October 2012, the owner contacted the office to request a further 14 days to move the outbuilding as works were ongoing on the driveway and garden and the outbuilding was used to store materials. This was also agreed.
- 2.8. On 30th November 2012, as the extended period had now lapsed by a further 16 days, the owners were advised that enforcement options would now be considered.

2.9. In response, the owners replied in writing to advise that ill health had delayed the progress and they would endeavour to recruit family and friends to remove the outbuilding over the Christmas period. To date, the outbuilding is still positioned forward of the front elevation.

### **3. ASSESSMENT OF BREACH OF CONTROL**

3.1. The site lies within the Green Belt and an Area of High Landscape Value. The thrust of national and local planning policies is to restrict 'inappropriate' development within Green Belts. Whilst modest extensions and alterations to existing buildings are not 'inappropriate' development, freestanding buildings are deemed to be inappropriate unless for agriculture or forestry or other specified uses that do not conflict with the purpose of including land within the Green Belt.

3.2. In this instance, the structure is forward of the principal elevation of the original dwellinghouse and does not benefit from being 'permitted development'. The original dwelling has already been significantly extended, most recently as 'permitted development', and exceeds tolerances permitted under UDP Policy GE8 (House Extensions in the Green Belt). The structure is prominent in the front garden area and detracts from the openness of the Green Belt to the front of the property on a site that already has significant additions to the original building.

3.3. As 'inappropriate' development, the structure is contrary to Policy GE3 (New Building in the Green Belt) and no 'very special circumstances' have been demonstrated to justify a departure from the adopted policy. In these circumstances, any formal application to regularise the development would be recommended for refusal.

### **4. REPRESENTATIONS**

4.1. One complaint has been raised in January 2012 and later withdrawn. A second complaint was received in August 2012. See paragraph 2.4 and 2.5

### **5. ASSESSMENT OF ENFORCEMENT OPTIONS**

5.1. Section 172 of the Town and Country Planning Act 1990, enables the Local Planning Authority to issue enforcement notices where there has been a breach of planning control. In this case the notice would require the removal of the outbuilding.

5.2. The notice will ensure the removal of the outbuilding allowing for a period of compliance found reasonable given the difficulties the owners have experienced in relocating the outbuilding.

### **6. EQUAL OPPORTUNITIES**

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

## 7. FINANCIAL IMPLICATIONS

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

## 8. RECOMMENDATION

8.1. That the Director of Development Services or Head of Planning be authorised to take any appropriate action including if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised outbuilding at 3 Long Line.

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.

### Appendix A Location Plan 3 Long Line



### Appendix B - Outhouse from roadside



**Appendix C – View from Front elevation of neighbouring 3A Long Line**



Les Sturch  
Head of Planning

**Date: 04 February 2013**

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## SHEFFIELD CITY COUNCIL City Centre South and East Planning & Highways Committee Report

**Report of:** Director of Development Services

**Date:** 04.02.2013

**Subject:** Enforcement Report

**Author of Report:** Abby Wilson

**Summary:** Illegal signs at Dore Masonic Hall

### Reasons for Recommendations

Signs do not benefit from deemed consent and contrary to UDP policy BE13.

The local planning authority's power to control advertisements under the regulations may be used only in the interests of "amenity" and "public safety". In this case, given the factors relevant to public safety and amenity, no significant harm can be found and therefore no further action can be justified.

### Recommendations:

That members resolve to take no further action in respect of the unauthorised signage.

### Background Papers:

**Category of Report:** OPEN

## **ENFORCEMENT REPORT**

### **REPORT ON AN ILLEGAL SIGN AT DORE MASONIC HALL, S17 3LA**

#### **1. PURPOSE OF THE REPORT**

- 1.1. The purpose of this report is to inform Committee Members of a breach of planning control and to make representations on any further action required

#### **2. BACKGROUND / LOCATION**

- 2.1. Two small directional signs are located at the Dore Road entrance to the Masonic Hall on Woodlands View, see location plan. The area surrounding the site is predominately residential in character.
- 2.2. The lane is a private lane owned by Dore Masonic Hall Company Ltd. The Hall is not visible from Dore Road.
- 2.3. The two signs have been present for an unconfirmed and undisputed period of roughly 30 years however the frames on which the signs were displayed were damaged and were replaced in 2012. The replacement frames were not sited in the exact same position as had previously been mounted. See Appendix C to F for street views of original and new sign positions. As such, the signs require advertisement consent.
- 2.4. A complaint was received regarding the new positioning of sign A, adjacent to the privately owned wall of number 7 Dore Road. The new position is approximately 30cm higher and 1metre closer to the highway than its previous location. Its distance to the footpath is 2.2 metres and it is set back 4.4 metres from the road. The boundary wall to number 7 stops in excess of 2.5 metres from the footpath and therefore, the new position of sign A extends beyond the private wall by approximately 37cm. The complainant felt this new position was unsightly and a danger to vehicles reversing out of the driveway at number 7.
- 2.5. No complaint has been raised over the repositioning of sign B on the opposite side of the private lane.
- 2.6. Dore Masonic Hall state the refurbished sign has unfortunately and unintentionally been put back in a slightly different position, however they do not wish to apply for advertisement consent for sign A the sign in its current position.



### 3. **ASSESSMENT OF BREACH OF CONTROL**

- 3.1. It is our opinion that the signs fall within Class 2 (A), an advertisement displayed for the purpose of identification, direction or warning, with respect to the land or building on which it is displayed. Deemed consent is limited to the advertisement being no larger than 0.3 square metres in area. Class 2A refers to a single sign.
- 3.2. In relation to Class 2 (A), both Sign A and Sign B exceeds 0.3 metres square.
- 3.3. Under application, the signs in question would be tested against the Policy BE13 of the Sheffield Unitary Development Plan, BE13 states signs will be permitted only if they would (a)(i) not be a traffic hazard; and (ii) not harm the character or appearance of the area ; and (iv) be well designed with landscaping, fencing and screening on associated land, where possible.
- 3.4. An assessment of Sign A - Sign A is a plastic board sign set within a metal frame, mounted on two metal posts. The sign is clearly intended to serve as a directional sign for the Dore Masonic Hall. The sign itself is non-illuminated and has dimensions of approximately 2 metres in width by 0.56metres in height. With the supporting legs the overall height of the sign from ground level is 1.19 metres.
- 3.5. The sign is positioned adjacent to a party boundary wall (owned by the neighbour – at number 7 Dore Road). The sign is set against a backdrop of a brick-built boundary wall (of approximately 1 metre in height) with a coniferous hedge above. Although not ideal, a small section of the sign (37cm) does project beyond the end of the party boundary wall, however it should be noted that the party boundary wall is set back from the back edge of the public highway by approximately 2.57 metres. Ideally, officers consider that it would have been better if the sign had aligned with the edge of the party boundary wall, however, if an application were to have been submitted, officers do not feel that a refusal could be justified on this point alone. Particularly as the party boundary wall is considerably set back from the back edge of the public highway. Because the sign is positioned deep into the site, there are no long distance views of the sign from the east.
- 3.6. From a visual perspective, officers consider that the sign will have a minimal impact on the street-scene or on the visual amenities of any local residents.
- 3.7. A concern has been raised by the adjoining neighbour (at no. 7 Dore Road) that the new position of the sign has a detrimental impact on highway safety (due to reduced visibility) however, due to the fairly low-level position of the sign (1.19 metres from ground level) and, the significant distance that the sign is set back from the back edge of the public footpath, officers do not feel that the position of the sign will have a detrimental impact on visibility or highway safety.
- 3.8. On balance, sign A is considered to be acceptable in this instance.
- 3.9. An assessment of Sign B - Sign B is also a plastic board sign set within a metal frame, mounted on one metal post. The sign is also clearly intended to serve as a directional sign for the Dore Masonic Hall. The sign itself is non-illuminated and has dimensions of approximately 0.91 metres in width by 0.65 metres in height. With the supporting leg the overall height of the sign from ground level is 1.5 metres.

- 3.10. The sign is positioned adjacent to a party boundary wall (owned by the neighbour – at number 3 Dore Road). The sign is set against a backdrop of a low-level natural stone wall with a high boundary hedge behind.
- 3.11. From a visual perspective, officers consider that the sign will have a minimal impact on the street-scene or on the visual amenities of any local residents.
- 3.12. Officers also consider that the new position of Sign B will have no detrimental impact whatsoever on visibility or on highway safety.
- 3.13. In this regard, officers feel that sign B is considered to be acceptable.
- 3.14. The local planning authority's power to control advertisements under the regulations may be used only in the interests of "amenity" and "public safety". In this case, given the factors relevant to public safety and amenity, no significant harm can be found and therefore no further action can be justified.

#### **4. REPRESENTATIONS**

- 4.1. One complaint has been raised in relation to sign A. The complaint concerned the untidy appearance of the sign protruding from the end of the wall. The complaint also concerned poor visibility for vehicles on egress from the drive.

#### **5. ASSESSMENT OF ENFORCEMENT OPTIONS**

- 5.1. It is an offence to display without consent a sign that requires express consent under the Town and Country Planning (Control of Advertisements) Regulations 2007. A prosecution can be brought under Section 224(3) of the Town and Country Planning Act 1990 in such circumstances. A prosecution could be brought against the illegal sign.
- 5.2. Prosecution is based on the classification of the sign as a directional sign under class 2A, however this could be contested, arguing that the sign could be classified under Class 6, Signs on a forecourt.

#### **6. EQUAL OPPORTUNITIES**

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

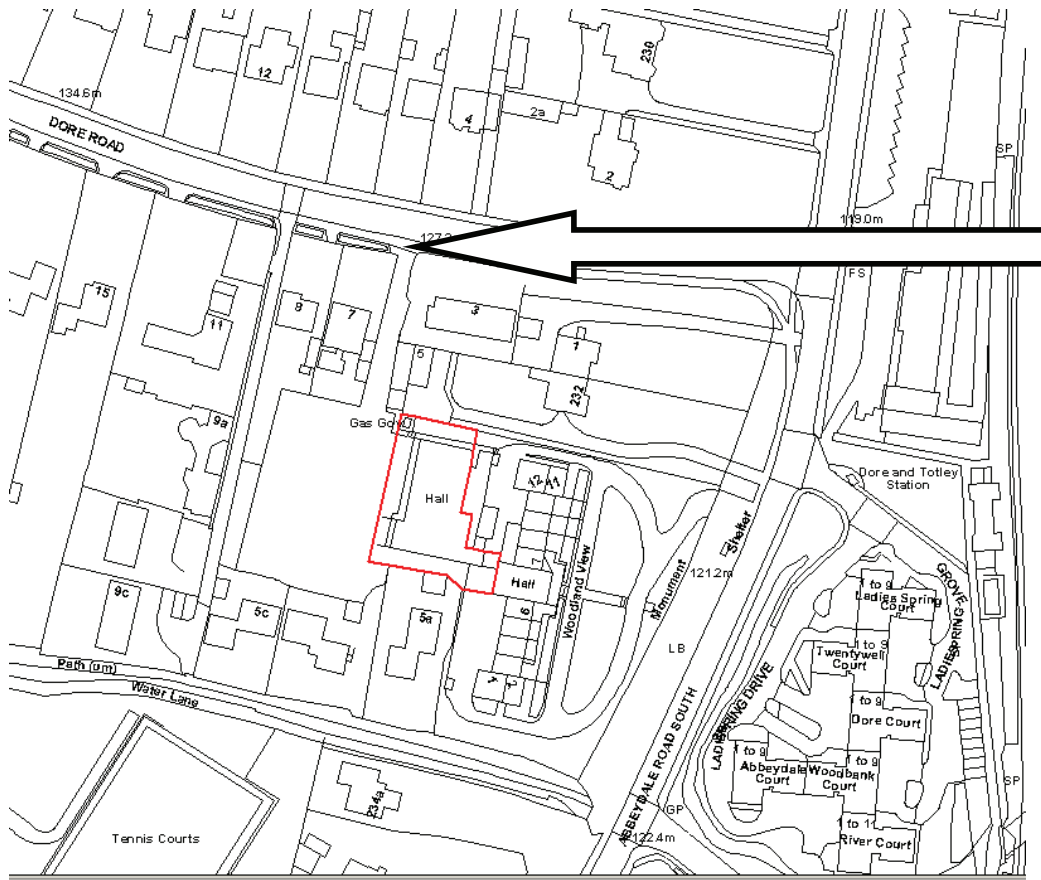
#### **7. FINANCIAL IMPLICATIONS**

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

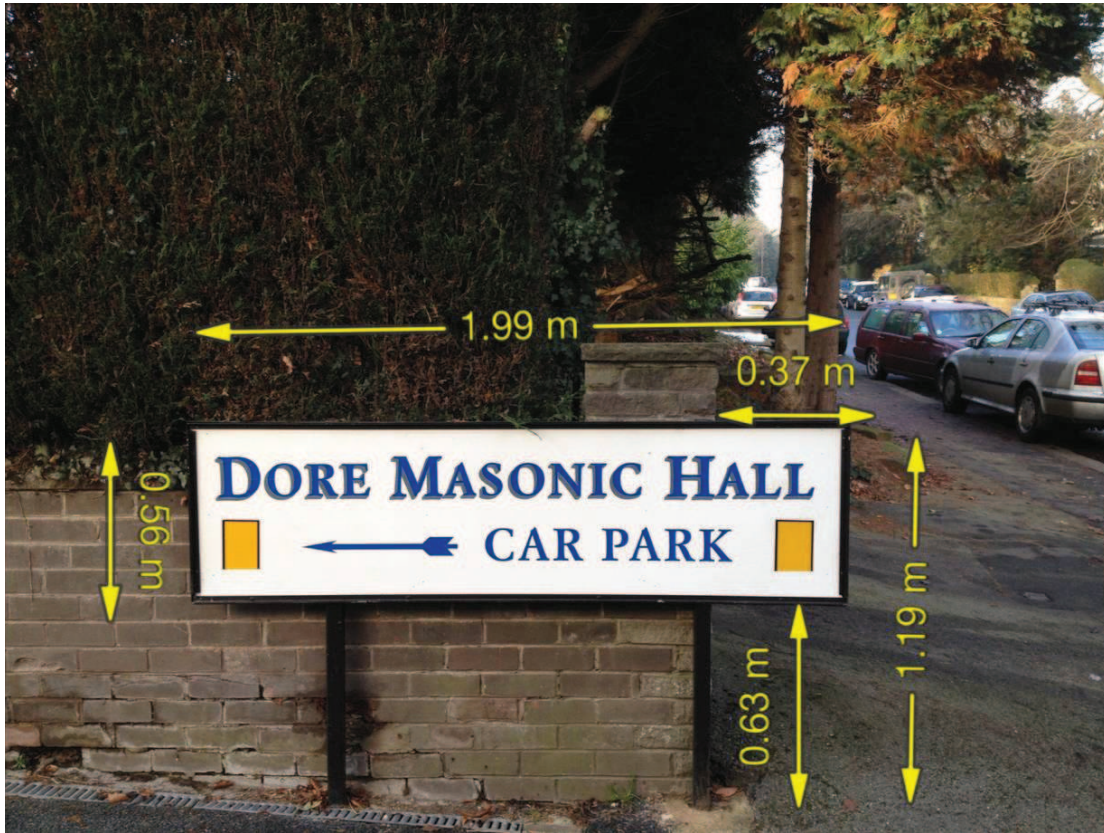
#### **8. RECOMMENDATION**

- 8.1. That members resolve to take no further action in respect of the unauthorised signage.

# Appendix A Location Plan



Appendix B - Sign A



Sign B



**Note - Broken line indicates boundary with public footpath on Appendix C to F**

**Appendix C - Original location of Sign A facing West along Dore Road**



**Appendix D - Current Location of Sign A facing West along Dore Road**



**Appendix E - Original location of sign B facing East along Dore Road**



**Appendix F - Current Location of sign B facing East along Dore Road**





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## SHEFFIELD CITY COUNCIL City Centre, South & East Planning & Highways Committee

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**Report of:** Director of Development Services

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**Date:** 4 FEBRUARY 2013

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**Subject:** RECORD OF PLANNING APPEALS  
SUBMISSIONS & DECISIONS

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**Author of Report:** Sue McGrail 0114 2734404

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**Summary:**

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

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**Reasons for Recommendations**

**Recommendations:**

To Note

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**Background Papers:**

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**Category of Report:** OPEN

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## DEVELOPMENT SERVICES

REPORT TO CITY CENTRE,  
SOUTH & EAST PLANNING &  
HIGHWAYS COMMITTEE  
4 FEBRUARY 2013

### 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 for the continued use of land as a temporary car park at the site of Richardson's Cutlery Works, Alma Street (Case No 12/02490.CHU)
(ii) An appeal has been submitted to the Secretary of State against the Delegated decision of the City Council for a single story rear extension to dwellinghouse and erection of a car port at 69 Lightwood Lane (Case No 12/02979/FUL)
(iii) An appeal has been submitted to the Secretary of State against the decision of the City Council at its meeting on the 5 <sup>th</sup> November 2012 to refuse planning permission for the retention of a summerhouse, raised decking and climbing frame and use of land as a domestic garden at 8 White Lane (Case No 12/00392/FUL)
(iv) An appeal has been submitted to the Secretary of State against the decision of the City Council at its meeting of the 15 <sup>th</sup> October 2012 for alterations to a basement to form additional living accommodation, provision of an escape window at basement level with metal railing and gate above lightwell at site at 32 Crescent Road (List No 12/01976/FUL)
(v) An appeal has been submitted to the Secretary of State against the Delegated decision of the City Council for the erection of front & rear dormer windows to dwellinghouse at 17 The Nook (Case No 12/00935/FUL)
(vi) An appeal has been submitted against an Enforcement Notice served in respect of unauthorised windows to the front & side of property at 2 Albany Road
(vii) An appeal has been submitted to the Secretary of State against the decision of the Council at its meeting held on 17 <sup>th</sup> December 2012 for alterations to door and window openings and use of building as 6 flats at 102a/b Harcourt Road (Case No 12/03456/FUL)

(viii) An appeal has been submitted to the Secretary of State against the decision of the Council at its meeting held on 14 January 2013 for the demolition of a storage building and erection of two dwellinghouses including the construction of a temporary access road at Fern Glen Farm, Hathersage Road, Dore (Case No 12/03177/FUL)

### 3.0 APPEALS DECISIONS - DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for use of dwellinghouse as a house in multiple occupation (change of use from Class C3 to C4) at 23 Denham Road has been dismissed (Case No 12/01058/CHU)

#### Officer Comment:-

The Inspector noted the main issues to be the effect of the proposal on the residential character of the area; and upon living conditions in the area.

The Inspector agreed with the Council that as 60% of properties within 200m of the site are shared housing, the residential character of the area was already under threat, and to allow the proposal would exacerbate this, and undermine the aims of policy CS41 of the Core Strategy, to support mixed and balanced communities.

Given the busy location of the site near to Ecclesall Road, she did not however agree that there would necessarily be adverse impact upon neighbouring residents living conditions from extra comings and goings of occupants, subject to appropriate sound insulation being provided, and as such there would be no significant conflict with policies H5 or H14 of the UDP.

On balance however, she gave greater weight to the creation of mixed communities and dismissed the appeal.

(ii) To report that an appeal against the decision of the Council at its meeting on 2<sup>nd</sup> July 2012 to refuse planning consent for the erection of 24 dwellinghouses including car parking and landscaping at land off Sandstone Road, has been dismissed (Case No 11/03972/FUL)

#### Officer Comment:-

The Inspector concluded that the proposed development would lead to substantial harm to the significance of the Scheduled Ancient Monuments (SAMs) (the Hill Fort and the Roman Ridge) as designated heritage assets and the loss of valued open space. He believed that further development on the hillside would compound the harm already caused by the housing that was constructed in the 1960s / 70s and would intensify the built up nature of the eastern slope. The current state of knowledge relating to the archaeology of Wincobank Hill Fort, the Roman Ridge and the wider environs is poor and

as such the Inspector felt that this supports a restriction on development of the site in order to ensure that future findings of the true value of a potentially high value heritage asset is not compromised by development now. He concluded that retaining the site as open space is vitally important to the interpretation of the SAMs and the wider historic landscape and that the proposed development would be contrary to UDP Policy BE22, key Framework objectives and Core Strategy Policy CS47.

(iii) To report that an appeal against the decision of the Council at its meeting on 6<sup>th</sup> February, 2012 to refuse planning permission for the demolition of the existing dwelling and the erection of 14 apartments including car parking and landscaping at 135 Dore Road has been dismissed (Case No. 12/00567/FUL)

Officer Comment:-

The Inspector considered the main issue to be effect of the proposal on the character and appearance of the area.

He noted the site was in an area of Dore with a coarser urban grain than the village centre, and that the plot was particularly large. He recognised the NPPF promoted optimising the development potential of sites, but that this was countered by the Council's Core Strategy Policy CS31 that gives priority to safeguarding areas of character in south west Sheffield. With this in mind he noted the typical density of the area was 12 dwellings per hectare (dph) and that the proposal had a density of 32 dph, in contrast to previously approved schemes of 12 and 14 dph.

He considered that this density manifested itself in overlarge apartment buildings, with footprints far larger than other buildings on Dore Road. He felt the scale of buildings would dominate the appeal site and would be prominent in public views. He recognised some quality in the composition of the buildings but did not feel this could overcome fundamental objections with regards to the excessive scale of the development.

He agreed with the Council that the extant permissions for 6 and 8 houses would not have an adverse effect on the character and appearance of the area but felt that the appeal proposals would, and found it conflicted with guiding principle in the NPPF of securing high quality design in new development, and would conflict with policies BE5 and H14 of the UDP, and CS31 and CS74 of the Core Strategy.

He recognised the scheme would contribute additional housing and that the Council has less than 5 years of supply, but felt the harm that would be caused to the character and appearance of the area would demonstrably outweigh this.

He did not agree with concerns expressed by third parties that the

development would have an unacceptable impact upon neighbours living conditions, highway safety, flooding and ecology.

Overall he considered the development would be sustainably located and constructed and have social and economic benefits. There would also be no harm to living conditions, highway safety. Ecology, or flood risk, but he felt the presumption in favour of development was significantly and demonstrably outweighed by the comprehensive harm the proposal would cause to the character and appearance of the area. He therefore dismissed the appeal.

#### 4.0 APPEALS DECISIONS - ALLOWED

(i) To report that an appeal against the decision of the Council at its meeting of 13<sup>th</sup> August 2012 for a change of use to hot food take-away and the erection of an external flue at 44 High Street, Mosborough, has been allowed (Case No 12/01609/FUL)

##### Officer Comment:-

The Inspector concluded that the change of use would contribute to the vibrancy of the shopping centre without unduly affecting the quality of life for local residents. He appreciated the concerns expressed by local residents but felt that there was no convincing evidence to depart from the provisions of the Unitary Development Plan Policy, which allows for hot food takeways in designated Local Shopping Centres subject to certain safeguards which can be dealt with by imposing appropriate conditions. He therefore allowed the appeal subject to the following conditions:

1. Use to commence within 3 years
2. Development to be carried out in accordance with approved plans
3. Hours of use to be 1100-2300 Mon-Fri; 1100-2330 Sat; 1100-2200 Sun
4. Fume extraction equipment to be installed
5. No movement of waste bottles etc outside agreed times
6. All refuse bins to be stored at rear of property
7. No deliveries outside specified hours
8. Suitable litter bin to be provided
9. First floor flat to be occupied by employees only
10. No amplified music
11. External flue to be painted black

## 5.0 APPEAL - DISCONTINUANCE NOTICE

To report that an appeal against a Discontinuance Notice served in respect of unauthorised advertisement panel on the flank wall at 298A Ecclesall Road has been dismissed

### Officer Comment:-

The Inspector identified the main issue to be whether the continued use of the east facing flank wall for the display of adverts would be detrimental to visual amenity.

She felt the large number of signs on the upper floors of properties in the area to result in general clutter that is detrimental to the visual quality of the area. She agreed with the Council that the sign is in a prominent location, visible on approach along Ecclesall Road, and that it fails to respect the architectural proportions of the gable wall, and causes harm to the street scene.

She concluded that the continued display of advertisements on the gable wall would be substantially injurious to visual amenity and dismissed the appeal, upholding the discontinuance notice. The sign has to now be removed by 4<sup>th</sup> March 2013.

## 6.0 RECOMMENDATIONS

That the report be noted

David Caulfield  
Head of Planning

4 February 2013