

# Planning and Highways Committee

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**Tuesday 23 July 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), Trevor Bagshaw, David Baker, Janet Bragg, Tony Downing (Deputy Chair), Jayne Dunn, Ibrar Hussain, Bob Johnson, Bob McCann, Peter Price, Peter Rippon, Garry Weatherall and Joyce Wright

## **Substitute Members**

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

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## **PUBLIC ACCESS TO THE MEETING**

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

A copy of the agenda and reports is available on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk). You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday, 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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**PLANNING AND HIGHWAYS COMMITTEE AGENDA  
23 JULY 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 2 July 2013
- 6. Site Visit**  
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 7. Applications Under Various Acts/Regulations**  
Report of the Director of Development Services
- 8. Enforcement of Planning Control: 73 Sandford Grove**  
Report of the Director of Development Services
- 9. Quarterly Overview of Enforcement Activity**  
Report of the Director of Development Services
- 10. Quarterly Update of Enforcement Cases in the South Area**  
Report of the Director of Development Services
- 11. Quarterly Update of Enforcement Cases in the West and North Area**  
Report of the Director of Development Services
- 12. Quarterly Update of Enforcement Cases in the City Centre and East Area**
- 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 13 August 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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**Planning and Highways Committee**

**Meeting held 2 July 2013**

**PRESENT:** Councillors Alan Law (Chair), Trevor Bagshaw,  
David Baker, Janet Bragg, Tony Downing (Deputy Chair),  
Jayne Dunn, Ibrar Hussain, Bob Johnson, Bob McCann,  
Peter Price, Peter Rippon, Garry Weatherall and  
Joyce Wright

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**1. APOLOGIES FOR ABSENCE**

1.1 There were no apologies for absence.

**2. EXCLUSION OF PUBLIC AND PRESS**

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

**3. DECLARATIONS OF INTEREST**

3.1 In respect of an application for planning permission for the erection of a two-storey building for use as a primary school and nursery with associated landscaping and car parking on land to the rear of 22 to 92 Owler Lane, Skinnerthorpe Road (Case No. 13/01483/FUL), Councillor Alan Law as a Governor of the nearby Fir Vale School Academy Trust and Councillor Ibrar Hussain as a local Ward Councillor in attending meetings on the proposed new school, declared that they had not made any comment on the proposed new building and would keep an open mind when considering the application.

**4. MINUTES OF PREVIOUS MEETING**

4.1 The minutes of the meeting of the Committee held on 11 June 2013, were approved as a correct record.

**5. SHEFFIELD CONSERVATION ADVISORY GROUP**

5.1 The Committee received and noted the minutes of the meeting of the Sheffield Conservation Advisory Group held on 21 May 2013.

**6. SITE VISIT**

6.1 **RESOLVED:** That the Director of Development Services, in liaison with the Chair, be authorised to make arrangements for a site visit on Thursday 18 July 2013, in connection with any planning applications requiring a visit by Members prior to the next meeting of the

Committee.

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

7.1 **RESOLVED:** That (a) the applications now submitted for permission to develop land under the Town and Country Planning Act 1990 and the Regulations made thereunder and for consent under the Town and Country Planning (Control of Advertisements) Regulations 1989, be decided, granted or refused as stated in the report to this Committee for this date in respect of Case Nos. 13/01483/FUL and Case No. 12/03596/LBC and other applications considered be amended as in the minutes of this meeting, and the requisite notices issued; the granting of any permission or consent shall not constitute approval, permission or consent by this Committee or the Council for any other purpose;

(b) having noted additional representations and the officer's response as detailed in a supplementary report circulated at the meeting and after hearing an oral representation from the applicant's representative, an application for planning permission for the demolition of public house (Use Class A4) and erection of a retail store (Use Class A1) with associated landscaping, car parking and servicing (in accordance with amended plans and elevations received 11.06.2013), at the Bradway Hotel, Bradway Road (Case No. 13/01343/FUL) be refused, as the Committee considered that the existing building had local merit and character and contributed positively to the street scene and that the proposed building lacked quality, distinctiveness and failed to enhance the locality and as such was contrary to policies BE5, BE20 and S10 of the Unitary Development Plan, CS74 of the Local Development Framework and Paragraph 64 of the National Planning Policy Framework;

(c) having noted additional representations and the officer's response as detailed in a supplementary report circulated at the meeting and after hearing an oral representation from the applicant's representative and an associate of the applicant's representative, an application for planning permission for the use of medical centre as supported living accommodation for 16 to 25 year old persons at 354 to 356 Bluebell Road (Case No. 13/00499/CHU) be granted, conditionally;

(d) having heard oral representations from a local Ward Councillor and the applicant's agent at the meeting, an application for planning permission for a first-floor side extension to a dwellinghouse at 1 Workhouse Green, Mayfield Road (Case No. 13/00418/FUL) be granted, conditionally;

(e) an application for planning permission for the erection of 16 terraced dwellinghouses with associated landscaping and parking, and the refurbishment and conversion of the former Kutrite Works into 20 apartments (amended in accordance with plans received 21.05.2013

and 12.06.2013) at the site of 1 to 7 Allen Street, 7, 9, 11, 13 and 15 Smithfield and Snow Lane (Case No. 12/03595/FUL) be granted, conditionally, subject to (i) an additional condition being attached requiring the applicant to provide details on the provision and location of an interpretation plaque in respect of the history of the site, which should be erected before the listed building is occupied and (ii) a directive being attached advising the applicant to inform future residents, in writing prior to them purchasing a property or entering into a lease/tenancy, that they should be aware that the site is located in an industrial area where they should expect some noise from industrial operations and some working outside of the normal working week and that they cannot expect the same environmental standards as in a residential area.

(NOTE: at the request of the applicant, an application for planning permission for the erection of a dwellinghouse within the curtilage of 54 Westwood Road, Ranmoor (Case No. 13/00915/OUT) was withdrawn from consideration.)

## **8. ENFORCEMENT OF PLANNING CONTROL: 23 BRIAR ROAD**

8.1 The Director of Development Services submitted a report on his investigation into a complaint, concerning a breach of planning control in respect of the unauthorised UPVC replacement bay window at 23 Briar Road. The report stated that the property was located within the Nether Edge Conservation Area and that an Article 4(2) Direction had removed permitted development rights with regard to alterations to the elevations fronting the highway.

8.2 It was explained that the Article 4(2) Direction was to halt the erosion of the traditional character of buildings and that, gradually through alterations, features would be restored to enhance the appearance of the area.

8.3 An assessment of the breach of control viewed that the replacement bay window failed to preserve or enhance the character of the Nether Edge Conservation Area and as a result was contrary to the aims of Policies BE5, 15, 16 and 17 and H14 of the Unitary Development Plan.

8.4 **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, if necessary, the institution of legal proceedings to secure the removal of the unauthorised bay window at 23 Briar 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.

**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.

**10. DATE OF NEXT MEETING**

- 10.1 It was noted that the next meeting of the Committee will be held on Tuesday 23 July 2013 at 2.00 pm at the Town Hall.



## SHEFFIELD CITY COUNCIL Planning and Highways Committee

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**Report of:** Director of Development Services

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**Date:** 23/07/2013

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

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**Author of Report:** John Williamson/Lucy Bond/Chris Heeley 2734218

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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

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Application No.	Location	Page No.
13/01603/RG3	Watermead Community Learning Centre Barrie Crescent Sheffield S5 8RJ	<b>15</b>
13/01452/FUL (Formerly PP-02559558)	Newton Grange 1A Horner Close Sheffield S36 1LN	<b>35</b>
13/01238/FUL (Formerly PP-02568570)	Former Cradock Road Depot Cradock Road Sheffield S2 2JW	<b>50</b>
13/01146/OUT (Formerly PP-02561712)	Land Adjacent 2A Penistone Road Grenoside Sheffield S35 8QG	<b>60</b>







**SHEFFIELD CITY COUNCIL**  
**Planning and Highways Committee**

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SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning  
To the Planning and Highways Committee  
Date Of Meeting: 23/07/2013

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	13/01603/RG3
Application Type	Application Submitted by the Council
Proposal	Demolition of redundant school buildings and erection of new-build primary school with a capacity for 420 pupils, a 26 place nursery, associated external hard and soft landscaping, car parking and vehicle service facilities (Application under Reg 3 - 1992)
Location	Watermead Community Learning Centre Barrie Crescent Sheffield S5 8RJ
Date Received	08/05/2013
Team	West and North
Applicant/Agent	Bond Bryan Architects (Church Studio)
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:

- 12-137(G07)200-D1 Shirecliffe Proposed GA Ground Floor Plan
- 12-137(G07)201-D1 Shirecliffe Proposed GA First Floor Plan
- 12-137(G07)202-D0 Shirecliffe Proposed GA Roof Plan
- 12-137(G08)200-D1 Shirecliffe Proposed GA Elevations
- 12-137(G08)201-D0 Shirecliffe Proposed GA Elevations
- 12-137(G09)200-D0 Shirecliffe Section 01
- 12-137(G09)201-D0 Shirecliffe Section 02
- 12-137(G09)202-D0 Shirecliffe Section 03
- 12-137(G09)203-D0 Shirecliffe Section 04
- 447-005S Shirecliffe General Arrangement Site Plan
- 447-006B Shirecliffe Section A-A
- 447-007B Shirecliffe Section B-B / C-C
- 447-011 Shirecliffe Location Plan
- 10680-1-A Shirecliffe Illuminance Plot,

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 Details and samples of the following proposed external materials and finishes:

- Brick work
- Block work
- Canopies
- Roofing
- Cladding
- Glazing

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 Large scale details, including materials and finishes, at a minimum scale of 1:10 of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:

Windows  
 Window reveals  
 Eaves and verges  
 Entrances  
 Canopies  
 Rainwater goods  
 Cladding fixing

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

In order to ensure an appropriate quality of development.

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

In order to ensure an appropriate quality of development.

- 6 There shall be no external rainwater goods unless otherwise agreed in writing with the Local Planning Authority.

In order to ensure an appropriate quality of development.

- 7 Details of all boundary treatments 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. The development shall not be used unless such means of boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

In order to ensure an appropriate quality of development.

- 8 Before the development is commenced, full details of the proposed servicing arrangements and times (including for example delivery of school dinners) shall have been submitted to and approved in writing by the Local Planning Authority, and thereafter adhered to.

In the interests of pedestrian safety and of the amenity of the locality.

- 9 During the construction period, a Travel Plan to reduce dependency on the private car, which shall include clear and unambiguous objectives and modal split targets, together with a time bound program of implementation, monitoring and regular review and improvement, shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented.

In the interests of reducing dependence on the private car by facilitating and encouraging the use of alternative modes of transport and in accordance with Council policy and PPG13.

- 10 The Local Planning Authority shall be consulted with and give prior approval in writing to any subsequent improvements or modifications to the Travel Plan, following the submission of progress performance reports as timetabled in the programme of implementation. All future owners/occupants of the site shall operate a Travel Plan and will adhere to the approved Travel Plan unless otherwise varied and agreed with the Local Planning Authority prior to occupation.

In the interest of reducing dependence on the private car by facilitating and encouraging the use of alternative modes of transport and in accordance with Council policy and PPG13.

- 11 Prior to any works commencing on site, full details of the following shall have been submitted to and approved in writing by the Local Planning Authority, and the construction works shall only be progressed in accordance with the approved details:
- Construction method statement.
  - Phasing of construction works.
  - Site safety and segregation.
  - Any temporary site access for construction traffic (possibly entailing removal of the road narrowing feature and replacement once the new school has been built).
  - Location of site compound and temporary car parking arrangements for contractors.
  - Haulage routes.
  - Times when construction works and movement of construction traffic will be restricted.
  - Wheel washing facilities

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

- 12 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.

- 13 Prior to works starting on site, 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 remedial works will have been completed to the satisfaction of the Local Planning Authority prior to full occupation of the development.

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

- 14 Notwithstanding the submitted plans, prior to the development becoming occupied, suitable and sufficient, secure and sheltered bicycle/motorcycle parking accommodation (plus storage/changing/shower facilities) shall have been provided in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority (ideally avoiding the use of "butterfly" systems which have a tendency to buckle wheels). Thereafter the bicycle/motorcycle parking shall be retained/maintained for the sole purpose intended.

In the interest of traffic safety and the amenities of the locality.

- 15 All vehicle and pedestrian areas within the site shall have been surfaced, sealed and drained to the satisfaction of the Local Planning Authority prior to occupation.

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

- 16 The development shall not be used unless the car parking accommodation as shown on the approved plans has been provided in accordance with those plans 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.

- 17 The development shall not be begun 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 development is brought into use.

Highway Improvement Works:

- Any accommodation works to general street furniture, including traffic signs, road markings, drainage and street lighting columns associated with the new access arrangements;
- Possible promotion of Traffic Regulation Orders in the local area (waiting/loading restrictions) and the making of Orders subject to usual procedures, including the provision of road markings and signs as necessary;
- Construction of shared vehicle/pedestrian access to the site from Barrie Crescent;
- Widening to two metres and resurfacing of the footpath connecting Barrie Crescent to Moonshine Lane;
- Provision of measures to assist pedestrians wanting to cross Moonshine Lane (possibly a zebra crossing).

To enable the above-mentioned highways to accommodate the increase in traffic, which, in the opinion of the Local Planning Authority, will be generated by the development.

- 18 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.

- 19 Prior to the development becoming occupied, details shall have been submitted to and approved in writing by the Local Planning Authority of how the car parking accommodation will be managed and allocated, with the approved details thereafter being operated (including operation of barriers/gates & the times when access in and out of the car park will be restricted).

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

- 20 Notwithstanding the submitted plans, before the development is commenced, full details of the development sites security/boundary treatment (location) and interface with footpath running from Barrie Crescent to Moonshine Lane (avoiding the creation of blind spots or severance) shall have been submitted to and approved in writing by the Local Planning Authority. The security/boundary treatment shall have been carried out in accordance with the above-mentioned approved details prior to the school being brought into use.

In the interests of pedestrian safety.

- 21 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.

- 22 No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how the following will be provided:

- 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 an 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.

- 23 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.

In the interests of the visual amenities of the locality.

- 24 No development shall commence until full details of measures to protect the existing trees to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2005 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development unless otherwise approved.

In the interests of the visual amenities of the locality.

- 25 Details of appearance and location of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority and such features shall be installed prior to the development being brought into use.

In the interests of biodiversity.

- 26 No development shall commence until a Landscape and Ecological Management Plan, including short, medium and long term aims and objectives, management responsibilities and maintenance schedules for all distinct areas, has been submitted to and approved in writing by the Local Planning Authority. The Landscape and Ecological Management Plan shall thereafter be implemented as approved.

In the interests of biodiversity.

- 27 All teaching rooms shall be designed in accordance with the noise levels given in Building Bulletin 93 (BB93) and noise level from plant and equipment shall not exceed minus 5 dB(A) below background noise levels (L90) when measured at the nearest noise sensitive properties.

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

- 28 All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy by Waterman Structures Consulting Engineers, dated April 2013. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy, or unexpected contamination is encountered at any stage of the development process, works should cease and the Local Planning Authority and Environmental Protection Service (tel: 0114 273 4651) should be contacted immediately. Revisions to the Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

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

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

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

- 30 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.

- 31 The multi-use games area and sports pitches shall only be used between the hours of 0800 and 2100 on Monday to Friday and between the hours of 0900 and 2100 on Saturdays and Sundays.

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

- 32 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.

- 33 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) compiled by Waterman Structures CE, dated April 2013, and the following mitigation measures detailed within the FRA: Finished ground floor levels to be set no lower than 125.7 metres above Ordnance Datum (AOD).

To reduce the risk of flooding to the proposed development and future occupants.

- 34 The development hereby permitted shall not be commenced until such time as a scheme detailing surface water drainage arrangements has been submitted to, and approved in writing by, the local planning authority. The scheme shall provide a 30% reduction in peak discharge from the site when compared to existing and be designed to store the calculated flows for a 1 in 100 year return period, with an allowance of 30% for climate change, without causing flooding to property or adjacent land. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- 35 Surface water draining from areas of hard standing shall be passed through a trapped gully or series of trapped gullies, prior to being discharged into any watercourse, soak away or surface water sewer. The gully/gullies shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the gully/gullies.

To reduce the risk of pollution to the water environment.

- 36 The development shall not be carried out except in complete accordance with the details shown on the submitted drainage plans, "11499 / S / WM / 92 / 0001 / rev A05 dated 12/04/2013, 11499 / S / WM / 92 / 0002 / rev A03 dated 02/05/2013 that have been prepared by WatermanStructures.", unless otherwise agreed in writing with the Local Planning Authority.

In the interest of satisfactory and sustainable drainage.

- 37 No buildings/structures shall be erected within 6m of the watercourse.

To ensure satisfactory drainage arrangements.

- 38 No buildings/structures shall be erected within 3m metres of the public sewer.

To ensure satisfactory drainage arrangements.

Attention is drawn to the following directives:

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

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

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

You should apply for a consent to: -

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

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

4. 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.

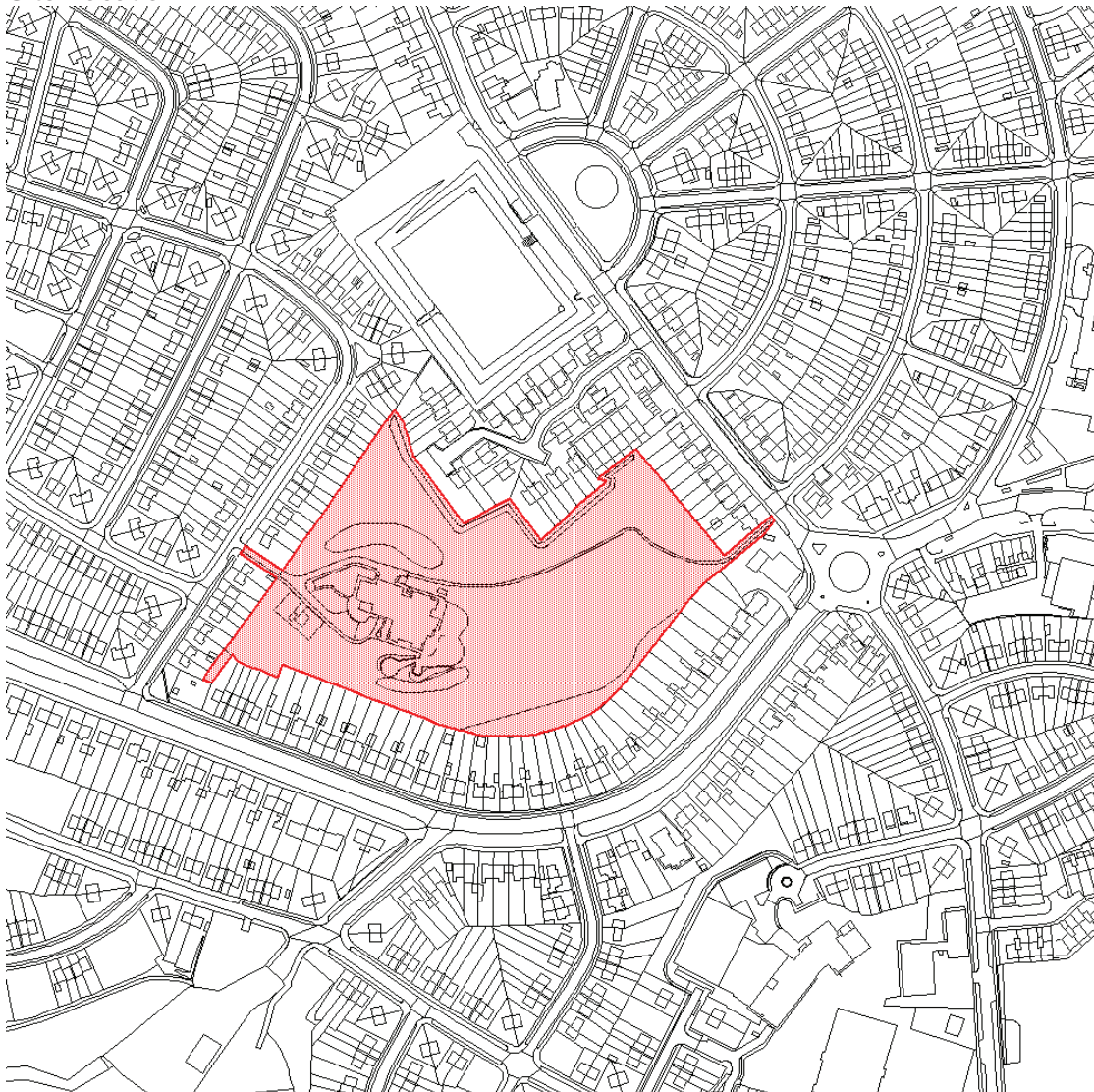
6. For advice on the preparation of School Travel Plans, contact Gay Horsfield (0114 273 5828) Transport Planning.
7. You are advised that the biodiversity information/ecological assessment provided as part of this application will be made available to Sheffield Biological Records Centre. This will assist in a key principle of the National Planning Policy Framework that planning policies and decisions should be based on up-to date information about the natural environment and other characteristics of the area by building up the data base of up-to-date ecological information and this will help in future decision making.
8. The scheme has been designed to emit 5.0lux maintained average luminance. Artificial lighting has significant impacts on animals and insects, disrupting activities such as the search for food and mating behaviour. Where lighting is necessary, the applicant should take into account: type of lamp (low pressure sodium lamps or high pressure sodium preferred), aim to avoid light spillage using hoods, cowls etc., the height of lighting column should be as short as possible, light levels should be as low as possible, and timing of lighting to provide some dark periods. The guidance recommends for pedestrian lighting low level lighting is utilised that is as directional as possible and below 3 lux at ground level. In addition the times during which the lighting is on should be limited to provide some dark periods. Roads or trackways in areas important for foraging bats should contain stretches left unlit to avoid isolation of bat colonies. These unlit stretches should be 10 metres in length either side of commuting route.  
  
The Bat Conservation Trust in association with the Institution of Lighting Engineers (ILE) has produced a guidance document 'Bats and Lighting in the UK'. Further guidance is given in the document.
9. You are advised that the biodiversity information/ecological assessment provided as part of this application will be made available to Sheffield Biological Records Centre. This will assist in a key principle of the National Planning Policy Framework that planning policies and decisions should be based on up-to date information about the natural environment and other characteristics of the area by building up the data base of up-to-date ecological information and this will help in future decision making. Ideally data should be provided in ESRI shape file format.
10. You are advised to contact Power Grid.
11. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard

application forms. Printable forms can be found at [www.sheffield.gov.uk/planning](http://www.sheffield.gov.uk/planning) or apply online at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.

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

12. 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.
13. The applicant is advised that Sheffield City Council Drainage Section should also be consulted regarding surface water drainage requirements for this site.

#### Site Location



The site is located within the Shirecliffe district of Sheffield. The application relates to the Watermead primary school which is former currently being used as a community and learning centre. The site is located off Barrie Crescent.

The site occupies an area of approximately 3.36 hectares. The main central area off the site, predominantly where the buildings are currently situated it is relatively flat, however the site does have a fall from north to south and from south to north, either side of the main buildings. To the northern side of the site is a public footpath which runs from Barrie Crescent to Moonshine Lane. Either side of the school buildings comprises of playing fields and sports pitched associated with the School. The site is enclosed by residential properties.

The proposed Primary School will accommodate 446 pupils incorporating foundation (nursery and reception), Key Stage 1(year 1 and 2), and Key Stage 2 (year 3, 4, 5 and 6). The proposed building is on the same footprint as the old school to minimise impact, the plans submitted show an 'L' shape building, which comprises of a one and a half-storey multi-purpose accommodation block and a two-storey teaching block. The school buildings are proposed to be located towards the east of the site with the main vehicular and pedestrian entrance being taken off Barrie Crescent. Landscaping and play areas are proposed to the south and west of the school building which will incorporate a tarmac games court and a grass sports pitch beyond.

The site falls within a Housing Area as allocated in the adopted Sheffield Unitary Development Plan and the playing fields are classed as Open Space. The proposed school building will support the regeneration and renewal of this area, which is supported by Sheffield Housing Company and the Shirecliffe Masterplan.

#### RELEVANT PLANNING HISTORY

There is no relevant planning history.

#### SUMMARY OF REPRESENTATIONS

2 letters have been received which do not raise any specific objections but have suggested retaining the mature trees on site. A further 5 letters of representation have been received which object to the proposed application. Objections are outlined below;

- loss of trees
- drainage issues
- flooding problems
- increase in volume of traffic
- more secure surroundings need
- loss of usable green space by enclosed fence

- increase of noise problems in particular with regards to traffic

Councillors of the Firth Park ward have made representations. No objections have been raised and support for the application has been highlighted.

Consultees

Sport England - no objections have been raised.

Northern Power Grid - no objections raised, directives suggested.

Environment agency - no objections raised, conditions suggested

SYPTTE- no objections raised

Yorkshire water- no objections raised. Conditions suggested.

Parks and Countryside - no comments made

## PLANNING ASSESSMENT

Principle of Use

The site lies within a Housing Area and as such UDP Policy H10 "Development in Housing Areas" suggests that housing as the preferred use and Community facilities and institutions (D1) as acceptable uses within housing Areas subject to compliance with relevant criteria set out in Policy H14.

Unitary Development Plan Policy CF1 "Provision of Community Facilities" encourages the provision of community facilities particularly where they would be located where there is a shortage, be easily accessible by public transport and be located within the community which they are intended to serve. The purpose of proposed new school is to accommodate the increase in pupils in the current primary catchment area and therefore the scheme complies fully with Policy CF1.

Core Strategy Policy CS43 "Schools" is also applicable, which states amongst other things that provision of sufficient modernised education facilities will be encouraged and the redevelopment of schools would be a welcome contribution of social infrastructure to this regeneration area. This area already has a shortage of primary school places and will contribute an additional 446 school places, critical to support the existing and new housing proposed for this catchment area (32 additional properties have been built recently and a further 96 are proposed by the Sheffield Housing Company). The proposed development is well situated in close proximity to established residential areas and provides an important community focus for the surrounding residential area. As such it is considered that the proposal complies with the objectives of CS43.

Design



Relevant policies in terms of design application are, Core Strategy Policy CS74, Design Principles states that "High-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city", Policies H14, BE7 and BE5 of the Unitary Development Plan which require buildings to be well designed, use high quality materials and be of an appropriate scale are also applicable.

Plans submitted illustrate the proposed building to be of an 'L' shape structure, replacing the existing rectangular building and bringing some interest to the overall outlook in terms of its design and proposed palette of materials to be used.

The scheme has undergone minor amendments further to the suggested improvements by the Sheffield Design Panel. Some of these improvements include the to main entrance area and other alterations to the nursery and reception outdoor area.

The differentiation in heights across the building is viewed positively and along with the mono-pitch roofs provides a well-articulated and visually interesting roof scape. This articulation is further expressed in the elevations which have projecting elements including well designed canopy areas which will provide sheltered outside areas and effectively break up the massing of the building. The canopies have undergone design alterations throughout the course of the application and now incorporate brightly coloured side elevations which add visual interest to the scheme.

The main entrance into the school building from Barrie Crescent will be a 1 ½ storey element which will accommodate the main visitor's entrance, offices, kitchens, shared teaching areas and main school hall. There is a further two storey element to the north of the site, which is at right angles to the 1 ½ storey block and will mainly house the teaching rooms and the nursery area. The slight difference in height between the two blocks is gradual as the pitched roofs shown on the plans provides an interesting roof scape, which integrates well with the overall massing of the proposed building. The proposed elevations of the building also provide added interest, which include projecting elements including well designed canopy areas which will provide outside sheltered areas and as such will break up the figure of the building. The canopies have undergone design alterations throughout the course of the application and now incorporate brightly coloured fins to the side elevations which add visual interest to the scheme.

The plans include improvements to the public realm along the main public footpath located to the north of the site. The proposals include treatment to the footpath to emphasis its pedestrian nature, some planting of trees and the including of public art/signage to increase the presence of the school. This is considered acceptable and will read well in relation to the overall scheme.

The palette of materials comprises red brick, red fire born clay block work, kalwall panel system to the hall area and aluminium standing seam cladding. These materials are considered to be of appropriate quality (subject to approval of final samples) and will also reflect the predominant material in the locality which is red brick.

Owing to the location of the site the school will not be highly visible from public areas; nevertheless the design is considered to be appropriate to the area and will integrate well owing to the materials palette as described above.

A car park will be provided to the south-west of the site and a games pitch and sports pitch to the west of the school building, these will not have a harmful impact visually.

### Landscaping

Policy GE15 of the UDP "Trees and Woodland" requires the protection of trees and woodland through requiring development to retain mature trees and copses wherever possible and replace any lost trees.

A tree survey has been undertaken to assess the trees within the site. The report identifies the removal of several trees and the retention of others. Some loss of trees is necessitated by the proposed development; these are not protected by Preservation Orders and are not of such a quality that their loss will be harmful to the amenities of the area. The plans illustrate the planting of new trees within the site, to compensate for the loss of some of the trees and will be more appropriately positioned in relation to the development.

A habitat survey has been submitted in support of the application. This indicates a variety of diverse landscape habitats will be provided on the site including wetland planting, native species and non-indigenous species planting to provide a strong winter and spring interest, which will compensate for the deciduous period where many plants have little foliage. Wildflower meadows, spring bulbs and mixed species hedgerows are proposed. Such landscaping will produce a variety of habitats thus encouraging biodiversity.

The plans illustrate a mixture of hard and soft landscaping which will provide an attractive environment for the school and will include amongst other things a nature trail.

A condition will be imposed to submit final landscape drawings taking into account previous discussion with the landscape officer, which includes some replacement of the trees to be shown on plans and approved.

Details of fencing will be secured via condition; however the plans indicate existing palisade fencing to be retained and some additional similar type fencing to be provided along some areas of the site.

### Ecology

The bat survey has been submitted and a small roost site for pipistrelle bat. Found in order to demolish the building, a European Protected Species License (EPSL) is required which allows the bats to be disturbed without committing an offence. This license will require details of mitigation proposals, methodology and monitoring once work is complete. This will be imposed as a directive.

## Sustainability

Core Strategy Policy CS64 "Climate Change, Resources and Sustainable Design of Developments" requires all new non-residential buildings with a gross internal floor area of over 500 square metres to be designed to reduce emissions of greenhouse gases and use resources sustainably. The proposed development will achieve a BREEAM (Building Research Establishment Environmental Assessment Methodology) rating of very good. A pre-assessment has been carried out and indicates that the scheme will meet this target; as such the Policy CS64 will be complied with.

Policy CS65: Renewable Energy and Carbon Reduction of the Core Strategy, sets out objectives to support renewable and low carbon energy generation and also to further reduce carbon emissions. This policy requires all significant developments to (a) provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy.

Supporting submissions illustrate that the development will benefit from high levels of natural light, rain water recycling and natural ventilation, all of which will increase the sustainability of the development. The plans also indicate the installation of photovoltaic panels and solar thermals on the roof area. It is predicated that these will generate 11.5% of the total building energy. The development will also meet BREEAM very good standards as such the proposal complies with the objectives outlined in CS65.

## Highways

Policy H14 'Conditions on Development in Housing Areas' states that, "In Housing Areas new development will only be permitted where it would provide safe access to the highway network and appropriate off street parking and not endanger pedestrians."

The impact of the development on the local highway network has been considered within a Transport Assessment (TA) undertaken by Waterman Transport & Development Ltd. The TA also examines access to the site by non-motorised sustainable forms of transport.

Vehicle access to the school would be from Barrie Crescent, as was the case with the old school, via a short section of adopted highway passing between house No.'s 22 and 24 Barrie Crescent. The access is not significantly wide, and would be used by pupils (on foot), staff accessing their 32 space car park and service vehicles. Staff arrivals/departures and servicing would be staggered away from pupil arrival/departure times to avoid conflict. The access to the school from Barrie Crescent would be in the form of a shared surface. It is wide enough to accommodate the flow of single-file vehicle movements. Vehicle flow will be very tidal (morning arrivals and afternoon departures). As the length of drive/access is short and straight, the likelihood of two vehicles opposing each other is only slim. Consequently, the single-file running width for vehicles is not viewed as a problem. A footpath also runs across the site and connects Barrie Crescent to Moonshine

Lane. This path would be widened to 2 metres and resurfaced. The security gates to the school need to be carefully positioned so as not to sever the footpath. During the morning peak, Moonshine Lane can be tricky to cross. In order to encourage more walking from the east, the aim will be to provide a zebra crossing just below Southey Crescent (above the petrol station egress). If accommodation works to Statutory Undertakers equipment prove cost prohibitive, the 'fall-back' position would be to enlarge the size of the Moonshine Lane splitter island, to make it more pedestrian friendly. Controlled push-button pedestrian crossing facilities already exist on Herries Road just to the west of Barrie Crescent, plus on Herries Road opposite the shops near Herries Drive.

The school would be located within a densely populated residential area. There are 6,394 dwellings within a 1 mile radius of the site. Whilst Herries Road and Moonshine Lane are heavily trafficked, the above-mentioned proposed zebra crossing and existing push-button pedestrian crossings will provide safe connectivity, on the appropriate desire lines.

No child drop-off car parking spaces will be provided within the site. The aim will be to encourage walking from an early age. The School Travel Plan will be a strong tool in promoting the positive benefits of sustainable travel, to pupils, parents & teachers, possibly through the curriculum in subjects like geography. The option of running breakfast clubs will be discussed with the Head Teacher to help spread the peak hour arrivals to school. Cycle storage will be properly integrated into the designs (15 spaces to begin with). Latter year children might be assessed (via the Bikability Scheme) and advised which routes to school are most suited to their competency. With the school being favourably located to multiple bus services, Real Time Information display screens for buses might be situated in the school reception area.

Personal injury accidents have been studied along 6.5 kilometres of highway on the main routes surrounding the site (for the past 5 year period). During that period, 90 slight injuries were recorded, 9 serious injuries and zero fatal. Of these accidents, 19 involved pedestrians, 12 bicycles, with 8 motorcycles. Cluster of accidents are spread fairly evenly along the length of Herries Road, mainly at the junctions. The presence of school children in the area is already established by Longley Primary School and Watercliffe Meadow. The existing/proposed highways infrastructure is considered sufficient to accommodate the development proposal.

During demolition and construction, construction traffic would only be able to approach the site from Barrie Crescent. Conditions will be imposed which restrict the movement of plant during sensitive periods of the day. It's likely that the road narrowing feature in Barrie Crescent would need to be removed during construction. It would be replaced and refined once the new school has been built. For public safety purposes, subject to neighbour notification, the footpath connecting Barrie Crescent to Moonshine Lane may also need to be temporarily closed during construction. The surrounding public highway and footways in the vicinity of the development site will be maintained free from construction associated debris throughout the process.

Access

Policy H14 'Conditions on Development in Housing Areas' states that, "In Housing Areas new development will only be permitted where it would provide safe access to the highway network and appropriate off street parking and not endanger pedestrians."

Policy BE7 of the UDP also further emphasis that new buildings which are to be used by the public must be designed well, taking into account access facilities for the disabled, elderly and those with young children. The development has been designed to be fully accessible by disabled people, the elderly and those with young children. Amended plans have recently been received which show improvements to access, in particular the shared main access off Barrie Crescent. The plans are considered satisfactory and illustrate adequate access both internally and externally of the school.

#### Flooding

The site is not in a flood zone area.

#### Amenity

Policy H14 of the Unitary Development Plan "Conditions on Development in Housing Areas" states that development will be permitted where "the site would not be over-developed or deprive residents of light, privacy or security".

Residential properties enclose the site and generally comprise of two storey semi-detached dwellings.

Dwellings located south of the site on Herries Road namely No.534 to 516 are approx. 30-35m from the proposed school building. The school building and grounds are slightly elevated from the ground level of these dwellings by approx. 1.5m and are separated by some mature vegetation which runs along the southern boundary and the back of the garden area of the dwellings. The rear of No.536 to 546 Herries Road will face the proposed car park and will be approx. 24m from the car park. Landscaping including a nature trail and play areas will also separate the back garden of these dwellings and the proposed school building.

No.514 to 454 Herries Road will be set approx.70m from the proposed school building and approx.50m-80m from the proposed tarmac games court and the grassed pitch area. Note that these dwellings also slope away from the site significantly 1.5m. There are no proposals to provide floodlighting, which would require planning consent should they consider them at a later date. Nevertheless, the separation distance is sufficient to ensure that the development is not unacceptably overbearing, overshadowing or overlooking to residents to the south on Herries Road.

Details of the boundary fences will be conditioned to ensure they are of an appropriate quality and are not overbearing or overshadowing to neighbouring residential properties.

## Noise

Dwellings located on Barrie Crescent namely No.24 to30 are approx. 24m from the proposed school building and are separated by an existing public footpath. These dwellings will not have any detrimental impact to their living conditions in terms of overbearing or overshadowing to neighbouring residential properties due to the sufficient distance and the existing mature boundary treatment that separates the school building and the residential dwellings. No.18 to 22 Barrie Crescent will abut the boundary adjoining the proposed car park and bin storage area. These dwellings will be approx. 7m from the boundary, which will include fencing and landscaping, condition to be imposed.

Dwellings located on Moonshine Way are located approx. 40m from the proposed school building and approx. 25m from the games court and sports pitch. The separation distance is sufficient to ensure that the development is not unacceptably overbearing, overshadowing or overlooking to these residents located on moonshine Way.

No.124 to114 Moonshine Lane are located closer to the proposed sport pitch and will be approx.35m from the pitch. The separation distance is sufficient to ensure that the development is not unacceptably overbearing, overshadowing or overlooking to residents located on Moonshine Lane.

It is reasonable to assume that there will be increased noise as a result of children playing outside during break time and during sports lessons. Nevertheless, this noise will be mainly restricted to school opening hours, although the sports pitches may be used by the local community outside of school hours. The impact of such use is likely to be minimal; however a condition will be attached to ensure that the hours of use are not harmful to residential amenity.

## SUMMARY AND RECOMMENDATION

The proposed development complies with Unitary Development Plan policies H10, H14, CF1, BE5, BE7 and GE15 and Core Strategy Policies CS43, CS64, CS65, CS74 and the National Planning Policy Framework.

The proposed 'L' shape school building has been well designed and carefully developed around suggestions by council officers and the Sheffield Design Panel. The building is shown to be in two parts, housing the main service areas in one and the teaching areas in the other. An interesting palette of materials is shown which complement the area and illustrates a modern/contemporary approach to the proposed scheme, this together with the design of the overall building provide a visually attractive scheme.

The development also shows a high quality hard and soft landscaping scheme and improvements to the existing public footpath which runs along the site and north of the proposed school building. The scheme proposes the inclusion of a variety of habitat types which will increase biodiversity.

The development will not have an adverse impact on the amenities of nearby residential properties.

The scheme will employ a variety of sustainability features in order to achieve a BREEAM very good rating and comply with CS64, furthermore, 10% energy will be provided in accordance with CS65.

Some highway improvements have been shown to the main entrance areas of the site and conditions will be imposed to suggest further details to be submitted and approved for further improvements of Barrie Crescent and Moonshine Lane.

The development is not with a flood zone area.

The proposed scheme is considered acceptable and it is recommended that permission is granted subject to conditions.

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Case Number 13/01452/FUL (Formerly PP-02559558)

Application Type Full Planning Application

Proposal Demolition of care home and erection of 34 no. 2-bed apartments and 21 no. 1-bed apartments for elderly persons, with associated car parking and landscaping works (as email 04/07/13 and 10/07/13)

Location Newton Grange  
1A Horner Close  
Sheffield  
S36 1LN

Date Received 30/04/2013

Team West and North

Applicant/Agent Brewster Bye Architects

Recommendation GRA GC subject to Legal Agreement

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:

QD768-190-01 rev A- Drainage area details  
QD768-03-01 rev A-Drainage Strategy  
002/11 (02) 010 rev A- Flat type A floor plan  
002/11 (02) 011 rev A- Flat type B floor plan  
002/11 (02) 012 rev A- Flat type C floor plan  
002/11 (02) 013 rev A- Flat type D floor plan  
002/11 (02) 014 rev A- Flat type E floor plan  
002/11 (02) 200 rev A-proposed elevation sheet 1(Manchester road and west side elevation)  
002/11 (02) 201 rev A-proposed elevation sheet 2 (south/rear elevation and east side elevation)  
002/11 (02) 005- proposed roof plan  
002/11 (02) 005- proposed roof plan  
002/11 (01) 300- proposed site sections  
002/11 (02) 004 rev A- proposed upper floor plan  
002/11 (02) 003 rev A- proposed site plan  
002/11 (02) 001- site location plan  
002/11 (02) 002- existing location plans

As per email received 04.07.13,

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

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

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

- 4 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.

- 5 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.

- 6 The development shall not be used unless the cycle parking accommodation as shown on the approved plans has been provided in



accordance with those 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).

- 7 The development shall not be used unless details have been submitted to and approved in writing by the Local Planning Authority, showing how surface water will be prevented from spilling onto the public highway. Once agreed, the measures shall be put into place prior to the use of the development commencing, and shall thereafter be retained.

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

- 8 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.

- 9 Details and samples of the following proposed external materials and finishes:

- Brick work
- Roofing
- Glazing

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.

- 10 Large scale details, including materials and finishes, at a minimum scale of 1:10 of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:

Windows  
Window reveals  
Eaves and verges  
Entrances  
Canopies  
Rainwater goods  
Cladding fixing

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

In order to ensure an appropriate quality of development.

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

In order to ensure an appropriate quality of development.

- 12 There shall be no external rainwater goods unless otherwise agreed in writing with the Local Planning Authority.

In order to ensure an appropriate quality of development.

- 13 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.

- 14 No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how the following will be provided:

- a minimum of 10% of the predicted energy needs 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 an 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.

- 15 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.

In the interests of the visual amenities of the locality.

- 16 No development shall commence until full details of measures to protect the existing trees to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2005 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development unless otherwise approved.

In the interests of the visual amenities of the locality.

- 17 No development shall commence until a Landscape and Ecological Management Plan, including short, medium and long term aims and objectives, management responsibilities and maintenance schedules for all distinct areas, has been submitted to and approved in writing by the Local Planning Authority. The Landscape and Ecological Management Plan shall thereafter be implemented as approved.

In the interests of biodiversity.

- 18 Details of all boundary treatments 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. The development shall not be used unless such means of boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

In order to ensure an appropriate quality of development.

- 19 Details of appearance and location of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority and such features shall be installed prior to the development being brought into use.

In the interests of biodiversity.

- 20 The surface water discharge from the site is subject to a reduction of at least 30% compared to the existing peak flow. This should be achieved by sustainable drainage methods where feasible. 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 l/s/Ha is required. The detailed proposals for s.w. disposal, including calculations to demonstrate the reduction, must be submitted and approved by the Local Planning Authority prior to commencement of building."

In order to mitigate against the risk of flooding.

Attention is drawn to the following directives:

1. The proposed development lies within a coal mining area. In the circumstances applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at [www.coal.gov.uk](http://www.coal.gov.uk).
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

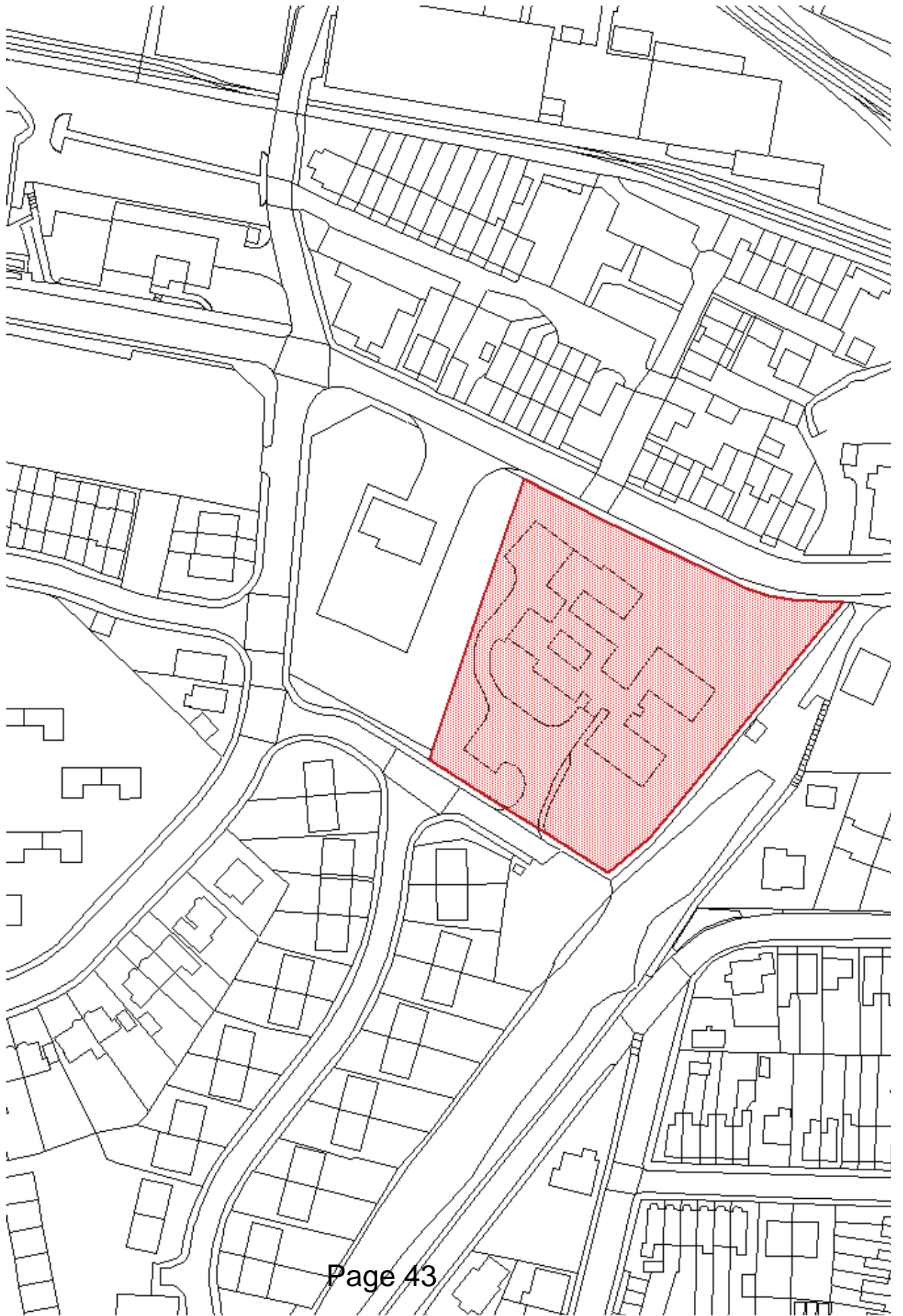
For the attention of Mr P Vickers

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. The applicant is advised that Sheffield City Council, as Highway Authority, require that drives/vehicular access points be designed to prevent loose gravel or chippings from being carried onto the footway or carriageway, and that they drain away from the footway or carriageway, to prevent damage or injury.
5. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.
6. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](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.
7. 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.
8. You are advised to contact The Environment Agency for further advice.
9. You are advised to contact Yorkshire Water Authority for further advice.
10. You are advised to contact SYPTE-South Yorkshire Passenger Transport Executive for further advice.

11. You are advised to contact The Northern Power Grid for further advice.
12. Policy H16 requires developers to make contribution to provision or improvement of recreation space in the catchment area. As the proposal indicates 55 separate residential units, the developer will need to enter into an agreement for a financial contribution. A total of £10,763.50 is required.
13. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at [www.sheffield.gov.uk/planning](http://www.sheffield.gov.uk/planning) or apply online at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.  
  
For Listed Building Consent and Conservation Area Consent applications an application for confirmation of compliance with planning conditions is still required but there is no fee.
14. 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.

Site Location



The site is located within the Stocksbridge district of Sheffield. The application relates to Newton Grange residential care, located off Horner Close and opposite Manchester Road, the building is currently unoccupied.

The site occupies an area of approximately 0.53 hectares. The site is relatively flat, with a slight incline at the front opposite Manchester Road and a sharp rise to the rear of the site, it occupies the existing buildings centrally, with substantial open-green areas enclosing the site. A car park is located to the southern side of the site off Horner Close; pedestrian access to the main buildings can be gained off Manchester Road. The site is enclosed by residential properties; some commercial buildings and a church are also in close proximity.

Planning consent is being sought for the demolition of the existing care home and the erection of 55 apartments which consists of; 34 no. 2-bed apartments and 21 no. 1-bed apartments for elderly persons, with associated car parking and landscaping works .

The site falls within a Housing Area as allocated in the adopted Sheffield Unitary Development Plan.

#### RELEVANT PLANNING HISTORY

There is no relevant planning history

#### SUMMARY OF REPRESENTATIONS

One letter of support has been received; The author is not a local resident.

4 letters of objections have also been received. Objections raised are outlined below;

- concern with overbearing/outlook impact due to eth height of the building
- concern with loss of tress and other demolition works prior to approval
- Highways problems with additional on street parking
- disturbance during building works
- other non-planning issues

A petition containing 19 signatures has also been received. Objections refer to height of the proposed building, loss of view and parking problems.

#### PLANNING ASSESSMENT

##### Principle of Use

The site lies within a Housing Area and as such UDP Policy H10 "Development in Housing Areas" suggests that housing as the preferred use and Residential



Institutions (C2) as acceptable uses within housing areas subject to compliance with relevant criteria set out in Policy H14.

Core Strategy Policy CS26 Efficient Use of Housing Land and Accessibility, suggests that a density of 50 to 80 dwellings per hectare is usually acceptable. As the site area is 0.53 ha, the minimum capacity of the site would be 27 dwellings with a maximum of 42 dwellings. However, as detailed on the proposed site plan, a proposal of 55 units would result in a density of approx. 105 dwellings per hectare, which would be higher than the preferred range. Nevertheless densities outside of these ranges can be allowed where they achieve good design, reflect the character of the area or protect a sensitive area; as the proposal is considered to be of an acceptable design and reflects the character of the area, the proposal in relation to this policy is considered acceptable.

### Affordable Housing

The proposed development is for the provision of housing for the elderly; Policy CS40 is relevant this requires new housing developments to contribute to the provision of affordable housing where practical and financially viable. The need for affordable housing has been acknowledged and confirmation has been provided by the applicant confirming that the apartments will be affordable.

### Design

Relevant policies in terms of design application are, Core Strategy Policy CS74, Design Principles states that "High-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city", Policies H14, BE7 and BE5 of the Unitary Development Plan which require buildings to be well designed, use high quality materials and be of an appropriate scale.

Plans submitted illustrate the proposed building to be of an 'L' shape structure, replacing the existing rectangular building and bringing some interest to the overall outlook in terms of its design and proposed palette of materials to be used.

The scheme has undergone minor amendments further to suggested improvements. Some of these improvements include the main entrance area and other alterations to the internal layout and proposed materials.

The introduction of gable ended section along the frontage gives a regular rhythm and visual interest when viewed from the main street scene and breaks up the original flank elevation, which was previously suggested.

The proposed building is viewed positively and along with the break in the elevation with the gable end structures provides a well-articulated and visually interesting building.

The plans include improvements to the landscaped areas and the car park area, new pedestrian access from Manchester Road also is welcomed.

The palette of materials comprises Re-constituted Stone - Anstone Pitched Olde Heather Gold, Red Facing Brick - Ibstock Calderstone Claret, Roof tile - Russell Grampian Smooth Grey, Windows - Grey UPVC. These materials are considered to be of appropriate quality (subject to approval of final samples) and will also reflect the predominant material in the locality.

The design of the scheme is considered to be appropriate to the area and will integrate well owing to the materials palette as described above.

A car park will be provided to the rear of the site as current situation, with improvement to the entrance and the layout of the car park, this will not have a harmful impact visually.

### Landscaping

Policy GE15 of the UDP "Trees and Woodland" requires the protection of trees and woodland through requiring development to retain mature trees and copses wherever possible and replace any lost trees. A significant amount of trees are to be removed, with some hard and soft landscaping.

A condition will be imposed requiring the submission of landscape drawings indicating replacements for the trees to be removed and plans showing the hard and soft landscaping areas. It is intended that the landscaping scheme will show a variety of habitats thus encouraging biodiversity.

Details of fencing will be secured via condition.

### Ecology

An ecological report for the site has been submitted which shows no major ecological constraints. Conditions requiring further landscaping details and the maintenance of the site are suggested.

### Sustainability

The site is located on a main road which provides good public transport and is relatively close to the shopping area and associated facilities; as such the proposed scheme is considered to be within a sustainable location.

The development will provide a minimum of 10% of the predicted energy needs from renewable energy sources. Supporting submissions illustrate that photo voltaic panels will be used and will be located on south facing roof pitches. It is also indicated that the developer will meet the requirements for a 20% reduction in CO2 emissions through the use of renewable technologies as outlined above and the improvement in the thermal efficiency of the building fabric as necessary. The proposed scheme also provides cycle facilities and will encourage local employment initiative

A condition to submit a landscaping scheme to encourage biodiversity will also be imposed. As such Core Strategy Policy CS64 "Climate Change, Resources and Sustainable Design of Developments" and Policy CS65: Renewable Energy and

Carbon Reduction have been met. The development will also meet BREEAM very good standards as such the proposal complies with the objectives outlined in CS65.

### Highways

Policy H14 'Conditions on Development in Housing Areas' states that, "In Housing Areas new development will only be permitted where it would provide safe access to the highway network and appropriate off street parking and not endanger pedestrians."

The existing vehicular access to the rear of the site off Horner Close will be used to access this development. Plans show that the proposed car park will provide 17 car parking spaces which equates to 1 space per 3 units, as the car ownership of the future residents is generally low, this is considered acceptable and meets the objectives of the above policy and the parking guidelines.

As no staff will be working in the building, the developers have confirmed that additional bays are not required for staff parking. A buggy store (to house wheel chairs and electric mobility scooters) is located adjacent to the front entrance of the building, which also makes provision for secure cycle storage.

### Access

Policy H14 'Conditions on Development in Housing Areas' states that, "In Housing Areas new development will only be permitted where it would provide safe access to the highway network and appropriate off street parking and not endanger pedestrians." Adequate access is shown in terms of for the elderly, which is to an extent shown to mobility standards, nevertheless to ensure that this is fully complied with the legislation, conditions will be imposed to finalise details of access provisions.

Policy BE7 of the UDP also further emphasis that new buildings which are to be used by the public must be designed well, taking into account access facilities for the disabled and the elderly. The development has been designed to be fully accessible by disabled people, and the elderly. Amended plans have recently been received which show improvements to access, in particular the main building areas. The plans are considered satisfactory and illustrate adequate access both internally and externally of the building.

Core Strategy Policy, CS74(g) of in terms of providing safe and convenient access for disabled and older people in particular has also been met.

### Flooding

The site is not in a flood zone area. Surface water run-off is to be attenuated on site to ensure the level of discharge to the watercourse is restricted to an agreed level. Discussions are underway between the applicants and Yorkshire Water about the drainage need of the site. There are no drainage issues on site.

## Amenity

Policy H14 of the Unitary Development Plan "Conditions on Development in Housing Areas" states that development will be permitted where "the site would not be over-developed or deprive residents of light, privacy or security".

Residential properties enclose the site and generally comprise of two storey semi-detached dwellings.

Dwellings located on Horner Close consist of single storey bungalows and are situated at right angles No.1 Horner Close is the closest to the site and is located approx. 14m from the site boundary and approx. 40m from the closest part of the proposed building and over 100m from the furthest. The dwellings located on Horner Close are also slightly elevated from the site and as such, the separation distance is sufficient to ensure that the development is not unacceptably overbearing, overshadowing or overlooking to residents located to the rear of the site on Horner Close. The proposed car park is no different to the existing situation and although the number of spaces has slightly increased, it is considered that due the nature of the use the comings and goings of cars will not significantly affect the existing residents on Horner Close.

No. 8 Coronation Road is located to south east of the site and is approx. 30m from the proposed building along the eastern boundary. It is also separated by high mature vegetation; as such the proposed building cannot be significantly viewed from this dwelling. No.597 Manchester Road sits along the north-western boundary of the site and is approx. 10m from the site boundary and approx. 30m from the closest part of the proposed building. As such, the separation distance is sufficient to ensure that the development is not unacceptably overbearing, overshadowing or overlooking to this resident.

Opposite the site in question and on Manchester Road are predominantly terrace properties, with 1 converted commercial use and also a church building. The separation distances between the proposed building and the terrace properties located opposite are approx. 22m to 30m and as these properties are slightly below the ground level of the site by approx.1m, this is considered acceptable as detrimental harm will not be caused to the living condition of these occupiers in terms of overbearing, overshadowing or overlooking.

To the western boundary of the site is the Stocksbridge fire station, which will be approx.20m from the proposed building.

Details of the boundary fences will be conditioned to ensure they are of an appropriate quality and are not overbearing or overshadowing to neighbouring residential properties.

## Open space

Policy H16 requires developers to make contribution to provision or improvement of recreation space in the catchment area. As the proposal indicates more than 5 residential units, the developer will need to enter into an agreement for a financial contribution. A total of £10,763.50 is required.

## Public Art

The applicants have proposed that the Public Art element of the proposal be incorporated into the landscaped areas of the site. The principle of this is acceptable and so a condition is suggested to require the details of public art within the landscaped areas of the site to be submitted and approved.

## SUMMARY AND RECOMMENDATION

The proposed development complies with Unitary Development Plan policies H10, H14, BE5, BE7 and GE15 and Core Strategy Policies CS40, CS64, CS65, CS66, CS74 and the National Planning Policy Framework.

The proposed residential building has been well designed and carefully developed around suggestions by council officers. The building is shown to be in 3 parts, with a particular emphasis on a 'U' Shape building. An interesting palette of materials is shown which complement the area and illustrates a modern/contemporary approach to the proposed scheme, this together with the design of the overall building provide a visually attractive scheme.

The development also shows a high quality hard and soft landscaping scheme.

The development will not have an adverse impact on the amenities of nearby residential properties.

The scheme will employ a variety of sustainability features in order to achieve a BREEAM very good rating and comply with CS64, furthermore, 10% energy will be provided in accordance with CS65.

Some highway improvements have been shown to the main entrance areas of the site and conditions will be imposed to suggest further details to be submitted and approved.

The development is not within a flood zone area.

Policy H16 requires developers to make contribution to provision or improvement of recreation space in the catchment area. As the proposal indicates 55 separate residential units, the developer will need to enter into an agreement for a financial contribution. A total of £10,763.50 is required.

The proposed scheme is considered acceptable and it is recommended that permission is granted subject to legal agreement and conditions.

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Case Number	13/01238/FUL (Formerly PP-02568570)
Application Type	Full Planning Application
Proposal	Use of land as a highway contractors storage yard (Sui Generis), including siting of 3 portable buildings for storage and office accommodation, erection of new palisade boundary fence and gates, and installation of security lighting and CCTV cameras
Location	Former Cradock Road Depot Cradock Road Sheffield S2 2JW
Date Received	12/04/2013
Team	City Centre and East
Applicant/Agent	Mr G Garfitt
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:

Location Plan - 2013-01  
Property Block Plan as existing - 2013-02  
Property Block Plan as proposed - 2013-03  
Palisade Fencing Proposed - 2013-04  
Office & Storage Buildings Proposed - 2013-05

Details submitted by Applicant on 10th April 2013 and 24th April 2013,  
unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 The use shall cease and all buildings hereby permitted shall be removed on or before the 23rd July 2018.

The permanent use of the land as a contractor's yard would prejudice the satisfactory and long-term redevelopment of the land.

- 4 The site shall be used for the above-mentioned purpose only between 0800 hours and 1800 hours Monday to Friday and 0800 hours to 1300 hours on Saturdays. The site shall not be used on Sundays or Bank Holidays.

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

- 5 Notwithstanding the terms of the Town and Country Planning (Use Classes) Order 1987, or any statutory instrument revoking and re-enacting that Order, the site shall be used solely for the use hereby permitted and shall not be used for any other purpose.

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

- 6 No goods or materials of any description shall be stored or displayed wholly or partly outside the buildings within the site of the development.

In the interests of the visual amenities of the locality.

- 7 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.

- 8 Prior to installation final details of the proposed security lighting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

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

- 9 The existing mature trees located along the south and west boundaries of the site shall be retained, as detailed on Drawing Number 2013-03.

In the interests of the visual amenities of the locality and the amenities of occupiers of the adjoining properties.

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 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

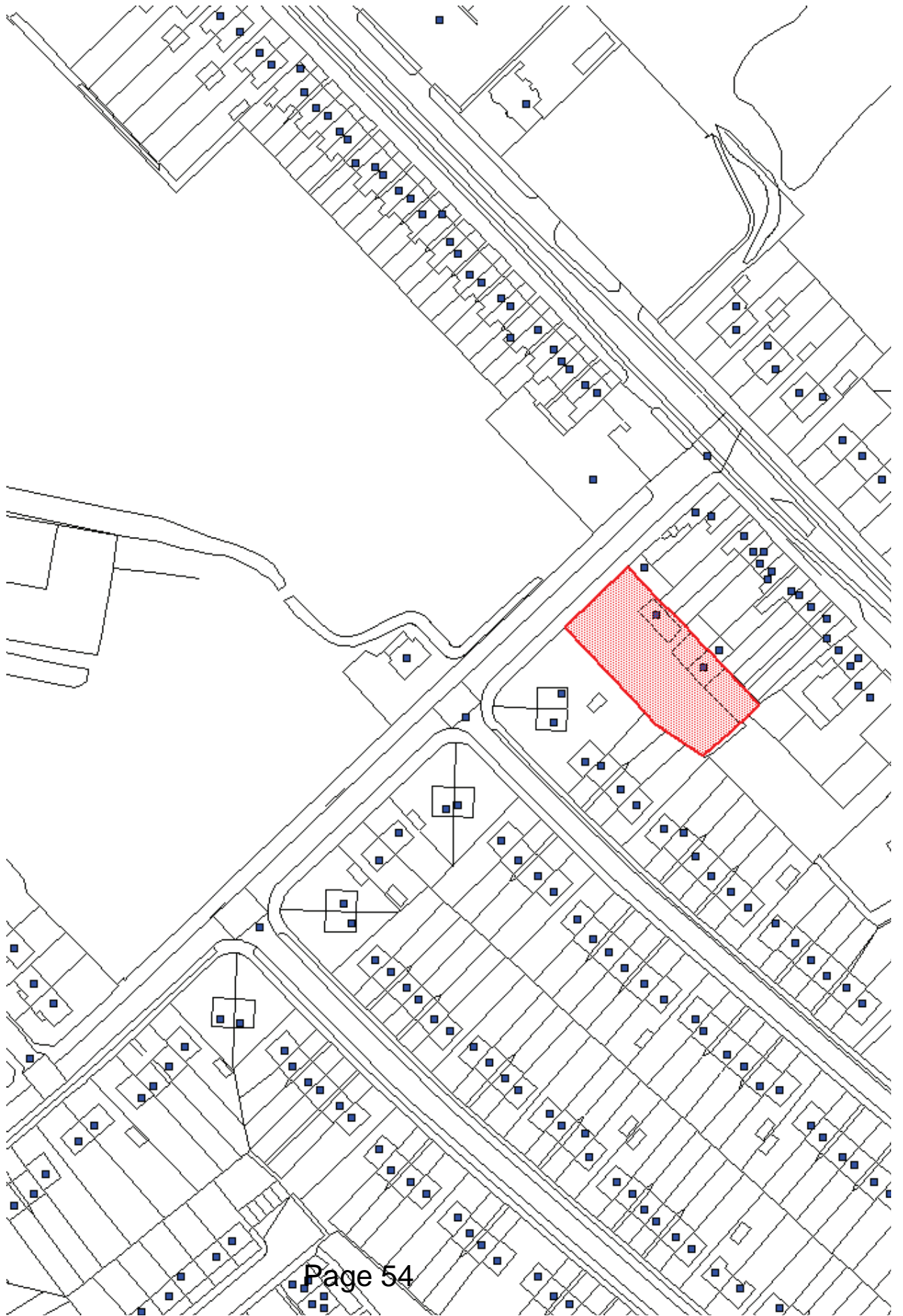
2. The applicant is advised that Sheffield City Council, as Highway Authority, require that drives/vehicular access points be designed to prevent loose gravel or chippings from being carried onto the footway or carriageway, and that they drain away from the footway or carriageway, to prevent damage or injury.
3. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.
4. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Engineers in their document "Guidance Notes for the Reduction of Light Pollution". This is to prevent obtrusive light causing disamenity to neighbours. The Guidance Notes are available from the Institute of Lighting Engineers, telephone number (01788) 576492 and fax number (01788) 540145.
5. The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.
6. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at [www.sheffield.gov.uk/planning](http://www.sheffield.gov.uk/planning) or apply online at



[www.planningportal.gov.uk](http://www.planningportal.gov.uk). The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.

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

Site Location



The application site is situated on the south side of Cradock Road, within close proximity of its junction with City Road. The site is a rectangular parcel of land that is currently vacant and in deteriorating state - subject to vandalism and apparent tipping. It was last used as a Depot by the Council's Parks' Department and is currently being sold by Kier on behalf of the Council.

In terms of surroundings, the site is surrounded by a variety of uses due to its location close to City Road. This includes commercial and residential.

Beyond the southern boundary of the site there is traditional Council housing arranged in either semi-detached or terraced forms. The neighbouring properties to the south have their gardens abutting the application site. The site is screened from the application land by a strong boundary of tall conifer trees.

To the north of the site are terraced properties that address City Road and have their rear garden areas abutting the site's northern side boundary. A number of these properties have commercial activity at ground floor level but residential accommodation exists above these units.

To the immediate north east of the application site is Oliver's Tyres which is a small part-worn tyre garage/yard. Members are advised that it is unclear as to whether this use has ever received planning permission as there is no recent permission for this use. However, aerial photographs from 2002 appear to suggest that this use (or similar activity) could have been in use at this time, which is longer than 10 years ago and therefore potentially immune from enforcement action.

This application seeks planning permission to change the use of the existing site. It is intended to use the land as a storage yard and for the servicing of vans. As part of the works the applicant will clean up the site, resurface it, and erect three new portable buildings for use as an office (1 x unit) and storage units (2 x units). It is also proposed to renovate the existing buildings on the site and secure the site with new boundary fencing, gates, CCTV cameras and lighting.

The applicant has indicated that the land is required to support the work that they have acquired on the Sheffield Streets Ahead PFI project. It is advised that they provide specialist surfacing operatives (labour only) to 'Bardon Contracting' who are part of the 'Aggregate Industries Company' who are working with 'Amey PLC'.

Members are advised that this application seeks consent to use the site for a period of five years. The Applicant states that at the end of this period it is their intention to apply for planning permission to develop the site for housing.

#### RELEVANT PLANNING HISTORY

There is no relevant planning history associated with this site.

## SUMMARY OF REPRESENTATIONS

The application has been advertised by neighbour notification letter.

No representations have been received.

## PLANNING ASSESSMENT

### Policy Issues

The application site is located within the City Road Mixed Use Area in the Council's Unitary Development Plan (UDP) and accordingly Policy MU2 'City Road Mixed Use Area' is relevant.

The applicant has clarified that the proposed use of the site will be to carry out simple general maintenance on their own vehicles - including replacing, modifying and repairing elements such as bulbs, wiper blades, flashing lights, chevrons and windscreens. More extensive works and servicing will occur at garages away from the site. Furthermore, the items proposed to be stored in the storage cabins will be hand tools such as vibrating plates, saws, personal health and safety equipment, wheel barrows etc. It is explained that the company does not currently own or operate heavy plant.

Following this clarification, it is concluded that the intended use of the site falls within the definition of a contractor's yard because it is proposed to involve a mixture of activities relating to storage (tools), small-scale repair of machinery/vehicles/tools and the administrative activities. Case law dictates that builders' and contractors' yards with similar characteristics to those proposed hold a sui generis use classification, which does not fall within any of the classes within the Use Classes Order and is a use on its own.

Policy MU2 sets out a number of uses that are classed as 'Acceptable' and 'Unacceptable'. The sui generis use hereby proposed does not fall within the list of uses and, therefore, the proposal must be assessed on its individual merits. It is noted, however, that similar uses such as 'General Industry (B2)', 'Warehouse and Open Storage (B8)' and 'Garage and transport depots' are classed as unacceptable because of their likely impact on the surrounding residential uses and issues relating to the creation of heavy vehicle traffic and the creation of an unattractive frontage. These unacceptable uses and their similarity to the application proposal are noted and must be a material planning consideration in the assessment of this application. However, it is considered necessary to recognise the previous/established use of the existing site as a former depot/yard used by the Council's Parks' Department, which is also a sui generis use. It would appear that this last use has not occurred on site for a number of years but the site could be re-used for this purpose without the need for consent.

In light of the above, it is considered that the acceptability of this application must be derived from the nature of the use and its effect on the designated area in which it is located and the nearby housing.

## Temporary Nature of Use

The applicant has stated within their submission that the site is required as a yard in relation to their works on the PFI project. It is advised that this site offers an ideal location for the business. A letter has been submitted with the application from Bardon Contracting who state that they sub-contract the applicant's workforce as part of their work on the Amey PFI Project. Discussions with Amey direct have confirmed that Bardon Contracting are an approved contractor. Therefore, it could be argued that there is a defined need for the yard as a facility to aid the works that are currently occurring to improve the quality of the City's roads.

The applicant is currently in the process of purchasing the land from the Council and this is subject to planning permission being granted. As described above, their submission states that a temporary five year permission would be acceptable and there is an intention to building houses on the site in the future, subject to the necessary consents. The construction of housing on the land is a future use that is consistent with existing and emerging policies for vacant land in this area.

## Amenity Issues

UDP Policy MU11 relates to 'Conditions on Development in Mixed Use Areas' and states that a change of use will be permitted provided that (b) it would not cause residents or visitors to suffer from unacceptable living conditions, including air pollution, noise, other nuisance or risk to health or safety.

There is residential accommodation existing beyond both side elevations of the application site. Following liaison with the Environmental Protection Service, it is concluded that the proposed yard does not generate such amenity concern as to warrant refusal. The yard exists at present and it is considered that the activities proposed - including the minor repair of vehicles as well as repair/servicing of plant and storage - will not be so problematic for the surrounding neighbours.

It is also welcomed that the proposed hours of use will be restricted to between 08:00 hours to 18:00 hours Monday to Friday, up to 13:00 hours on Saturdays, and no use on Sundays or Bank Holidays. The background noise levels in and around the vicinity of City Road are generally quite high during these hours and, therefore, it is not anticipated that there will be a significant conflict between the uses. Furthermore, it is considered that the characteristics of the boundaries are such that they will help screen the appearance of the site from the surrounding properties.

Overall, the proposal is considered to be compliant with the relevant part of Policy MU11, subject to relevant conditions.

## Appearance Issues

Policy MU11 (d) states that development should be well designed and of a scale and nature appropriate to the site with the overall aim of promoting good design to enhance the character and appearance of the area.

The existing site is not attractive and it simply appears as a derelict/potentially problematic site. A positive aspect of the proposal is the intention to replace and repair the site frontage (fence and gates) to make it more secure and improve its appearance. Given the nature of the site boundary (concrete panels in front of palisade fencing) it is considered that the public view of the internal areas will be restricted.

In terms of the new buildings proposed, it is considered that their siting is acceptable and will generate no design/appearance issues. The repair works to the existing large building on the site will help to secure a building that currently appears quite vulnerable to vandalism.

Overall, the proposal is considered to be compliant with the relevant part of Policy MU11.

#### Highway Issues

Policy MU11 (f) states that development should provide safe access to the highway network and appropriate off-street parking.

The site has an existing access with splayed vehicle entrance. The highway officer has considered the application and concluded that the proposal raises no objections, subject to a number of directives being added to any approval.

Overall, the proposal is considered to be compliant with the relevant part of Policy MU11.

#### SUMMARY AND RECOMMENDATION

This site has previously been used as a Council depot but it is no longer in use and is in a poor state of repair and maintenance. It could, however, be re-used for this previous purpose again without the need for planning permission.

Presently, there are no other proposals for the land and the current application intends to use the site as a contractor's yard with small-scale vehicle servicing for the next five years (temporary). As part of the use, there is an intention to secure and occupy the site as well as improve its state/appearance. Hours of use are to be restricted to daytime hours when background noise levels are at their highest and the activities described in the Applicant's supporting statements appear to be relatively low-key and small scale. There is no intention to store large machinery or a high volume of vehicles on the site and all plant/equipment is intended to be stored inside buildings.

It is acknowledged that this application could be regarded as unacceptable because the characteristics of the use are closely associated with some of the 'unacceptable' uses listed in Policy MU2. The uses listed are generally unacceptable because of their anticipated impact on the surrounding residential uses and due to the potential impact of heavy vehicle traffic and the creation of unattractive frontages. However, for the reasons given above it is concluded that the application will not generate such negative issues and, instead, it is felt that the

proposal will help to improve the site's use and appearance for the period proposed.

In light of the above, and assessing this application on its individual merits against relevant policies MU2 and MU11, it is concluded that the proposal is acceptable at this location for a temporary period of five years with the restricted hours of use and other conditions proposed.

Therefore, it is recommended that Member's grant this application, subject to conditions, for a temporary period of five years.

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Case Number	13/01146/OUT (Formerly PP-02561712)
Application Type	Outline Planning Application
Proposal	Erection of a dwellinghouse (Resubmission following 12/01009/OUT)
Location	Land Adjacent 2A Penistone Road Grenoside Sheffield S35 8QG
Date Received	03/04/2013
Team	West and North
Applicant/Agent	Tatlow Stancer Architects
Recommendation	Refuse

For the following reason(s):

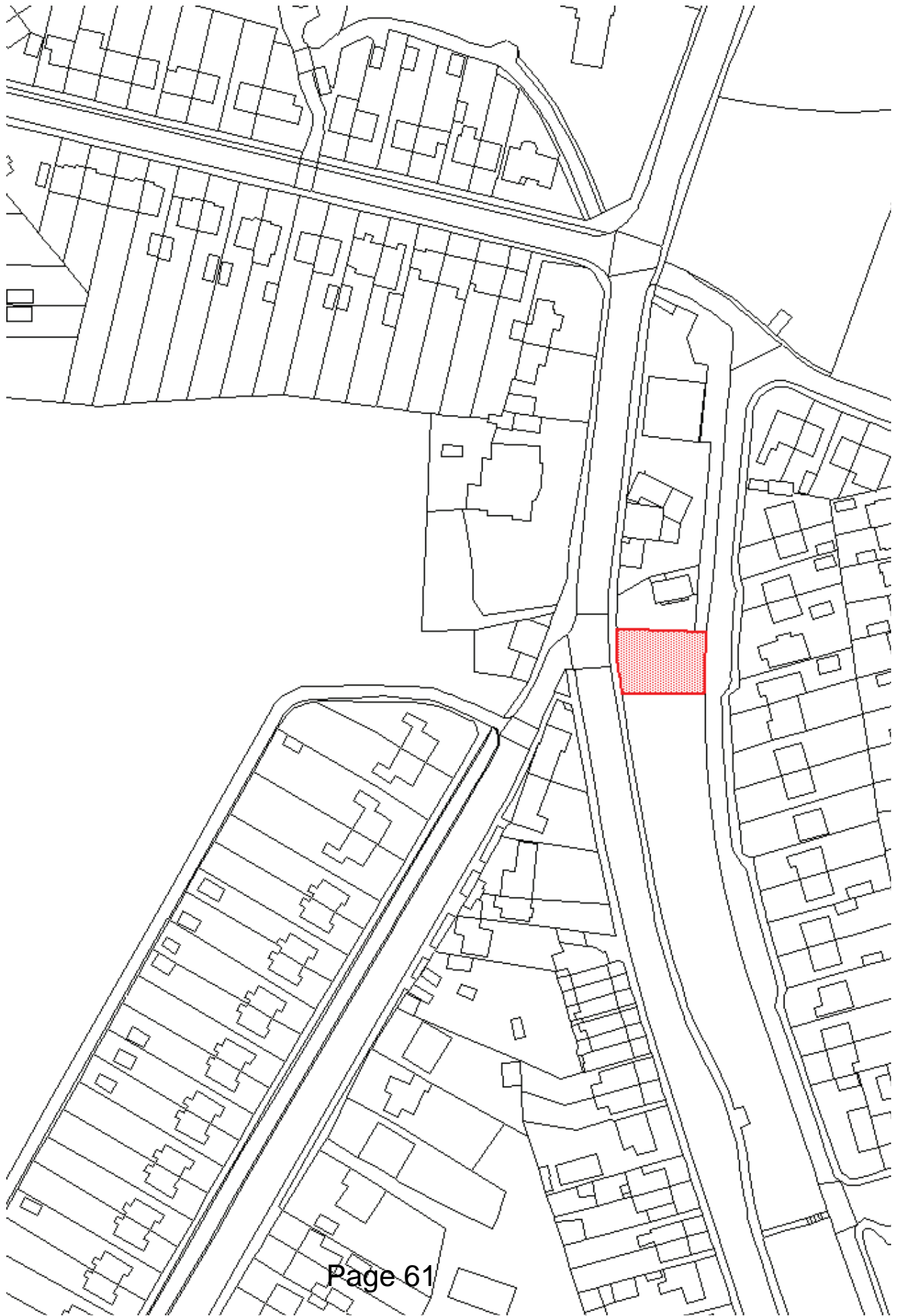
- 1 The proposed development of the site is considered to be inappropriate development on this piece of Open Space Area under terms of Policy LR5 and GE15 of the Unitary Development Plan and Policy CS47 and CS75 of the SDF Core Strategy.

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, it has not been possible to reach an agreed solution in this case.

Site Location





The site is located within the Grenoside district of Sheffield and is situated on a strip of land between Penistone Road and Rojean Road. The site was originally set aside for road widening and by default has become leftover open space. It is not public owned but is privately owned by the applicant.

Outline planning consent is being sought for the erection of a dwellinghouse on land adjacent to 2A Penistone Road with all matters of layout, access, scale, appearance and landscaping reserved for future consideration. As a consequence, no detailed plans have been submitted albeit that an indicative block plan showing the location of the proposed dwelling and written confirmation that the dwelling will be 2 storeys high (8metre in height maximum) has been submitted. The proposed site area is approximately 331m<sup>2</sup> in total (0.0331 hectares).

#### PLANNING HISTORY

12/01009/OUT- erection of a dwellinghouse- This application was withdrawn, after the agent was advised that the application would not be supported, due to the site circumstances and concern regarding the loss of open space and the existing mature trees located on site.

#### SUMMARY OF REPRESENTATIONS

A petition containing 301 signatures has been received and a letter from a representative of the local community has also been received outlining objections. A total of 63 letters of objections have been received, 3 of which are from same authors of 3 different address. Objections raised are summarised below-

- contrary to objectives outlined in UDP and in particular Policy H14, regarding impact on neighbouring dwellings and also H15 removal of trees;
- highway implications particularly on Rojean Road (including parking, pedestrian danger, emergency service access);
- loss of open space and 'green city/land';
- removal of mature TPO trees;
- out of character with locality and neighbouring residential properties;
- no change to current application from previously withdrawn application;
- potential problems of flooding;
- will set precedent for future builds on this open space;
- site not large enough to accommodate the proposed development;
- loss of light to neighbouring dwellings;
- loss of natural flora and fauna;
- loss of natural habitat;
- site is used by local residents for enjoyment and as such will be lost;
- loss of privacy to neighbouring dwellings;
- potential noise problems of future occupiers of the proposed dwelling;
- request a site visit by members;

- question agent's design and access statement, which relates to the site not being publicly owned space;
- ample other sites in the city which are available to build;
- potentially unsafe environment;
- large amount of excavation works will be required;
- general disturbance from building works;
- other non planning issues (loss of view, devaluation of dwellings).

Grenoside Conservation Society have also written outlining concerns and objecting. Objections raised are summarised below-

- loss of green open space;
- loss of valuable amenity space;
- submitted design and access statement is misleading as 2a Penistone Road is situated on a higher level and not in line with the proposed dwelling;
- loss of mature tree;
- development will not increase biodiversity;
- highway implications on Rojean Road;
- request for application to be heard at Area Board.

Councillor Hooper and MP Angela Smith have also written with objections, which are summarised below-

- loss of valuable green open space;
- neighbouring occupants have taken ownership of the site, by regularly maintaining the site;
- site is part of the 'green finger' into the city from the north and should remain so;
- support local residents and other organisations concerns;
- highway implications on Rojean Road;
- contrary to aims of policy GE10, H15 and H14 of the UDP.

Ecclesfield Parish Council- support objections raised by local residents

## PLANNING ASSESSMENT

The site is located within an Open Space Area as designated within the Sheffield Unitary Development Plan. The site is not in a Flood Risk Zone. The submitted proposal has not been significantly altered from the proposals submitted previously (Ref 12/01009/OUT), which was withdrawn as noted above.

Principle of Development

Policy

The site is located within an Open Space Area as designated within the Sheffield Unitary development Plan.

As the development proposal involves the loss of open space as defined in the adopted Core Strategy, it will be assessed against criteria set out in policy CS47 (safeguarding open space)

The existing site has been identified as being amenity green space of average quality, an assessment of local provision has shown that there is a under provision of both informal and formal open space in the immediate area, resulting in an overall quantitative shortage. The loss of this piece of open space would therefore be contrary to part (a) of CS47. Due to the location and nature of the space, its loss would also be contrary to part (c) of CS47, as it would result in the loss of a small informal open space that is valued by people living in the local area.

Development of this piece of open space would also be contrary to LR5 (Development in open space) (b) as it would result in a significant loss of mature trees. It could also be contrary to (d) by making the space ineffective as an environment buffer, and (i) as it could harm the character of the area.

The site is also a gateway route into the city centre as advised CS75 (Improvements to gateway Routes into and through the city), the proposed development will have a negative impact on the quality of the street scene and as such will be contrary to policy CS75.

The loss of this piece of opens space would not be acceptable under CS47, CS75 and LR5.

#### Indicative Layout

The proposal is shown to be accommodated across some 15 metres of the fairly long strip of open space and is adjacent to an existing dwelling at No.2a Penistone Road. The two nearest residential proprieties, which are immediately opposite the site, are located at No.9 and No.7 Rojean Road. The dwellings on Rojean Road are generally angled away from the main highway; both the named properties are also angled away from the main elevation of the proposed dwelling. As such No.7 will be approximately 23m from the proposed dwelling and No.9 will be approximately 21m from the proposed dwelling. No.87 Penistone Road also faces the application site and the proposed dwelling will be approximately 26-27m from No.87 Penistone Road; this is the only dwelling that directly faces the proposed dwelling on Penistone Road.

No. 2a Penistone Road is the nearest neighbouring property, which is located adjacent to the site. This dwelling is also situated at an angle to the main highway on both Penistone Road and Rojean Road and is elevated from the site in question. The agent has shown the proposed dwelling to be approximately in line with the elevation of No.2a Penistone Road facing Penistone Road. It will, however, be set back in from the elevation of No.2a Penistone Road, which faces Rojean Road by approximately 3 metres. This property has its main front elevation facing the site in question.

Although a maximum of 21m is normally required between the main elevations of dwellings, in this case, the dwellings on Rojean Road and in particular No.11, is set at an angle, and at a distance of approximately 19m. This is considered not to cause significant detrimental harm to the living conditions of the occupiers of No.11 Rojean Road in terms of loss of light, overbearing or loss of privacy.

The proposed site layout illustrates the boundary to the rear garden sitting directly at the back of pavement on Penistone Road and it will be visible from the junction of Blacksmith Lane directly opposite. This raises concerns with regard to the effect on the quality of the local environment created; it is also considered that it could potentially set an unwelcome precedent for additional proposals of a similar nature along this linear strip of Open Space adjacent to Penistone Road.

The current green space, although historically not intended as such, has matured into a pleasant green strip between the housing fronting onto Rojean Road and Penistone Road. The gradual sloping topography and mature trees give both amenity value and help reduce the relative noise levels and visual impact of the high volumes of traffic currently travelling along Penistone Road.

In addition, although this proposal could be judged as having a minimal impact on the open space as a whole, the precedent that could be set is of concern. Furthermore, when considering the width of the land available and the quality of environment created by high traffic volumes, housing proposals on this strip of land are unlikely to be able to create frontage development along Penistone Road that could prove acceptable in design terms.

There is also significant concern over the impact that the proposal will have on the quality of the street scene along this section of Penistone Road, particularly as it is an identified gateway route into the city centre as advised in Policy CS75 (Improvements to gateway Routes into and through the city) of the SDF Core Strategy.

As such it is considered that the layout is not acceptable and is contrary to policy CS75 and CS47 of the core Strategy and LR5 of the UDP.

#### Scale and Appearance

In principle a two storey residential development within this area is considered generally acceptable, provided it meets with the criteria outlined above. The area entails predominantly two-storey dwellings and as such the proposed development would be appropriate in this instance. Supporting submissions do not indicate the proposed materials or the appearance of the proposed dwelling, this matter is reserved.

#### Landscape Impact

It is considered that the green space is an important visual amenity space, providing a green buffer from the busy A61 Penistone Road and to some extent, helping to improve air quality to the neighbouring properties. The development would require the removal of a TPO tree (808/388 T1). This tree, a mature Norway Maple, is in good health and forms part of an avenue of 30 protected trees. It is considered that this tree has a high amenity value and should be retained. As such the proposal will be contrary to the aims of Policy GE15 of the UDP, which suggests amongst other things that mature trees will be encouraged to be protected and retained.

Previously the agent has suggested that the dwelling and associated private garden would increase biodiversity and be more beneficial than any 'Green Corridor'. However, it is considered that the amenity value of the open green space and mature tree far outweighs the small area of garden that would be remaining after the construction of the property and potential associated access paths/steps, parking area and boundary fencing.

It is not clear from the outline application how trees that could otherwise screen the site from long views when travelling along Penistone Road from the city centre may be affected. Removing the existing foliage to accommodate this new building would leave the side gable of the house and the side boundary exposed in long views from Penistone Road, to the detriment of the Penistone Road gateway route.

#### Access

There are no highway objections in principle to the development although it is advised that a 2 metres wide highway verge (grassed) runs along the western side of Rojean Road. The agent has included the verge within the red-line boundary of the application site but it is advised that this could be amended by re-siting the dwelling further back into the site to give sufficient drive length, taking account of the verge and revising the red-line boundary. Rojean Road is also quite narrow; making turning in and out of drives a little challenging, particularly if other cars are parked opposite the drive. Increasing the width of the drive would make the turning manoeuvre in/out much easier but there is no objection to the access in principle.

#### SUMMARY AND RECOMMENDATION

The existing site has been identified as being amenity green space of average quality, an assessment of local provision has shown that there is a under provision of both informal and formal open space in the immediate area, resulting in an overall quantitative shortage. The loss of this piece of open space would therefore be contrary to part (a) of Policy CS47 of the Core Strategy. Due to the location and nature of the space, its loss would also be contrary to part (c) of CS47, as it would result in the loss of a small informal open space that is valued by people living in the local area.

Development of this piece of open space would also be contrary to LR5 (b) of the UDP as it would result in a loss of a mature tree. It could also be contrary to (d) by making the space ineffective as an environment buffer, and (i) as it could harm the character of the area.

The proposed layout is also considered to be contrary to policy SC74.

The loss of this piece of Open Space would not be acceptable under CS47, CS75, LR5 and GE15.



## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Director of Development Services

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**Date:** 23 July 2013

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**Subject:** Enforcement Report

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**Author of Report:** Khalid Mahmood

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**Summary:** Unauthorised excavation works to the front garden and the unauthorised erection of fences at the front of 73 Sandford Grove Road, Sheffield, S7

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### **Reasons for Recommendations:**

It is considered expedient that this matter is reported directly for enforcement action because the owner has been un-cooperative in the past with this property.

### **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 temporary stop notice, stop notice and the institution of legal proceedings, including injunctive action, if necessary, to secure the cessation of the excavation works, the reinstatement of the ground levels and the removal of the fences at 73 Sandford Grove 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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23 JULY 2013

## **ENFORCEMENT REPORT**

### **UNAUTHORISED EXCAVATION WORKS TO THE FRONT GARDEN AND THE UNAUTHORISED ERECTION OF FENCES AT THE FRONT OF 73 SANDFORD GROVE ROAD, SHEFFIELD, S7**

#### **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 73 Sandford Grove Road is a two storey end terrace property located within a residential area, it has a small garden to the front and back with a right of access to other properties in the terrace, at the side. The site lies within a Housing Area as designated in the Sheffield Unitary Development Plan.
- 2.2 Previously enforcement action has been taken against the owner for the unauthorised erection of an extension at the rear of the property and for the unauthorised excavation works at the front of the property. The previous notices were not complied with and the owner was prosecuted and the works were subsequently carried out under direct action by the Council.
- 2.3 A recent complaint has been received regarding a repeat of the excavation works to the front of the property and that a high fence has been erected. Officers have visited the site and noticed that the front garden of the property is being substantially excavated again to create an entrance into the basement. A fence has been erected which is over two metres in height between 73 and 75 Sandford Grove Road and a further fence had been erected adjacent to the highway which is over one metre in height.
- 2.4 It is considered expedient that this matter is reported directly for enforcement action because of the nature of the problems and the fact that the owner has been un-cooperative in the past with this property and the Council has had to take legal and direct action to resolve these issues.

3. ASSESSMENT OF BREACH OF CONTROL
- 3.1 73 Sandford Grove Road is located within a Housing Area as designated in the Sheffield Unitary Development Plan.
- 3.2 Planning permission is required for the substantial excavation works that are being carried out and for the fences that have been erected. It is officer's opinion that the excavation works to the front of the property constitute engineering works requiring planning permission.
- 3.3 There are no other examples of excavated front gardens along this stretch of Sandford Grove Road and thus excavation is a stark contrast to the common attractive treatment of a small front garden with stone walls and often hedging. The result is that the excavation is detrimental to the character of the property and harmful to the visual amenity of the local area. Whilst this harm is mitigated by the screening in part by the fences to the front of the property, the fences themselves constitute breaches of planning control.
- 3.4 Planning permission is required for fences that would be over one metre in height when adjacent to a highway used by vehicles or over two metres in height elsewhere. In this case the fence adjacent to the highway is over one metre and the fence between No. 73 and 75 is above two metres in height.
- 3.5 The fence between No. 73 and 75 is an unattractive overly tall feature that dominates the views of the front of the property, and is imposing upon the neighbour at No.75, whose front entrance door is immediately adjacent to the fence. The fence adjacent to the highway is also out of keeping with this area as majority of properties in this area are of a similar character with a small wall and a hedge. Whilst mitigating in part the harm to amenity caused by the excavation the fences are themselves a separate cause of harm to amenity.
- 3.6 Unitary Development Plan Policy H14 'Conditions on Development in Housing Areas' states that development must be well designed and keeping with the locality, must not have a detrimental impact on the living conditions of neighbouring occupiers.
- 3.7 Unitary Development Plan Policy BE5 'Building Design and Siting' states that new development should complement the scale, form, and architectural style of surrounding buildings.
- 3.8 The Photographs below show the property in question and clearly demonstrates the excavation works and fences are out of keeping with the property and the street scene.



#### 4. REPRESENTATIONS

- 4.1 A number of complaints have been received regarding the unauthorised works at this property.

#### 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 breach of planning control. In this case the notice would require the reinstatement of the ground to its original level at the front of the property and the removal of the fence between No 73 and 75 and the fence adjacent to the highway. 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 successfully defend any such appeal.
- 5.2 Section 183 of the Town and Country Planning Act 1990 provides for the service of a Stop Notice in conjunction with an Enforcement Notice, (S172). The Stop Notice would take effect within 3 days after the date of service, and an offence would be committed for any failure to comply with the Stop Notice. In this case the Stop Notice would require the cessation of the excavation works. A successful appeal against a stop notice can lead to a costs award against the Council for any losses incurred because work was stopped, but only if there was found to be no breach of control, or the notice is withdrawn.
- 5.3 Section 171E of the Town and Country Planning Act 1990 provides for the service of a Temporary Stop Notice, if it is expedient to require a breach of planning control to be stopped immediately. The temporary stop period lasts for 28 days to allow the Council time to decide or implement further enforcement action, if necessary. There is no right of appeal against a Temporary Stop Notice. In this case a Temporary Stop Notice can be served, to stop further excavation works.
- 5.4 S187B of the Town and Country Planning Act 1990 enables the Local Planning Authority to apply to the County Court or the High Court for an injunction. An application can be made whether or not the Local Planning Authority have exercised, or proposed to exercise, any of their other powers to enforce planning control. In this case it is considered expedient given the history of this property to apply to the County Court for an Injunction. In this case the injunction would require the cessation of the excavation works and the reinstatement of ground to its previous level. The decision to grant an injunction is within the discretion of the Courts, who may take into account all the circumstances of the case, including non-planning matters, unlike a planning Inspector. Failure to comply with an injunction could lead to committal to prison.

5.5 It is considered in this case that an injunction issued in the County Court would be an appropriate form of action given that the owner is a repeat offender who has ignored previous enforcement action in the past. The Planning Service has previously prosecuted the owner for non-compliance with enforcement notices and this was shown not to be effective as the Council had to take direct action on two separate occasions to resolve other similar breaches of control by this owner at this property.

5.6 The application for an injunction in respect of excavation to the front of the property can be made in parallel to the issue of enforcement notices for the excavation and the breaches of planning control in relation to the fences.

## 6. FINANCIAL IMPLICATIONS

6.1 The issue of an injunction under Section 187B would require the payment of the issue fee of £175.00 to the County Court, the service of the injunction of the Court Bailiff would be between a further £60.00 - £90.00, depending upon the method of service use by the court Bailiff.

6.2 The Council would be automatically liable to the civil courts costs jurisdictions under the Civil Procedure Rules (CPR) upon issue of an injunction under Section 187B, but so would the owner. An award of costs may therefore be made in favour of the Council, or in favour of the owner depending upon the outcome of the case and the conduct of the parties. An award of costs is far more likely under the CPR than in respect of an appeal to a Planning Inspector.

## 7. EQUAL OPPORTUNITY IMPLICATIONS

7.1 There are no equal opportunities implications arising from the recommendations of this report.

## 8. RECOMMENDATIONS

8.1 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 temporary stop notice, stop notice and the institution of legal proceedings, including injunctive action, if necessary, to secure the cessation of the excavation works, the reinstatement of the ground levels and the removal of the fences at 73 Sandford Grove Road.

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

D Caulfield  
Head of Planning

12 July 2013

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## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Director of Development Services

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**Date:** 23 July 2013

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**Subject:** Quarterly overview of enforcement activity

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**Author of Report:** Khalid Mahmood

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

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### **Reasons for Recommendations:**

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

### **Recommendations:**

That members note the report.

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### **Background Papers:**

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**Category of Report:** OPEN

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## DEVELOPMENT SERVICES

### REPORT TO PLANNING AND HIGHWAYS COMMITTEE

23 JULY 2013

#### QUARTERLEY OVERVIEW OF ENFORCEMENT ACTIVITY

##### 1. PURPOSE OF THE REPORT

- 1.1 This is the quarterly report to inform members of the work being undertaken by the Planning Enforcement Team. The period covered runs from 1<sup>st</sup> April to 30<sup>th</sup> June 2013.

##### 2. ACTIVITY DURING THE QUARTER

- 2.1 A total of 189 enforcement complaints were received out; of these 53% were concerned with unauthorised development and 17% were failure to comply with planning conditions or approved plans. The percentage of cases involving Section 215 untidy land/buildings was 5% and unauthorised advertisements were 18% and all other complaints were 7%.
- 2.2 The number of cases resolved within the target of 6 months was 64% of all the cases closed in the period, which is more than the target of 57%. Almost 45% of these cases have been either remedied or made acceptable.
- 2.3 The table below shows the number of Notices served and prosecutions carried out within this period and the period between 1<sup>st</sup> July 2012 to 30<sup>th</sup> June 2013: -

Notice type	Year to Jun 2013	Quarter 1 Apr – Jun 2013
Breach of Conditions	4	2
Discontinuance (adverts)	3	0
Enforcement	22	2
Stop	4	0
Temporary Stop	3	0
Section 215 (untidy land)	15	0
Section 225 (signs)	10	5
Total Notices Served	61	9
Prosecutions	7	1

- 2.4 Not as many Notices were served in this quarter, yet through negotiation, many cases were resolved, as in the case of a householder who had built a garage and a high fence on his property without planning consent. In addition to this, allegations were made that the garage and property were being used in connection with a scrap metal business. This led to Officers meeting the owner and negotiating the removal/relocation of the garage, reducing the height of the fence so that it was considered acceptable and to stop the unauthorised use. The owner removed the garage and reduced the height of the fence within a short period of time and the use has also stopped. In some cases this is much quicker and less time consuming for all parties than using formal Notices.
- 2.5 Enforcing breaches of planning control can be a long and complex process as application, appeal and legal processes need to be followed. Officers have dealt with a complex and lengthy case which came to a satisfactory conclusion recently. Planning permission was granted for 4 detached houses in two blocks of two houses to replace the 4 semi-detached timber hut houses that were originally temporary houses for construction workers building the dams in Ewden Valley which is within a Green Belt Area. In 2009, the owner built all 4 houses far in excess of what was approved. They were higher, wider and longer and they were spaced 7m apart at one block and over 10m in the other. One of the houses was also built at a completely different orientation to the approved plans. In addition to the above the owner also erected a chalet type living accommodation in the area near to one of the houses without planning permission and housed a tenant within it. Enforcement and Stop Notices were served to demolish all 4 houses and to remove the chalet type building. These Notices were appealed and subsequently dismissed by the Planning Inspectorate. The owner was also prosecuted for non-compliance with the Enforcement Notice. Retrospective planning applications were also submitted and subsequently refused and then two separate amended schemes were approved which were close to the original approved plans. In spite of the new approvals the owner still built the houses bigger than approved, with one of them in the wrong location. One of the houses has been demolished twice and rebuilt twice. Further amended plans were submitted to correct small deviations from the plans, even after the new approvals. Finally in May 2013 all 4 houses were built in the correct position and to the correct size and design. The chalet has also been removed and the tenant has now moved into one of the new approved houses.
- 2.6 Recently, under the stuck site initiative, Council have carried out works in default of the S215 notice to abate a long standing nuisance of an untidy property. The photographs below show the property in question before and after the works having been carried out to make the property satisfactory.

Before



After



### 3. CONCLUSION

- 3.1 The six month service target has been exceeded by 7%. The number of complaints remedied or made acceptable in the last six months has increased by 3% and the number of complaints received in this quarter has also substantially increased by 31% compared with the last quarter.
- 3.2 The team is performing well since the deletion of the Enforcement Manager post in April 2013 as part of required budget savings. An achieving change process is in hand to find a long term solution for the future supervision and leadership of the team.

### 4. RECOMMENDATION

- 4.1 It is recommended that Members note the report.

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## **SHEFFIELD CITY COUNCIL** **Planning & Highways Committee**

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**Report of:** Director of Development Services

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**Date:** 23<sup>rd</sup> July 2013

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**Subject:** Enforcement Report

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**Author of Report:** Deborah Parkinson

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

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### **Reasons for Recommendations:**

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

### **Recommendations:**

That members note the current progress on actions

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### **Background Papers:**

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**Category of Report:** OPEN

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**UPDATE ON LIVE ENFORCEMENT CASES IN SOUTH AREA FOR QUARTER ENDED 30<sup>th</sup> June 2013.**

**Report abbreviations**

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

**ITEMS IN BOLD TYPE INDICATE CHANGES SINCE LAST REPORT**

<b>NO</b>	<b>SITE</b>	<b>BREACH</b>	<b>DATE OF COMMITTEE RESOLUTION</b>	<b>CURRENT SITUATION</b>
1.	5 Cliffe Farm Drive, S11 7JW	Unauthorised Use of Residential Premises as the base of a Dog Boarding Business	21/05/2013	<b>25/6/2013 – Site visited and 3 dogs present. Continue to monitor site. 21/05/2013 – Authority given to serve an Enforcement Notice if it is witnessed that the owner is keeping more than 3 dogs at the premises.</b>
2.	Whirlow Elms Chase, S11 9RQ	Unauthorised retention of buildings and use of building and land as a builders	21/05/2013	<b>21/05/2013 – Authority given to serve an Enforcement Notice to secure the cessation of use of the former</b>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
		compound /gardeners store.		<b>caretakers house as a builders compound/ gardener store.</b>
3.	201 Chippinghouse Road,S7 1DQ	Breach of condition 2 – development not carried out as to the approved plans	03/05/13	<b>09/07/13 – BCN has been served on 5/06/13 – 56 days compliance period</b>
4.	6 Rosamond Place (See Also item 17)	Breach of Condition 2 – Landscaping.  Breach of Condition 1 – Completion of Development	20/02/13	<b>10/07/2013 – A further breach of Condition Notice is being prepared to ensure compliance with the condition that requires the development to be completed within its entirety, 6 months from the date of approval. No landscaping details received therefore meeting with legal to discuss possible prosecution 15/04/2013 – No details received as yet however still within period for compliance. BCN served requiring details of a landscape scheme to be submitted and approved before being implemented on site.</b>
5.	Franks 722A Chesterfield Road	Non-compliance with a planning condition to clad an extraction flue	13/02/2012	<b>10/07/2013 – Case meeting with legal to discuss further action. Site to be monitored. 16/04/2013 Letter sent to all parties with an interest in the property requesting for works to be carried out, failure to comply with this final letter will</b>



NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				lead to the matter being passed on to litigation for a prosecution. 15/03/2012 – Dealing with agent and agreed to an extension of time for compliance, works should be carried out by 31/05/2012. 17/02/2012 BCN served requiring flue to be clad as per condition.
6.	4 Parkers Road	Unauthorised roller shutter	06/02/2012	<b>10/7/2013 – Notice being prepared.</b> 16/04/2013 – Roller shutter still in place therefore notice not being complied with. File to be prepared for prosecution. 10/09/2012 Appeal dismissed roller shutter to be removed by 18/03/2013. 31/05/2012 Appeal Received. 16/04/2012 EN served,
7.	8 Chandos Street, Broomhill, S10 2PP	Unauthorised removal of chimney stack	25/02/13	<b>09/07/13 – EN has been served 12 weeks compliance period.</b> 15/04/13 – EN has been drafted and is with Legal and Admin.
8.	75 Machon Bank Road, S7 1PE	Unauthorised replacement of windows at the front of the property	25/02/13	<b>09/07/13 – EN has been served 6 Month compliance period.</b> 15/04/13 – EN has been drafted and is with Legal and Admin. Planning application (12/03797/FUL has been refused with enforcement action.

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
9.	Meersbrook Garage 1-7 Meersbrook Road, Sheffield S8 9HU	Unauthorised Alterations to a car showroom and the erection of a 1.8 metre high wall	13/06/2011	<b>10/7/2013 – Public Hearing took place. Outcome awaited.</b> 15/4/2013 Public hearing date set for 10 <sup>th</sup> July 2013. 1/02/13 – Appeal Lodged 7/1/13- Enforcement Notice served after most recent application/appeal refused. 6 Months to comply.
10.	2 Albany Road, Sheffield, S7 1DP	Unauthorised replacement of windows	15/10/12	<b>09/07/13 – Appeal being considered by Planning Inspectorate.</b> 25/01/2013 Appeal lodged against Enforcement Notice. 4/12/12 – Enforcement Notice served.
11.	29 Ratcliffe Road	Unauthorised Rear Extension and Breach of condition of front dormer window	5/11/12	<b>10/07/2013 – Appeal outcome awaited.</b> 5/4/2013 Appeal Received. 18/02/2013 EN served 13/02/13 – Contact made with owner/agent who is seeking to amend to make acceptable. 5/11/12 – Authority obtained to secure the removal of the unauthorised extension and remedy the Breach of Control.
12.	253 Fulwood Road, Broomhill, S10 3BD	Unauthorised advertisement sign	03/09/12	<b>09/07/13 – the sign has been removed - NFA</b> 15/04/13 – Prosecution file has been prepared and passed to litigation. 06/11/12 – letter has been sent asking to remove

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				unauthorised signs. Signs have not been removed. Discussions have taken place between occupier and planning officer for more acceptable signage at this location.
13.	204 Chippinghouse Road, Nether Edge, S7 1DR	Unauthorised replacement of windows and door within an Article 4 area	13/08/12	<b>12/07/13 – EN was served (21/09/12) and took effect on 26/10/12 – 9 month compliance period (26/07/13). No work commenced on site as yet.</b>
14.	1 Albany Road, Nether Edge, S7 1DN	Unauthorised replacement of roof tiles within an Article 4 area	03/09/12	<b>09/07/13- Appeal being considered by Planning Inspectorate.</b> 25/01/13- EN has been served (12/12/12) and has been appealed against. 06/11/12 – EN being prepared
15.	280 Ecclesall Road	(a) 6m x 3m advertisement hoarding (b) 5m x 1m Claypenny Premium Student Housing Advert	02/07/2012	<b>Advert (a) 25/06/2013 – Change in ownership of site (now St Lukes Hospice) they have asked for an extension of time. 1/7/2013 Letter sent to new owners allowing an extension on 1 month and 1 week. Advert should be removed by 30/9/2013.</b> 15/04/2013 No response to letter sent 5/3/13, therefore details forwarded to Legal department for preparation of DN. Appeal against refused advert application dismissed 5/12/12. Letter to owner urging

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>the removal of hoarding to avoid lengthy process &amp; associated costs of DN &amp; new DN appeal covering same ground already discussed in the appeal against refusal of 12/01431/ADV.</p> <p>Express consent refused 31/7/12, ref 12/01431/ADV, (submitted 2/7/12). DN being prepared to secure removal, (DN necessary as it benefits from 'deemed consent').</p> <p>Advert</p> <p><b>Advert (b) 26/06/2013 – Sign removed, NFA 30/05/2013 – Appeal dismissed.</b></p> <p>15/04/2013 – Awaiting outcome of appeal. Appeal lodged against DN 15/1/13. Discontinuance Notice served 31/10/12 Date to be complied with 24/01/13. S330 sent 1/8/12 to establish details in preparation for DN</p>
16	357 Glossop Road, Hanover Conservation Area	Illuminated 48 sheet advertisement site on flank wall of shop.	<b>27/2/12</b>	<p><b>1/07/2013 – Appeal still on-going.</b></p> <p>15/04/2013 – Awaiting outcome of appeal. 1/11/12 – Appeal lodged against DN still running at 24/1/13. 17/7/12 DN served, comes into effect 17/9/12 &amp; requires</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				removal of the advert in 4 weeks, (by 15/10/12) 18/04/2012 – Discontinuance Notice served, date for compliance 11/07/2012. Letter & s330 notice sent to Primesight (advert company) & to owner of building advising that removal of the deemed consent to display adverts is being pursued, which includes the removal of the present display.
17	6 Rosamond Place (See also item 4)	Unauthorised Rear Extension	16/01/2012	<b>12/07/2013 – Some progress made towards completion of works –but see item 4 above.</b> 16/04/2013 – Works ongoing on site. 12/02/13 – Site being closely monitored to ensure that works taking place are in line with those approved by application 12/03171/FUL. 09/11/12 - The prosecution file is being prepared, However a new planning application has since been received No. 12/03171/FUL. 23/08/12 – Inspectors decision dismisses the appeal and upholds the refusal decision. Letter sent to the owner reminding him of the need to comply with

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				the enforcement notice. No contact from the owner. 09/05/2012 – EN served to remove unauthorised element of extensions to property. Planning appeal still ongoing. 13.04.2012 Paperwork being prepared to serve notice. 10/04/2012 – Application 11/03971/FUL refused with Enforcement Action authorised. Temporary Stop Notice still in force that was served 23 <sup>rd</sup> December 2011.
18	196 Whitham Road, Broomhill Conservation Area	Display of unauthorised advertisement	<b>19/12/2011</b>	<b>12/07/2013 – 2<sup>nd</sup> Prosecution file being prepared..</b> 6 Months conditional discharge ends 18/1/13. Speaking to litigation at 23/1/13 about getting the case back into court. 18/07/2012 – Case in Court, Held unlawful sign, Conditional discharge 6 months No costs. 02/04/2012 – Paperwork being prepared for prosecution. 19/12/2011 – Authority granted to instigate legal proceedings to secure the removal of the unauthorised sign.
19	7 Greenfield Drive	Unauthorised signage on display	26/09/11	<b>11/7/2013 – Notices expected to be served by mid-August.</b> 16/04/2013 Other

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>work taken priority, so not progressed.            12/02/13 – Notices being prepared, aiming to be served by end of February. 14/11/12 – No action on this case as other work has had to take priority. 03/07/2012 Sign still erected on site. Paperwork with Legal to serve Notice. 02/04/2012 – Paperwork being prepared for prosecution. 19/01/2012 – Letter to the owners of the property giving 14 days to remove sign post decision, otherwise prosecution to follow. 27/09/11 – Authority granted to instigate legal proceedings to secure the removal of the unauthorised sign.</p>
20	Yummy Hut, 647 Ecclesall Road	Breach of Condition (Opening hours of hot food take away)	03/06/2010	<p><b>12/07/2013 – New evidence gathering needed towards service of new BCN.</b>            16/04/2013 – Site being monitored to gain new evidence of further breaches of planning control 31/10/12 – Revised strategy being developed for the approach to Hot food takeaways in this area.            Litigation to advise on whether we need to withdraw BCN. 3/07/2012 – Meetings to be held with Litigation in light of the</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>prosecutions and fines at the Broomhill takeaways, as to best course of action for us to take.02/04/2012 – Paperwork being prepared for prosecution. 09/01/2012 – Visiting and gathering evidence for prosecution. 13/10/11 – Night visit taken place and can confirm non-compliance with BCN. Land Ownership details on request. 05/07/11- Further evidence of breach to be gathered with a view to prosecution 19/03/11 - Site monitored and noted that still open at 11.45 pm. In Breach. Meeting to be arranged with Litigation seeking advice on possible next course of action 20/01/11 Further late night site visit to be undertaken to get current position. 20/09/10 Site visited on 30July at 00.30. All locked up, Lights off and closed. Seems to be in compliance. Officer to visit again for confirmation. 08/06/2010 – BCN served by Recorded Delivery.</p>
21	44 Grange Crescent, Nether Edge Conservation Area	Unauthorised replacement of windows, roof tiles, guttering, door and repainting of	07/02/11	<p><b>09/07/13 – letter has been sent asking to comply with EN before 01/09/13.</b> 25/01/13 – prosecuted 19/12/12 pleaded</p>



NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
		headers, sills and architectural feature		guilty and was fined £30 and £15 costs. Letter to be sent asking to comply with notice. 06/11/12 – File with litigation. 26/07/12 – 2 <sup>nd</sup> part of EN not been complied with either a prosecution file has been prepared and is with litigation. 02/04/12 – File with litigation. 13/01/12 – Prosecution file being prepared. 14/10/11 – 1 <sup>st</sup> compliance period Nov 2011. 15/06/11 - Enforcement notice served on 4 April 2011, takes effect on 09/05/11 phased compliance period 6 months and 12 months from when notice takes effect. 22/03/11 – An Enforcement Notice is being prepared.
22	Land at 141 Denmark Road	Non payment of planning obligation monies £8,255.45 secured in relation to 08/02716/FUL. Development is complete with most of the units occupied	20/12/2010	<b>10/07/2013 – Still waiting for a court date.</b> 16/04/2013 – Awaiting a court date. 12/02/13 – File with litigation, awaiting a court date. 14/11/12 – A new updated case file has been passed to litigation. 03/07/2012 – Awaiting Court date. 19/01/12 – Prosecution file now with litigation. 24/10/11 – Following a number of failed agreements with owners, final

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				warning now given with a view to prosecution. 11/07/11 – Central Debt Recovery Team securing payment agreement 22/03/11 - Developers in process of agreeing payment plan. 26/01/11 Developer Midcity Estates Ltd. Central debt recovery team doing final chasing of money. Prosecution file otherwise ready.
23	Ball Inn, Mansfield Road	Unauthorised Hoarding	21/06/2010	<p><b>11/07/2013 – No recent progress, expect to serve Notices by 01/09/2013.</b></p> <p>15/04/2013 – No work on this case due to other cases taking priority. 12/02/13 – Notices being prepared, aiming to be served by end of February</p> <p>25/07/2012 DN to be served within next 14 days. 18/04/2012 Some delay in preparation of Notice. Now anticipate service June 2012. 10/01/2012 – Background checks taking place anticipate notice to be served by Mid Feb 2012.</p> <p>21/06/11 - Hoarding still in place. Discontinuance Notice to be served.</p> <p>18/03/11 Company instructed in writing to</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				remove Hoarding by 31/03/11 20/01/11 Planning Appeal dismissed. Instructions to be sent for Hoarding to be removed. 20/09/10 Planning Appeal submitted by applicant. Statement sent by Planning Officer to Inspectorate on 27/8/10. Outcome of this will determine further enforcement position. 1/06/2010 – retrospective advertisement application refused at Area Board. Instructions being prepared for Notices to be served.
24	776 Ecclesall Road	Breach of Condition (Opening hours of hot food take away)	03/06/2010	<b>12/07/2013 – New evidence gathering needed towards service of new BCN.</b> 16/04/13 – Site being monitored to gain new evidence of further breaches of planning control. 14/11/12 – Revised strategy being developed for the approach to Hot food takeaways in this area. Litigation to advise on whether we need to withdraw BCN. 03/07/2012 – Meetings to be held with Litigation in light of the prosecutions and fines at the Broomhill takeaways, as to best course of action for us to take 02/04/2012 – Paperwork being

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>prepared for prosecution. 17/01/2012 – Visiting and Gathering Evidence for prosecution. 12/10/11 – A further night visit is required to confirm non-compliance with BCN. 05/07/11- Further evidence of breach to be gathered with a view to prosecution 19/03/11 - Site monitored and noted that still open at 11.45 pm. In Breach. Meeting to be arranged with Litigation seeking advice on possible next course of action 20/01/11 Further late night site visit to be undertaken to get current position. 20/09/10 Site visited on 30July at 00.30. All locked up, Lights off and closed. Seems to be in compliance. Officer to visit again for confirmation. 08/06/2010 – BCN hand delivered. Variation of condition (opening hours) planning application refused 25/01/2010.</p>
25	Pizza Padrino, 267 Fulwood Road, Broomhill Conservation Area	Non compliance with approved hours (94/01539/FUL)	02/06/2010	<p><b>26/06/06 – Case in court, owner pleaded guilty and was fined £260.</b> 16/04/2013 – Awaiting court dates for licensing prosecution. 23/1/13 – Site being monitored, to gain evidence for further</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>breaches of planning control. Licensing are currently prosecuting for failure to comply with license conditions, court date expected soon. 18/07/2012 – Case in Court. Owner pleaded guilty £50 fine, Costs £50 and £15 surcharge. 20/03/2012 – Files with prosecution awaiting court date 17/2/12 – Evidence for prosecution obtained &amp; being prepared for Litigation. Letter sent 14/12/11 warning non-compliance with EN will lead to prosecution. 13/06/11 - Work still to be completed for new EN's. Expect to be served by end of August 22/3/11 – Decided that new enforcement notices to be served due to info from Licensing that person named as licensee has changed. Cannot prosecute former licensee, work towards this to begin asap. 04/01/11 - Case meeting towards prosecution to be arranged before the end of February. 20/09/10 Premises in breach of TSN and BCN. Prosecution file being prepared in conjunction with Licensing. 03/06/2010 – Breach of Condition Notice and Temporary Stop Notice served. Regular monitoring</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				taking place with a view to prosecution for any further breaches.
26	Oasis Pizza, 204 Whitham Road, Broomhill Conservation Area	Non-compliance with approved hours (98/00186/FUL)	02/06/2010	<p><b>26/06/2013 – Case in Court, owner pleaded guilty and fined £260.</b> 16/04/2013 – Awaiting a court date for licensing prosecution. 13/01/13 – Site being monitored, to gain evidence for further breaches of planning control. Licensing are currently prosecuting for failure to comply with license conditions, court date expected soon.. 19/07/2012 Case in court, pleaded guilty, £50 fine surcharge £15 costs £75. 20/03/2012 – Files with prosecution awaiting court date. 17/2/12 – Evidence for prosecution obtained &amp; being prepared for Litigation. Letter sent 14/12/11 warning non-compliance with EN will lead to prosecution. 10/10/11 – Enforcement Notice issued. Takes effect 14<sup>th</sup> November and requires compliance with planning permission by 14<sup>th</sup> December or prosecution will follow. 13/06/11 - Work still to be completed for new EN's. Expect to be served by end of August. 22/3/11 –</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				Decided that new enforcement notices to be served due to info from Licensing that person named as licensee has changed. Cannot prosecute former licensee, work towards this to begin asap. Appeal against refusal of planning permission to allow hours extension dismissed. 04/01/2011 Case meeting towards prosecution to be arranged before the end of February. 20/09/10 Premises in breach of TSN and BCN. Prosecution file being prepared in conjunction with Licensing
27	Old Whitelow Farm, Old Whitelow Lane.	Re-construction of a demolished redundant farm building	30/07/08	<b>11/07/2013 – No recent progress, however meeting arranged for mid-August with litigation.</b> 16/04/2013 – In the process of setting up a case meeting with legal department. 12/02/13 – No new applications have been received, advice being taken from legal services with regard to the number of possible uses at the property and the possible re-instigation of an historic enforcement notice. 4/07/2012 – Meeting held in office to go through all evidence collected with the owners'

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>architects. 20/03/2012 – Application 08/04373/FUL refused with Enforcement Action authorised. Site meeting arranged with owner for 24/4/2012 to discuss other outstanding issues. - 13/01/2012 – Land Ownership issues delaying application process. Meeting to take place with litigation and other legal teams by mid- Feb 2012.</p> <p>05/08/08 – Planning application submitted going through process. 31/07/08 – TSN served. Owner informed that no further works are to take place.</p>
28	Norfolk Arms Public House, Ringinglow Village	Unauthorised fume extraction and Lighting Columns.	19/05/08 & 21/09/09	<p><b>11/07/2013 – Discussed with legal services, prosecution to proceed, paperwork being prepared.</b> 16/04/2013 – Awaiting new applications, lighting columns still in place. 12/02/13 – Discussions taking place with owners regarding replacement lighting to car park and the installation of a new extraction system. Site to be monitored for compliance with notice</p>



NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				Columns should be removed by 28/3/2013. 5/11/12 – Inspectors decision, appeal dismissed and the owner now has 16 weeks to remove the unauthorised lighting columns. 1/11/12 Appeal site visit arranged. 15/06/2012 – Appeal ongoing statement submitted.8/6/2012 Appeal received in connection with the lighting columns.18/04/2012 – Listed Building Notice and Enforcement Notice served on all parties with an interest.

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## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Director of Development Services

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**Date:** 23 July 2013

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**Subject:** Enforcement Report

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**Author of Report:** Lee Brook

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

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### **Reasons for Recommendations:**

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

### **Recommendations:**

That members note the current progress on actions

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### **Background Papers:**

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**Category of Report:** OPEN

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**UPDATE ON LIVE ENFORCEMENT CASES IN WEST AND NORTH AREA FOR QUARTER ENDED end of JUNE 2013(Q1)**

**Report abbreviations**

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

**ITEMS IN BOLD TYPE INDICATE CHANGES SINCE LAST REPORT**

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
1.	4-8 Wadsley Lane,	Former shops on the site are part demolished, overgrown with vegetation and a danger to the public.	27/2/13 (delegated authority)	<b>The site has been screened with fence, painted green as acceptable alternative to what was required in the S215N. No further action required.</b> S215N served 4/3/13 requiring works to alleviate the eyesore property.

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
2.	Rear of 7 Southey Hill	Use for motor Vehicle Repairs	04/12/12	<b>Visit confirms use stopped. No further action required.</b> The use is reported to have ceased. Site visit to be carried out to check Jan 2013.
3.	Land adjacent to 4 Mowson Hollow	Timber Building used for store / studio	13/11/12	<b>EN served 15/2/13 &amp; appeal lodged - outcome awaited.</b> Jan 2013, details sent to Legal Services for service of EN requiring removal of building, EN expected to be served by 1/2/12.
4.	52-54 Church Street, Oughtibridge	Unauthorised refrigeration unit fitted to rear of shop.	23/10/12	<b>EN served 12/12/12. Joint appeal against EN &amp; refusal of PP. Appeal allowed in part in that PP was granted by the Inspector for alternative siting of the equipment with sound attenuation measures included &amp; dismissed in part in that the Inspector agreed that the existing unauthorised equipment should be removed from present position. Removal of unauthorised equipment expected by 23/7/13.</b> Application ref. 12/02621/FUL refused with

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	Church Street continued from p.2			enforcement authority. EN served 12/12/12 & appeal lodged 14/1/13 against that EN, appeal in progress.
5.	Land between 12 & 14 Cooks Wood Road	Unauthorised Use of Land for storage of damaged vehicles & erection of 2m high fence and gates	31/7/12 & 21/8/12	<b>Both EN's complied with in full, use stopped, cars cleared and fence removed. No further action required.</b> Prosecution file prepared and case in court on 20/2/13. Also new 2 <sup>nd</sup> EN served requiring removal of the fence and gates. EN & STOP NOTICE served 13/6/12 & it came into effect 14/9/12 requiring unauthorised use for storing vehicles to cease by 12/10/12. Majority of vehicles have been removed but EN not fully complied with so reminder letter sent to owners warning of prosecution unless quick compliance (deadline 18/11/12).
6.	Land adjacent to 2A Stanley Road, Burncross	Change of use to Residential Curtilage & storage & associated works, including fence & gates.	13/9/11	<b>23/6/13, work stalled again, considering prosecution.</b> 31/7/12 – earth bank part restored, work ongoing. Fence erected to separate Land from house, container

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	Stanley Road contd from p.2			removed so that work can start of re-contouring. Officers have met with owner 6/3/12 & agreed a course of action for satisfying the EN with owner. EN served, took effect 14/11/11- requires use as house curtilage & storage to stop, removal of container & any stored plant & removal of metal fencing & gates by <u>5/3/12</u> .
7.	51 Thompson Hill	Unauthorised Erection of 1 <sup>st</sup> floor extension to rear of house – ref.11/01679/FUL	2/8/11	<b>03/07/13 – Works are ongoing &amp; are near completion for amended scheme under approved 12/03865/FUL.</b> 25/10/12 meeting held with owner & it was agreed that Council would consider amended proposal, which was submitted 11/12/12. 12/03865/FUL now under consideration at Jan'13. Appeal dismissed. Inspector extended compliance period to 4 months giving owner until 2 <sup>nd</sup> January 2013 to comply with EN. PP refused 2/8/11. 6 months given, (from 2/2/12) to owner to alter extension / comply with PD limits. Work not done – EN served 2/4/12



NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	51 Thompson Hill contd from p4			requiring extension to be altered to PD limit by 17/7/12. Appeal lodged against EN.
8.	183 Fox Street	Broken & boarded front ground floor window to terraced house.	10/5/11	<b>10/07/13 - Quotes for works being sought from 3 different sources to cost up the work.</b> Direct action after 31/8/12 if S215N still not complied with by that date. Not complied with at 31/1/12, considering options of prosecution or direct action. S215N served 11/5/11 requiring new window by 1/8/11 following failed negotiations since 1/12/10. The street is otherwise well kept & tidy & although wouldn't usually use s215 for this type of low level problem, in this case it is justifiable.
9.	Former Ritz Social Club, Southey Green Road	S215 – Empty building in state of disrepair in a prominent position.	13/7/12	<b>Building demolished. NFA required.</b> S215 Notice served 1/8/12 requiring demolition of building & clearance of site. Demolition of building began Dec 2012.

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
10	290-308 Pitsmoor Road	(1) Use of Ground floor for retail shop, 1 <sup>st</sup> & 2 <sup>nd</sup> floors as HMO, (11/00050/FUL refused) (2) Canopy to front of Shop refused PP	19/4/11	<p><b>July '13 - EN proposed regarding discharge of conditions of 11/00050/FUL as agent pulled out and no sign of progress.</b> 31/10/12. Officers talking with agent regarding discharge of conditions before application submitted for same. 31/7/12. Discharge of conditions application being prepared for this PP. New application 11/01912/FUL to improve the scheme taking account of reasons for refusal of HMO/Shop, (amendment to refusal of broadly similar scheme ref.11/00050/FUL), was granted conditionally 11/8/11. Shop and HMO now has PP.</p> <hr/> <p>11/03370/FUL now granted 3/1/12, implementation will superseded the EN. EN not complied with at 30/12/12. Holding back from prosecution for time being due to new application 11/03370/FUL for alternative canopy to the one built. EN served 8/6/11, took effect 13/7/11 &amp; enquires removal of canopy by 31/8/11.</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
11	Youth Club Building, Burgoyne Road,	Non payment of planning obligation monies £10,897.40 in relation to 05/00551/FUL. Change of use taken place and flats now occupied	25/1/11	<b>July 2013 - Litigation still pursuing original owner who signed the s106. Legally the new owner cannot be sued. Solicitors are examining ownership to decide who to pursue for the money.</b> 06/04/11 Developer Mr Dempsey still owns the site. Case with litigation and prosecution next step to be considered.
12	1, 2, 3 and 4 Pheasant Lane, Ewden Village (also see case no.11)	Four unauthorised houses (not in compliance with PP 05/04528/FUL) New PP 11/03443/FUL for 4 bungalows dated 24/1/12	23/11/10 & 24/1/12	<b>The unauthorised section of no.3 now demolished day before court hearing. All 4 houses in compliance with EN requirements. NFA required.</b> Summons sent for Initial Court hearing set for 20/2/13, (no.3 only). Houses at nos. 1, 2 and 4 are no longer in breach of the EN's. 4/10/12 – Legal proceedings begun / prosecution statement sent to Litigation in relation to no.3, which has not been removed from its incorrect footprint position as deadline set in the letter 30/5/12 passed without any progress on site. 20/6/12 – Owner has agreed to adhere to original 2m

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	Ewden Village continued from page 7			<p>separation between <u>nos.3</u> &amp; 4 &amp; has submitted plans to show this. Also it appears that the letter sent 4/5/12 was not received by owner, so a new letter dated 30/5/12 sent given deadline of 31/8/12 for no.3 to be altered in accord with PP before legal proceedings begin. Applic 12/00769/FUL for <u>no.3</u> can now be considered with an amendment. It will involve taking down part of house and rebuilding it closer to no.4- because the external appearance will be different it requires new PP. New PP granted 24/1/12 ref11/03443/FUL for 4 bungalows instead of 4 houses. Letter 4/5/12 sent to owner requesting that implementation must begin without delay or in the alternative the EN must be complied with without delay. Following this letter, nos. <u>1, 2 &amp; 4</u> were reduced in height during Feb &amp; March in accord with this new PP &amp; they are each in their correct footprint positions. No.3 has been reduced in height to one storey &amp; then work has stopped mid March so that</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	Ewden Village continued from page 8			<p>no.3 remains in wrong position 6.5m away from no.4 instead of the approved 2m separation. An application was submitted 12/3/12 for no.3 (ref 12/00769/FUL) to regularise this position but officers have written to the agent refusing to consider that application (this is allowed by the Planning Act in certain circumstances, which now apply here). The letter also insists that no.3 be demolished (it can be built in accord with plans under 11/03443/FUL - 2m from no.4). A couple of weeks to be allowed for a response There should be a clear direction identified by 10/4/12 if not – Legal Services will be instructed to prosecute for failing to comply with the EN as it applies to no.3. Appeals, dismissed 18/7/11 &amp; EN's upheld but a longer compliance period of 6 months was given by the Inspector to demolish all 4 houses. Compliance is now required by 23/1/2012, (Appeal hearing 21/6/11). <u>No.1</u>- EN's &amp; STOP NOTICE's served 24/11/10. Requiring demolition of 4</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	Ewden Village continued from page 9			houses as they are unacceptably larger than approved – take effect 29/12/10 & give 4 weeks to comply. <u>Nos.2, 3 &amp; 4</u> - EN & STOP NOTICE served 9/12/10, requires demolition of houses – Takes effect 12/1/11, 16 wks to comply, (4 houses/4 wks per house), expires 4/5/11
13	Parker's Yard, Stannington Road	Unauthorised use as self storage & metals recycling facility. 09/02757/CHU refused PP.	10/6/10	<b>At July 2013, the lease is still being actively negotiated for the Pearson Forge Site, but it remains unsigned due to difficulties on the seller's part.</b> The business is overcoming problems with their bank & with the vendor for the site due to the economic climate but progress is being pushed by the company, albeit slowly due to increasing demands being asked of them. The company is determined to resolve this. 18/7/12, still delayed by solicitors, expecting contract sign for Pearson Forge soon. 1/3/12, Land contamination survey completed awaiting results of analysis, (takes 4-6wks =approx

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	Parker's Yard continued from p10			10/4/12). Owner reports on 28/3/12 there shouldn't be further obstacles if analysis shows the land is ok. Business owner continues to update officers with progress reports. Work on site now likely to be later, March, due to owners Bank requiring more info on structural stability of site buildings & land contamination. Relocation to new site - the legal process begun & discharge planning conditions also taking place now. Initial estimate is mid Dec'11 for work on site to begin at Pearson Forge. Alternative site that would be suitable for relocation of business identified & 11/01953/CHU granted 13/9/11 for former Pearson Forge at Livesey St. Appeal against EN was dismissed 14/3/11; new compliance period ends 2/7/11. EN served requiring uses to stop by 20/4/11. Appeal against refusal (09/02757/CHU) dismissed.

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
14	Land south of 4 Pheasant Lane, Ewden Village, off New Mill Bank (also see case no.9)	Siting of a Log Cabin Style Building for use as Living Accommodation	16/3/10	<p><b>Court hearing adjourned to 7/5/13 on an agreement that EN would be complied with by 3/5/13 &amp; that agreement was honoured by the owner. The living accommodation was removed 6/5/13. Case closed, no further action required.</b></p> <p>Initial Court hearing set for 20/2/13.  4/10/12 – Prosecution Statement sent to Litigation as deadline set in the letter 30/5/12 passed without any progress on site The building remains in position and occupied by a tenant. 25/6/12 - No progress since April on completing one of the houses in case 13, which has knock on implication for occupier of this unauthorised living accommodation. Deadline of 31/8/12 given to remove building or legal proceeding will begin. The owner stated 14/3/12 that either no.1 or no.2 (item 9 above) can be completed for the tenant currently living in this cabin, which can then be removed as per the EN. EN not complied with at March 2012 but not to be prosecuted until the cases above</p>



NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	Pheasant La continued from page 12			at item 9, 1-4 Pheasant La are resolved, which should result in at least one house being built in accord with the fall back position of one of the PP's. The cabin is occupied by the tenant of one of the demolished huts (that is now the appeal site of 4 Pheasant La, item 12 & therefore she would be homeless if the EN was successfully prosecuted. Other personal circumstances make it inappropriate to prosecute at this point. EN served 29/3/10 requiring removal of living accommodation, concrete base, gas storage tank & shed & to restore land, the living accommodation is currently occupied & compliance required in 56 weeks-by April 2011.
15	Dial House Club, Far Lane / Ben Lane	Non-compliance with conditions attached to PP04/04797/FUL, Cond 2-materials for external surfaces, C3-design details for new apartment building, C4-	15/12/09 (delegated authority)	<b>Development nearing completion at July 2013.</b> PP being implemented at 26/9/11, so BCN now complied with. Work began March 2011. Meeting inc developer, officers & Members was held in Dec'10 & a promise to start work along

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	Dial House continued from page 13	landscaping for grounds, C6-highway access & finishes to frontage, C8-pedestrian access to new bowling green, C9-new pavilion details, C10-bowling green maintenance.		agreed lines was made to start Jan'11. Discharge of conditions agreed in principle with applicant at meeting 6/8/10 subject to submission & approval of application. BCN served 21/12/09. Details for each condition required by 29/3/10.



## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Director of Development Services

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**Date:** 23 July 2013

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**Subject:** Enforcement Report

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**Author of Report:** Khalid Mahmood

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

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### Reasons for Recommendations:

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

### Recommendations:

That members note the current progress on actions

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### Background Papers:

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**Category of Report:** OPEN

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

### Report abbreviations

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

### ITEMS IN BOLD TYPE INDICATE CHANGES SINCE LAST REPORT

NO	SITE	BREACH	DATE OF BOARD RESOLUTION/ DELEGATED AUTHORITY	CURRENT SITUATION
1.	17 Fielder Mews, S5 6GY	Unauthorised single storey extension	08/04/13	<b>03/07/13 – New PD rules came into effect before EN could be served. Currently PD, however neighbours are being consulted and will report findings back to Committee.</b> 15/04/13 – EN being prepared.
2.	104 Stafford Road, S2 2SF	Unauthorised conservatory	25/02/13	<b>03/07/13 – Appeal has been made against the EN.</b> 04/04/13 – EN has been served on 19/03/13, takes affect 22/04/13 – 8 weeks compliance period.

3.	Steel House, 53-59 West Street, S1 4EQ	Unauthorised Use of premises as a night club	25/02/13	<b>03/07/13 – New application has been submitted (Invalid).</b> 15/04/13 – Letter asking to stop the unauthorised use and a S330 Notice has been served.
4.	35-39 Southend Road, S2 5FS (Former Windsor Hotel Public House)	Unauthorised formation of self contained flats at first floor level	04/02/13	<b>03/07/13 – Planning permission has been granted and work is being carried out to comply with conditions.</b> 12/04/13 – PCN has been served asking for further information regarding the first floor flats. 12/02/13 – New planning application (13/00207/FUL) has been submitted with alternative proposal and is currently Invalid. Letter has been sent asking for further information to validate application.
5.	11 Holywell Road, S4 8AR	Unauthorised use of premises for skip hire	14/01/13	<b>03/07/13 – EN and SN currently being complied with – Monitor site.</b> 23/01/13 – EN and SN served (17/01/13) – Monitor Site – Currently complying with SN
6.	326 Granville Road, S2 2RT	Unauthorised creation of hard standing surface at the front of property	14/01/13	<b>03/07/13 – Work has been carried out and to make the hard standing acceptable – NFA</b> 04/04/13 – Work being carried out to make the hard standing acceptable. 23/01/13 – EN served on 05/02/13
7.	Alma Street, Sheffield, S3 8SA	Unauthorised Car Park	17/12/12	<b>03/07/13 – Awaiting decision from Planning Inspectorate.</b> 04/04/13 – An appeal has been made against the EN. 25/01/13- EN served 24/1/13 - Compliance period is 28 days from when the notice is served

8.	Former William Bros (Sheffield) Ltd, Green Lane, Acorn Street and Dunfield, Sheffield S3 8SF	Untidy Land – derelict building in a state of disrepair	21/11/12	<b>02/07/13 – Work has been completed – NFA</b> 04/04/13 – Works in default have started. 29/01/13 - S215 Notice has been served. Still within compliance period.
9.	Land Adjacent The Old Dairy 8, White Lane, Gleadless, S12 3GB	Unauthorised erection of summer house decking area and climbing frame and the unauthorised use of land for domestic curtilage	05/11/12	<b>03/07/13 - Case with the Planning Inspectorate.</b> 04/04/13 – An appeal has been made against the EN. 23/01/13 – EN has been served (14/12/12) and an appeal has been made.
10.	64-68 Wicker, S3 8JD	Unauthorised erection of flues at rear of 64 and 66 Wicker, unauthorised erection of first floor rear extension and railings at 66 Wicker and the unauthorised erection of rear extension, steps, railings and the creation of an entrance door at the side of 68 wicker, and untidy appearance of the side elevation of 68 Wicker.	05/11/12	<b>03/07/13 – Some of the required works have been carried out, a planning application has also been submitted to regularise the other works. A prosecution file has also been prepared and sent to litigation with a view that if all works are not carried out or if the applications are refused then the matter will be presented to court without delay.</b> 04/04/13 – EN’s and S215 have not been complied with, a site meeting has been arranged to discuss what needs to be done to comply with these Notices. Prosecution file is also being prepared and will be passed to litigation. 23/01/13 – EN’s have been served on 4/12/12 and a S215 Notice has also been served on 68 Wicker. Compliance period 3 months from when the notice was served.
11.	28 Ebenezer Street, Sheffield S3 8SR	Untidy Land – derelict building in a state of disrepair	29/10/12	<b>03/07/13 – Planning application (13/01940/FUL) has been submitted - invalid.</b> 04/04/13 – S215 Notice has been served on 29/10/12 – Owner currently negotiating pre-app for residential on site.

12.	44 Fellbrigg Road, Sheffield, S2 2GX	Unauthorised erection of a timber storage building at the front elevation of the property	13/08/12	<b>03/07/13 – File has been sent to litigation.</b> 04/04/13 – Prosecution file being prepared. 25/01/13 – EN has been served needs to be complied with before 16 Feb 13.
13.	255 Glossop Road, S10 2GW	Unauthorised fume extraction system	23/07/12	<b>03/07/13 – Planning application has been granted with conditions – Condition 1 - asking for the flue to be replaced within 6 weeks from decision. To date the condition has not been complied with and the matter is being reported to prosecution.</b> 04/04/13 – Planning and Listed Building application (12/03919/FUL and 12/03920/LBC) have been submitted and under consideration for alternative scheme. 29/10/12 – EN has been served and took effect on 26/10/12 and needs to be complied with before 26/01/13.
14.	361 Staniforth Road, S9 3FP	Breach of Condition (02/02562/CHU) Condition 2 – use of building within 7am and 7pm Condition 3 – cooking facilities and Condition 6 provide a receptacle for the disposal of litter.	30/01/12	<b>03/07/13 – The application still remains invalid the architect has had bereavement in family therefore not been able to submit required details, however assurances have been given that they will be submitted asap.</b> 04/04/13 - A retrospective planning application (12/03059/FUL) has been received to retain the current use. Currently it is Invalid – the Architect has assured Officers that the required information will be submitted within next 2 weeks. Awaiting further information. Any further enforcement action is to be held in abeyance until the outcome of the decision.



15.	Site Of Richardsons Cutlery Works, Alma Street and Cotton Street, S3 8SA	Unauthorised demolition of boundary wall	10/04/12	<b>03/07/13 - EN served (16/06/12) and has been appealed against, awaiting Planning Inspector's decision.</b>
16.	44 Woolley Wood Road, S5 0UG	Unauthorised use of garden for the storage of scrap metal in connection with scrap metal business	10/04/12	<b>03/07/13 – No further breach monitor site.</b> 29/10/12 – Advice from Solicitor is that there is not enough evidence to prosecute at this time. Monitor site.
17.	272 Glossop Road, S10 2HS	Unauthorised cooling fan at rear of property	20/12/11	<b>03/07/13 – A letter has been sent asking to remove the unit before August 2013.</b> 11/02/13 – Appeared in Court on 31/01/13 pleaded guilty and was given a conditional discharge. Reminder letter to be sent asking to remove unit within 6 months. 19/12/12 and he asked for adjournment, was adjourned until 31/01/13 .29/10/12 – Prosecution file has been prepared and is currently with litigation. 02/07/12 – EN notice served on 10/02/12 and took effect on 16/03/12 – 2 month compliance period. EN not complied with.
18.	Former Foundry Worker's Club and Institute, Beaumont Road North, Sheffield, S2 1RS	Untidy Land – Derelict building in a state of disrepair	11/12/2011	<b>03/07/13 – Currently in the process of pursuing 'enforced sale' of the site.</b> 29/01/13 - The derelict building on the edge of the Harborough Lower Manor Estate was demolished by appointed contractors early in April 2012 following non-compliance with a section 215 notice. The demolition was funded by the Local Growth Fund to un-lock the site and make it viable for re-generation and development.

19.	Craggside, Eckington Rd, Beighton	Non payment of planning obligation monies, £7,323. Planning application 07/01057/FUL. Development complete.	20/12/10	<b>10/07/13 – Recent correspondence between applicant’s solicitor and our litigation team. Hopeful of resolution shortly.</b>
20.	1 – 17 Elmview Road, Wincobank	Unauthorized use of land situated at Elmview Road for breaking motor vehicles, siting of shipping containers and used vehicle parts	07/02/2011	<b>04/07/13 – No activity at the property over the last few months – Monitor site.</b> 11/02/13 – It appears that breaking of motor vehicles has stopped, however the land is still being used to store/park damaged vehicles and the shipping containers have not been removed. Monitor site over the next few months.
21.	1 Lumley Street, S4 7ZJ	10/02698/FUL non compliance with conditions 2 – development in accordance with approved plan 3 Approved fence to be in place by 30 November 2010. 4 New access. 6 stopping up redundant access	07/02/2011	<b>03/07/13 – Litigation file has been prepared and sent to solicitors for prosecution.</b> 15/04/13 – A letter is being prepared by litigation and will be sent shortly. 25/01/13 – New BCN has been served and to date it has not been complied with. A prosecution file is being prepared and will be passed to litigation. 29/10/12 – After several discussions with owner have failed a new BCN is being prepared and will be served shortly.
22.	Land at 29 Garden Street	Non payment of planning obligation monies £155,119.80 secured in relation to 07/01148/FUL. The development has only reached excavation.	20/12/2010	<b>10/07/13 - New planning application (13/00576/FUL) which will supersede this case as soon as revised scheme starts on site.</b> 12/11/12 – Discussions with new owner re-commenced. The approved scheme unlikely to proceed and will be replaced by a new permission.

23.	40 Woolley Wood Road, S5 0UH	Unauthorised Business Use – Using garden as storage and breaking of scrap metal - The unauthorised use of highway between 36 and 46 for the open storage of scrap metal and the storage and parking of commercial vehicles and trailers. - Unauthorised use of premises for the storage and hire of skips	15/02/10, (Storage and Parking of Commercial Vehicles )10/04/12 and on (Skip Hire)14/01/13	<b>03/07/13 – All the EN's are being complied with - Monitor site.</b> 25/01/13 – EN and SN served (17/01/13) in relation to the skip storage and hire. – Monitor Site – Currently complying with SN. 06/11/12 – After discussions with the litigation solicitor it has been determined that we will not be able to enforce against the non compliance of the EN served on 13/04/12 relating to commercial vehicles parking in the highway, this is because it would be almost impossible for the Local Authority to prove that the land (highway) is in the control of the recipient of the EN. The planning service has done what we can and at this time can not take any further action regarding the parking of commercial vehicles on the highway. A multi agency approach to tackling the problem is being pursued.
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24.	484 Staniforth Road	Unauthorised roof extension	25/01/2010	<p><b>03/07/13 – The cost of works is being explored and will be reported to the banks. Possible direct action by SCC also being considered.</b> 04/04/13 – No solution offered by the owner, contact to be made in the next few weeks with the lending bank to see if it can assist in resolution. 11/02/13 – In discussions with owners (including mortgage provider) to find a resolution. 29/10/12 – The owner has said that he cannot afford to carry out the works required in the notice a meeting has been arranged with owner to discuss a plan of action. 02/07/12 – Letter sent on 11/05/12 reminding the owners that work needs to be carried out before 10/12. 02/04/12 – Monitor site until 10/12 for compliance. 13/01/12 – The owner cannot afford to carry out the works, extra 12 months given to comply with EN – check 10/12. 11/10/11 – Letter sent to owner giving two months to comply with EN or 2<sup>nd</sup> prosecution will begin. Work has not started yet. Trying to arrange site meeting with owner to clarify what is required. 08/07/11 – Fined £200 + 100 costs, reminder to be sent to comply with EN. 20/01/2011</p>
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25.	Former Club House Mosborough Miners Welfare Ground, Station Road, Mosborough, S20 5AD	06/04738/FUL - Breach of Condition 2,3,4,8,9,15,20 and 23	29/06/09 Authority for legal action 16/03/2009	<p><b>28/06/13 – Given that no recent complaints have been received and that the property is not being used. It is determined that at this time not to take any further action. However, the property will be monitored and if it comes back into use or if a complaint is received regarding the landscaping then action will be taken - NFA 04/04/13 –</b></p> <p>Application 11/00865/FUL has been abandoned – the property is currently not being used, site visit to be made to assess level of harm by none compliance of conditions. 25/01/13 – Application pending consideration. 05/07/11 – New application has been submitted (11/00865/FUL). 22/03/11 landscaping needs to be completed before end March 2011, Monitor site. 14/09/10 Planning permission (10/01260/FUL) has been granted for alterations to building. Monitor Site for compliance with landscaping condition. 30/06/10 – New application has been submitted. 29/03/10- New application to be submitted for alterations to building. 06/01/10- Found guilty fined £500 and costs – letter sent asking to comply with notice or will be prosecuted again. 12/10/09 – Owner pleaded not guilty court case has been adjourned until 5 November 2009. 17/07/09 – Authority granted for legal action. File with litigation. 15/06/09- Preparing prosecution file. 16/04/09- Notice issued on 16/03/09</p>
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26.	Adjacent to 5 Tansley Drive, S9 1LH	(09/02065/FUL) - Breach of condition 4 and 5 – landscaping	02/03/2009 (Breach of Condition - 22/05/2013)	<b>03/07/13 – BCN has been served on 03/06/13 compliance period 28 days. Work has started on site to comply with condition – Monitor.</b> 04/04/13 – Assurances have been given by the owner that the planting will take place in the next few weeks. 13/02/13 – Assurance have been given by the architect that work will be carried out in the next few weeks. 06/11/12 – Work has started and the weeds etc have been cleared. 25/07/12- Architect to remind owners to carry out landscaping. 02/04/12 – No work has been carried out yet - monitor site.
27.	Jacosa, 141 West Street, S1 4EW	Unauthorised Roller Shutters	13/10/2008	<b>03/07/13 – Reminder has been sent to the new occupiers asking that the EN is complied with. To date the EN has not been complied with. A prosecution file is being prepared.</b> 04/04/13 – S330 Notice to be served in the next few days to establish new owner/occupier details. 25/01/13 – The occupier has changed again and currently in discussions with new occupiers in trying to resolve this issue.



## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Director of Development Services

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**Date:** 23 July 2013

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

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**Author of Report:** Claire Woods 0114 2734219

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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 PLANNING &  
HIGHWAYS COMMITTEE  
23 July 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

An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for alterations and extension to roof to form rooms in roof space, including a rear dormer window and a side dormer extension to dwellinghouse (As amended drawing 537/PL/101 A received 14/05/2013) at 43 Brooklands Avenue (Case No 13/01179/FUL)

An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for alterations to existing chapel to form 12 flats at Woodhouse Trinity Methodist Church, Chapel Street, Woodhouse, Sheffield, S13 7JL (Case No 12/01336/FUL)

An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the erection of a dwellinghouse (Amended drawings dated 24 May 2013) within the curtilage of 107 Whirlowdale Road Sheffield, S7 2NF (Case No 13/01304/FUL)

An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission and listed building consent for the demolition of timber sheds and erection of outbuilding for use as ancillary office accommodation and storage (As amended plans received 10/05/13) at Stoney Croft Cottage, Midhope Hall Lane, Sheffield, S36 4GP (Case No's 13/00718/FUL and 13/00909/LBC)

### 3.0 APPEALS DECISIONS - ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for Flat 2, The Elms, 11A Collegiate Crescent, Sheffield, S10 2BA, has been allowed (Case No 12/02437/FUL)

Officer Comment:-

The Inspector identified the key issue to be the effect of the proposal upon the living conditions of neighbouring residents, with particular reference to

outlook, daylight and sunlight.

He noted the proposal would be clearly visible from the kitchen window of a neighbouring flat but was mindful of the existence of a similar structure previously. He did not consider that the presence of parked cars directly outside the kitchen window would result in a harmful relationship, noting that parking already occurred in this general area. He states that in reaching this conclusion he has given weight to the specific support for the proposal from the occupier of the flat.

He acknowledged some partial loss of light to a bathroom window but was not convinced this would be detrimental to living conditions, given the nature of the room it serves.

The Inspector therefore concluded that despite the size of the staircase, in close proximity to windows serving the ground floor flat, the size, scale and siting of the proposal would not significantly harm the living conditions of residents. Neither due to its location at the rear of the property would it impact adversely on the character of the Broomhall Conservation Area. He therefore allowed the appeal.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning consent for single-storey front extension to dwellinghouse at 19 Hibberd Place, Sheffield, S6 4RF, has been allowed (Case No 13/00510/FUL)

Officer Comment:-

The main issue identified by the Inspector was the effect of the proposed extension on the character and appearance of Hibberd Place.

The Inspector noted that there are a variety of dwelling types and styles including detached, semi-detached and terraced houses in the street and the appeal site is within a terrace of 5 houses, set back from the road by 7 metres.

The proposed extension would project 3 metres from the front elevation and have a width of 2.6 metres with stone walls and a pitched tile roof to match the existing house.

The Inspector was of the view that there is no clear building line along the street, that there is no clearly established character nor a unified appearance along the road and the current uniformity of the front elevation of the terrace is not a critical factor in the overall character and appearance of the road. The proposed extension was not considered to be prominent in the street scene.

For these reasons, the Inspector concluded that the proposed extension would not be harmful to the character and appearance of Hibberd Place and would not conflict with UDP policy H14

(iii) To report that an appeal against the delegated decision of the Council to refuse planning consent for single-storey rear extension to dwellinghouse - resubmission of planning application 12/02625/FUL at 49 Cairns Road,

Sheffield, S10 5NA, has been allowed (Case No 13/00484/FUL)

Officer Comment:-

No 49 Cairns Road is a semi-detached property. The unattached neighbouring house, No.47, is at a lower level than 49 by approximately 1.5 metres and its rear elevation is set back 3 metres from the rear elevation of the appeal property. The proposed extension would project 4 metres from the rear elevation of No 49 and be the full width of the dwelling with a monopitch roof rising from eaves level at 2.7 metres to a height of 3.5 metres.

The Inspector considered the main issue to be the effect of the extension on the living conditions of the occupiers of No 47 Cairns Road by way of light and outlook.

An earlier proposal at No 49 for a 3 metre projecting extension with a flat roof was found to be "Permitted Development"(PD). This was considered to be a significant "fall-back " position

The appeal proposal would project 1 metre further than the extension that would be PD, have a pitched roof which was considered to have a less obtrusive profile and be more sympathetic to the host building. The Inspector considered that the additional 1 metre projection would be compensated for by the reduction in height towards the southern end of the extension and would result in no additional loss of light when compared with the PD extension.

The Inspector did not consider the guidance contained in our "Designing House Extensions" Supplementary Planning Guidance (SPG) was relevant in this case.

In conclusion, the Inspector did not consider that there would be a significant harm to living conditions in the neighbouring property and so allowed the appeal.

An application for costs was made and allowed.

In this respect, the Inspector considered that insufficient significance was given to the available "fall-back" position and no evidence provided to establish a significant loss of light to the neighbouring property. Reference was made to our SPG but as the site circumstances were not identical to the guidance, the reference to the SPG was considered to be inaccurate. This was considered unreasonable and so costs were awarded.

(iv) ) To report than an appeal against the decision of the Council at its meeting of 5 November 2012 to refuse planning consent for demolition of buildings on Plots 3 and 4, erection of a retail unit including garden centre, car dealership and drive-through coffee shop and provision of associated car parking accommodation on Plot 5 and partial removal of embankment and stockpiling of soil of plots 3 and 4 at Land And Buildings At Meadowhall Way, Meadowhall Drive, Vulcan Road And Weedon Street Sheffield S9 2FU (Case

No 12/01017/FUL)

Officer Comment:-

Permission was refused for the following three reasons.

1. There is a sequentially preferable site on the edge of the city centre at Moorfoot.
2. It would undermine investor confidence in key city centre retail schemes.
3. It would be contrary to policies CS 7 and CS14 which seek to maintain Meadowhall around its current size and resist major non-food retail development outside the City Centre's Primary Shopping Area and District Centres and their edges.

Members will recall that although the scheme included car dealerships and a Costa Coffee outlet it was only the Next Homeware store which was considered to be unacceptable. Following legal advice the Council did not defend the second reason for refusal as SWIP (The Moor developer) advised that circumstances had changed since the decision was made and they would not be able to provide evidence to support the Council's case that the proposal would undermine investor confidence.

The inspector considered the main issue was whether the proposal would accord with the relevant development plan policies relating to the city-wide distribution of shopping, and development at Meadowhall, and with the sequential approach to the provision of retail uses set out in the National Planning Policy Framework (NPPF).

The appellant argued that the Council's policies are out of date, do not accord with the NPPF, and should be given no weight in determining the application. The inspector rejected this argument and confirmed that the Council's policy on Meadowhall and the priority given to the City Centre should be given weight. He accepted that both CS7 and CS14 can be considered as up-to-date provided they are applied in the context of the sequential and impact tests contained in the NPPF. This conclusion is important in terms of the status of these planning policies; however it suggests that there would also have to be some significant conflict with NPPF policy to justify resisting an application under these policies.

When assessing the proposal against these policies the inspector was not persuaded by the Council's argument that the proposal would be regarded as an extension or enlargement of Meadowhall. The shopping centre and Next store entrances would be 500m apart and the walking route would not be seen as particularly attractive. The emerging City Policies and Sites Development Plan Document defines Meadowhall Shopping Centre as within Meadowhall Way which does not include the appeal site. Therefore he concluded that the appeal proposal would not conflict with the policy requirement of both CS7 and CS14 that Meadowhall remains around its

current size.

With regard to sequential test and the Moorfoot site the inspector did not accept the Council's argument that this is an edge- of- centre site. The inspector stuck to the strict policy interpretation of edge-of-centre as being within 300m of the Primary Shopping Area as defined in the City Policies and Sites Development Plan Document. As the Moorfoot site is 430m from the Primary Shopping Area he concluded that it is an out-of-centre-site, as is the Meadowhall Site. However he did acknowledge that it is clearly better connected to the City Centre and therefore occupies a sequentially preferable location.

National planning policy dictates that for the Meadowhall proposal to fail the sequential test the Moorfoot site would have to be both suitable and available to accommodate the Next Homeware store. In terms of suitability the inspector has taken into account two court cases which have defined how the sequential test must be applied. He drew attention to a ruling in one of these cases that indicates that it is "whether the proposed alternative site is suitable for the development proposed, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site." The inspector concluded that to operate from the Moorfoot site Next would have to compromise its business model to an excessive and unreasonable extent which would be contrary to the court ruling referred to above.

The inspector pointed out that the Moorfoot site could only accommodate 3310 sqm of gross floorspace over two trading floors and a 400 sqm garden centre, as opposed to Next's minimum requirement as defined in the sequential assessment of 3500 sqm, (or the 4112 sqm and a 746 sqm garden centre which was submitted in the planning application). This would mean that significant components of their product range would have to be omitted. He also gave weight to Next's view that the Moorfoot location was not suitable for a standalone Next Homeware store as it would not be profitable enough for them and that this could mean that they might have to include fashion goods to boost its profitability, which would push them towards what they considered to be an inappropriate business decision.

The inspector also had doubts as to whether the Moorfoot site could accommodate an efficient layout for a Next Homeware store and he agreed with the applicant that the amount of car parking available at Moorfoot would be inadequate. The key issue is that, following the NPPF and the court rulings referred to above, greater emphasis is being placed on alternative sequential sites meeting the full business requirements of the applicant.

In terms of the availability of the Moorfoot site the inspector concluded that it could not reasonably be considered available for the Next proposal especially given their desire to be trading within 12 months of gaining planning approval. He was not convinced that financial terms could be agreed between SWIP and Staples to facilitate their relocation, which is a requirement of accommodating the Next Homeware store.

The inspector concluded that planning permission should be granted as;

- The proposal would pass the sequential test.
- It would not have an unacceptable impact on investor or retail confidence or the vitality and viability of the City Centre.
- It would accord with policies CS7 and CS14.
- It would constitute sustainable development.
- There are other benefits which arise from the proposal including, development of brownfield site at a gateway location with a well-designed scheme and the creation of 150 jobs in an area where local communities suffer high levels of deprivation and unemployment.

#### 4.0 RECOMMENDATIONS

That the report be noted

David Caulfield  
Head of Planning

*23 July 2013*