

Planning and Highways Committee

Tuesday 28 January 2014 at 2.00 pm

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

The Press and Public are Welcome to Attend

Membership

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

Substitute Members

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

PUBLIC ACCESS TO THE MEETING

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

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk. You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday, 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.

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

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

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

FACILITIES

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

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

**PLANNING AND HIGHWAYS COMMITTEE AGENDA
28 JANUARY 2014**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 1 - 4)
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 5 - 8)
Minutes of the meeting of the Committee held on 7 January 2014
- 6. Sheffield Conservation Advisory Group** (Pages 9 - 12)
Minutes of the meeting of the Committee held on 10 December 2013
- 7. Site Visit**
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 8. Applications Under Various Acts/Regulations** (Pages 13 - 108)
Report of the Director of Regeneration and Development Services
- 9. Enforcement of Planning Control: Rear of 33 and 35 Nottingham Cliff** (Pages 109 - 118)
Report of the Director of Regeneration & Development Services
- 10. Enforcement of Planning Control: 12 and 14 Crookes Road** (Pages 119 - 128)
Report of the Director of Regeneration & Development Services
- 11. Enforcement of Planning Control: 201 Chippinghouse Road** (Pages 129 - 136)
Report of the Director of Regeneration & Development Services
- 12. Quarterly Overview of Enforcement Activity** (Pages 137 - 142)
Report of the Director of Regeneration & Development Services

- 13. Quarterly Update of Enforcement Cases In the City Centre and East Area** (Pages 143 - 156)
Report of the Director of Regeneration & Development Services
- 14. Quarterly Update of Enforcement Cases In the South Area** (Pages 157 - 176)
Report of the Director of Regeneration & Development Services
- 15. Quarterly Update of Enforcement Cases in the North Area** (Pages 177 - 188)
Report of the Director of Regeneration & Development Services
- 16. Record of Planning Appeal Submissions and Decisions** (Pages 189 - 192)
Report of the Director of Regeneration and Development Services
- 17. Date of Next Meeting**
The next meeting of the Committee will be held on 18 February 2014

ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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.

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

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in

land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or

- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously, and has been published on the Council's website as a downloadable document at -<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

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Planning and Highways Committee

Meeting held 7 January 2014

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 press and public.

3. DECLARATIONS OF INTEREST

3.1 Councillor Bob Johnson declared an interest in an application for planning permission for the demolition of outbuildings and the erection of a single-storey rear extension to Hillsborough Trinity Church, Middlewood Road (Case No. 13/03518/FUL) as he had spoken to residents and a representative of the church in respect of the proposed development and he left the room prior to consideration of the item and took no part in the discussion or vote on the item.

3.2 Councillor Janet Bragg declared an interest in an application for planning permission for the demolition of outbuildings and the erection of a single-storey rear extension to Hillsborough Trinity Church, Middlewood Road (Case No. 13/03518/FUL) as she had attended a meeting at the Church in respect of the proposed development, but had not taken part in the discussion and would participate in its determination as she had not predetermined her views on the application.

3.3 Councillor Bob McCann declared an interest in an application for planning permission for the erection of 6 apartments in a two-storey building with parking at the lower ground level at Norton Church Hall, Norton Lane (Case No. 13/03363/FUL) as the proposed development was located in his Ward, but stated that he would speak and vote thereon.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the meeting of the Committee held on 17 December, 2013 were approved as a correct record.

5. SITE VISIT

- 5.1 **RESOLVED:** That the Director of Regeneration and Development Services, in liaison with the Chair, be authorised to make arrangements for a site visit on Monday 27 January 2014, in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

6. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

- 6.1 **RESOLVED:** That (a) the applications now submitted for permission to develop land under the Town and Country Planning Act 1990 and the Regulations made thereunder and for consent under the Town and Country Planning (Control of Advertisements) Regulations 1989, be decided, granted or refused as stated in the report to this Committee for this date in respect of Case No. 13/03518/FUL and other applications considered be amended as in the minutes of this meeting, and the requisite notices issued; the granting of any permission or consent shall not constitute approval, permission or consent by this Committee or the Council for any other purpose;

(b) having heard representations from the applicant in support of the proposed development, an application for planning permission for the demolition of outbuildings and erection of a single-storey rear extension to Hillsborough Trinity Church, Middlewood Road (Case No. 13/03518/FUL) be granted, conditionally;

(c) having (i) noted (A) additional representations and the officer's response and (B) that the Legal Agreement had been completed, as detailed in a supplementary report circulated at the meeting and (ii) heard representations from (A) a local resident and a local Ward Councillor objecting to the development and (B) the applicant in support of the proposed development, an application for planning permission for the erection of 6 apartments in a two-storey building with parking at the lower ground level at Norton Church Hall, Norton Lane (Case No. 13/03363/FUL) be granted, conditionally;

(d) an application for planning permission for the demolition of an existing primary school and the erection of new primary school, including an integrated resource unit and children's centre with associated works including re-grading of the site for the new school, parking accommodation, hard and soft play areas and a sports pitch on the site of the former school at Fox Hill Primary School, Keats Road, (Case No. 13/03355/FUL) be granted, conditionally, subject to an additional condition being attached concerning a detailed assessment being undertaken of the ground conditions of the land proposed for the playing field and a detailed scheme being provided to ensure the playing field will be of an acceptable quality to accord with Development policy CF1, as detailed in a supplementary report circulated at the meeting;

(e) an application for planning permission for the erection of a primary school with associated car parking accommodation, access, multi-use games area and playing pitches at land adjoining Prince Edward Primary School, Queen Mary Road (Case No. 13/03199/FUL) be granted, conditionally, subject to Condition 2 being amended in respect of the revised and additional documents, as detailed in a supplementary report circulated at the meeting; and

(f) having (i) noted additional representations and information submitted by the applicant and the officer's response, as detailed in a supplementary report circulated at the meeting and (ii) heard representations from a local resident and a local Ward Councillor objecting to a building and land being used in connection with a builder's business, an application under Section 191 for a lawful use certificate concerning the use of a store and yard at the rear of 69 Baslow Road as a builder's yard, office and store (Case No. 13/01263/LD2) be refused, with authority given for (A) the Director of Regeneration and Development Services or Head of Planning to take all appropriate steps including, if necessary, enforcement action and the institution of legal proceedings, to ensure the cessation of the unauthorised use at the store to the rear of 69 Baslow Road and (B) the Head of Planning, in liaison with the Chair of this Committee, to vary the action in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control;

7. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 7.1 The Committee received and noted a report of the Director of Regeneration and Development Services, together with additional information contained in a supplementary report circulated at the meeting, detailing planning appeals recently submitted to the Secretary of State.

8. DATE OF NEXT MEETING

- 8.1 It was noted that the next meeting of the Committee will be held on Tuesday 28 January 2014 at 2.00 pm at the Town Hall.

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Agenda Item 6

SHEFFIELD CONSERVATION ADVISORY GROUP

Meeting held 10th December, 2013

PRESENT:	<u>Name</u>	<u>Organisation</u>
	Dr. Philip Booth (Chair)	Co-opted Member
	Mr. Tim Hale	Sheffield Chamber of Commerce
	Mrs Christine Ball	Civic Trust/South Yorkshire Industrial History Society
	Mr. Lee Barron	Royal Institute of Chartered Surveyors
	Prof. Clyde Binfield	20th Century Society
	Mr. Patrick Burns	Co-opted Member
	Mr. Howard Greaves	Hallamshire Historic Buildings Society
	Mr. Graham Hague	Victorian Society
	Dr. Roger Harper	Ancient Monuments Society
	Mr. Stanley Jones	Hunter Archaeological Society
	Dr. Jo Lintonbon	University of Sheffield

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1. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Mr. Rod Flint (Georgian Group), Mr. Bob Hawkins (Council for the Protection of Rural England), Mr. Bob Marshall (Royal Town Planning Institute), Mr. Philip Moore (Sheffield Society of Architects) and Dr. Alan Watson (Institution of Civil Engineers).

2. **MINUTES**

The minutes of the meeting held on 19th November, 2013 were approved as a correct record subject to the substitution:-

- (a) in item 2(E) of the words "Old May House Farm" for the words "New May House Farm";
- (b) in item 6(a) of the word "Sanderson" for the word "Sanderson";
- (c) in item 8(d) of the words "Hambleton House" for the words "Hambleton House"; and
- (d) in item 8(e) of the words "Abbeydale Grange" for the words "Abbeydale Hall";

and, arising therefrom, the Group:-

(i) noted that:-

(A) the Chair (Dr.Booth) had written to Councillors Baker and Hurst. Councillor Baker had replied, indicating that she had family duties to attend to on Tuesdays and Councillor had not yet replied. The Chair would write to the Labour and Liberal Democrat Party Whips regarding the Council's representation on the Group ; and

(B) Mr. Hawkins was unable to attend this meeting, but the consultations regarding proposed changes to English Heritage would continue until 31st March, next and Mr. Hawkins would have opportunity to contribute to the debate;

(C) Old May House Farm was owned by the Graves Trust, planning permission would be

required for it to become a house in multiple occupation and that would not happen;

(D) planning permission had not been given for development of the barns of Cow Mouth Farm. The proposed scheme was unacceptable;

(G) the replacement windows at the former Bluecoats School were timber rather than plastic, but it was possible that they had a high gloss paint finish. The window frames of the new buildings on the site could be plastic, as they were not included within the conditions of the relevant planning consent;

(H) the matter of the ownership of the 1930s Firth Park Library had not yet been investigated;

(I) the Acting Head of Planning had indicated to the developer that the insertion of additional windows at Shirle Hill, for a scheme of communal living, would not be acceptable. The developer was aiming to submit a revised application for a smaller development, within the grounds of the property than the one which had already been approved;

(J) the planning application for residential development at the former Manor Lodge School had not been registered yet, as it did not contain a heritage statement;

(K) a stop notice had been served on the developer of the Cairns Building, 20 Church Street pending clarification of what work was proposed to be done within the building. The building had been re-roofed in slate;

(L) in the opinion of Mr. Hague the new street lights, which had been installed at Taptonville Road, were more reminiscent of Kensington than Sheffield;

(M) a representative of a company in Huddersfield had contacted the Head of Planning to request a delay in the demolition of the former Castle Market, with a view to discussing the retention and possible future use of materials at the property. A photographic record of it would be made, regardless of the outcome of the discussions; and the Group:-

(ii) (A) expressed its regret that the planning permission regarding the development of the former Bluecoats site had not contained a condition relating to the materials to be used for the windows of the new buildings on the site; and

(B) strongly recommended that a photographic record of the former Castle Market and examples of tiling on the site be preserved within the City and be offered to the Jackfield Museum.

3. **COMMON PEOPLE**

Felicity Hoy, representing Common People, reported on (a) the objectives of her organisation, particularly its aim to focus on the City Centre and to create an Independent Quarter, (b) the tendency to regard independent retailers as providing little more than “meanwhile users” of properties due, or likely, to be demolished, (c) the usefulness of a list of heritage assets within the City, indicating their ownership, their condition and their potential for use by independent retailers

The Group noted the information and recommended that the Head of Planning suggest various buildings of character, which would be suitable for use by independent retailers and that, following consultation with the Chamber of Commerce, Common Purpose draw up a list of appropriate buildings and submit it to the Group for its comments.

4. **HEAD OF PLANNING’S REPORT**

Lower Don Valley Flood Risk Defence Project

Steve Birch, Sheffield City Council Regeneration Service, gave a presentation on the Lower Don Valley Flood Risk Defence Project, referring particularly to:-

- (a) the prime objective of the Project, to cater for a 1/100 year flooding event within the area between the City Centre and Meadowhall/the M1 Motorway;
- (b) the likelihood of that occurring, with appropriate maintenance and without such maintenance;
- (c) the best option for such flood defence works;
- (d) the work done so far and key milestones for the project;
- (e) the related Archaeological Desktop Study which had been carried out;
- (f) the proposed maintenance programme;
- (g) the funding for the project; and
- (h) the fact that the flooding within the City in 2007 was a 1/200 year event.

The Group thanked Mr Birch for the presentation and noted the information.

Midland Mainline Electrification Project

The Acting Head of Planning reported that, as yet, no planning application had been received in connection with the erection of a new bridge at the Sheffield Station, but approval had been given for constructing better facilities for cyclists, including a new cycle park, at the Station.

The Group noted the information and received and noted a copy of an email regarding the Electrification Project, which had been sent by Mrs. Valerie Bayliss to English Heritage, on behalf of the South Yorkshire Industrial Society.

5. CHAIR'S REPORT

The Chair stated that he had attended a diagnostic session on the New Retail Quarter, in the light of the failure of the Sevenstone project, facilitated by the Academy of Urbanism. The session had given an opportunity to all those with an interest in the development (including CAG) to make representations and to reflect on the opportunities and problems of the area to a panel from the Academy. During the session, Peter Coleman of BDP, Architects, which had prepared the original area masterplan and had now been commissioned to revise that plan, outlined the firm's current thinking. Hammersons had been asked to withdraw from the development although legal disentanglement was not yet complete, but once it was complete the City Council would be looking for another development partner. The Academy of Urbanism would report on the diagnostic session in January 2014 and hold a further feedback meeting. (Note: this is now scheduled for 16th January.)

The Group noted the information.

6. SHEFFIELD SUSTAINABLE DEVELOPMENT AND DESIGN PANEL

The Group noted that the scheduled meeting of the Panel, in November last, had been cancelled and, currently, no further meetings had been scheduled.

The Group noted the information.

7. HERITAGE ASSETS

The Head of Planning reported that there were, currently, no planning applications affecting heritage assets to be considered by the Group.

The Group noted the information.

8. MISCELLANEOUS ITEMS

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

- (a) planning permission had been granted for the use of land at the Canton Orchard, Fulwood Road, as a cookery school and residential accommodation ;
- (b) Henderson's Relish had moved to new premises. Mr. Greaves proposed to apply for the original factory to be listed;
- (c) the Greenhill Library, which had been designed by the former City Architects Department, was not listed but it was situated within the Greenhill Conservation Area;
- (d) The street lamps at Havercroft Road and in most areas of the City, were of 1920s vintage rather than Victorian. They would not be retained by Aimey and would be sold off;
- (e) the listing description of the windows at Beauchief Hall had not been amended;
- (f) The latest edition of the Hallamshire Historic Buildings Society's newsletter 'the Cruck' contained an article relating to the Group, Mr. Greaves and the Sheffield Co-operative Society's former headquarters building, Castle House;
- (g) the Lion Works, Spital Hill were not listed. A planning application had been received for minor alterations, to renovate the premises;
- (h) two Section 215 notices in connection with the Local Growth Fund, which was ringfenced to apply to sites which were visible from the highway and had potential for residential development but were affected by planning blight, had been served on the owners of (i) the Lion Works, Spital Hill and (ii) the Anglican Chapel, General Cemetery for weatherproofing measures. Similar funding had been made available in 2013 for weather proofing measures at the Globe Works, the Vestry at Crookesmoor Road and the Haqqani House Mosque. Recommendations from the Group for further allocations of funding, would be welcomed.

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



SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Director of Regeneration and Development Services

Date: 28/01/2014

Subject: Applications under various acts/regulations

Author of Report: Kate Mansell 2736141
Lucy Bond 2734556
Chris Heeley 2736329

Summary:

Reasons for Recommendations

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

Recommendations:

Background Papers:

Category of Report: OPEN

Application No.	Location	Page No.
13/03792/FUL (Formerly PP-02991645)	Land Between Phillips Road And Lee Road And Land Between 1 And 9 Lee Road Sheffield S6 6SF	17
13/03758/FUL (Formerly PP-02964476)	Former Woolley Wood Primary School Oaks Fold Road Sheffield S5 0TG	36
13/03688/RG3 (Formerly PP-02959921)	Gleadless Primary School Hollinsend Road Sheffield S12 2EJ	64
13/03502/FUL (Formerly PP-02953100)	The Meersbrook Garage 1 - 7 Meersbrook Road Sheffield S8 9HU	81
13/03286/FUL (Formerly PP-02914401)	Lidl Supermarket Castlebeck Avenue And 322 And 324 Prince Of Wales Road Sheffield	93
13/02224/FUL	2 Larch Grove Sheffield S35 1QF	104

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To the Planning and Highways Committee
Date Of Meeting: 28/01/2014

LIST OF PLANNING APPLICATIONS FOR DECISION OR INFORMATION

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

Case Number	13/03792/FUL (Formerly PP-02991645)
Application Type	Full Planning Application
Proposal	Residential development comprising 9 dwellinghouses and 2 wheelchair-accessible bungalows and associated landscaping - (AMENDED SITE ADDRESS)
Location	Land Between Phillips Road And Lee Road And Land Between 1 And 9 Lee Road Sheffield S6 6SF
Date Received	07/11/2013
Team	West and North
Applicant/Agent	Brewster Bye Architects Ltd
Recommendation	Grant Conditionally 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:

413/06 (02) 001 Rev J received 9th January 2014

413/06 (02) 002 received 8th November 2013
413/06 (02) 010 received 8th November 2013
413/06 (02) 011 received 8th November 2013
413/06 (02) 012 received 8th November 2013
413/06 (02) 013 received 8th November 2013
413/06 (02) 014 received 8th November 2013
413/06 (02) 015 received 8th November 2013
413/06 (02) 020 Rev B received 9th January 2014
413/06 (02) 021 Rev B received 9th January 2014
413/06 (02) 022 Rev B received 9th January 2014
413/06 (02) 023 Rev B received 9th January 2014
413/06 (02) 024 Rev A received 9th November 2013
413/06 (02) 025 Rev B received 9th January 2014

In order to define the permission.

- 3 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.

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

In the interests of the visual amenities of the locality.

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

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

- 6 Further details of the boundary treatment, including details of the materials, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or an alternative timescale to be approved in writing by the Local Planning Authority. The dwellings shall not be occupied unless such means of site boundary treatment have

been provided in accordance with the approved plans details and thereafter such means of site enclosure shall be retained.

In the interests of the visual amenities of the locality.

- 7 Surface water and foul drainage shall drain to separate systems.

To ensure satisfactory drainage arrangements.

- 8 No development shall commence until details of the implementation, adoption, maintenance and management of the sustainable drainage system have been submitted to and approved in writing by the Local Planning Authority. The system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation, and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the drainage system throughout its lifetime.

In the interests of sustainable development.

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

In order to ensure an appropriate quality of development.

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

window reveals

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

In order to ensure an appropriate quality of development.

- 11 Notwithstanding the submitted plans, before the development is commenced, full construction details of the proposed access road, turning-head and parking areas (including cross-sections, long-sections, materials/specification, drainage details, proposed street lighting, margins, geometric standards, any accommodation works to the existing system of street lighting along Lee Road) shall have been submitted to and approved in writing by the Local Planning Authority. All vehicular & pedestrian areas within the site shall have been constructed in accordance with the above-

mentioned approved details prior to the accommodation becoming occupied.

In the interests of the safety of road users.

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

In the interests of the safety of road users.

- 13 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.

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

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

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

In the interests of the safety of road users.

- 16 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.

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

In order to ensure an appropriate quality of development.

- 18 No doors/gates shall, when open, project over the adjoining footway.

In the interests of pedestrian safety.

- 19 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.

- 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 litres per second per hectare is required, or 5l/s in total if the site is smaller than 1 hectare. The detailed proposals for surface water 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.

- 21 The intrusive site investigation and gas monitoring recommended in the approved Met Engineers Ltd Phase 1 Desk Study (ref.10336/5005; July 2013) shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

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

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

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

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

Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

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

- 24 Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development 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.

- 25 Prior to the commencement of development, a scheme detailing ecological enhancements within the site in accordance with the recommendations of the submitted Extended Phase 1 Habitat Survey completed by JCA Limited (Reference 11184a/DR) shall be submitted to and approved in writing by the Local Planning Authority. Such details might include (but shall not be limited to) the introduction of bat and bird boxes and the use of native tree species and wild flower planting within the Landscape Plan. The approved enhancements shall be implemented prior to the first opening of either of the units hereby approved or in accordance with an alternative timescale to be approved and shall thereafter be retained.

To enhance the ecological value of the site given its proximity to a Local Nature Site and in accordance with the NPPF.

Attention is drawn to the following directives:

1. 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.

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

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

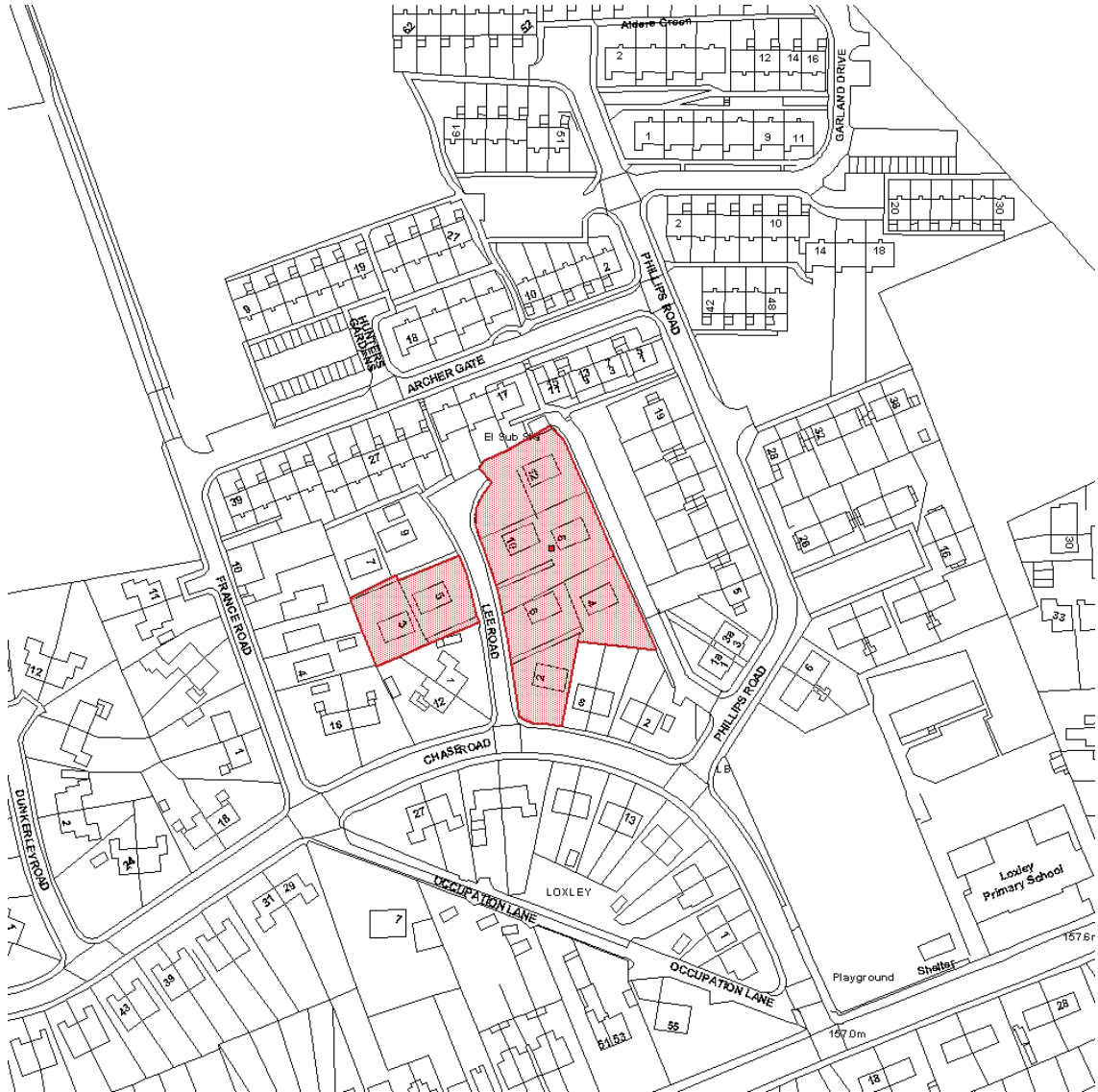
Development Services
Howden House
1 Union Street
Sheffield S1 2SH

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

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. 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. 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.

Site Location



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LOCATION AND PROPOSAL

This application relates to a 0.27 hectare site comprising two parcels - the smaller parcel is situated between 1 and 9 Lee Road on the west side of Lee Road and the larger parcel is situated opposite on the east side of Lee Road between Lee Road and a track that runs to the rear of the houses at 5-19 Philips Road, which is within

the application site. Both sites were originally occupied by prefabricated bungalows that were demolished in 2009 such that the smaller site previously accommodated two bungalows (3 and 5 Lee Road) and the larger site was occupied by 5 bungalows (2 - 10 (evens) Lee Road). The land is presently cleared and has been grassed over with a stone boundary wall along part of the eastern boundary of the larger site. There is presently a change in levels across the site of approximately 7 metres from north to south.

The area surrounding the application site is residential in character comprising a mix of housing types but mainly inter and post-war residential dwellings of both one and two storey. The site is bounded by houses at 1-19 Archer Gate to the north, 5-19 Philips Road to the east, 2-8 Chase Road to the south and 1 and 6 Lee Road to the west.

This application seeks the construction of 11 new affordable dwellings on the site for Pennine 2000/Together Housing, who are the applicant. The scheme will provide 4 x 2 bedroom houses, 5 x 3 bedroom houses and 2 x 3 bedroom bungalows.

On the smaller site to the west of Lee Road, the application proposes the construction of three terraced two storey dwellings; these properties are each provided with at least one off-street parking space with the one end terrace provided with three spaces. To the rear, the properties have gardens that are circa 18 metres in depth. On the larger site, 9 dwellings are proposed; on the corner of the site, at the junction of Lee Road and Chase Road, a pair of two-bedroom, two-storey semi-detached dwellings are proposed with vehicular access from Chase Road onto an off-road driveway for each dwelling. These units have a front garden, a small side garden/garden access and a rear garden that is an average of 10 metres minimum in depth. There are three dwellings fronting onto Lee Road; a pair of three bedroom semi-detached two storey dwellings and a bungalow, which are separated by a new access road into the site. This road provides access into the site to a further pair of three bedroom semi-detached dwellings and a further bungalow. In addition, a small area of public open space is created at the eastern edge of the site to the south of 9-15 Archer Road and to the rear of 11-19 Philips Road; this open space will include the retention of an existing tree within the site, the retention of the stone boundary wall that presently runs along the side of the track (to be retained and re-built) and the continuation of the pedestrian access to Archer Road from Philips Road.

All dwellings are to be constructed in red brick with a grey tile roof and white UPVC windows. The driveways are to be constructed in a herringbone pattern block paviour with the patio/paving areas adjacent to the house constructed in block paving. The new access road into the site will be constructed in standard tarmac at the entrance, becoming herringbone block paviments within the site.

RELEVANT PLANNING HISTORY

There is no planning history relevant to the determination of this application.

SUMMARY OF REPRESENTATIONS

The application has been advertised by means of site notice and direct neighbour notification. Five letters of representation from local residents have been received comprising three objections, one letter in support and one letter of comment raising a specific concern.

The first letter of objection primarily relates to parking, particularly during the construction period and particularly during the school run. The objector states that the mess that will be made should also be taken into account in terms of dust and mud. It also queries how long the roads will be closed to allow the drainage to be connected. The objector states that there will be a great deal of noise in what, up to now, has been a quiet area and the construction noise will last for nearly a year. Furthermore, it states that the whole character of the area will change once the houses are occupied and that Pennine told people they were going to build bungalows. The objector goes on to state that the applicant seems to think that the residents are all in favour of this development, which is not true. Finally, the objector fears that there will be damage caused to existing services during construction as well as the threat to the wildlife.

The second objection advises that when residents were advised that the pre-fabs were to be demolished, they were told that the new buildings would be like for like. Accordingly, the objector would have had no objection to all dwellings being bungalows as they feel this is what is needed in the area. They are also concerned about the obstruction on Lee Road as a result of construction.

The final objection states that the main problem they foresee is parking - this is raised with particular regard to the construction period as they identify specific concerns about site traffic, deliveries to and from site and parking for the workforce. They also raise concerns about disturbance from the construction process in terms of dust and mud and whether the roads will be closed to allow the drainage to be connected into the main sewer. With regard to the development, the objector considers that the whole character of the area will change once the houses are occupied as Pennine told people they were going to build bungalows. The final issue raised is the damage that may be caused to existing services during construction as well as the threat to wildlife.

There is also a letter of support from an adjoining resident who advises that the plans are better than they had expected and the applicant is not, in their view, overdeveloping the site. The letter in support states that the application allows for some green area to be kept and maintained and they would like to thank and congratulate the planners for their sensitive way that they have approached this rebuild.

The final letter states that whilst they have no objection to the number, size and contents of the proposed application, they have concerns regarding the access to the pair of houses proposed nearest to Chase Road as they are accessed from Chase Road. The resident considers that this may cause problems as there is already congestion on Chase Road from its junction with Lee Road to the bottom of Chase Road due to "School Run Parking" between 8.15 am and 9.00am and again

between 3.00pm and 3.45pm to such an extent that this section of Chase Road is only a single track road and often during these times buses and other large vehicles are encountered and creating another access which is only a few yards from its junction with Lee Road could, in the resident's view, create more problems in the future.

Bradfield Parish Council have advised that they have no objections but they have concerns about the access of two properties onto Chase Road on the basis that they consider Chase Road to be a busy and congested road.

PLANNING ASSESSMENT

This application proposes the construction of 11 new affordable dwellings comprising 4 x 2 bedroom houses, 5 x 3 bedroom houses and 2 x 3 bedroom bungalows on a site that previously accommodated 7 pre-fabricated bungalows that were demolished in 2009. The key issues to consider in the determination of this application include the following:

- (i) Principle of development - Policy and Land Use;
- (ii) Design;
- (iii) Impact on the amenity of adjoining occupiers;
- (iv) Highways and;
- (v) Flood Risk.

The Council is also required to consider representations received as a result of the public consultation exercise.

Policy and Land Use

Paragraph 12 of the National Planning Policy Framework confirms that 'proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'.

Within the Sheffield Unitary Development Plan (UDP), the application site is designated within a Housing Area. Policy H10 of the UDP determines that within such areas, housing is the preferred use such that the principle of housing development on this site is wholly consistent with the UDP.

It is noted that the NPPF advises that following a 12-month period from the introduction of the NPPF (i.e. from March 2013), due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). In this case, although the Pre-Submission SDF City Sites and Policies Document has been published and consulted upon, the application site remains designated as housing and the allocation of the Housing Area within the UDP is still considered relevant as it is not inconsistent with the NPPF. The principle of development is therefore acceptable.

The site is also considered to be previously developed land and therefore development of the site meets the objectives of Core Strategy Policy CS24 to ensure that at least 88% of new homes are built on previously developed land. It is also relevant to note that Policy CS23 of the SDF Core Strategy, which relates to locations for new housing, advises that the main focus will be on suitable, sustainably located, sites within, or adjoining the main urban area of Sheffield (at least 90% of additional dwellings). In this case, the site does lie within the urban area and the proposal is therefore consistent with the objectives of Policy CS23.

With regard to site density, Policy CS26 of the SDF Core Strategy advises that housing development will be required to make efficient use of land but the density of new developments should be in keeping with the character of the area and support the development of sustainable, balanced communities. Subject to the character of the area being protected, densities will vary according to the accessibility of locations. The policy advises that in the wider urban area (outside the City Centre), a density of 30 to 50 dwellings per hectare is appropriate although densities outside these ranges will be allowed where they achieve good design, reflect the character of an area or protect a sensitive area. In this case, the application form states that the site area extends to 0.27 hectares and the development proposes eleven dwellings, which results in a density of 40 dwellings per hectare. This accords with the objectives of Policy CS26 and it is therefore considered that the proposed development does make efficient use of the land.

Core Strategy Policy CS41 focusses on creating mixed communities and requires that in locations such as this, a greater mix of housing is developed including homes for larger households, especially families. The proposal is for 6 x 2 bed homes and 5 x 3 bed homes, included two bungalows. Whilst the objections to the application raise some concerns about the housing mix and suggest that bungalows would be preferable and are needed locally, the mix of housing proposed, which includes two bungalows is actually considered to meet the requirement of Policy CS41 by delivering a range of units, including family housing, which is also needed in the area.

Thus, overall, the principle of a housing development is in accordance with the sites designation in the UDP as a Housing Area as defined by Policy H10. It is also considered compliant with Policy CS31 of the SDF Core Strategy in delivering housing within the main urban area and Policy CS32 in comprising development on previously developed land. In terms of density, the scheme accords with Policy CS26 of the SDF Core Strategy in relation to making efficient use of land, delivering an appropriate density of 40 dwellings per hectare. Finally, the scheme delivers a range of family houses and bungalows in accordance with Policy CS41 of the SDF Core Strategy.

Affordable Housing

It is noted that the scheme falls below the requirement for the provision of affordable housing as only 11 units are proposed. However, in any event, the application comprises 100% affordable housing such that it is in line with SDF Core Strategy Policy CS40.

Design

The National Planning Policy Framework confirms at Paragraph 56 that the Government attaches great importance to the design of the built environment. At Paragraph 58, it confirms planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area, not just for the short term but also over the lifetime of the development. Within the SDF Core Strategy, Policy CS74 advises that high-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods. Within the UDP, Policy H14(a) advises that within Housing Areas, new development or change of use will be permitted provided that new buildings are well designed and would be in scale and character with neighbouring buildings.

In this case, the character of the surrounding residential area is mixed comprising some existing pre-fabricated bungalows, some traditional inter-war and post-war Council housing in predominantly red brick and some later bungalow and two storey dwellings that are yellow brick and clad on Archer Road. In response, this application also provides a mix of single and two storey dwellings, which is an appropriate scale to respond to the predominant local character. It also provides a mix of detached, semi-detached and terrace units, which is a layout that is also comparable with the locality.

Architecturally, the proposed dwellings are simple in design approach; they are to be constructed in red brick in an English bond pattern but utilise design mechanisms such as recessed detailed panels that are constructed in a Flemish bond pattern to provide some architectural relief to the elevations. Simple sloping porches are proposed on each of the houses, to be constructed in a grey tile that matches the roof tile. The window sizes are generous for a modern development and are a consequence of the applicant's commitment to achieve satisfactory internal day lighting levels to habitable rooms. Some small amendments have been sought in the course of the application to regularise cill heights and increase window sizes to the bungalow units, which have subsequently been amended.

Overall, this site was formally occupied by pre-fabricated bungalows and is designated for residential use. This scheme delivers dwellings of an appropriate scale that are designed to a sufficient high quality within the context of the surrounding character. The use of red brick and grey roof tiles is consistent with the locality and the dwellings are provided with generous windows, which ensure an appropriate relationship between solid and void. The proposed dwellings are therefore considered to be well-designed, be in scale and character with neighbouring buildings and respectful of their locality in accordance with SDF Core Strategy, Policy CS74 UDP, Policy H14(a) and guidance within the NPPF.

Impact on the amenity of adjoining occupiers

Policy H14 of the UDP relates to conditions on development within Housing Areas and advises at H14c that new development will be permitted provided that the site would not be over-developed or deprive residents of light, privacy or security, or

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

With regard to site layout and the relationship to adjoining residential properties, the Council presently has no specific guidelines in relation to the construction of new dwellings. However, the privacy and distance standards set out in the Supplementary Planning Guidance Note 'Designing House Extensions' are considered relevant. SPG Guideline 4 requires a minimum separation distance of 10 metres from a rear elevation to a rear boundary for the reason of privacy as well as amenity. SPG Guideline 5 recommends that two storey structures should not be placed within 12 metres of main aspect ground floor windows in neighbouring dwellings and also notes that an extension built up to or near a boundary with another property is in danger of being overbearing. SPG Guideline 6 advises that to protect and maintain minimum levels of privacy a minimum distance of 21 metres between facing main windows should be achieved, which may need to be greater on sloping land or where a dwelling is higher than surrounding properties.

In relation to the above, the following is advised:

The garden to Plot 1 (a single storey bungalow) is located to the side of the house to the south. The depth of the garden is a minimum of 10 metres from the boundary with the garden of 6-8 Chase Road in accordance with SPG4. It is also in excess of 21 metres from the rear elevation of properties at 5-9 Philips Road.

Plots 2 and 3 (two storey dwellings) front Chase Road with rear gardens that are, on average, in excess of 10 metres with the flank façade of Plot 11 approximately 12 metres from the rear facades of Plot 2, in accordance with SPG Guideline 4 and SPG Guideline 5.

Plots 4-6 (two storey terrace) have gardens well in excess of 10 metres in depth (circa 18 metres) such that the rear elevations of the houses at 4-8 France Road that adjoin the site to the rear are well in excess of 21 metres from the rear façade of Plots 4-6 in accordance with SPG Guideline 4 and SPG Guideline 5. In addition, the flank elevation of Plot 6 is circa 12.4 metres from the front elevation of 6 Lee Road, which accords with Guideline 5 of the SPG.

Plot 7 is a bungalow with its flank elevation approximately 21 metres from the rear elevation of 19-21 Archer Road, which are also bungalows, such that this relationship is compliant with SPG Guideline 5. The garden is also more than 10 metres in depth.

Plots 8 and 9 are two storey dwellings that are sited with the rear elevation at a distance of 21 metres from the rear elevation of 17 Archer Road in accordance with SPG Guideline 6 with gardens at a depth of approximately 10 metres in accordance with SPG Guideline 4. To the rear of these properties is an electricity sub-station.

Plots 10 and 11 face onto Lee Road and these also have garden depths in excess of 10 metres in accordance with SPG Guideline 4.

On the basis of compliance with the Council's standards as set out within the Supplementary Planning Guidance Note 'Designing House Extensions, which are designed to protect the privacy and amenity of both existing and future occupiers, it is determined that the layout of the site is appropriate and the development will not deprive residents of light, privacy or security, harm the character of the neighbourhood. It is therefore in accordance with Policy H14 of the UDP.

Landscape and Ecology

Policy BE6 of the UDP advises that good landscape design will be required in all new developments. It states that applications for planning permission should include a suitable landscape scheme that provides relevant information (a), provides an interesting and attractive environment (b), integrates existing landscape features into the development, including mature trees, hedges and water features (c) and promotes nature conservation (d). It is also relevant to note guidance within the National Planning Policy Framework (NPPF) with regard to biodiversity, which advises at Paragraph 109 that the planning system should minimise impacts on biodiversity and provide net gains where possible.

The application includes the submission of an Extended Phase 1 Habitat Survey completed by JCA Limited (Reference 11184a/DR), which included a site survey. The report concludes that the habitat is of generally low ecological value albeit that the hedges and trees have a moderate ecological value. No protected species were discovered within the site and the development is considered unlikely to impact upon species beyond the site boundary. As such, the development will not impact upon wildlife either during the construction period or after development. However, the report does recognise the opportunity to enhance the ecological value of the location through the inclusion of bat boxes, the use of native tree species, increasing the floral diversity of the site by introducing wild flower planting within the open space and it is considered that such matters can be secured by means of a planning condition.

The application also includes a basic landscaping scheme, which shows the retention of two existing trees within the area designated for open space and the planting of six new trees within the site. Overall, subject to conditions to require the submission of a detailed landscape scheme and ecological enhancements as recommended by the Phase 1 Habitat Survey, it is concluded that the development will accord with Policy BE6.

Highways

Policy T25 of the UDP advises that house builders will be required to provide off-street car parking appropriate to the development. In addition, Policy H14(d) of the UDP advises that new development in housing areas will be permitted provided that it would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

This application will deliver at least one off-road car parking space for each unit with 6 of the 11 units provided with a minimum of two spaces. In addition, two visitor spaces are provided within the scheme. Highways Development

Management considers that the parking provision is sufficient in accordance with Policy T25 and it is concluded that it can deliver safe access to the highway network.

In response to the specific concern raised by an objector and by Bradfield Parish Council regarding the access of Plots 2 and 3 onto Chase Road, Highways Development Management advises that whilst acknowledging that any new access potentially increases the risk of an accident, Chase Road has accesses along the majority of its length. It is noted that Plots 2 and 3 are situated on the outside of the bend in Chase Road with good visibility. It is also the case that the front boundary wall will be lower than one metre and Lee Road, which is the adjacent side road, is an extremely lightly trafficked short cul-de-sac. Highways Development Management consider that taking all these factors into account, there is no highway objection to the access arrangements indicated for plots 2 and 3.

Sustainability

Policy CS64 of the Core Strategy relates to climate change, resources and sustainable design of developments and advises that all new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and function in a changing climate. They must also be designed to use resources sustainably. The supporting text to CS64 advises that to satisfy the policy, all new residential developments of 5 dwellings or more should achieve the Code for Sustainable Homes Level 3. The applicant has confirmed in writing within the Design and Access Statement that all houses within the development will achieve Code Level 3 such that the development is in accordance with Policy CS64 subject to a condition confirming that this commitment is achieved.

Policy CS65 of the Core Strategy, which relates to renewable energy and carbon reduction, applies to both new buildings and conversions and requires all significant developments to secure the following, unless it can be shown not to be feasible or viable:

(i) Provide a minimum of 10% of the predicted energy needs from decentralised and renewable or low carbon energy AND (ii) generate further renewable or low carbon energy or incorporate design measures sufficient to reduce the development's overall predicted carbon dioxide emissions by 20%. This would include the decentralised and renewable or low carbon energy required to satisfy (i).

Part (ii) of Policy CS65 has been omitted as a requirement in the current economic climate and in light of changes to Building Regulations. However, the requirement to provide a minimum of 10% of the predicted energy needs from decentralised and renewable or low carbon energy unless feasible or viable remains. The applicant has confirmed that the development can achieve 10% of the predicted energy needs from decentralised and renewable or low carbon energy by using solar panels on Plots 8 and 9. It is therefore confirmed that the proposal can accord with Policy CS65(i).

Open Space

Policy H16 of the Unitary Development Plan requires that the developer make a financial contribution towards the provision or enhancement of public open space within a kilometre of the application site. On this site, the contribution amounts to £13,647.48; this has been secured by means of a Section 106 Unilateral Agreement such that the proposal is compliant with Policy H16. The requirement of a Section 106 contribution in this regard is considered necessary to ensure a satisfactory development, it is reasonable in scale in relation to the development proposed and directly related to the development in accordance with Paragraph 206 of the NPPF.

Disabled Access and Mobility Homes.

Policy H7 of the UDP states that all new housing shall provide a proportion to be constructed to allow conversion for use by people with disabilities.

The applicant has confirmed that although there are level differences within the site, all properties meet Life Time Home requirements and the driveways are therefore designed to meet standards for sloping sites (maximum 1:21 fall and 1:40 crossfall). It is also the case that Plots 3 and 6 have been designated to the standards of the Sheffield Mobility SPG as these properties can achieve a level driveway. It is therefore considered that the proposed development is compliant with Policy H7.

Flood Risk and Drainage.

Policy CS67 of the SDF Core Strategy relates to flood risk management and seeks to reduce the extent and impact of flooding through a range of measures including the use of Sustainable Urban Drainage (SUDS) and limiting surface water run-off.

In this case, the application site is not within a Flood Zone as identified by the Environment Agency and the consideration in relation to flood risk is one of land drainage and limiting surface water run-off. In this regard, the applicant has advised that there is an outline proposal for a sustainable drainage system. This would ensure that the scheme does not increase run-off or increase the risk of flooding elsewhere. Details of the Sustainable Urban Drainage System would be secured by condition. There are no objections from the Council's Drainage Section subject to the requirement for a 30% reduction in peak flow, which can be secured by means of a planning condition. On this basis, the proposed development is considered to comply with the objectives of Policy CS67.

RESPONSE TO REPRESENTATIONS

The issues raised by the objectors in relation to housing mix, wildlife and the impact of the development on the amenity of existing occupiers is fully addressed in the report above. Concerns about new vehicular access points onto Chase Road are also addressed above.

With regard to the objections that relate to the construction period in terms of noise, dirt and obstruction of the road, it must be accepted that there will be some noise and disturbance during this period but that working hours and methods to minimise impact can be controlled by means of planning conditions to limit the potential for mud on the highway and also, compliance with the Environmental Protection Act 1990 in relation to working hours. Noise and disturbance arising from construction do not warrant grounds for the refusal of a planning application. With regard to blocking the highway, this would be a matter for the Police rather than the Council but it is a matter that is likely to be addressed by the applicant in ensuring that the site is appropriately managed.

SUMMARY AND RECOMMENDATION

This application proposes the construction of 11 new affordable dwellings comprising 4 x 2 bedroom houses, 5 x 3 bedroom houses and 2 x 3 bedroom bungalows on a site that previously accommodated 7 pre-fabricated bungalows that were demolished in 2009.

The principle of a housing development is in accordance with the sites designation in the UDP as a Housing Area as defined by Policy H10. It is also considered compliant with Policy CS31 of the SDF Core Strategy in delivering housing within the main urban area and Policy CS32 in comprising development on previously developed land. In terms of density, the scheme accords with Policy CS26 of the SDF Core Strategy in relation to making efficient use of land, delivering an appropriate density of 40 dwellings per hectare. Finally, the scheme delivers a range of family houses in accordance with Policy CS41 of the SDF Core Strategy and will also deliver affordable housing as the applicant is Pennine Housing, in accordance with Policy CS40.

In design terms, this scheme delivers dwellings of an appropriate scale that are designed to a sufficient high quality within the context of the surrounding character. The use of materials is consistent with the locality and the dwellings are provided with generous windows, which ensure an appropriate relationship between solid and void. The proposed dwellings are therefore considered to be well-designed, be in scale and character with neighbouring buildings and respectful of their locality in accordance with SDF Core Strategy, Policy CS74 UDP, Policy H14(a) and guidance within the NPPF. The layout of the site is also appropriate and the development will not deprive residents of light, privacy or security, harm the character of the neighbourhood in accordance with Policy H14 of the UDP.

The applicant has confirmed that all houses within the development will achieve Code Level 3 such that the development is in accordance with Policy CS64 and that 10% of the predicted energy needs will be met from decentralised and renewable or low carbon energy by using solar panels in accordance with Policy CS65 of the SDF Core Strategy subject to a condition confirming that these commitments are achieved.

With regard to landscaping, subject to conditions to require the submission of a detailed landscape scheme and ecological enhancements as recommended by the Phase 1 Habitat Survey, the development will accord with Policy BE6 of the UDP.

The provision of a Section 106 contribution towards improving open space in the locality ensures compliance with Policy H16. It is also suitably accessible in accordance with Policy BE7.

Overall, it is concluded that the proposed development complies with up-to-date planning policy such that in accordance with Paragraph 12 of the NPPF, it is recommended for approval subject to conditions and subject to a Section 106 Legal Agreement with regard to a contribution towards the provision of open space.

Case Number 13/03758/FUL (Formerly PP-02964476)

Application Type Full Planning Application

Proposal Erection of 46 apartments for elderly persons with associated car parking accommodation and landscaping works

Location Former Woolley Wood Primary School
Oaks Fold Road
Sheffield
S5 0TG

Date Received 05/11/2013

Team City Centre and East

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:

Site Location Plan (1:1250)

Dwg. No. 02/25 (02) 002 #, Existing Plan

Dwg. No. 02/25 (02) 11 Rev. A, Proposed Site Plan Ground Floor

Dwg. No. 02/25 (02) 103 #, Proposed Lower Ground & First Floor Plan

Dwg. No. 02/25 (02) 200, Proposed Elevations Sheet 1 (Excluding material palette detailed)

Dwg. No. 02/25 (02) 201, Proposed Elevations Sheet 2 (Excluding material palette detailed)

Flat Layouts:

Flat type A - 2 bed/3 person

Flat type B - 1 bed/2 person
Flat type C - 2 bed/3 person (ALT)
Flat type D - 1 bed/2 person (wheelchair accessible)

In order to define the permission.

- 3 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.

- 4 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.

In the interests of the visual amenities of the locality.

- 5 No development shall commence until the actual or potential land contamination and ground gas contamination at the site shall have been investigated and a Phase 1 Preliminary Risk Assessment Report shall have been submitted to and approved in writing by the Local Planning Authority. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004).

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

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

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

- 7 Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local

Planning Authority prior to the development of the relevant phase being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

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

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

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

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

- 10 Each unit of the residential accommodation hereby permitted shall be occupied by:
- a) Persons 55 years of age or older.
 - b) Persons living as part of a single household with such a person over 55 or older.
 - c) Persons who were living as part of a single household with such a person over 55 or older or persons who have since died.

In order to define the permission.

- 11 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) a minimum of 10% of the predicted energy needs relating to that phase being obtained from decentralised and renewable or low carbon energy; and

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 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.

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.

- 12 The development shall be constructed to achieve a minimum standard of Code Level for Sustainable Homes Level 3 and before any apartment is occupied (or within an alternative timescale to be agreed) a validation report, prepared by an accredited expert in the relevant field, shall have been submitted to and approved in writing by the Local Planning Authority showing that the corresponding phase has achieved Code for Sustainable Homes Level 3. The measures incorporated to achieve this rating shall thereafter remain in place and operational for the lifetime of the development.

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

- 13 Notwithstanding the details on the approved plans, final details, including samples, of the proposed material/s the scheme shall be submitted to and approved in writing by the Local Planning Authority before the corresponding phase of development is commenced. Thereafter, the relevant phase shall be carried out in accordance with the approved details.

In order to ensure an appropriate quality of development.

- 14 Sample panels 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. Each sample panel shall be approved in writing by the Local Planning Authority prior to the commencement of the corresponding phase and shall be retained for verification purposes until the completion of such phase.

In order to ensure an appropriate quality of development.

- 15 Notwithstanding the details submitted with the application, final large scale details, including materials and finishes, at a minimum of scale 1:20 of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:

Central link block, including curtail wall glazing system and roof design;

Windows and window reveals
Entrances;
External wall construction;
Brickwork detailing;
Proposed Pattern/arrangement of infill panels proposed in the windows openings across the development;
Brise soleil/louvres;
Rainwater goods and eaves;
Plant equipment enclosures (if required); and
Bin stores.
Design/Layout of the private external areas to the ground floor apartments

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

In order to ensure an appropriate quality of development.

- 16 Before the development is commenced, details of all means of site boundary treatments, fences and gates shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved details.

In order to ensure an appropriate quality of development.

- 17 Prior to implementation, full details of any external signage proposed to be installed on the building or within the curtilage of the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved signage shall be provided in accordance with the approved details.

In order to ensure an appropriate quality of development.

- 18 Prior to implementation, full details of all external lighting shall have been submitted to and approved in writing by the Local Planning Authority prior to installation and thereafter the lighting shall be installed in accordance with the approved details.

In the interest of design and the amenities of the locality and surrounding occupiers.

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

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

- 20 There shall be no gates or barriers erected at the means of access to the site.
- To ensure access is available at all times.
- 21 The building shall not be used unless the car parking accommodation for 14 cars 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.
- 22 The development shall not be used unless all redundant accesses have been permanently stopped up and reinstated to kerb and footway and means of vehicular access shall be restricted solely to those access points indicated in the approved plans.
- In the interests of highway safety and the amenities of the locality.
- 23 The building shall not be used unless provision has been made within the site for accommodation of delivery/service vehicles in accordance with the approved plans. Thereafter, all such areas shall be retained free of all obstructions, including the storage, display and depositing of materials, packaging or other objects so that the service yard is fully available for the parking, turning and manoeuvring of delivery/service vehicles.
- In the interests of highway safety and the amenities of the locality.
- 24 Notwithstanding the details on the approved plans, before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient cycle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the buildings within that phase shall not be used unless such cycle parking has been provided in accordance with the approved plans and, thereafter, such cycle parking accommodation shall be retained.
- In the interests of delivering sustainable forms of transport, in accordance with the Transport Policies in the adopted Unitary Development Plan for Sheffield (and/or Core Strategy).
- 25 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.
- 26 Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of the access and facilities for people with disabilities, as shown on the plans, shall have

been submitted to and approved in writing by the Local Planning Authority and the buildings shall not be used unless such access and facilities have been provided in accordance with the approved plans and thereafter such access and facilities shall be retained.

To ensure ease of access and facilities for disabled persons at all times.

- 27 Notwithstanding the details on the approved plans, a comprehensive and detailed hard and soft landscape scheme for the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that five year period shall be replaced unless otherwise approved by the Local Planning Authority.

In the interests of the visual amenities of the locality.

- 28 The soft landscaped areas shall be managed and maintained for a period of 5 years from the date of implementation and any plant failures within that period shall be replaced in accordance with the approved details.

In the interests of the visual amenities of the locality.

- 29 The Local Planning Authority shall be notified in writing when the landscape works for each phase are completed.

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

- 30 Unless otherwise indicated on the approved plans no trees shall be removed without the prior written approval of the Local Planning Authority.

In the interests of the visual amenities of the locality.

- 31 The residential accommodation hereby permitted shall be designed with sound insulation measures capable of achieving the following noise levels:

Bedrooms:	LAeq	15 minutes 30 dB (2300 to 0700)
Living Rooms:	LAeq	15 minutes 40 dB (0700 to 2300)

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

- 32 No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to any building hereby approved 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.

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

- 33 No movement, sorting or removal of waste bottles, materials or other articles, nor movement of skips or bins shall be carried on outside any buildings within the site of the development between 22:00 hours and 08:00 hours Monday to Saturday and between 21:00 hours and 09:00 hours on Sundays and Public Holidays.

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

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

In order to mitigate against the risk of flooding.

- 35 No new tree planting shall be located over or within 5.0 (five) metres either side of the centre line of the sewers, which cross the site.

In order to protect the structural integrity of the sewer from tree root infestation.

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

In the interest of satisfactory and sustainable drainage.

- 37 Before each phase of the development is commenced, full details of the proposed means of disposal of foul and surface water drainage for that phase, including details of any balancing works and off-site works, shall have been submitted to and approved in writing by the Local Planning Authority.

To ensure satisfactory drainage arrangements.

- 38 There shall be no piped discharge of surface water from the development prior to the completion of the surface water drainage works relating to that

phase. No buildings within the phase shall be occupied or brought into use prior to the completion of the approved foul drainage works.

To ensure satisfactory drainage arrangements.

- 39 No building shall be occupied until the improvements (which expression shall include public transport infrastructure) to the items 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 with South Yorkshire Passenger Transport Executive (SYPTTE) which will secure that such improvement works will be carried out before the first property is occupied.

Public Transport Infrastructure Improvements:

The enhancement and potential relocation of stop number 37020804 to a specification to be confirmed by SYPTTE, including the provision of a shelter.

In the interests of improving public transport infrastructure and promoting more sustainable forms of transport.

- 40 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.

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.

Attention is drawn to the following directives:

1. The applicant is advised that there is a 225mm diameter public combined water sewer recorded to cross the red line site boundary. Yorkshire Water (YWS) has confirmed that the applicant/agent is being contacted direct and that in this instance YWS would look for this matter to be controlled by Requirement H4 of the Building Regulations 2000.
2. The applicant is advised that foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network. The developer is required to consult with Yorkshire Water's Industrial Waste Section (Tel. 0845 124 2424) on any proposal to discharge a trade effluent to the public sewer network.

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

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

Development Services
Howden House
1 Union Street
Sheffield S1 2SH

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

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

The notice should be sent to:-

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

For the attention of Mr P Vickers

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

5. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk. Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.
6. Before the development is commenced, a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which agreed in writing with the Local Planning Authority. Any deterioration in the condition of the highway attributable to the construction

works shall be rectified in accordance with a scheme of work to be agreed with the Local Planning Authority.

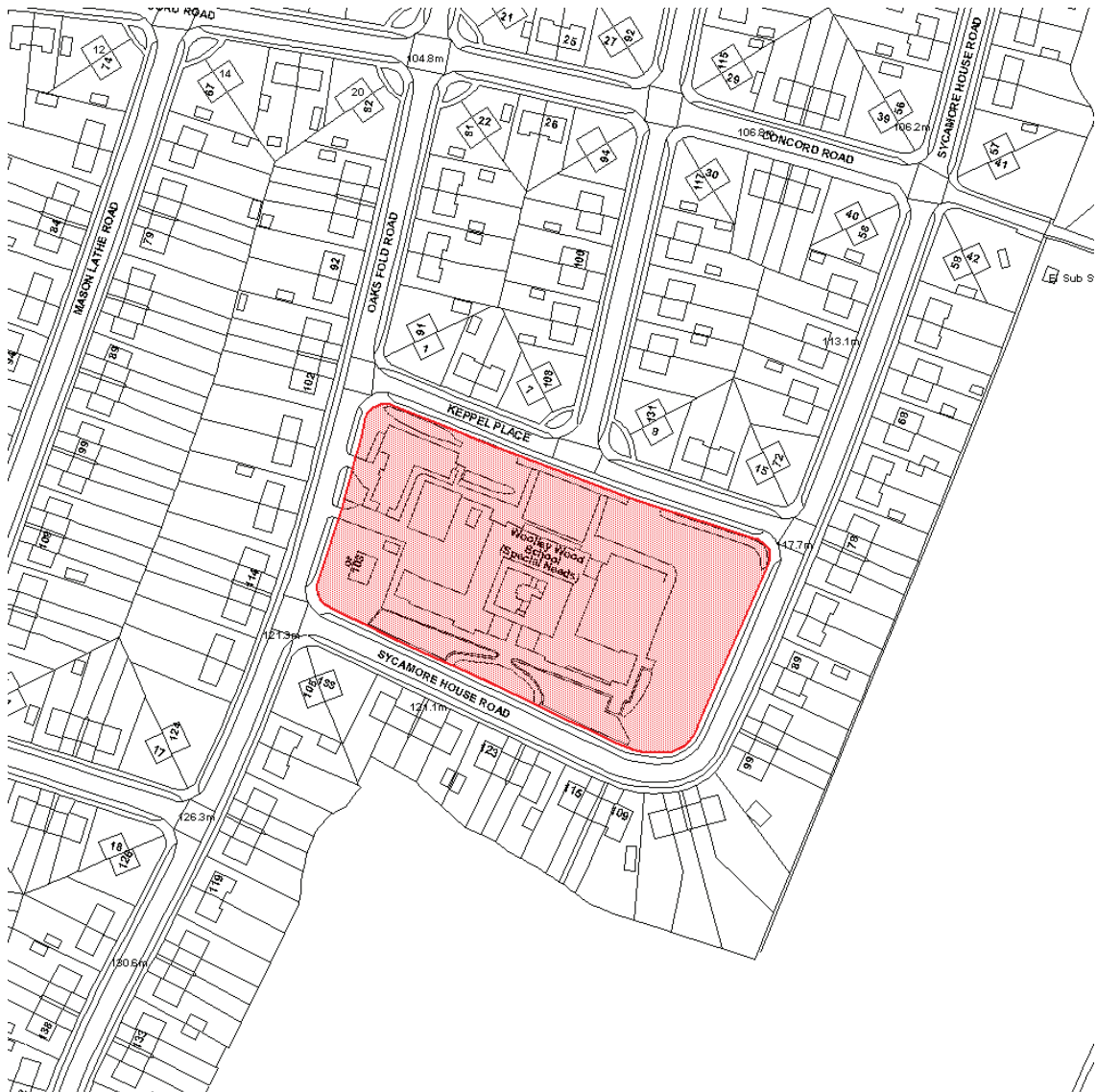
7. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.
8. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0800 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from the Environmental Protection Service, 2-10 Carbrook Hall Road, Sheffield, S9 2DB: Tel - 0114 2734651.
9. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document "Guidance Notes for the Reduction of Obtrusive Light (GN01: 2011)". This is to prevent obtrusive light causing disamenity to neighbours. The Guidance Notes are available for download from the Institution of Lighting Professionals' website, or telephone (01788) 576492.
10. The applicant is advised that responsibility for the safe development and occupancy of the site rests with the developer. The Local Planning Authority has evaluated the risk assessment and remediation scheme on the basis of the information available to it, but there may be contamination within the land, which has not been discovered by the survey/assessment.
11. The developer is advised that in the event that any un-natural ground or unexpected contamination is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority.
12. Plant and equipment shall be designed to ensure noise levels do not exceed 10dBA (LA90) below background noise levels when measured at the site boundary.
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 or apply online at 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 applicant should be aware that a legal agreement has been completed in respect of this proposal.

Site Location



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LOCATION AND PROPOSAL

Planning permission is sought to construct a modern residential development comprising of 46no. one and two bedroom apartments with associated car parking and landscaping works.

The application site is located in Shiregreen, which is a large post war housing estate positioned approximately 4 miles North East of Sheffield City Centre. It is a parcel of land bounded to the north by Keppel Place, Oaks Fold Road to the west, and Sycamore House Road to the south and east. Beyond all of these roads lies residential development (formally in local authority ownership) built in the mid-twentieth century.

The site is currently empty having previously been occupied by Woolley Wood School, which was a special needs primary school for children with learning difficulties and disabilities. The site was owned by Sheffield City Council but following its cease of use the freehold has been sold to the applicant - Sanctuary Housing. It is Sanctuary's intention to invest in the site and the redundant land to provide a greater mix of housing stock in the area and help meet the City's housing need.

In terms of existing characteristics, the site is rectangular in shape and has an area of approximately 0.86 hectares. The topography of the site is relatively flat in the area where the previous school buildings and associated hard landscaped areas were situated; however there are significant levels differences across the site as a whole. The site slopes downwards in a south to north and east to west direction, quite steeply in parts. Indeed, the greatest level difference occurs between the site's north-east and south-west corners (approximately 8m).

The school buildings that previously existed on the site - prior to demolition last year - were single and two storey structures. They were constructed from red brick and had hipped red tiled roofs. A generous amount of landscape space and trees existed on the site and contributed positively to the character of the area. The most established trees remain following demolition of the school buildings but they are not protected by a local authority Tree Preservation Order.

Existing residential properties in Shiregreen vary between semi-detached and terraced houses, which are predominantly constructed from red brick and have hipped roofs. The Applicant already owns housing stock in the Shiregreen and has been working with residents and the Council to try and upgrade/regenerate the area.

RELEVANT PLANNING HISTORY

There are various applications associated with the previous school buildings but these are no longer considered to be relevant to this application.

12/02968/DPN - In February 2013, a Prior Notification of Demolition application was submitted and proposed the demolition of the former school buildings on the

site. A decision was made that prior approval by the Local Planning Authority was not required.

13/01616/DPN - In June 2013, another Prior Notification of Demolition application was submitted and proposed the demolition of the former school and associated buildings. It is not clear why another application was submitted, it could be that the demolition description attached to that application is quite specific and this would be problematic if the demolition contractor has changed and a different methodology way proposed. A decision was made that prior approval by the Local Planning Authority was not required.

SUMMARY OF REPRESENTATIONS

In accordance with statutory requirements, this application has been advertised by site notices, press advert and neighbour notification letters.

One comment of objection has been received from an occupier on Penthorpe Close at Intake (S12). The comments state: "Why two bedroom what about the bedroom tax."

The comments made are unclear and are not considered to be a material planning consideration relevant to this proposal. The quantity of bedrooms in each unit is the choice of the applicant and matters relating to the bedroom tax are not a planning issue.

PLANNING ASSESSMENT

1. Land Use Issues

For the reasons described below, it is considered that there are sufficient national and local policies (including emerging policies) and project work to justify the appropriateness of the proposed use. Therefore, the principle of residential development at this location is concluded to be acceptable.

National Planning Policy Framework (NPPF)

The NPPF sets out the Government's latest planning policies for England and how these are expected to be applied. The Framework does not contain specific policies but its statements form part of the overall framework of national planning policy and are a material consideration in decisions on planning applications. The key goal of the NPPF is the pursuit of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment as well as people's quality of life. The following assessment will have due regard to these overarching principles.

Unitary Development Plan (UDP)

The application site lies within a Housing Area designation in the Council's UDP, adopted March 1998. Policy H10 'Development in Housing Areas' states that housing (use class C3) is the preferred use in these areas. Therefore, the

application proposal is considered to be consistent with the policy requirements and is an acceptable use.

Sheffield Development Framework (SDF) Core Strategy

The SDF Core Strategy provides the overall spatial strategy for the SDF over the period 2009 to 2026.

Policies CS 22 'Scale of the Requirement for New Housing', CS 23 'Locations of New Housing', CS 24 'Maximising the Use of Previously Developed Land for Housing', and Policy CS 25 'Priorities for Releasing Land for New Housing' all promote new residential development in Sheffield - at appropriate and sustainable locations - in order to assist the delivery of suitable sites for housing within the City over future years.

This application proposes to provide new housing in order to assist the current 5-year supply of deliverable sites (as required by Policy CS 22) and it will provide development in the urban area on previously developed land, which will support regeneration and represent the efficient use of land (as required by Policies CS 23, 24 and 25).

SDF Draft City Policies and Sites Document

This document forms part of the Sheffield Local Plan and flows from the Core Strategy and, amongst other things, it allocates specific sites for particular land uses where required. This document is currently in draft form but it has been subject to public consultation. It is confirmed that the application site continues to be allocated for housing and, therefore, there appears to be no conflict between the emerging policies and the proposal.

Brightside Shiregreen Neighbourhood Development Framework (NDF)

The NDF examines the issues, opportunities and key projects that will lead to successful and sustainable neighbourhoods by examining relevant social, economic and environment issues. The completed document received cabinet approval in January 2008 and it is a material planning consideration.

The potential for redeveloping the site for housing is recognised in the NDF and it is identified as a future housing site, once the existing school closed. Therefore, it is confirmed that the process followed to-date and the proposed development is consistent with the NDF's intentions for the site and its overall aspiration of creating of a sustainable neighbourhood.

2. Density Issue

Core Strategy CS 26 'Efficient Use of Housing Land and Accessibility' states that housing development will be required to make efficient use of land but accepts that the density of new developments should be in keeping with the character of the area and support the development of sustainable, balanced communities.

Densities outside the ranges specified in the policy will be allowed where they achieve good design, reflect the character of an area or protect a sensitive area.

Core Strategy CS 41 'Creating Mixed Communities' encourages a greater mix of housing at appropriate locations across the City.

The site is within 400m of the high frequency bus service that runs along Bellhouse Road and, therefore, the appropriate density set out in Policy CS 26 is 40 to 60 dwellings per hectare. This proposal represents a density of around 53 dwellings per hectare, which is consistent with the policy aspirations. Furthermore, the density reflects the smaller size of units required in this specialist scheme, which is making a contribution towards meeting a range of different housing needs in the area as part of a mix of housing as required by Core Strategy policy CS 41.

Overall, it is concluded that the proposal is consistent with the requirements of Policies CS 26 and CS 41.

3. Design Issues

UDP Policy BE5 'Building Design and Siting' expects good overall design and the use of high quality materials. Original architecture is encouraged, but new development should also complement the scale, form and architectural style of surrounding buildings.

Core Strategy Policy CS 74 'Design Principles' reiterates the expectation of high quality design as well as recognising that new development should take advantage of and enhance the distinctive features of the city. Amongst other items, this includes views and vistas to landmarks and skylines into and out of the City Centre and across the city to the surrounding countryside.

a) Proposed Layout

The new development effectively comprises of two linear blocks positioned on the north and south boundaries of the site addressing Keppel Place and Sycamore House Road, respectively. These buildings are connected together by a centrally positioned link block that is intended to be a double height entrance space for visitors comprising a large expanse of glazing and containing a communal seating area and stair/lift access to the upper floors. As such, it could be described that the building has a roughly 'H' shaped layout.

Externally, the development is intended to be set within soft and hard landscaped spaces. The main public areas (including public access and car parking areas) are situated on the western portion of the site and the more private external amenity spaces for residents/visitors (including a formal garden area a courtyard and kitchen garden) are positioned beyond the east of the central block. The separation of public and private areas is a welcomed, representing a logical design approach that will ultimately create a better environment for the future residents. The separation as well as the position of the buildings will ensure that the proposed communal amenity garden/outdoor spaces are suitably enclosed and private for the residents/visitors who will use them.

The space allocated for service/maintenance facilities is more efficient and less prominent than previous proposals. Items such as bin stores and drying areas will be integrated within the development and have been located in strategic locations around the site. Such locations are intended to be relatively discreet and it is hoped that as the landscape proposals evolve the majority will be able to be suitably screened. The provision of car parking accommodation within a single consolidated area is welcomed, helping to ease navigation for visitors and consolidate vehicle movements on surrounding streets.

Overall, it is considered that the proposed layout is an acceptable aspect of this development. The layout of buildings and arrangement of facilities has evolved following pre-application discussions; the buildings now make the best use of the site's aspect and respond well to the surrounding streetscene whilst the facilities have a more logical position.

b) Proposed Design

The proposed blocks have a contemporary architectural appearance but there is a clear intention to use traditional design features to help ensure that the new buildings sit comfortably within the surrounding context. This approach is consistent throughout the development.

Despite being an apartment block the scheme's design is reflective of a row of terraced houses, as per the existing dwellings opposite. The buildings will be constructed from brick materials and have pitched roofs.

The elevations have a repetitive rhythm and fenestration pattern, varied rooflines, and include setbacks/projections. These features are supported as they help to enhance the quality of the design as well as break down the mass/scale of the buildings' elevation and overall footprint. The design of the facades is considered to be crisp and simple. At the ends of the block facing onto Sycamore House Road there is also the intention to include a gable design, which is characteristic of the existing terraces in the area.

With regard to the fenestration pattern, the intention to create large window openings throughout the scheme is welcomed. It offers positive solid to void ratios across all external elevations and it will improve the quality of the internal accommodation by ensuring high levels of natural light within the apartments. Matters relating to the reveal depths will be dealt with by condition.

In terms of materials the main buildings will be constructed from brick and a concrete roof tile. The central link block will be a glazed structure with a standing seam roof and brise soleil/louvres, where required. The predominant brick colours to be used throughout the development will be red with a contrasting grey to the recessed elements of the elevations and the brick panels around the windows. This palette is considered to be acceptable. The previous proposals included a light buff brick material but this has now been replaced with the red after your officers expressing significant concerns that a buff material would out-of-keeping given the surrounding area, which is overwhelming by red brick buildings.

Overall, it is concluded that the proposed architecture is acceptable and, if executed in the manner proposed, it will be a positive addition to the site and surrounding area. Final large scale details and material samples are required by condition.

c) Proposed Scale

The existing Shiregreen area is heavily characterised by 2 storey houses. The proposed height of the new buildings is 2 and 3 storeys, which is consistent with the residential scale of the surrounding roads and, as such, offers little concern in scale and massing terms.

The footprint of the development is large but not regarded to be excessive or inappropriate for the site given its size and the extent of built form that previously existed prior to demolition.

The largest block within the development faces onto Sycamore House Road and extends for approximately 180m along the site's southern boundary. This building is two storeys high and it wraps around towards the South East corner of the site so as to help form an enclosed external formal courtyard and garden space to the development. In total, the building contains 24 of the residential apartments hereby proposed. The building is set back from Sycamore House Road by approximately 10m within generous landscaped space, including existing and proposed trees.

The building addressing Keppel Place has a smaller footprint at 45m long but it does increase to 3 storeys high on the road frontage owing to the sloping topography of the site and the resulting lower land level on its northern side. This building contains the remaining 22 apartments across the three floors and there is another generous distance (approximately 9m - 13m) from the front elevation to the site boundary.

Overall, the proposed scale is considered to be acceptable at this location and consistent with the existing scales.

4. Sustainability

Core Strategy Policy CS64 relates to 'Climate Change, Resources and Sustainable Design of Developments' and requires all new buildings to be energy efficient and to use resources sustainably. It also advises that all new significant developments (5 dwellings or more) should achieve Code for Sustainable Homes Level 3, or equivalent.

The Design and Access Statement confirms that the building will be designed to achieve Code Level 3 and that the full detail of the strategy for this will be developed in conjunction with the nominated contractors.

Policy CS 65 relates to 'Renewable Energy and Carbon Reduction' and requires new significant developments to provide 10% of their energy needs from decentralised and renewable or low carbon energy.

Again, it is confirmed that the development will achieve 10% of its overall energy needs from renewable energy sources. It is anticipated that photo voltaic panels that will be located on south facing roof pitches. This energy is intended to be fed into the common areas (common room facilities, door entry and potentially the lift, corridor lighting etc.) when not going back into the grid.

From the evidence submitted, it is considered that the proposals will comply with the requirements of Core Strategy Policies CS 64 and CS 65. Conditions are recommended in order to ensure that the sustainability intentions discussed are fulfilled.

Guideline CC1 of the Council's supplementary planning guidance 'Climate Change and Design (2011)' requires green roofs to be incorporated into all large-scale developments where they are compatible with other design considerations. There are no green roofs provided as part of this development. However given the other design considerations and sustainability credentials proposed to be achieved, the failure to incorporate such a feature within the development is outweighed by these positive design elements.

5. Amenity Issues

UDP Policy H14 'Conditions on Development in Housing Areas', part (c), states that new development should not result in over-development or deprive residents of light, privacy or security, or cause a serious loss of existing garden space which would harm the character of the neighbourhood.

UDP Policy H5 'Flats, Bed-Sitters and Shared Housing' states that the creation of flats and the multiple sharing of houses will be granted only if (a) a concentration of these uses would not cause serious nuisance to existing residents; and (b) living conditions would be satisfactory for occupants of the accommodation and for their immediate neighbours; and (c) there would be appropriate off-street car parking for the needs of the people living there.

UDP Policy H8 'Housing for People in Need of Care' requires that new and refurbished housing in the form of supportive accommodation, sheltered accommodation, care homes and nursing homes be permitted in suitably convenient locations and to appropriate standards.

UDP Policy H15 'Design of New Housing Developments' expects the design of new housing developments to provide good quality living accommodation. This includes adequate private garden space or communal open space to ensure that basic standards of daylight, privacy, security and outlook are met.

- Amenity of Existing Residents

Key issues for existing residents are privacy, overshadowing, overdominance and noise/disturbance. The properties affected by this development are positioned immediately opposite the site on Sycamore House Road, Keppel Place and Oaks Fold Road.

Privacy Issues

The relationship between the proposed apartments and the existing surrounding properties is considered to be acceptable. Privacy distances in excess of 25m are achieved between existing and proposed main habitable windows on all sides of the site. This distance extends up to 40m at the northern end of the site where the new building increases to three storeys high and is situated at an elevated position to the properties opposite on Keppel Place and Keppel Road. Normally, a main elevation to main elevation relationship (at equal height and level) would warrant a separation distance of 21m with greater distances encouraged depending upon the site characteristics and increases in building height. Therefore, the proposal is consistent with general advice and is concluded to be acceptable.

Overshadowing and Overdominance Issues

The site is separated from surrounding properties by established public highways. Owing to the good separation distances described above and the layout of the proposed development, as well as the height of the properties (two and three storeys), it is considered that there will be no detrimental overshadowing and overdominance issues for these properties that will be created by this development.

There is little doubt that the new development will be visible from the adjacent residential properties which overlook the site. This will be a significant change from the current situation and the school site that existed prior to their demolition. However, change in views and the nature of the views is not a material planning consideration.

Noise and Disturbance Issues

It is considered that the proposed development will not cause a significant nuisance or disturbance to existing residents. The proposals are residential in character which is more compatible than the previous school use that existed on the site. Furthermore, it is considered that the proposed use is likely to be relatively quiet and low-key owing to the intended elderly occupiers.

The position of the vehicle accesses and the car park area serving the development is considered acceptable. The development will allow the opportunity to improve the quality of the site's existing access onto Oask Fold Road and the new access onto Sycamore House Road will only be used when service/maintenance needs demand. Furthermore, it is considered vehicle movements will be somewhat low key and dispersed given the nature of the use.

For the reasons above, it is concluded that the proposed development is acceptable and will not have a significantly detrimental impact on the living conditions of existing surrounding residents, in accordance with relevant UDP policies.

Amenity of Future Residents

Key issues for existing residents are outlook, privacy, outdoor amenity, and noise and disturbance. These are discussed below.

Outlook

All of the habitable rooms within the development have large clear openings and are proposed to be naturally ventilated with the intention of ensuring that internal living environments are well lit by daylight and comfortable for occupiers. Furthermore, the layout of the development ensures that large amounts of soft landscaping, including existing trees, will be retained around the edges of the site. This is a characteristic of the site's former layout and ensures that a pleasant green outlook will be retained for existing/future residents.

It is considered that the outlook from units will be acceptable across all elevations of the site.

Privacy

The layout and design of the scheme creates a circumstance whereby habitable room windows do not face each other and, therefore, overlooking between units will not occur. This is considered to be a positive aspect of the scheme and acceptable.

Outdoor Amenity Space

The development comprises of a variety of outdoor garden spaces and courtyard areas that are intended to provide external amenity space and access routes for the site's occupiers. It is intended that all of the ground floor apartments are served by a small outdoor amenity space in front of the apartments where residents can sit and/or personalise. Direct pedestrian access to the surrounding streets site is proposed to be available at on all boundaries of the site to enable residents and visitors alternative access points into the site and help enliven the site frontages.

Noise and Disturbance

The site is located within an existing residential area and therefore it is anticipated that surrounding noise sources will be relatively low key and similarly residential in character. As a consequence, there are considered to be no noise and disturbance concerns for the proposed development and its future occupiers. Furthermore, the securement of good internal noise levels can be achieved through a scheme of sound attenuations works (reserved by condition).

For these reasons, it is concluded that the proposed development will provide an acceptable living environment for future residents, in accordance with relevant UDP policies.

6. Highway & Transport Issues

UDP Policy 14 relates to 'Conditions on Development in Housing Areas' and part (d) states that new development or change of use will be permitted provided that it provides safe access to the highway network, provides appropriate off-street parking, and does not endanger pedestrians.

Core Strategy Policy CS 23 'Locations for New Housing' states that new development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure. The main focus will be on suitable and sustainably located site.

Core Strategy Policy CS 53 relates to 'Management of Demand for Travel' and part b. encourages the promotion of good quality public transport and routes for walking and cycling to broaden the choice of modes of travel.

The site is located in an existing residential neighbourhood within close proximity of Bellhouse Road, which is a high frequency bus route with a combined frequency of one bus every 5 minutes (or more) during the peak hours of operation.

The main highway issues are considered to be the position and number of vehicle access points and the quantity of car parking spaces.

In terms of vehicle access points, there are proposed to be a total of two serving this development. The Oaks Fold Road access which is intended to be the main vehicle access point and provide access to the resident/staff car parking spaces and drop-off area. This access point was formerly the main vehicle access to the school. The Sycamore House Road access will serve as a separate service/maintenance entrance.

It would be preferable to have all a single vehicular access to the site taken off Oaks Fold Road in order to help minimise vehicle traffic on other surrounding residential streets. However, the Applicant has requested that the additional entrance off Sycamore House Road be retained for means of service provision. Given the length/arrangement of the building and the elderly nature of future occupiers, it is proposed that bin storage facilities be provided at either end of the site to help minimise carry distances for residents. On this basis the additional entrance is acceptable.

With reference to car parking, it is noted that the Council has adopted maximum standards relating to a range of uses, including residential accommodation, as relevant to this application. In total, there are 14nos. car parking spaces (including 4nos. disabled) proposed across the whole site. These will be situated in a small car park that is proposed to be situated towards the west of the site. Overall, the car parking provision and arrangements are considered acceptable from a highway point of view given the nature of the use and its location.

Whilst offering no objection to this application, a number of conditions have been requested which relate to highway matters and intend to ensure that the development is constructed and operated in an acceptable manner.

In terms of traffic and trip generation, given the nature of the site's main users (i.e. the elderly) it is considered that movements will be irregular and relatively infrequent and will not generate high vehicle movements during AM peak and PM peak hours, thus having no significant material impact on the adjacent highway network at key times.

South Yorkshire Passenger Transport (SYPTTE) welcomes the development and considers that it will help to encourage sustainable travel behaviour from site users and make good use of existing travel resources. As this development intends to create 46 apartments for the elderly, SYPTTE it is expected that many of the residents will be reliant on public transport and have free access to travel. Therefore, SYPTTE has requested that there is a requirement placed upon the application to upgrade the closest bus stop on Bellhouse Road (stop number 37020804). It is considered that this will improve the waiting environment and make the use of public transport more appealing to future residents. Currently, the bus stop is a pole with no shelter and given the increased number of likely users, it is considered that measures should be put in place to upgrade to a full BSL shelter with seating, information carrousel, raised kerbs and tactile paving. The estimated cost of these works is £10,000. Given the scale of the development proposals, the proximity of the bus stop, and the limited parking levels proposed, this request is considered to be directly relevant to the development and, therefore, it is considered that the provision of this stop be achieved by condition.

In light of the above, and subject to conditions, it is considered that the proposal complies with the relevant aspirations of the UDP and Core Strategy policies identified.

7. Landscape

UDP Policy BE6 'Landscape Design' expects good quality landscaping in new developments and refurbishment schemes. Landscape work should provide an interesting and attractive environment as well as integrating with existing features and promoting nature conservation.

UDP Policy GE15 'Trees and Woodland' states that trees and woodland will be encouraged and protected. There is a requirement for developers to retain mature trees, wherever possible, and replace any trees which are low.

UDP Policy BE6 'Landscape Design' expects good quality landscaping in new developments and refurbishment schemes. Landscape work should provide an interesting and attractive environment as well as integrating with existing features and promoting nature conservation.

The development will be set within landscaping and the majority of the existing established trees that surround the site will be retained and incorporated into the development, which is welcomed. These trees are predominantly situated on the edges of the site and include Ash, Sycamore and Birch as well as isolated examples of Oak and Horse Chestnut, Hawthorn, Rowan and several smaller

Cherries. As such, they are a pleasant and attractive feature in the streetscene and their retention will help to soften the appearance of the new development.

A number of trees are intended to be removed as part of this development but these are few in number and the actions are necessary due to the siting of the new development. The most notable trees to be removed is a twin stemmed Ash specimen that is situated on the site's northern boundary adjacent to the junction of Keppel Place and Keppel Road, and an oak tree on the site's Sycamore House Road boundary. The submitted Tree Survey identifies that this tree is 12m high Category B1 specimen with a future life potential of beyond 40 years; however the position of the tree conflicts with the siting of the new building and, in particular, the main pedestrian entrance to the buildings from the northern boundary. Therefore, in the interests of the wider scheme the loss of this tree is accepted.

The final landscape scheme for the site has yet to be finalised but it is considered that the details on the submitted plans are sufficient to demonstrate the principles of what is proposed and the general landscape arrangement is considered to be acceptable. Final details are required by condition and it is concluded that the proposal complies with UDP Policy BE6.

9. Public Art

UDP Policy BE12 'Public Art' encourages the provision of public art where it would be readily seen by the public and integral to the design of major developments. The Applicant has indicated a willingness to integrate public art within the development. Given the size and nature of the proposal it is considered that there are ample opportunities to integrate public art within the scheme. This will be secured by condition.

10. Flood Risk

Core Strategy Policy CS67 relates to 'Flood Risk Management' and, in part, seeks to ensure that more vulnerable uses (including housing) are discouraged from areas with a high probability of flooding.

The application site falls within Flood Zone 1 on a sloping site on the valley side. Therefore, there is deemed to be no significant flood risk implication generated by this application.

The previous school site comprised of buildings, large areas of impermeable tarmac hardstanding and permeable grassed landscaping. These buildings have now been removed and the site comprises soil and crushed material whilst it awaits redevelopment. A condition is recommended to ensure that there is surface water discharge from the site that provides a reduction of at least 30% compared to the previous peak flow when the site was occupied by its previous use. This should be achieved by sustainable drainage methods, as recommended by the Council's Land Drainage & Flood Risk Section.

In light of the above, and subject to conditions, the development is considered satisfactory in terms of Policy CS67.

11. Ecology Issues

UDP Policy GE11 'Nature Conservation and Development' states that the natural environment will be protected and enhanced. Therefore, the design, siting and landscaping of development should respect and promote nature conservation and include measures to reduce any potentially harmful effects of development on natural features of value.

An ecological assessment has been submitted with the application. The assessment provides information in relation to bat roosting potential, nesting birds and invasive species.

In relation to bats, the potential was deemed low and dusk emergence/dawn return surveys recorded no evidence of bat roosting activity although a moderate amount of common pipistrelle commuting activity was recorded at dusk. No further surveys were recommended.

In relation to birds, it is advised that the site has the potential to support nesting birds (mainly in the trees and shrubs). The report states that where removal of these features is required, this should be undertaken outside the bird nesting season.

The Council's Ecology Unit has assessed the details contained in the submission and raises no objections to the proposed development, subject to conditions which will ensure that the recommendations of the assessment are addressed. In terms of future habitat creation and biodiversity enhancement, any new landscaping proposals that include a proportion of native species and additional bird/bat boxes around the site are recommended.

Therefore, it is concluded that the proposal will not have a negative impact on the natural environment and it is viewed as acceptable in terms of Policy GE11.

12. Open Space Enhancement

UDP Policy H16 'Open Space in New Housing Developments' requires that developers ensure that there would be sufficient open space to meet the local needs of people living there.

The Supplementary Planning Guidance document 'Open Space Provision In New Housing Development' (updated 2013) supports Policy H16 and confirms that the types of residential development covered by the policy includes independent dwellings for the elderly, as per this application. However, it is not expected that such dwelling provide a contribution towards children's play facilities.

Overall, it is expected that this scheme should provide a contribution towards open space in the local area. Therefore, under the terms of Policy H16 and the Supplementary Planning Guidance an open space contribution of £6870.10 will be required. This will be secured by a legal agreement.

13. Affordable Housing

Core Strategy Policy CS 40 'Affordable Housing' states that, in all parts of the city, new housing developments will be required to contribute towards the provision of affordable housing where practicable and financially viable. It proposes a target of 30 - 40% affordable housing on sites of more than 15 units.

It is intended that all of the 46 apartments proposed as part of this development will be provided at affordable social rent and, presently, it is not intended to sell any of the properties. They will be owned and maintained by Sanctuary.

Overall, the application will provide 100% affordable housing for rent and this is considered to be consistent with Policy requirements. In order to comply with the Core Strategy Policy in the long term, the Applicant is required to enter into a Section 106 agreement to confirm that even if the housing stock within the development is ever sold, 30% of the properties will remain as affordable housing in perpetuity.

In light of the above, and subject to the successful completion of the S106, it is recommended that the proposal complies with the aspirations of Policy CS 40.

14. Mobility Housing

UDP Policy H7 'Mobility Housing' seeks to ensure that a proportion (25%) of mobility housing will be encouraged as part of new developments except where the physical characteristics of a site or existing buildings make it difficult.

The supporting Design and Access Statement states that all of the housing units will conform to the Council's Mobility Housing guidance, which is a positive of the proposal. Furthermore, it indicates that the scheme will also comply with BS:8300, Lifetime Homes, and the Wheelchair Housing guide, which are not a policy requirement of the Council but welcomed at this site.

Following assessment of the plans, a number of items have been identified that need addressing in order to ensure the scheme offers suitable mobility provision and facilities for disabled people. These items are relatively minor issues and not be fundamental to the layout of internal or external spaces. The Applicant's Architects are currently in the process of amending the plans in accordance with officer advice.

Subject to the receipt of acceptable amendments, it is anticipated that the requirements Policy H7 will be met.

RESPONSE TO REPRESENTATIONS

The issue raised by the representation received has already been addressed in the report.

SUMMARY AND RECOMMENDATION

The proposed development will provide 46 new apartments for elderly people on a vacant site in Shiregreen. The current proposals are considered to have an acceptable and contemporary architectural style and will provide affordable social housing built to mobility housing standards. Furthermore, all of the properties will achieve Code for Sustainable Homes Level 3 and the site overall will achieve a 10% of its energy needs from renewable energy as well as a reduction in surface water run-off.

The scheme is not considered to have a detrimental impact on the setting of the existing neighbourhood and it is considered that the implications for existing residents in terms of overlooking, overshadowing etc. will be minimal owing to their relationship with the application site.

There are considered to be no significant highway implications generated by the proposal. Furthermore, the site is considered to have a sustainable location with a high frequency bus route running nearby along Bellhouse Road.

In terms of landscaping, the anticipated loss of trees is unfortunate but it is considered that the retention and anticipated inclusion of trees and new landscaping spaces as part of the redevelopment proposals will represent suitable replacements. The response to the ecology on site is considered to be acceptable and the inclusion of a commitment by the Applicant to provide public art as part of the development is welcomed.

In amenity terms, it is considered that the living environment for future residential occupiers will be acceptable and appropriate for a suburban location. Privacy distances between properties, outlook and the surrounding external environment provided are considered to be acceptable.

Overall it is concluded that the development it will make a positive contribution to the site and the surrounding area. Members are therefore recommended to grant planning permission subject to the proposed conditions and completion of the approved Planning Agreement under Section 106 with the following Heads of Terms identified below.

Heads of Terms

1. The Landowner covenants that no less than 30% of the apartments provided on the Site as part of the Development shall remain as Affordable Housing in perpetuity.

2. The Owners shall pay the Council [on or before the commencement of Development] the sum of £ £6870.10 to be used by the Council towards the provision or enhancement of recreation space in the locality of the Site be provided in accordance with the principles set out in the Council's Supplementary Planning Guidance 'Open Space Provision in New Housing Development'.

In the event that a satisfactory S106 planning agreement covering the Heads of Terms set out in the preceding paragraphs is not concluded before 5th February 2014 (in order to meet the Government's target time for determination of the application), it is recommended that the respective application be refused for the failure to make adequate provision in this regard.

Case Number	13/03688/RG3 (Formerly PP-02959921)
Application Type	Application Submitted by the Council
Proposal	Erection of a primary school in two phases, Phase 1 - Infants School and Phase 2 - Junior School, and provision of associated landscaping works, car parking accommodation and access
Location	Gleadless Primary School Hollinsend Road Sheffield S12 2EJ
Date Received	30/10/2013
Team	City Centre and East
Applicant/Agent	Jefferson Sheard Architects
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:

plan reference number

7000 Site location plan
A_7001 rev A proposed plan phase 1
A_7002 rev A proposed plan phases 1 & 2
A_7003 rev B proposed elevation sheet 1
A_7004 rev B proposed elevation sheet 2
GPS-LA-0201 rev 8 landscape masterplan
GPS-LA-0203 rev 3 landscape masterplan phase 1A
643/009 Typical sections

In order to define the permission.

- 3 No development shall commence until full details of measures to protect the existing trees, shrubs and hedges to be retained, have been submitted to

and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 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.

In the interests of the visual amenities of the locality.

- 4 Prior to the development being brought into use, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. . The agreement shall apply to all sporting facilities on site including, playing pitches multi use games area (MUGA), school/sports hall and on site parking and shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.

To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport.

- 5 Phase 1 of the school shall not be occupied unless the sports field enhancements and extension to the hard play areas shown on the approved plans have been implemented.

In the interest of satisfactory sports and play provision on site.

- 6 Prior to the commencement of each phase of the development namely
 - a) Phase one
 - b) Phase two

details of finished building floor and site levels 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 visual amenities of the locality.

- 7 The sole means of permanent vehicular ingress to and egress from the site shall be gained from and to Frith Road.

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

- 8 Each school phase shall not be used unless the car parking accommodation for 19 cars (Phase1) and 37 cars (Phase 1 and 2) 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.

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

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

Highway Improvements:

- 1) Ridgehill Road (removal of redundant signage / markings)
- 2) Jaunty Lane (additional school signage / replacement markings)
- 3) Frith Road (additional school signage / replacement markings)

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.

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

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

- 11 Within 6 months of the use of phase 1 a review of on street parking in the vicinity of the school site shall be carried out and the details submitted to and approved in writing by the Local Planning Authority and where necessary additional Traffic Regulation Orders shall be implemented within an agreed time period.

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.

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

In the interests of the safety of road users.

- 13 Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient covered cycle parking accommodation within the site (Phase 1) shall have been submitted to and approved in writing by the Local Planning Authority and the school (Phase 1) shall not be used unless such cycle parking has been provided in accordance with the approved plans and, thereafter, such cycle parking accommodation shall be retained.

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

- 14 The final completed school (Phases 1 and 2) shall not be used unless the cycle parking accommodation for 26 cycles and 4 motorcycles 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).

- 15 Prior to the commencement of Phase 1 details of a dedicated pedestrian route through the school grounds from Frith Road to the entrance to phase 1 of the school shall be submitted to approved in writing by the Local Planning Authority, thereafter the pedestrian route shall be provided and retained in accordance with the approved details.

In the interests of pedestrian safety.

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

The Travel Plan(s) shall include:

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

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

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

- 17 No development shall commence until the actual or potential land contamination and ground gas contamination at the site shall have been investigated and a Phase 1 Preliminary Risk Assessment Report shall have been submitted to and approved in writing by the Local Planning Authority. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004).

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

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

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

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

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

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

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

- 21 Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development 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.

- 22 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.

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

- 23 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 surface water disposal, including calculations to demonstrate the reduction, must be submitted and approved by the Local Planning Authority prior to commencement of building.

In the interests of sustainable development.

- 24 No building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the sewer, which crosses the site.

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

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

In the interest of satisfactory and sustainable drainage.

- 26 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

- 27 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 commencement of each phase of the development.

In the interests of the visual amenities of the locality.

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

In the interests of the visual amenities of the locality.

- 29 The proposed green roof(s) (vegetated roof system) shall be provided on the roof(s) in the locations shown on the approved plans in each phase of the development prior to the use of the buildings commencing. Full details of the green roof construction and specification, together with a maintenance schedule shall be submitted to and approved in writing by the Local Planning Authority prior to foundation works commencing on site and unless otherwise agreed in writing shall include a substrate based growing medium of 80mm minimum depth incorporating 15-25% compost or other organic material. Herbaceous plants shall be employed and the plants shall be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced.

In the interests of biodiversity.

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

In order to ensure an appropriate quality of development.

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

- A) Windows
- B) Window reveals
- C) Doors
- D) Eaves and verges
- E) External wall construction
- F) Brickwork detailing
- G) Entrance canopies
- H) Roof

- I) Ridge & valleys
- J) Rainwater goods

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

In order to ensure an appropriate quality of development.

- 32 Details of a suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before the commencement of each phase of the development or an alternative timeframe to be agreed in writing by the Local Planning Authority and school shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

In the interests of the visual amenities of the locality.

- 33 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) 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.

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.

- 34 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.

- 35 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.

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.

Attention is drawn to the following directives:

1. A model Community Use Scheme is available on the Sport England website www.sportengland.org
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.

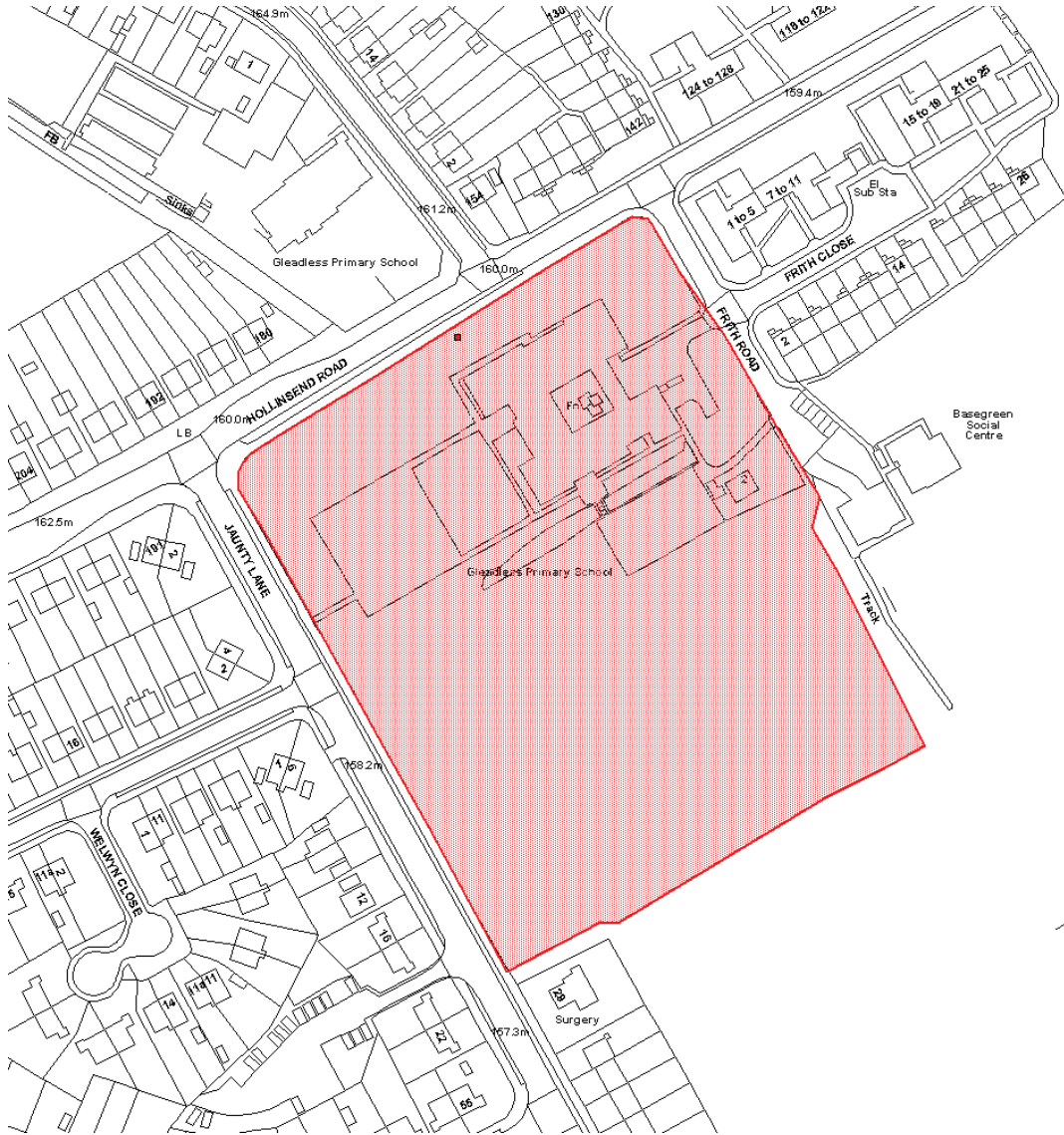
The notice should be sent to:-

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.

Site Location



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LOCATION AND PROPOSAL

This application seeks permission to erect a new primary school which will co-locate the existing Gleadless nursery/infant school and the Gleadless junior school onto the site of the existing Gleadless Junior School. Currently Gleadless Primary school is split over two sites separated by Hollinsend Road. The junior and nursery school is located in a Victorian three storey building on the north side of Hollinsend

Road with the junior School accommodated in a single storey building on the south side of Hollinsend Road.

The junior and nursery/infant school currently share facilities which means at lunch time's nursery/infant school pupils have to be escorted across Gleadless Road to take their lunch in the junior school hall. This is not a satisfactory arrangement for pupils and as such a new primary school is proposed which combines the two schools on one site.

The application site is located between Jaunty Lane, Hollinsend Road and Frith Road and comprises of the existing junior school building, hard play areas, a caretakers property and parking areas which are located at the northern end of the site, the southern end of the site comprises of landscaping areas and the school playing fields.

The development will be brought forward in two phases due to current funding constraints. Phase one will comprise of the relocation and construction of the new nursery and infant school and retention of the existing junior school. Phase two will comprise of a replacement junior school which will be linked to the nursery/infant school and associated hard play landscaping and car parking improvements.

The application site is approximately 2.6 hectares in area and falls within an allocated Housing area and Open Space area as defined in the adopted Sheffield Unitary Development Plan

RELEVANT PLANNING HISTORY

No relevant planning history

SUMMARY OF REPRESENTATIONS

1 letter of representation has been received. The issues raised are summarised as follows:

- Loss of view
- Loss of light to windows
- If the school is to be enlarged congestion will be even worse at school drop off and pick up times as cars already park on double yellow lines and on peoples driveways.

Sport England do not object to the proposals

PLANNING ASSESSMENT

Policy Issues

The site falls in a Housing Policy area and Open Space area as defined in the adopted Sheffield UDP. Policy H10 identifies education facilities (Use class D1) as acceptable in the policy area, as such the principle of developing a replacement school on the allocated housing section of the site is considered acceptable. The

development will however encroach on to the allocated open space area which in part comprises of the school playing fields

Policy CS45 'Quality and Accessibility of Open Space' of the Core Strategy (CS) states that the safeguarding and improvement of open space will take priority over the creation of new areas. The proposed development builds over part of the open space area to form the new school and associated play space and parking areas. Policy CS47 identifies that development of open space will not be permitted where there is a shortage of open space in the area. In this case an open space assessment has been undertaken and identified that there is not a quantitative shortage of open space in the area and specifically there is sufficient provision of outdoor sports.

As well as being open space some of the site on which the new school will be built also forms part of the existing school playing fields. In the 2005 Playing Pitch Strategy the playing field was identified as accommodating two mini soccer pitches which were characterised as being of high quality, but low value. The pitches are considered to be low value due to lack of public access and were not included in the 2009 Open Space Audit due to lack of public access. The pitch provision going back onto site will be less than the existing amount with some of the playing field being given over to hard standing. As the proposal will result in the loss of playing fields and the proposed replacement space is not as large as the existing space the proposal does not strictly accord with any of the exception criteria in Sport England's playing fields. However alternative sporting facilities are proposed which are considered to offset the loss of part of the playing fields.

Phase one of the development will not affect the existing playing field provision, however in order to implement phase two 2,850 sq. metres of playing field will be lost. Part of the lost playing field area is currently embankment and not suitable for formal pitch provision. A multi-use games area (MUGA) is proposed as part of phase two and will be located on the site of the current junior school buildings which will provide 1,449 sq. metres of new sports facility. Although a MUGA is not replacement grass playing pitches it is considered to compensate for the loss of the grass playing field and can be used intensively throughout the year. The retained playing field remains of sufficient size to accommodate a playing pitch, a junior football pitch is shown on the submitted plans, an additional synthetic cricket wicket will be installed and a rounder's pitch and running track will be marked out on the playing fields as part of the phase one. A community use agreement will also be secured by condition which will enable the community to use the improved sports facilities on site outside of school times. In light of the above and subject to the provision of a community use agreement secured by planning condition. Sport England do not object to the proposals

The applicants have confirmed that the principle of a community use agreement is acceptable. Although there will be a quantitative loss of open space to accommodate the development, substantial areas of open space remain adjacent to the application site, and as a result of the development residents will be afforded access to higher quality sporting pitches and recreational facilities through the community use agreement with the school. As such the proposal is considered acceptable with regard to policy CS45 and CS47

Community Benefits

Policy CF1 'Provision of Community Facilities' seeks to promote the provision of community facilities which includes schools particularly where they would be for disadvantaged people, located where there is a shortage and in the community they intend to serve. Policy CS43 'Schools' also seeks to ensure that there is sufficient provision of modern education facilities and indicates that there will be significant investment to upgrade some primary schools in the city. Taking account of the existing educational issues on site and the fact that the nursery and infant school is no longer considered fit for purpose the provision of a new modern school is supported and considered to comply with Policies CF1 and CS43.

Design and layout Issues

Policy CS74 relates to design principles and advises that high-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods. Policy CS74 also advises that any new development should respect the topography of the city, views and vistas and the townscape and landscape character of the particular area with their associated scale, layout, form and building style and materials. Policy BE5 of the UDP also advises that good design and the use of good quality materials will be expected in all new developments.

The site falls in a southerly direction away from Hollinsend Road. The northern part of the site which accommodates the existing junior school comprises of a flat plateau area which is located approximately 3 metres below the level of the adjoining highway. The proposed school will be located centrally within the site, with the nursery and infant block located on an existing hard play area to the west of the existing junior school. The new junior School will be located to the south of the nursery/infant school taking advantage of the views and outlook over the reconfigured playing fields. A new parking area will be formed within the site from Frith Road and the site will be extensively landscaped to provide a welcoming teaching and learning environment. The buildings are designed to facilitate easy access to external spaces with incidental play space as well as formal play space provided on site. The layout of the site is considered acceptable.

The nursery and infant school (phase one) and the junior school (phase two) are separate buildings which will be linked by an 'entrance hub' building which will provide the physical link between the two parts of the school when both phases of the development are completed. The entrance hub is centrally located between the two parts of the school and finished in contrasting materials to the main school buildings which flank the entrance hub. The school buildings have been designed and positioned on site to filter pupils and visitors from the Jaunty Lane and Frith Road site entrances towards the central entrance hub which provides a secure reception area for both parts of the school.

The nursery and infant school (Phase one) will be delivered first and the design and layout of the overall scheme enables phase one to be delivered while retaining

the existing junior school, and then phase two to be delivered with minimal disruption to pupils as possible.

The proposed new school is a single storey structure, located under mono pitch and dual pitch green roofs. The school buildings are contemporary in design faced in timber cladding with a black brick plinth. The school kitchen which is located to the rear of the taller school hall building is faced in brick to provide a more robust finish as deliveries and service vehicles will be manoeuvring in close proximity to this part of the building. The buildings incorporate large full height glazed openings which help to maximise natural light penetration into the buildings and break up the overall mass of the buildings. Coloured look-alike glazing panels are to be used as part of the fenestration detailing, as well as coloured doors and window frames to add some variation and relief to the elevations.

Due to the topography of the site and existing mature landscaping on the Jaunty Lane and Hollinsend Road frontages of the site, the buildings will to a large extent be located below the level of the adjoining highways and as such will not appear prominently in the streetscene. Due to cost, layout, engineering reasons and issues to do with phasing of the scheme it was not possible to position the buildings closer to Jaunty Lane or Hollinsend Road. However taking account of the existing constraints on site including phasing of the scheme, the design and layout of the scheme is considered acceptable.

Sustainability

Policies CS63, 64 and 65 set out the council's approach to dealing with climate change and sustainability. The supporting text to CS64 advises that to satisfy the policy, all new non-residential developments over 500 square metres should achieve a BREEAM rating of very good (or equivalent). The applicant has submitted a sustainability statement, which confirms that the building will achieve a 'very good' BREEAM rating, which is consistent with the requirements of policy CS64.

Policy CS65: Renewable Energy and Carbon Reduction sets out objectives to support renewable and low carbon energy generation and also to further reduce carbon emissions. Policy CS65 requires, if it is feasible and viable, new developments to achieve the provision of a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy. Air source heat pumps will be incorporated which provide hot water for the under floor heating systems and solar panels will be mounted on the south roof plane which will provide pre heating for the hot water system.

The policy also requires buildings to be designed and constructed to minimise their energy consumption from the outset by making the best use of solar energy, passive heating, natural light and ventilation as well as minimising water consumption and maximising water recycling. The building has been designed with energy efficiency and carbon reduction as a primary design objective. A green roof will cover a large majority of the buildings which will help to insulate the structure, reduce water run-off and increase biodiversity of the site. The buildings will be naturally ventilated with electrically and manually operated roof lights and high

levels windows to provide cross ventilation in order to reduce overheating. The proposal is considered to comply with policy CS63, 64 and 65.

Highways

The proposal is for a replacement school which will co-locate the Gleadless junior and nursery/infant schools onto one site. Given that the schools are established, albeit they currently exist on different sites, the existing school sites are immediately adjacent to each other, separated only by Hollinsend Road. As such the proposal is not considered to give rise to any significant increase in traffic in the area over and above the operation of the existing schools.

The vehicle access to the site is currently taken from Frith Road which is a Cul de Sac that also serves a small residential development and the Base Green community centre and playing fields. The existing access to the car park and care takers house off Frith Road will be retained and reconfigured to provide an 'in and out' one way system which provides access to a new car parking area with 37 spaces. Service vehicles will also continue to use Frith Road to service the school. The on-site parking spaces will be dedicated to staff and visitors only. The level of parking provision is considered acceptable, however the full 37 parking spaces can only be provided once the second phase of the development has been completed.

Currently the junior school provides 10 parking spaces for staff and the existing nursery/infant school have 8 spaces dedicated to staff. Under phase one 19 car parking spaces are proposed which involves some alterations to the existing car parking spaces on site and utilisation of a small parking area located adjacent to the Base Green Community Centre at the end of Frith Road. There is a net gain of one car parking space within phase one and whilst additional parking provision would be welcome, given the site's constraints and the level of existing parking spread across both existing sites the proposal is considered acceptable.

Pedestrian access to the site can currently be gained from Hollinsend Road, Frith Road and Jaunty Lane. The proposals seek to promote the Jaunty Lane entrance as the main pedestrian route into the site in an attempt to segregate the pupils from the primary vehicle entrance on Frith Road. The existing stepped access from Jaunty Lane will be widened and converted to a ramp to facilitate disabled access. The site is surrounded by residential properties and the school have demonstrated through the submission of a draft travel plan that they are committed to encouraging parents and staff to use alternative modes of transport to the private car. It is acknowledged that staff and parents will still arrive at the site by car, however it is simply not possible to provide adequate drop off facilities within the school site. There are concerns that the alterations to the site layout could lead to proliferation of on street parking particularly around the Jaunty Lane entrance to the site. There are existing waiting restrictions on Jaunty Lane, however should significant parking issues arise waiting restrictions could be reviewed and additional traffic regulation orders implemented to prevent parking on adjoining roads during the peak drop off and pick up times. Details will be secured by condition to review the parking restrictions within 6 months of the opening of phase one of the school.

Appropriate secure covered cycle parking is proposed with additional scooter parking for pupils, which will help to encourage parents and children to arrive at school by alternative modes of transport to the private car. In light of the above the proposals are considered acceptable from a highways perspective.

Public Art

Policy BE12 'Public Art' requires public art to be provided as part of all major development proposals, details will be secured by condition.

RESPONSE TO REPRESENTATIONS

There is no right to view within planning legislation. Taking account of the levels of the site and the separation distance (35 metres) between the school and the closest residential properties the proposal is not considered to result in any detrimental loss of light to any neighbouring properties. All other issues are covered in the main body of the report.

SUMMARY AND RECOMMENDATION

This application seeks permission to co-locate the Gleadless nursery/infant School on to the existing junior school site by constructing a brand new replacement primary school. The facilities at the existing nursery/infant school are substandard and pupils are forced to cross Hollinsend Road to use facilities in the junior school including the hall and catering facilities. It is proposed to deliver the new school in two phases as funding is only currently secured for phase one which will involve the construction of the new nursery/infant school. Phase two will replace the existing junior school with a new junior school which will then be linked to phase one via a new 'entrance hub' building.

The proposed new school and associated demolition and landscape works are considered to be acceptable in principle. The proposal will lead to the loss of part of the existing playing fields when phase two is constructed. However a large majority of the existing playing fields will be retained including the football pitch and an enhanced facility will be provided in the form of a new multi-use games area, a synthetic cricket wicket and a new running track and rounder's pitch will be marked out. The applicants have also agreed to sign up to a community use agreement which will enable the wider community to access the new facilities outside of school hours and is considered acceptable to negate the loss of playing fields and Sport England are satisfied with this approach.

The development as proposed is considered to be acceptable with regard to the impact on the highway, access and landscape. The design of the building is high quality incorporating natural materials and a green roof. Sustainable design has been considered from the outset with the building designed to be energy efficient and minimise its overall energy demand. Air source heat pumps and solar panels are proposed to generate on site renewable energy.

The development will deliver a school where there is a clear need for improved education facilities; as such the proposals are clearly supported by policies CF1

and CS43 of the Core Strategy. In light of the above the proposals are considered acceptable and comply with the National Planning Policy Framework, Unitary Development Plan and Core Strategy Policies. A recommendation is therefore made for approval subject to conditions.

Case Number 13/03502/FUL (Formerly PP-02953100)

Application Type Full Planning Application

Proposal Alterations to car showroom including installation of roller shutters for use as a car repair garage, rendering of building and erection of 1.8 metre boundary wall (retrospective), use of basement workshop as car parking and reduction of boundary wall brick piers (adjacent access) to 1 metre

Location The Meersbrook Garage
1 - 7 Meersbrook Road
Sheffield
S8 9HU

Date Received 16/10/2013

Team South

Applicant/Agent Mr Matthew Bagnall

Recommendation Grant Conditionally

Subject to:

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

Drawings:

PRC 0807/7.4 dated 17.10.13.
PRC 0807/7.5K dated 17.10.13.
PRC 0807/7.3 dated 17.10.13.
Section through roller shutter door dated 17.10.13.
PRC 1310/2.1A dated 09.12.13.

In order to define the permission.

- 2 The development shall not be used unless the car parking accommodation for 24 cars 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.

- 3 Within 3 months of the date of this permission, the improvements (which expression shall include traffic control measures) to the highways listed below shall have either;
- a) been carried out; or
 - b) details, including a timescale for implementation, shall 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.

Highway improvements:

Northcote Avenue (traffic regulation order - both sides for extent of site frontage)

Meersbrook Road (traffic regulation order - northern side along site frontage)

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.

- 4 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.

- 5 Within 1 month of the date of granting planning permission a management plan detailing the management of on site parking shall be submitted to and approved in writing by the Local Planning Authority and the site shall thereafter operate in accordance with the agreed management plan.

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

- 6 Within 3 months of the date of granting planning permission the wall either side of the site entrance shall be lowered to a height of 1 metre for a length of 2 metres either side of the entrance and shall thereafter be retained.

In the interests of the safety of road users.

Attention is drawn to the following directives:

1. 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



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LOCATION AND PROPOSAL

Meersbrook Garage lies at the junction of Northcote Avenue, Meersbrook Road and Albert Road. All surrounding uses are residential and at the rear, the Meers Brook flows past the site in a culvert. At the front, rear and west of the site, there are areas used for car parking.

The main frontage of the garage faces Meersbrook Road and here the garage is a mix of single and two storeys with a flat roof and there are five service bays each with a metal roller shutter door. At the rear, due to falling levels, is a basement area reached by a sloping access track.

This is a retrospective planning application which relates to the former showroom part of the building and the boundary walls only. The use of the remainder of Meersbrook Grage for car repairs, servicing and MOTs and ancillary offices and toilets is established and not included as part of this application.

Planning approval is sought for the change of use from a car showroom to a workshop, alterations to form three additional workshop bays and the erection of a 1.8 metre high boundary wall with lower sections either side of the entrance. The three bays open out on to the forecourt on the Meersbrook Road side.

This new retrospective application, as amended, is very similar to two previous applications, 09/00365/FUL and 13/00177/FUL (see Planning History). This new application has submitted the Noise Survey that was previously submitted with 13/00177/FUL but the main difference is that this proposal has revised the parking layout to increase off road parking capacity, which is in response to the Inspector's Decision Letter relating to the appeal decision for 13/00177/FUL.

The appearance and use of the garage has not changed since the earlier application was submitted in 2009 and it has continued operating without planning consent for the showroom, three new bays and new boundary wall since the refusal of permission in June 2011.

The previous decisions are material considerations of significant weight that are relevant to this new application.

RELEVANT PLANNING HISTORY

09/00365/FUL Alterations to car showroom for use as additional bays to repair garage/MOT testing centre and erection of a 1.8 metre high boundary wall and external lighting (retrospective application) (amended plans dated 07/08/2009) refused on 14.06.2011.

The application was refused because the proposal would result in an over intensification of an inappropriate use within a Housing Area that results in noise and disturbance from vehicle repair and servicing and excessive and indiscriminate on street (and footway) car parking to the detriment of the living conditions of nearby residents and to highway and pedestrian safety. The application was considered to be contrary to policies H10 and H14 of the adopted Unitary Development Plan (UDP).

11/02111/LU1. Application to establish the lawful use of the building for servicing, repair, maintenance, MOT and other works to vehicles refused on 17.01.2012.

This application related to the showroom area of the building which is on the western side and failed to establish that the balance of probability was in favour of the showroom having been used for the purposes applied for during the previous 10 years.

The subsequent appeal to the Secretary of State against the decision was dismissed on 18 December 2012.

13/00177/FUL. Alterations to car showroom including installation of roller shutters for use as additional bays to repair garage/MOT testing centre, rendering of building and erection of 1.8 metre boundary wall (retrospective application) refused on 19.03.2013.

The application was refused for the same reasons as 09/00365/FUL, namely because of the noise and disturbance from vehicle repairs and excessive and indiscriminate parking. The view of the Local Planning Authority was that the Noise Survey submitted in support of 13/00177/FUL did not alter the earlier view relating to this matter. The application remained contrary to UDP policies H10 and H14.

The subsequent appeal to the Secretary of State against the decision was dismissed on 23 July 2013. There are a number of key points in the Inspector's Decision Letter which are material to the consideration of this new application, which are set out below.

A material change of use has occurred being operational development in the form of alterations to the building and the erection of a new boundary wall.

The design of the buildings and the perimeter wall are acceptable. The Inspector concluded that whilst noise levels have, no doubt, increased with the increase in activity arising from the appeal development, it is not so great as to give rise to material harm to the amenity of neighbours. It is not contrary to the aims of UDP policy H14.

With respect to car parking, the Inspector noted that the site could accommodate 18 vehicles but cars were parked in the cul-de-sac next to the garage at the end of Northcote Avenue which does support the Council's assertion that more parking spaces are required for this particular business.

The Inspector commented that the premises are situated close to a busy road junction where five roads intersect and parked vehicles here could be a hazard to road safety. Road widths here are also limited and parked vehicles would restrict the free flow of traffic. This is exacerbated by the presence of a bus stop and the Inspector also felt that the imposition of a Traffic Regulation Order at the cul-de-sac would simply move the problem along Meersbrook Road.

He concluded that the parking available within the garage site is insufficient to meet the needs of this use and that parking takes place during the day along adjacent streets with consequent impact upon the safety of residents and the free flow of traffic in an area which has already had traffic management measures applied to it.

Regarding the new boundary wall, he considered the 1.8 metre height either side of entrances would be a significant hazard to highway safety for drivers and

pedestrians. It would be unnecessary to remove the entire wall as the issue can be resolved by lowering the height of the wall to 1 metre adjacent to entrances.

In response to neighbours concerns about light intrusion, he concluded the level of use of the site had resulted in greater light levels in the area than would be normally be expected in a housing area. However, this alone would not justify the refusing of planning permission because it is associated with a long established commercial use.

The appeal was dismissed because the intensive parking of cars, which has resulted from the material change of use and intensification of activity of the site constitutes a serious hazard to highway safety and is contrary to UDP policy H14(d). This would not be overcome by imposing a condition requiring a Traffic Regulation Order restricting parking in the cul-de-sac because this would very probably result in the problem being moved further along the adjacent streets.

SUMMARY OF REPRESENTATIONS

One letter of support has been received from a local resident which says that the garage is neat, tidy and useful, the building is of good quality and looks professional, the shutters are clean and bright and the site is well maintained.

Seven letters of objection from local residents have been received on the following grounds:

- There are too many hazards to pedestrians.
- The site lies close to a dangerous junction.
- It is difficult to find a parking space on the street.
- The current traffic calming no longer works because of increased traffic particularly affecting schoolchildren crossing Meersbrook Road.
- This site attracts a wholly inappropriate and unacceptable number of customer vehicles.
- The road restrictions and one way signs are disregarded by employees and visitors.
- Employees park on the road.
- 50% of the parking spaces shown on the plans are unworkable.
- About half the cars would be blocked in by other cars.
- Half the entrance to workshop 2 would be blocked and all at the basement level.

- There is no parking provision for delivery vehicles.
- There is excessive and indiscriminate parking.
- Cars are delivered 24 hours a day, seven days a week.
- There is no account taken of vans and low loaders in the parking layout and these are much bigger than cars.
- The wall stops the children using the site as a short cut.
- The wall at 1.8 metres high has no regard for pedestrian safety.
- The reduction in height of the wall at the entrances will do little for pedestrian safety.
- Noise and light pollution
- This is an over intensification of an already inappropriate use in a housing area.
- Excessive noise from vehicle repairs resulting in a detrimental impact on residents' amenities.
- There are too many signs.
- The shutters are out of character with the rest of the area.

The application remains contrary to UDP policies H10 and H14.

PLANNING ASSESSMENT

Land Use Policy.

The adopted UDP shows that the site is designated as part of a housing policy area. Policy H10 deals with development in housing areas and says that housing is the preferred use.

The National Planning Policy Framework (NPPF) in its Core Planning Principles, paragraph 17 says that sustainable development and the effective use of previously developed land should be supported. The same paragraph says that, in achieving this, a good standard of amenity for all existing and future occupants of buildings should be sought.

The use of the site as a car repair garage and MOT centre falls into a General Industry (B2) classification and this use is listed as being unacceptable in a housing area. In this instance, the garage has been in use for a considerable period of time and the issue is whether the development is unacceptable due to the intensification of the use.

The recent Inspectors Decision will be material to the consideration of this new application and if this application is to receive support, the applicant will need to resolve all issues that resulted in that scheme being unacceptable.

Design, External Appearance and Layout.

UDP policy H14 requires new development to be well designed and in keeping with the scale and character of the locality.

Core Strategy policy CS74 deals with design and this says that new development should contribute to the creation of attractive and sustainable neighbourhoods.

Prior to the unauthorised alterations to the building, Meersbrook Garage was in a dilapidated state with an unsightly exterior. At this time, there were only two workshops with a car showroom at one side and a body shop and spray booth in the basement. The boundary wall was also in a state of disrepair.

The building now has a render finish to the exterior and there are five bays. The remaining space within the building remains the same but repair and servicing has been extended into the former showroom.

The main change to the appearance of the building is the introduction of the three new openings with metal roller shutters. There is also the repair of the boundary wall and increase in the height to 1.8 metres.

The exterior has lost its dilapidated appearance but the functional appearance reflects the use and it contributes little to the character of the area. However, the consideration of application 13/00177/FUL concluded that the external appearance was acceptable and this was not included within the reason for refusal. The Inspector confirmed that design and appearance was acceptable.

Sustainability.

Core Strategy policies CS64 and CS65 deal with sustainable design and carbon reduction. There are no new extensions and the fabric of the building has changed little, apart from the new openings and replacement of windows. This issue was not included in the reason for refusal of the previous application nor was it mentioned in the Inspector's Decision letter. There is little scope for works to be carried out to enhance the sustainability credentials of the building, and it would not be reasonable to require this in the circumstances.

Noise and Disturbance.

UDP policy H14 says that the amenities of local residents should not be harmed by noise or disturbance.

Core Strategy policy CS74 says that new development should contribute to the creation of attractive, successful and sustainable neighbourhoods.

The applicant has re-submitted the Noise survey that was part of the previous application.

With respect to the previous application which was refused and dismissed at appeal, the Inspector, in his Decision letter, made it clear that the reason he dismissed the appeal was because of the hazardous impact on highways safety caused by parked cars. He said that, regarding noise levels, although they had increased due to the more intensive use of the garage, this was not so great that this would give rise to material harm to neighbours. He concluded, therefore, that the proposal was not contrary to UDP policy H14 in this respect.

The Inspector takes the view that the impact of noise and disturbance is acceptable and this is a material consideration in terms of this new application. The circumstances regarding noise remain the same with this application as the previous one and there has been no material change in circumstances, such that a new noise survey is not considered to be necessary. This means that considerable weight must be afforded to the Inspectors view and the impact of noise and disturbance remains acceptable and, therefore, is not contrary to UDP policy H14.

Parking, Access and Transport.

UDP policy H14 says that there should be safe access to the highway and adequate off street parking.

Core Strategy policies CS51 and CS53 deal with transport priorities and management and seek to reduce vehicle miles.

In dismissing the appeal for the previous application 13/00177/FUL, the Inspector said, in paragraph 29 that:

'The intensive parking of cars around the appeal site is a result of the material change of use and intensification of activity on the appeal site. It does constitute a serious hazard to highway safety and is contrary to policy H14(d) of the UDP. This would not, in my judgement, be adequately overcome by imposing the conditions suggested by the Highway Authority because it would very probably result in moving the problem further along the adjacent streets. Consequently, I find this matter justifies refusing planning permission.'

The Inspector also gave weight to the following:

Parked vehicles in the vicinity of the busy road junction where five roads intersect could be a hazard to highway safety. (Paragraph 20.)

There is a significant amount of parking available within the appeal site but this is insufficient to meet the needs of the use which has become too intensive for the capacity of the site. Parking takes place during the day along adjacent streets with consequent impact upon the safety of pedestrians and the free flow of traffic in an area which has already had traffic management measures applied to it. (Paragraph 23.)

The conditions referred to by the Inspector relate to imposing a Traffic Regulation Order that would restrict all parking in the cul-de-sac at the end of Northcote Avenue. Currently, this is well used by the garage for the parking of vehicles. The Inspector feels that the vehicles parked here would simply be parked elsewhere on the streets near to the garage.

Consequently, the applicant needs to address this issue and demonstrate that the amended proposals submitted as part of this application can significantly lower the reliance on parking on the street.

The plans, as amended, show a total of 24 parking spaces within the site. The Inspector remarked in his Decision Letter that the 18 spaces, although meeting Council parking guidelines are insufficient to meet the current needs of the garage. The issue is whether the additional six spaces are sufficient to reduce the reliance on street spaces to a level that would meet the Inspector's concerns.

The garage is located close to a busy junction and a bus stop and the Inspector has said that he found the previous application unacceptable because of the impact on highways safety and the free flow of traffic in the area. The addition of six extra spaces on site will, in the opinion of officers, make a significant impact because it will take these six vehicles away from the vicinity of the junction and bus stop, thus improving road safety and the free flow of traffic.

The Inspector took the view that the imposition of a Traffic Regulation Order (TRO) at the cul-de-sac at the end of Northcote Avenue would only move the problem of street parking elsewhere in the vicinity of the site. However, officers are of the opinion that a TRO would still be necessary but this should apply not just to the Northcote Road cul-de-sac but also to Meersbrook Road, as combined with the provision of additional spaces on the site, this would prevent parking around the busy junction, and allow for some flexibility with manoeuvring at busy times.

TRO's are subject to a local consultation exercise with residents which is separate to the planning application consultation process. This means that a TRO would only be put in place after consultation with local residents who would express their preferences.

In addition, it is considered to reasonable to require the applicant to provide a management plan relating to the parking and positioning of cars within the site. 24 spaces are shown on the accompanying plans but a number of these are blocked by other spaces. This would mean that cars would have to be moved around to allow blocked cars to move. The management plan should aim to restrict the movement of vehicles as much as possible and should also include movements of vehicles parked on the street.

It is the case that the movement of cars to allow blocked cars to move is a matter common to many garages. It is unlikely that this issue can be completely eradicated but the management plan will set out controls and efficiencies to improve matters at this site.

The TRO and management plan would both be controlled by appropriate conditions and would assist with achievement of the above.

It is considered that the additional car parking spaces provided on site along with the TRO and management plan would significantly improve highways safety and the free flow of traffic in the vicinity of the site. Therefore, the application would comply with UDP policy H14.

The Inspector commented on the issue relating to visibility either side of the entrances. The new wall has a uniform height of 1.8 metres which restricts visibility, particularly for drivers leaving the premises. The Inspector took the view that this could be resolved by lowering the wall to 1 metre high either side. This is considered to be an acceptable solution and this would be controlled by a condition.

Remaining Issues.

It has been established as part of previous applications that the site lies within Flood Zone 3 and the Meers Brook flows close to the rear of the site. A Flood Risk Assessment has been submitted with the application. However, the brook is culverted next to the garage and this is an intensification of an existing non vulnerable use. The provisions of Core Strategy policy CS67, which deals with flood risk, have been satisfied.

With respect to disabled access, it has been established that the entrance and circulation arrangements meet current regulations and they are acceptable.

Members should also be aware that these matters were not part of the refusal of the previous application.

RESPONSE TO REPRESENTATIONS

It has already been explained that issues relating to noise and disturbance have been resolved by the appeal decision and any objections about this are no longer relevant.

With respect to parking, highways safety and vehicle movements, these have been addressed in the report.

A management plan will be required which should encompass the adherence to road restrictions and obeying one way signs.

Delivery vehicles tend to stop for only a very short period so parking on the street close to the site if they are unable to access the site is considered to be acceptable.

The land within the site is private and children have no right of access to use this as a short cut.

SUMMARY AND RECOMMENDATION

This retrospective planning application, as amended, seeks permission for use of the car showroom as a workshop, alterations to a vehicle repair/servicing garage including three new bays, alterations to the exterior, a new boundary wall and car parking layout.

There is a long planning history for this site and certain issues have been resolved as part of past applications. Most recently, even though application 13/00177/FUL was refused and dismissed at appeal, the Inspector, in his Decision letter, set out the reasons for dismissing the appeal but he found that the noise and disturbance had an acceptable impact on neighbours' amenities but the proposal resulted in an unacceptable impact on highways safety and the free flow of traffic in the vicinity of the site.

The applicant proposes an additional car parking spaces within the site and this, along with a TRO along Meersbrook Road and Northcote Avenue and a management plan for car parking and movements is considered to carry enough weight to resolve concerns relating to highways safety and traffic flow.

All other matters have either been resolved or are considered to be acceptable. The application is considered to be acceptable, it complies with all relevant policy criteria and is, therefore, recommended for conditional approval.

Case Number	13/03286/FUL (Formerly PP-02914401)
Application Type	Full Planning Application
Proposal	Demolition of existing food retail unit and two dwellinghouses and erection of new food retail unit with associated car parking accommodation and landscaping works and relocation of electricity sub-station
Location	Lidl Supermarket Castlebeck Avenue And 322 And 324 Prince Of Wales Road Sheffield
Date Received	27/09/2013
Team	City Centre and East
Applicant/Agent	Lidl UK GmbH
Recommendation	Refuse

For the following reason(s):

- 1 The Local Planning Authority considers that the proposed development, by reason of the siting and external materials of the store, the extension of the car park, the unresolved conflict between pedestrians and vehicles and the siting of the electricity substation, gives rise to an unsatisfactory design which is detrimental to the character of the local townscape and contrary to the aims of Policy CS74 of the Core Strategy and of the Manor Neighbourhood Development Framework.
- 2 The Local Planning Authority considers that the development would be harmful to the amenities of the occupiers of the neighbouring residential property owing to the noise and exhaust fumes from vehicles in close proximity to the site boundary as a result of the extension of the car park. In these respects the proposal is contrary to Policy H14 of the Unitary Development Plan.

Attention is drawn to the following directives:

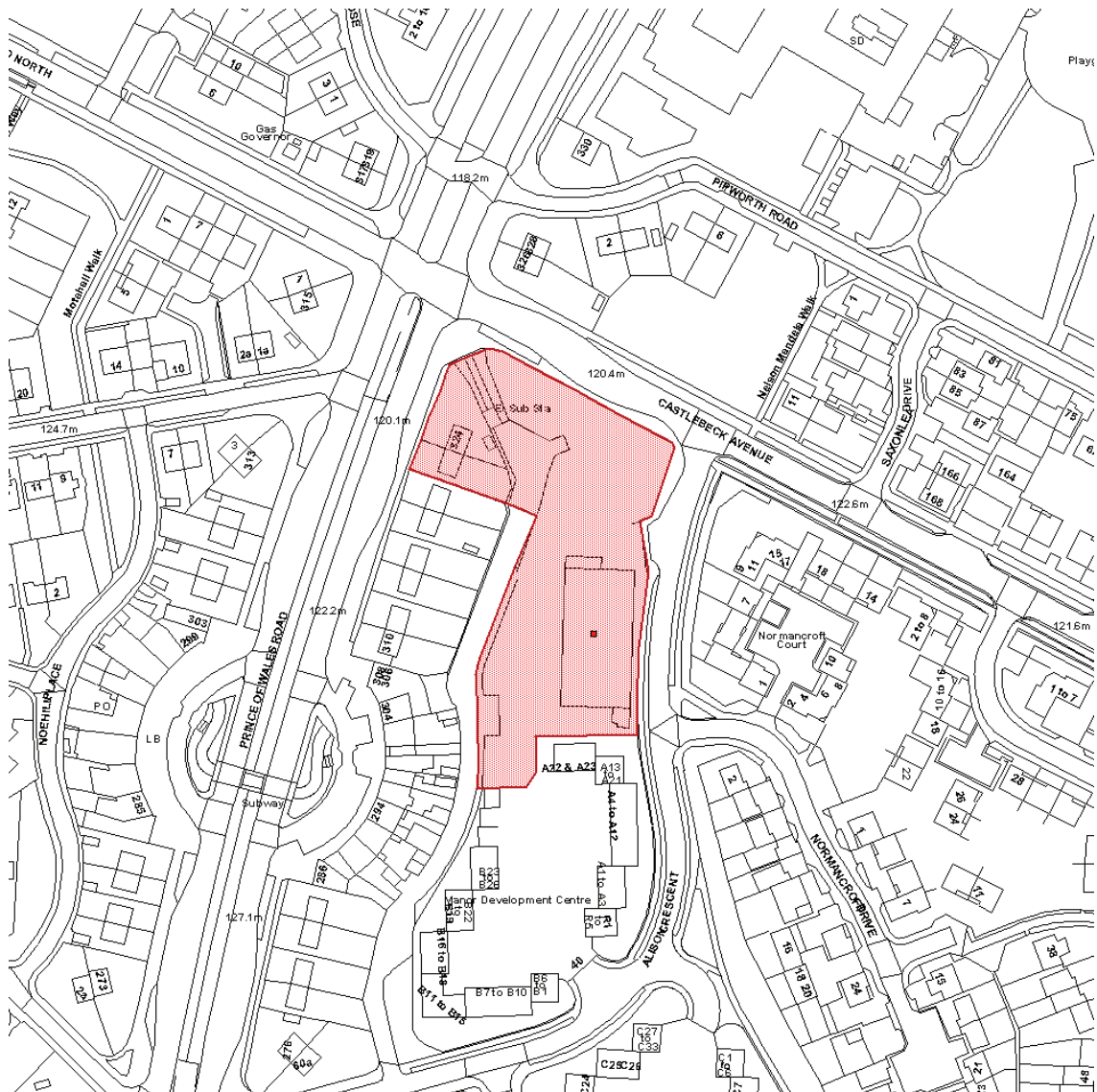
1. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:

Drawing no.s:

16 rev K and
17 rev A received on 17/12/2013

2. The Local Planning Authority tried to work with the applicant in a positive and proactive manner in order to seek solutions to the problems arising in relation to this planning application, however the applicant was unwilling to deviate from a very fixed position.

Site Location



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LOCATION AND PROPOSAL

The application site is located on Castlebeck Avenue, between Alison Crescent and Prince of Wales Road. It comprises of the site of an existing Lidl supermarket and its car park, located in a designated Business Area, plus the site of a pair of semi-detached dwellinghouses at 322 and 324 Prince of Wales Road, which are situated within a designated Housing Area as defined in the Unitary Development Plan (UDP).

The supermarket, a single storey building located at the southern end of the site, is accessed by car from Alison Crescent. As the land slopes gently down from south to north, the car park, at the northern end of the site, is raised approximately 1.5 to 2 metres above Castlebeck Avenue. On the northern side of Castlebeck Avenue is a grassed open space area and, beyond, the rear of semi-detached dwellinghouses on Pipworth Road.

To the east of Alison Crescent is Normancroft Court, a single and two storey residential development finished in a dark buff brick. A landscape strip along the eastern side of Alison Crescent provides some screening to the houses on Normancroft Court.

To the south of the supermarket the site bounds the Alison Business Centre, a small complex of single and two storey red brick buildings which provide accommodation and business support for new and starter businesses. The Alison Centre is managed by the Manor Development Company.

Bonsall Lane runs along the western site boundary. It is a private road providing access to the rear of red brick properties on Prince of Wales Road, including premises within the Local Shopping Centre towards the southern end of the application site.

Planning permission is being sought for the demolition of the existing Lidl store plus a pair of semi-detached dwellinghouses at 322 and 324 Prince of Wales Road, and their replacement with a new store in the same location, the extension of the car park and erection of a new electricity sub-station.

RELEVANT PLANNING HISTORY

12/00657/FULR - In April 2012, an application to extend the time limit for implementation of 09/00300/FUL (single-storey rear extension, relocation of loading area and single-storey front extension to retail store) was approved.

11/00549/HOARD - Consent was refused in April 2011 for the erection of a freestanding double sided 48-sheet.

09/00300/FUL - Planning permission was granted for the erection of a single storey rear extension, relocation of the loading area and a single-storey front extension to retail store in April 2009.

09/00066/FUL - In March 2009, an application under section 73, to remove restrictions on delivery hours as imposed by condition 10 of application 94/01361/FUL, was granted. The amended condition allows deliveries one hour either side of the store opening hours and reads:

Delivery of goods to the site shall be restricted to between 0700 hours and 2000 hours Mondays to Saturdays and 0900 hours and 1700 hours Sundays and Public Holidays.

05/04855/FUL - Permission was granted in March 2006 for a single storey rear extension and the relocation of the loading area.

94/01361/FUL - In September 1995, planning permission was granted for the erection of a retail store with associated car parking accommodation and provision of a pedestrian link to Prince of Wales Road and alterations to 300 Prince of Wales Road.

SUMMARY OF REPRESENTATIONS

One letter of objection was received from the legal representatives of the occupier of 320 Prince of Wales Road, the semi-detached dwellinghouse adjacent to the two proposed for demolition. The first issue raised relates to the site boundary and the possibility that part of the application site belongs to and forms part of the curtilage of number 320. This is not reflected in the documents submitted as part of the planning application and, in any case, is a civil matter between the two land owners.

The second issue concerns the impact of the relocated electricity sub-station on the occupier of number 320. In particular, reference is made to an independent report entitled 'Buying an EMF Safe Property' by Alasdair and Jean Philips (the founders of Powerwatch) and the report's claim that the electric and magnetic fields that extend beyond the equipment housing could result in harm to health. In addition, concerns are raised about the location and prominence of the extended car parking area, in particular the new spaces created adjacent to the north eastern boundary of number 320 which could result in a loss of amenity due to noise and vehicle exhaust fumes.

Finally, objections are raised in relation to the impact of the development on access to the rear of number 320 and to the loss of two dwellinghouses.

These issues are addressed in the main body of the report.

Subsequent to the submission of their planning application, the applicant has made reference to two appeal cases which they consider to be relevant. The first, an appeal by Lidl UK v Oxford City Council (ref APP/G3110//A/05/1195688), relates to two proposals for the demolition of existing buildings and the erection of a new discount food store (both approximately 1,800 square metres in area). One of the two proposals also included the provision of first floor Class B1 offices. While the main issues of the appeals do not relate to their current planning application,

reference is made to Lidl's business model and 'inherent characteristics critical to the ability to deliver deep discount retailing.' It is considered, however, that these characteristic - a minimum store size, the ability to place full pallet items direct from the delivery warehouse onto the sales floor, minimal storage, staff and servicing areas and limited scope for disaggregation - do not preclude the relocation of the store elsewhere on the application site.

The second is an internal review by Lidl of an appeal case in Huntingdon (in November 2013) in which they report that the inspector accepted that the Lidl business model is reliant on fundamental principles, deviation from which would render a store unviable. Lidl conclude that this is recognition by the inspector that there are limits to which Lidl can be flexible in its business model, though this comment is made in relation to the sequential test. They also claim that the inspector placed the onus on the local planning authority to demonstrate, using expert advice, that Lidl could trade in a viable manner from a non-standard unit.

With Lidl already operating from the application site, there is no dispute in this instance in relation to the sequential test. There is no dispute in relation to the size of the proposed store. Moreover, representatives of Lidl did accept that there is scope for some change in relation to the proposed store layout, but that they were not willing to consider any change in this instance.

PLANNING ASSESSMENT

Policy Context

The majority of the application site lies within a designated Business Area as defined in the UDP. Policy IB9 of the UDP (Conditions on Development in Industry and Business Areas) requires new development in such areas to be well designed with buildings of a scale and nature appropriate to the site. It also advises that new development should not cause residents to suffer from unacceptable living conditions.

The pair of semi-detached houses in the north west corner of the site proposed for demolition are located on the edge of a designated Housing Area. Policy H14 of the UDP (Conditions on Development in Housing Areas) states that development should not threaten the residential character of the area and that new buildings should be well designed, in scale and character with neighbouring buildings, and should not deprive residents of light, privacy or security.

More generally, Policy CS74 of the Core Strategy (Design Principles) expects high quality new development which respects, takes advantage of and enhances the distinctive features of the city including the townscape of its neighbourhoods. It states that development should also contribute towards creating attractive, sustainable and successful neighbourhoods and help to transform the character of physical environments that have become run down and are lacking in distinctiveness.

Furthermore, the site is located within the boundary of the Manor Neighbourhood Development Framework (NDF), which covers the neighbourhoods of Upper Manor, Lower Manor and Castlebeck. The Manor NDF was approved and adopted as a material consideration by Cabinet in October 2007 and is intended to guide physical changes and public investment in the area over a 10 year period.

One of the main aims of the Manor NDF is to create a more mixed-income community by attracting new people to live in the Manor and integrating new residents with the existing community, in such a way as to address the needs of the existing community and the isolation that some particularly disadvantaged people and groups suffer from.

However, in order to attract families and older people, the two main target groups, the public image of the Manor has to change. The Manor neighbourhoods must be characterised as a safe, high quality and affordable areas to live with housing choice and good facilities. The quality of the neighbourhood must 'sell' the area as a place where people want to live.

The NDF admits that challenging negative perceptions is going to be difficult and turning around the fortunes of the Manor is going to need a strong 'brand' and powerful marketing. The challenge for this plan is to guide and co-ordinate investment in the area to ensure that the Manor becomes a more desirable place to live.

The application site is identified in the Manor NDF as a key node and gateway location which needs to be strengthened. It notes that, when approaching the area from the north, there is no sense of arrival, key buildings are removed from the road frontage and nearby two-storey housing is of average quality and fails to provide an appropriate sense of enclosure.

Design and Local Character

The proposed development involves the demolition of the existing Lidl store in the south of the site, plus a pair of semi-detached dwellinghouses at 322 and 324 Prince of Wales Road, and their replacement with a new store in the same location and an extension to the car park adjacent Prince of Wales Road. In addition, an existing electricity sub-station is replaced with a new sub-station adjacent to the semi-detached dwellinghouse at 320 Prince of Wales Road.

The proposed new store is similar in scale to the existing, but the shallow hipped roof and painted brick finish of the existing store would be replaced with white render, silver, large format cladding panels and an aluminium standing seam clad mono-pitched roof. As amended, red brick piers would break up the white render at ground level into panels.

The existing car park would be extended and re-arranged and, as amended, the existing pedestrian access from Castlebeck Avenue would be replaced with a new stepped pedestrian route created at the north west corner of the car park adjacent the junction of Castlebeck Avenue and Prince of Wales Road. The vehicular

entrance to the car park is moved approximately 8 metres to the north, closer to Castlebeck Avenue.

A number of concerns are raised by the proposed development. Most significantly is the weak response to the prominent corner facing onto Prince of Wales Road, further exacerbated by the loss of two houses along the main street frontage. As described above, the site is located within the boundary of the Manor NDF and is in an identified key node and gateway location in need of strengthening. This reinforces the argument for responding to the northern end of the site and for providing a robust response to the street frontage, particularly along Prince of Wales Road. The attempt by the applicant to address this gateway through a new pedestrian entrance feature is acknowledged. However, it is considered that this gesture fails to respond to the Prince of Wales Road frontage in a sufficiently positive manner. Moreover, the loss of the two semi-detached houses and their replacement with surface level car parking set forward of the established building line and a new electricity substation weakens, rather than enhances, the street frontage and thereby further diminishes this key gateway location.

The difficulties of achieving active frontage along Prince of Wales Road or Castlebeck Avenue within the context of the site and the demands and restrictions imposed by the operator of the retail unit are understood. Lidl is a deep discount retailer. Money is saved by standardising the layout and construction of their stores and these savings are passed on to their customers. However, there was no willingness on the part of the applicant to explore any alternative responses to the site in line with local planning policy, though it is considered other viable options exist, and in view of local policy, the operations of the applicant are not considered to be a sufficiently compelling argument for the further weakening of the road frontage through the loss of the two dwellinghouses fronting Prince of Wales Road. Furthermore, it is considered that the demolition of the Prince of Wales Road properties and subsequent remodelling of the car park is not necessary in order to sustain the operations of the store as the existing car park appears to be regularly underused and is possibly far larger than required for the number of visitors that currently drive to and park outside the store.

Due to an unwillingness to consider alternative locations for the new store, car parking remains at the front of the site. Although Secured By Design arguments relating to the existing car park may be valid - it currently benefits from maximum surveillance from the adjoining streets and from the store when open - this is to the detriment of local character. To accommodate the new car park, existing built frontage is lost on Prince of Wales Road. As a result the dominance of the car park, which is unable to provide definition or enclosure to the surrounding streets and this key gateway, is considered excessive. While a car park at the southern end of the site may not benefit from as much surveillance, it would still be the advantage of a long street frontage and surveillance from the store and adjacent properties.

The refusal to deviate from the existing layout also restricts the amount of passive surveillance for pedestrians gained from activity associated with the existing retail use, in particular, surveillance of the bus stop situated on Castlebeck Avenue. The car parking areas offer limited opportunity for passive surveillance and the level

change between the site and street, particularly along Castlebeck Avenue, exacerbates this situation further.

The existing conflict between pedestrians accessing the store and the main vehicular and service access that crosses directly in front of the entrance remains unresolved though, in design terms, the revised pedestrian route through the car park is defined more clearly than before. The paved treatment could be continued across the carriageway, potentially on a raised crossing, to indicate pedestrian priority to the store entrance and slow vehicle speed.

The applicant asserts that the development uses materials that are not only consistent with recently developed Lidl stores elsewhere, but that are also appropriate to the nature of the development and the surrounding built context. Bearing in mind the local context comprises almost entirely of brick (largely red brick), the introduction of red brick into the palette of materials as requested is welcome. However, the extent of red brick is minimal and the remaining materials, particularly the extensive use of render and large format cladding panels, do not reflect local character and are not considered to be of sufficient quality for such a prominent location in the neighbourhood.

Sustainability

Policy CS 64 of the Core Strategy (Climate Change, Resources and Sustainable Design of Developments) requires all new buildings to be energy efficient and to use resources sustainably and advises that all new developments over 500 square metres gross internal floorspace should achieve a BREEAM rating of 'very good' and encourages the use of green roofs as a sustainable drainage technique.

Policy CS 65 (Renewable Energy and Carbon Reduction) requires new developments to provide 10% of their energy needs from decentralised and renewable or low carbon energy.

These requirements are also embodied in 'Climate Change and Design' a supplementary planning document (SPD) which forms part of Sheffield's Development Framework and which was adopted in March 2011. In addition, Guideline CC1 of the SPD says that, provided they are compatible with other design and conservation considerations, and where viable, green roofs will also be required on all larger developments and encouraged on all other developments. The green roof should cover at least 80% of the total roof area. Green roofs help to offset the effects of development by providing alternative areas of habitat for wildlife, minimising surface water run-off and countering the effects of the urban heat island (where the difference in temperature between the urban area and surrounding countryside is growing), known to be happening in Sheffield. Green roofs significantly reduce summer air temperatures at roof level and keep buildings cooler.

The applicant has submitted a report prepared by Nathaniel Lichfield and Partners which sets out the sustainability principles incorporated into the development. Amongst other things, the report describes Lidl's commitment to using 'green' materials, to exceeding the minimum Building Regulations standards for thermal

performance and to using energy efficient heating and lighting systems. It also commits to undertaking further investigations to assess the capabilities of a range of decentralised and renewable or low carbon energy sources to provide a proportion of the site's energy needs, if feasible and viable.

However, it does not commit to achieving a BREEAM rating of 'very good'. Nor was the applicant willing to consider the incorporation of a green roof, which, due to the location of the building and roof pitch proposed, would create a positive and visible feature on the building which it is considered would help to enhance the overall design quality, whilst positively contributing to the thermal efficiency of the building and reducing rainwater run-off from the site.

Residential Amenity

The issue of electromagnetic fields, as far as they have implications for health, are a material planning consideration. However, there is no specific Government guidance on sub-stations and the planning system. In appeal case Cleveland 12/05/1994 DCS No 046-117-095, the Secretary of State determined that there was no conclusive link between electric and magnetic fields in the vicinity of electricity substations and health problems. More recently, a 2011 House of Commons paper (Electricity Substations and Health) advised that a large number of studies have so far failed to establish adverse health effects associated with exposure to low level electromagnetic fields - with the exception of a possible doubling of the risk of childhood leukemia. However, government-backed body SAGE, which stands for Stakeholder Advisory Group on Extremely Low Frequency Electric and Magnetic Fields (EMFs), recommends taking a precautionary approach to EMFs and, in their 'Second Interim Assessment 2009 - 2010: Electricity Distribution' suggests that 'reasonably practicable efforts be made to site substations distant from homes etc.' The proposed substation is approximately 4 metres from the gable of 320 Prince of Wales Road. It is therefore suggested that consideration should be given to moving the substation further away from 320 Prince of Wales Road.

The proposed development involves the demolition of numbers 322 and 324 Prince of Wales Road and the extension of the car park, up to the boundary of the rear garden of 320 Prince of Wales Road. The occupant of number 320 has objected to the proposals and considers that the new spaces created adjacent to the north eastern boundary of his site could result in a loss of amenity due to vehicle noise and exhaust fumes. This part of the site lies within a designated Housing Area and Policy H14 of the UDP (Conditions on Development in Housing Areas) states that development should not threaten the residential character of the area or lead to air pollution, noise, smell or other nuisance to people living nearby.

The extended car park is considered to be a less suitable neighbour than the existing dwellinghouse in terms of maintaining the residential character of the area and it will clearly impact on the outlook of the occupier of number 320. Moreover, with the nearest car parking space only 5 metres from number 320, it is also accepted that, if the car park is well used, noise and fumes from vehicles could have a harmful impact upon the amenities of the occupant. Though it is also

considered that this impact could be lessened with the introduction of a substantial green screen.

Highway Issues

Replacing the existing store with a new one in the same location raises significant concerns regarding the unnecessary sharing of the customer and service access. It is considered that customers having to cross the delivery vehicle route to access the store when a delivery vehicle is driving forward or reversing, is detrimental to pedestrian safety and should be avoided (NB the delivery of goods to the site is currently restricted to between 0700 hours and 2000 hours Mondays to Saturdays and 0900 hours and 1700 hours Sundays and Public Holidays and no change is proposed). While the access arrangements have little impact on the adjoining highway, it is considered that the applicant should provide a separate service vehicle access and prevent public access to the service yard.

Alternatively, in order to mitigate the pedestrian/vehicular conflict built into the proposed development, a delivery management plan would be required that limits deliveries to when the store is closed to the public.

RESPONSE TO REPRESENTATIONS

It is considered that the development does not impact upon access to the rear of 320 Prince of Wales Road.

The loss of two houses is not considered to have a material impact on the supply of housing in the local area.

SUMMARY AND RECOMMENDATION

As described above, the proposed development fails to respond to the Prince of Wales Road and Castlebeck Road frontages in a sufficiently positive manner, as required by the Manor NDF, while the loss of the two semi-detached houses and their replacement with surface level car parking further diminishing the sense of arrival in this key gateway location. Moreover, the proposed materials are not considered to reflect local character or to be of sufficient quality on this gateway site, and opportunities to incorporate a green roof have been resisted.

The existing conflict between pedestrians accessing the store and the main vehicular and service access that crosses directly in front of the entrance remains unresolved.

Furthermore, it is considered that the extension of the car park up to the boundary of 320 Prince of Wales Road could have a harmful impact upon the amenities of its occupants.

Finally, while there is no specific Government guidance on sub-stations and the planning system, and in appeal case Cleveland 12/05/1994 DCS No 046-117-095

the Secretary of State determined that there was no conclusive link between electric and magnetic fields in the vicinity of electricity substations and health problems, SAGE has more recently recommended taking a precautionary approach to EMFs and has suggested that efforts be made to site substations away from homes.

On this basis it is considered that the proposed development fails to comply with policy H14 of the UDP, policy CS74 of the Core Strategy and Guideline CC1 of the SPD 'Climate Change and Design', as well as the aims of the Manor Neighbourhood Development Framework, and does not fully comply with policies CS64 and CS65 of the Core Strategy.

The applicant was encouraged to consider an alternative design solution, but was unwilling to do so, and wishes the application to be determined as presented.

It is therefore recommended that Members refuse planning permission for the demolition of the existing Lidl store plus a pair of semi-detached dwellinghouses at 322 and 324 Prince of Wales Road, and their replacement with a new store in the same location, the extension of the car park and erection of a new electricity sub-station.

Case Number	13/02224/FUL
Application Type	Full Planning Application
Proposal	Erection of fence to boundary wall (RETROSPECTIVE APPLICATION)
Location	2 Larch Grove Sheffield S35 1QF
Date Received	17/06/2013
Team	West and North
Applicant/Agent	Mr R Trickett
Recommendation	Refuse

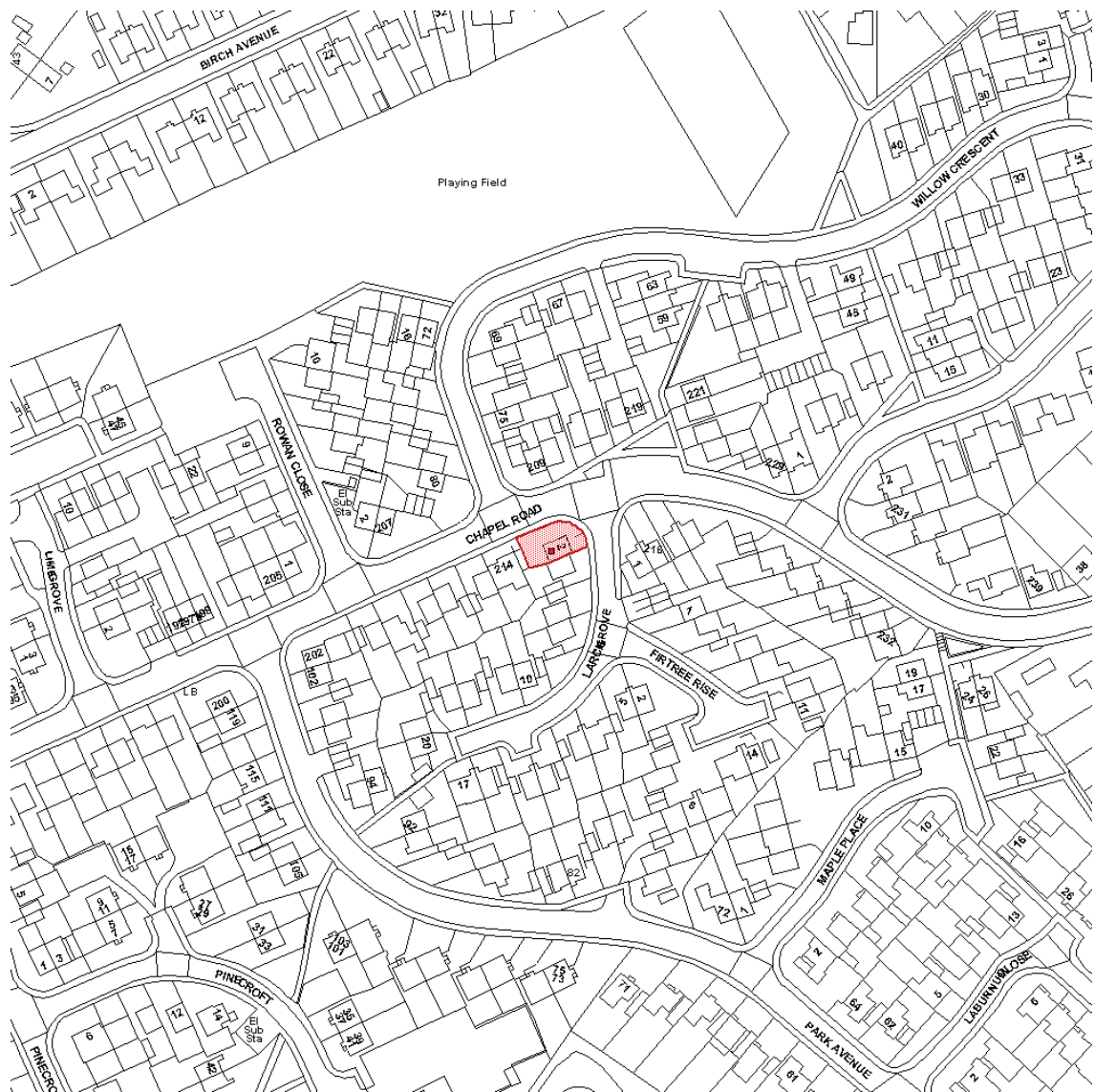
For the following reason(s):

- 1 The Local Planning Authority consider that the retrospective fence will cause visibility problems at the junction between Larch Grove and Chapel Road and as such will be detrimental to road safety and contrary to Policy H14(d) of the Unitary Development Plan.

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

Site Location



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LOCATION AND PROPOSAL

The site is located within the High Green district of Sheffield. The application relates to a semi-detached dwelling. The site is located within a Housing Area as allocated in the Adopted Sheffield Unitary development Plan.

Retrospective planning permission is being sought for the retention of a boundary fence along the site curtilage, running along the footpath facing Chapel Road and Larch Grove. The applicant advises that the boundary fence extends to a total height of 2 metres comprising a timber fence that sits above a concrete panel.

SUMMARY OF REPRESENTATIONS

One letter of objection has been received. Objections raised are outlined below:

- Previous applications have been refused;
- The fence has been erected across visibility splay lines;
- The height of the fence severely obstructs vision getting off the neighbouring drive onto a busy Chapel Road;
- The fence conceals a "Bus Stop" and anyone stood at this stop is hidden from view (and 2 Larch Grove's view) when trying to reverse off driveways;
- Should any pedestrians be walking behind the fence when the objector is off his drive (this includes 2 Larch Grove, as their driveways are side by side) cannot see any pedestrians approaching;
- It has become extremely hazardous to exit Larch Grove onto Chapel Road due to reduced visibility.
- Referring to Mr Tricket's application form, under Section 7 (hedges/ trees) it has been stated that no hedges were removed in order to erect fence. This is not the Case. A 1 metre high privet hedge was removed to erect the fence
- The objector notes that in 1973 when these properties were built it clearly states in the deeds that this estate was designed as an Open Plan estate, i.e. no fences or hedges above 18" high.

Ecclesfield Parish Council have raised no objections

Consultations

Highway officers have raised objections due to the visibility at the junction between Larch Grove and Chapel Road. Refusal has been recommended.

PLANNING ASSESSMENT

The site is designated as Housing Area within the Sheffield Adopted UDP. The policy relevant to such areas and in particular to this development is Policy H14, which relates to conditions on development within Housing Areas. Policy H14 broadly seeks to ensure that there is no detrimental impact on the neighbouring properties; it stipulates that the design and construction of any new development must integrate with the existing and H14 (f) advises that any new development should provide a safe access to the highway network.

The applicant has previously been requested and given the opportunity to lower the boundary fence to prevent potential highway problems, or to remove the fence but this opportunity has not been taken. Highways have advised that there is a clear problem with the visibility at the junction between Larch Grove and Chapel Road as it is restricted in a south-westerly direction by the fence such that a vehicle leaving the Larch Grove junction must emerge into the highway before an acceptable degree of visibility is available to the detriment of road safety. It is therefore considered that the proposed fence will cause highway safety issues and as such it is contrary to policy H14 of the UDP and is therefore recommended for refusal.

Enforcement

It is recommended that authority be given to the Director of Regeneration & Development Services or the Head of Planning to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the unauthorised fence.

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.

SUMMARY AND RECOMMENDATION

This application seeks retrospective planning permission for the retention of a 2 metre boundary fence along the site curtilage of the property at 2 Larch Grove, running along the footpath facing Chapel Road and Larch Grove.

It is concluded that there is a clear problem with the visibility at the junction between Larch Grove and Chapel Road as it is restricted in a south-westerly direction by the fence such that a vehicle leaving the Larch Grove junction must emerge into the highway before an acceptable degree of visibility is available to the detriment of road safety. On this basis, it is considered that the proposed fence will cause highway safety issues and as such, it is contrary to Policy H14 of the UDP. The application is therefore recommended for refusal with enforcement action as necessary to secure the removal of the fence.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Director of Regeneration & Development Services

Date: 28th January 2013

Subject: Enforcement Report

Author of Report: Lee Brook

Summary: Unauthorised erection of a building for the purpose of a dwellinghouse

Recommendations:

That the Director of Regeneration and Development Services or Head of Planning be authorised to take any appropriate action including if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised building.

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

Background Papers:

Category of Report: OPEN

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ENFORCEMENT REPORT

UNAUTHORISED ERECTION OF A BUILDING FOR THE PURPOSE OF A DWELLINGHOUSE, REAR OF 33 AND 35 NOTTINGHAM CLIFF, SHEFFIELD, S3 9GU

1. PURPOSE OF THE REPORT

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

2. BACKGROUND

- 2.1 A complaint was received concerning the erection of a large structure with a flat roof at the back of 33 and 35 Nottingham Cliff. Notes and photographs taken during an officer visit to site on 27th August 2013 to investigate were cross referenced with existing aerial photos and other records. This revealed that an entirely new building had been recently constructed on the small plot of land.
- 2.2 The owner of the land stated that this development is merely the repair and modernisation of an existing single storey house but this was disputed by officers.
- 2.3 A retrospective planning application, (ref.13/03341/FUL, refused under delegated powers on 3/12/13), set out a proposal, described as alterations to an existing single storey building to be used as a house. The submitted drawings also indicate the alteration and renovation of an existing building. This is inaccurate; evidence clearly shows this development to be a substantial new build.
- 2.4 Records indicate the site did once contain two small single storey buildings, (independent of the adjacent terraced houses at 33 and 35 Nottingham Cliff). The sole access to the site is via a 2m wide path at the side of no.35. Only parts of the external walls remained from these old buildings. Neither of them had any internal walls or structures remaining and neither had a roof or a front elevation wall. At the time the unauthorised development began they no longer existed having been substantially demolished / removed many years ago. The owner still maintains that this development amounts to the refurbishment of an existing house.

- 2.5 Records also show planning applications in 1949 and 1950 to use the land and buildings as builder's yard and upholstery workshop respectively, (both refused). There is no record of any residential use on the site and indeed the buildings were very small, one storey high and unlikely to make a practical living space. The larger of the two buildings had a floor area of approximately 16m². The smaller building measured approximately 9m². These buildings were 4m apart from each other, separated by an open yard. There is no record of any other buildings having existed on the land and there were no further planning applications until the recent application ref:13/03341/FUL.
- 2.6 Old Ordnance Survey plans show the buildings described above; a small building at the north end of the land and a smaller building in the south east corner of the site. The attached plan, based on the OS, shows this. Aerial photos show this depiction to be out of date. Other photographic evidence indicates these were single storey.
- 2.7 Some remaining external walls appeared to have remained to mark and enclose the site boundary but there were no front elevations remaining. Just prior to the unauthorised development taking place the land was open and had not contained any complete or even partially complete buildings for over 20 years. Aerial photographs from 1989 show the entire site to be open land. Subsequent aerial photos dated 1999 and 2009 also show the land as open and greened over by vegetation.
- 2.8 The last use of the land is not known. Unsubstantiated information from the complainant is that occupiers of adjacent houses grew vegetables there.

3. ASSESSMENT OF THE BREACH OF CONTROL

- 3.1 Terraced houses border the site; nos.217 and 219 Nottingham St to the east, which are at a lower level and separated from the site by a high wall and nos. 33 and 35 Nottingham Cliff to the west, which are at a slightly lower level and overlooked by the site. To the south, on a higher level, is a recreation ground separated from the site by a high retaining wall. The back yards of terraced houses lie to the north.
- 3.2 The development stands uncompleted due to enforcement intervention. The assessment covers both the proposed house as shown in application 13/03341/FUL and the impact of the new building structure alone without the use as it hasn't yet been occupied as living accommodation and some of the features required for a house are yet to be installed.
- 3.3 Policy H10 of the Unitary Development Plan, (UDP), "Development in Housing Areas" sets out the preferred, acceptable and unacceptable uses in these areas. Housing (C3) is defined as the preferred use and

therefore the general principle of the proposal in the application is acceptable, subject to compliance with Policy H14.

- 3.4 Policy H14 “Conditions on Development in Housing Areas” sets out a range of parameters which development must adhere to in order to be acceptable, these are set out below:
- New buildings and extensions are well designed and in scale and character with neighbouring buildings
 - The site would not be over-developed or deprive residents of light, privacy or security, or cause serious loss of existing garden space which would harm the character of the neighbourhood.
 - It would provide safe access to the highway network and appropriate off- street parking and not endanger pedestrians
- 3.5 Supplementary Planning Guidance on Designing House Extensions is also relevant and expands on the principles of Policy H14. This development is not a house extension but the general principles apply to new dwellings as to their impact on amenity of neighbouring property.
- 3.6 Sheffield Development Framework, Core Strategy Policy CS74 “Design Principles” is also relevant and amongst other things requires development to respect the scale, grain and context of the areas in which they are proposed.
- 3.7 Design. The drawings submitted under 13/03341/FUL show the ‘existing plans’ with the main body of the building in situ prior to the recent building works. The plans show all boundary walls to have already been in place (albeit at a slightly lower height to the front and rear) with two fully enclosed outbuildings under pitched roofs and a central ‘yard area’.
- 3.8 The accuracy of the existing plans can be shown to be incorrect due to the clear evidence described elsewhere in this report. Based on the information available it is known that whilst the site was largely surrounded by boundary walls there were no complete buildings.
- 3.9 The reality of the development consists of the erection of a new building covering practically all of the land beyond the access path. The remains of the existing boundary walls have been used as part of the outer walls of the new build. These walls have been increased in height and the gap between the former building footprints in-filled. The outer walls have been smooth rendered. A flat roof has been constructed across the whole of the new building and two windows inserted into the front elevation. Plans submitted indicate further work is proposed, with the installation of steps and a lift to the entrance door.

- 3.10 The predominant character of the immediate area is terraced houses with small rear yards, some of which benefit from outbuildings. The new building, (proposed house), is considered out of keeping with the overall scale and grain of the surrounding area and introduces an undesirable form of back-land development. The appearance and impact of the new development differs significantly from the previous site boundary walls and could set an unwelcome precedent for similar development in the locality. Such development is contrary to the requirements of UDP Policy H14 (a) and Core Strategy Policy CS74.
- 3.11 Amenity. The development is a compact residential accommodation proposal comprising an entrance lobby, bathroom, kitchen and shared living/bedroom area. Only two windows are provided for the entire accommodation, one of these is to the kitchen area and the other is shown to be obscurely glazed and serves the bedroom/living room area. The level of glazing in relation to the room sizes is minimal. As one of these windows will be obscure, the living accommodation will not have sufficient light or outlook and will not provide suitable living conditions for occupiers.
- 3.12 The development does not include any outdoor amenity space, again this would result in unsatisfactory living conditions for occupiers. This is a significant indicator that the plot is overdeveloped.
- 3.13 The building is accessed via the 'driveway', (2m wide path), which runs adjacent to no.35 Nottingham Cliff. It is considered that the use of the site for a new dwelling as opposed to its previous use will result in a significant increase in both vehicle and pedestrian movement to and from the site. Such movement would generate noise disturbance and together with the presence of lights from the windows of the living space, the proposed house would be harmful to the living conditions of occupiers of nos 33 and 35, which stand just 6m away.
- 3.14 Although the proposed dwelling is no closer to the rear elevation of properties on Nottingham Cliff than the original common boundary walls, the height of these walls has increased and the nature of the use would change, if the building was occupied. The development is between 3.5 and 6m away from the rear windows of nos. 33 and 35. It is estimated that the height of the walls has increased by a maximum of 1.2m. In relation to the properties at the rear on Nottingham Street the height of the wall has increased by approximately 0.5m. Generally it is considered that the increase in height of the building so close to the rear elevations of residential properties will result in a general feeling of enclosure and over dominance to occupiers.
- 3.15 The window to the proposed living/bedroom area is shown to be obscure glazed; however the kitchen window is not and will offer a view over the amenity area of nos.33/35. Although the living area window is obscure it will still give the perception of being overlooked to the

residents on Nottingham Cliff. This is significantly different to the simple brick boundary wall previously in place.

- 3.16 Highways. Details submitted with the application indicate the driveway to the side of the property will provide space for two vehicles but at just 2m wide the drive is not wide enough to accommodate this. This would lead to more on-street parking, however there appears to be adequate capacity for this, without detriment to highway safety or amenity. The site is also close to high frequency bus services. There are no highway objections.
- 3.17 Summary. The new building and its proposed use as a house are considered to be unacceptable as it creates an unacceptable form of back-land development which is out of keeping with the general scale, grain and character of the surrounding area. It is overdevelopment of the plot and provides inadequate living accommodation in terms of general amenity, light and outlook for future residents. Also, the development will result in unacceptable noise, disturbance, overbearing presence and loss of privacy to existing residents at 33 and 35 Nottingham Cliff. The scheme is contrary to the requirements of UDP Policy H14 and Core Strategy Policy CS74. The application 13/03341/FUL was refused on 3rd December 2013

4. REPRESENTATIONS

- 4.1 A specific complaint has been made to the enforcement team from a member of the public. There were no representations in response to the planning application 13/03341/FUL.

5. ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 Section 171C of the Town & Country Planning Act 1990, ('the Act') provides for the service of a Planning Contravention Notice, (PCN). It requires information about the breach of control and property ownership. It also gives an opportunity to meet with officers to make representations. Such a meeting can be used to encourage regularisation and/or discussions about possible remedies where harm has occurred. In this case planning permission has been refused.
- 5.2 Section 172 of the Act provides for the service of an enforcement notice, (EN). In this case such a notice would require the removal of the unauthorised building, which as yet has not been occupied as a house.

6. EQUAL OPPORTUNITIES

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

7. FINANCIAL IMPLICATIONS

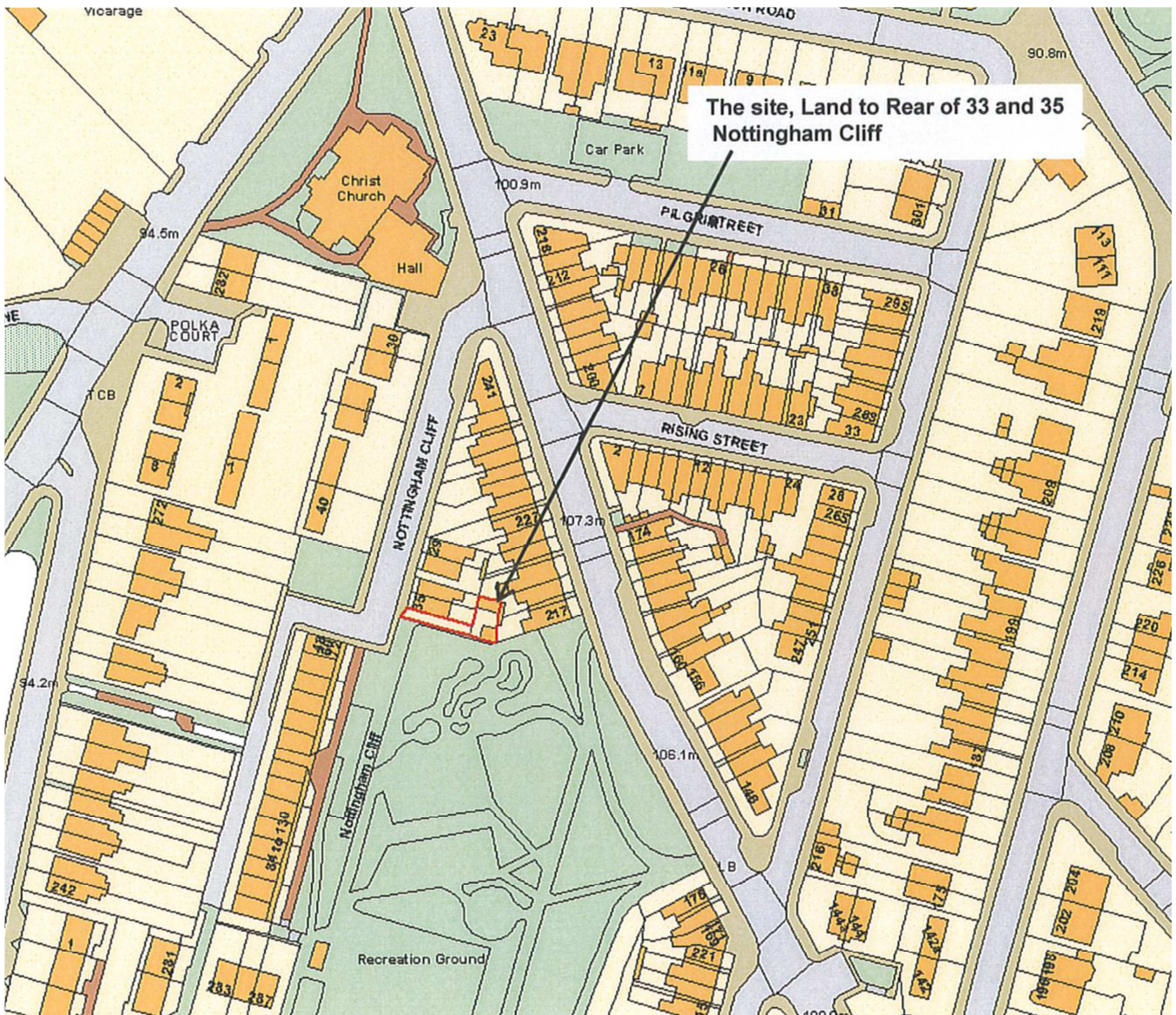
7.1 There are no financial implications arising from the recommendations in this report.

8. RECOMMENDATION

8.1 That the Director of Regeneration and Development Services or Head of Planning be authorised to take any appropriate action including if necessary, enforcement action and the institution of legal proceedings to remove the unauthorised building from the land.

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

SITE PLAN & PHOTOS





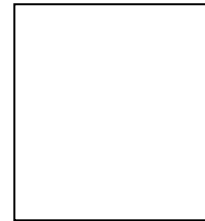
Maria Duffy
Interim Head of Planning

12 December 2013

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SHEFFIELD CITY COUNCIL Planning & Highways Committee Report



Report of: Director of Regeneration & Development Services

Date: 28.01.2014

Subject: Enforcement Report

Author of Report: Abby Wilson

Summary:

UNAUTHORISED REPLACEMENT OF ROOF TILES, GUTTERING AND FASCIA AT 14 CROOKES ROAD AND REPLACEMENT GUTTERING AND FASCIA AT 12 CROOKES ROAD IN BROOMHILL CONSERVATION AREA.

Reasons for Recommendations

Officers consider that the artificial tiles and UPVC guttering and fascia are of an unsatisfactory appearance due to poor design, detailing and use of non traditional materials and as such are contrary to policies S10, BE5, BE15, BE16 and BE17 of the Unitary Development Plan and CS74 of the Core Strategy for Sheffield and in direct conflict with the purpose of the Article 4(2) direction.

Recommendations

That authority be given to the Director of Regeneration and Development Services or Head of Planning to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the artificial roof tiles, guttering and fascia at 14 Crookes Road and guttering and fascia at 12 Crookes Road.

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

Background Papers:

Category of Report: OPEN

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ENFORCEMENT REPORT

UNAUTHORISED REPLACEMENT OF ROOF TILES, GUTTERING AND FASCIA AT 14 CROOKES ROAD AND REPLACEMENT GUTTERING AND FASCIA AT 12 CROOKES ROAD IN BROOMHILL CONSERVATION AREA.

1. PURPOSE OF THE REPORT

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

2. BACKGROUND AND LOCATION

- 2.2 14 Crookes Road and 12 Crookes Road are traditional mid 19th Century two storey stone built terraced properties forming part of the curved terrace at the junction with Whitham Road, Nile Street and Fulwood Road in the Broomhill Conservation Area and lie within a District Shopping Area as designated in the Unitary Development Plan. The properties are also subject to the Broomhill Article 4(1) Area and Article 4 (2) area respectively.
- 2.3 14 Crookes Road is a ground floor retail unit with associated storage on the first floor. The owner has replaced the roof at the front of the property facing the highway with artificial tiles and replaced the wooden gutter with a black upvc gutter and white upvc fascia. The changes materially affect the appearance of the property and it requires a planning application.
- 2.4 12 Crookes Road is a four bed residential property and as such it is covered by the Article 4 (2) Direction which removes permitted development rights to the front of the property. The wooden gutter at the front of the property facing the highway has been replaced with black upvc guttering and with upvc white fascia.
- 2.5 An anonymous complaint was received in June 2012 advising planning enforcement that the roof at 14 Crookes Road had been replaced with artificial slates. An officer visited the site and confirmed the roof had recently been replaced with what appeared to be artificial roof slates but this could not be determined as although the roof was complete, scaffolding remained and prevented identifying the slates as artificial. A letter was sent to the owner of the property to advise them of the potential breach and requested they contact planning enforcement.
- 2.6 A response was received from Solicitors acting on behalf of the owner who lives overseas. They advised that Sheffield City Council's Private Housing Standards

had requested the repair of the original roof as its poor condition was a health and safety concern to its residents and adjoining properties. If no work was carried out to prevent water penetration, enforcement action was threatened under the Environmental Protection Act. A roofer advised repair was not possible as the roof was in poor condition, effectively covered entirely in bitumen coating.

- 2.7 Planning enforcement confirmed that although the demand to repair the roof was placed on the owner, any means used to rectify the situation are still subject to the relevant regulations, including planning control.
- 2.8 In October, the Solicitor confirmed the tiles were artificial slate. In response, we advised that the owner should submit a planning application for more suitable natural slate tiles within 28 days of the date of the letter.
- 2.9 A planning consultant contacted enforcement in November 2012. They were advised that artificial slates would not be an acceptable proposal and discussed further details with a planning officer. The consultant advised that a planning application would be submitted.
- 2.10 In March 2013 no application had been received and the consultant was contacted for an update but no response was received. In April 2013 a letter was sent to the solicitor for an update having had no response from the consultant. In May 2013 the solicitor advised they were awaiting instruction from their client.
- 2.11 The consultant later confirmed that they were no longer dealing with the case. The solicitor had not received any further instruction from their client but confirmed they would attempt to forward our correspondence on to the owner.
- 2.12 Comparing 2010 photos with present day photos it is also apparent that the traditional wooden guttering running across both 12 and 14 Crookes Road has been replaced with plastic guttering and with a white upvc fascia board running across the width of both properties. The managing agents at number 12 suggest this was replaced approximately 2 years ago. The owners have been advised that a planning application is required for a replacement gutter using more appropriate materials. The properties are separately owned.

3 ASSESSMENT

- 3.1 The properties are set within a District Shopping Centre and the Broomhill Conservation Area. The application is to be assessed, therefore, against Unitary Development Plan policies S10, BE5, BE15, BE16 and BE17.
- 3.1 In March 2009, the Core Strategy Policy Document was adopted and this forms part of the Sheffield Development Framework, which is in accordance with the principles of the National Planning Policy Framework. Core Strategy policy CS74 is therefore also relevant to the assessment of these changes.
- 3.3 UDP policy S10 'Conditions on Development in Shopping Areas' and BE5, state that any development will be high quality and well designed and of a scale and

nature that is appropriate to the site that enables a proposal to fit in comfortably with their surroundings, without being detrimental to the visual amenities of the area. Similarly, policy CS74 of the Core Strategy further reiterates the need for high quality designs and strengthens the Local Planning Authority's position regarding the preservation of Sheffield's built heritage.

- 3.4 Policy BE15 Areas and Buildings of Special Architectural or Historic Interest, says that development that would harm the character or appearance of Conservation Areas will not be permitted. Policy BE17 Design and Materials in Areas of Special Architectural or Historic Interest, requires a high standard of design using traditional materials with Policy BE16 Development in Conservation Areas, stating that development in Conservation Areas is required to preserve or enhance the character and appearance of that Conservation Area.
- 3.5 The Broomhill Conservation Area Appraisal which was adopted on 17 December 2007 refers to the loss of natural roof slate as a small scale alteration to properties that has incrementally eroded the character of the Conservation Area.
- 3.6 The loss of traditional materials and design features threatens the character and appearance of the Conservation Area, and is in direct conflict with the purpose of the Article 4(2) direction.
- 3.7 The roof tiles used at number 14 are made from a cement base and have a uniform, shiny, unnatural appearance which contrasts strongly with the natural appearance of neighbouring roofs as can be seen in the photos.
- 3.8 The upvc guttering and white fascia do not in any way reproduce the design features of the traditional black detailed timber gutter that has been removed. The fascia is a modern addition to the traditional row of terraces.
- 3.9 Officers consider that the artificial tiles and UPVC guttering and fascia are inappropriate modern materials and of poor design in any conservation area and as such are contrary to policies S10, BE5, BE15, BE16 and BE17 of the Unitary Development Plan and CS74 of the Core Strategy for Sheffield.
- 3.10 The photo images below show the properties in question before and after the changes and demonstrate that the unauthorised changes are not appropriate for the property and their appearance is deemed not to be in keeping with the character of the Conservation Area.

4 REPRESENTATIONS

- 4.1 One anonymous complaint was received about the replacement roof.

5 ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 The service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 enables the Local Planning Authority to issue

Enforcement Notices where there has been a breach of planning control. In this case the notices would require remedial measures to ensure that the perceived harm is remedied. In this case this would be that the artificial roof slates and the gutter and fascia are removed at 14 Crookes Road and that the gutter and fascia at 12 Crookes Road is removed. There is a right of appeal to the Planning Inspectorate against the service of an Enforcement Notice. Appeal decisions however have supported the Council in taking similar action.

6 EQUAL OPPORTUNITIES

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

7 FINANCIAL IMPLICATIONS

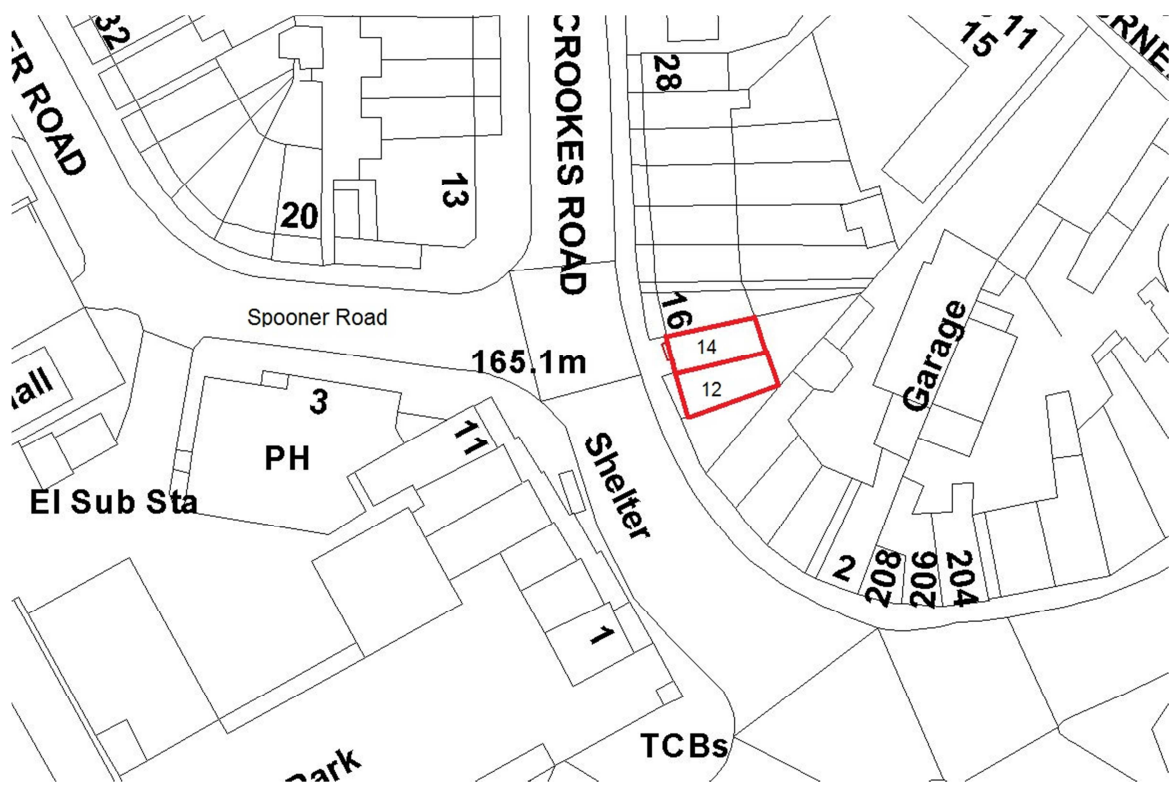
- 7.1 There are no financial implications arising from the recommendations in this report.

8 RECOMMENDATION

- 8.1 That authority be given to the Director of Regeneration and Development Services or Head of Planning to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the artificial roof tiles, guttering and fascia at 14 Crookes Road and guttering and fascia at 12 Crookes Road.
- 8.2 The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

SITE PLAN & PHOTOS

Appendix A - Number 12 & 14 Crookes Road Outlined in Black



Appendix B – Photo of 12 & 14 Crookes Road 2012



Appendix C, 14 Crookes Road & part 12 Crookes Road 2010 with existing roof and wooden guttering.



Appendix D, Traditional row with 14 Crookes Road in contrast far right.



David Caulfield
Head of Planning

February 2014



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 28 January 2014

Subject: Enforcement Report

Author of Report: Khalid Mahmood

Summary: Failure to comply with a Breach of Condition Notice at 201 Chippinghouse Road, Sheffield, S7

Reasons for Recommendations:

No attempt is being made to resolve this issue and it is now considered that the matter should be reported for further enforcement action.

Recommendations:

That authority be given to the Director of Regeneration and Development Services or Head of Planning to take all necessary steps including the institution of legal proceedings to comply with the Breach of Condition Notice and thereafter take all necessary action required to ensure compliance with the conditions of the planning approval.

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

Background Papers:

Category of Report: OPEN

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REGENERATION & DEVELOPMENT SERVICES

REPORT TO PLANNING AND HIGHWAYS COMMITTEE

28 JANUARY 2014

ENFORCEMENT REPORT

FAILURE TO COMPLY WITH A BREACH OF CONDITION NOTICE AT 201 CHIPPINGHOUSE ROAD, SHEFFIELD, S7.

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform Committee Members of the non-compliance of a Breach of Condition Notice and to make recommendations on any further action required.

2. BACKGROUND AND BREACH

- 2.1 Planning permission was granted on the 10 June 2011, reference number 11/00667/FUL, for the replacement of windows to the front of the dwellinghouse. The grant of planning permission was subject to the following condition.

Condition 2 - The development hereby permitted shall be carried out in its entirety in complete accordance with submitted details, drawings and photographs received on 22nd March 2011, 7th April 2011 and 3rd June 2011. In order to define the permission.

- 2.2 An officer noticed that the ground floor bay window had not been constructed as to the approved plans. The application that was granted did not have any subdivisions and permission that was granted was for a 1/1 which was a style of window that was originally integral to the design of these buildings when they were first built. The bay windows in this type of house would never have had this many subdivisions in them and therefore the appearance that has been created is out of character in this area.
- 2.3 Authority was given by the South Team Area Manager under delegated powers on 3 May 2013 to serve a Breach of Condition Notice in respect of Condition 2. A Breach of Condition Notice was served on the 5 June 2013, requiring the unauthorised glazing bars to be removed on the ground floor bay window and replace them with single glass pane as approved, within 56 days beginning the day the notice was served.

- 2.4 There is a six-month time period that runs from the time when the offence was committed to when information must be submitted to the Courts for prosecution. To date no work has been carried out to comply with the requirements of the Notice. Given the length of time that has lapsed since the non-compliance of the Notice. It is now considered appropriate for this matter to be reported for prosecution.
- 2.5 The photographs below show the property and unauthorised glazing bars which are out of character to this style of house.



3 REPRESENTATIONS

- 3.1 None

4 ASSESSMENT OF ENFORCEMENT OPTIONS

- 4.1 It is an offence to contravene the requirements of a Breach of Condition Notice served under 187A of The Town and Country planning Act 1990. A person found guilty of an offence through the magistrate's court shall be liable of a fine of up to £1,000 for the first offence and subsequent offence.
- 4.2 The owner and the applicant have failed to comply with the Notice. An offence has been committed and legal action is seen as the best option for ensuring full compliance with the condition of the planning approval.

5.0 FINANCIAL AND EQUAL OPPORTUNITY IMPLICATIONS

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

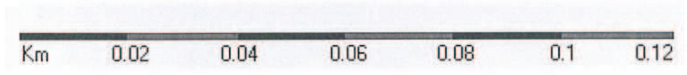
6.0 RECOMMENDATIONS

- 6.1 That authority be given to the Director of Regeneration and Development Services or Head of Planning to take all necessary steps including the institution of legal proceedings to comply with the Breach of Condition Notice and thereafter take all necessary action required to ensure compliance with the conditions of the planning approval.
- 6.2 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.

M Duffy
Interim Head of Planning

17 January 2014

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 28 January 2014

Subject: Quarterly overview of enforcement activity

Author of Report: Khalid Mahmood

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

Reasons for Recommendations:

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

Recommendations:

That members note the report.

Background Papers:

Category of Report: OPEN

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REGENERATION & DEVELOPMENT SERVICES

REPORT TO PLANNING AND HIGHWAYS COMMITTEE

28 JANUARY 2014

QUARTERLEY OVERVIEW OF ENFORCEMENT ACTIVITY

1. PURPOSE OF THE REPORT

- 1.1 This is the quarterly report to inform members of the work being undertaken by the Planning Enforcement Team. The period covered runs from 1st October 2013 to 31st December 2013.

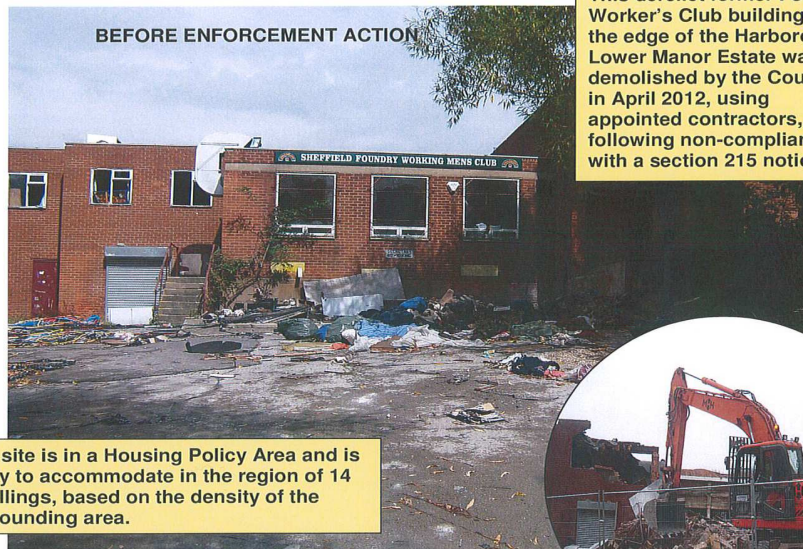
2. ACTIVITY DURING THE QUARTER

- 2.1 A total of 149 enforcement complaints were received, out of these 54% were concerned with unauthorised development and 19% were failure to comply with planning conditions or approved plans. The percentage of cases involving Section 215 untidy land/buildings was 7%, unauthorised advertisements were 13% and all other complaints were 9%.
- 2.2 The number of cases resolved within the target of 6 months was 57% of all the cases closed in the period. 37% 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 previous two quarters and the period between 1st January 2013 to 31st December 2013: -

Notice type	Year to Dec 2013	Quarter 1 Apr – Jun 2013	Quarter 2 Jul – Sept 2013	Quarter 3 Oct – Dec 2013
Breach of Conditions	12	2	3	5
Discontinuance (adverts)	0	0	0	0
Enforcement	15	2	3	4
Stop	2	0	0	0
Temporary Stop	3	0	1	0
Section 215 (untidy land)	4	1	1	1
Section 225 (signs)	13	5	1	4
Total Notices Served	49	10	9	14
Prosecutions	4	0	2	0

- 2.4 The number of complaints received this quarter has decreased by 27% as compared with the last quarter. However, the numbers of formal Notices that have been served in this quarter has increased by almost 36%.
- 2.5 Resources from the Stuck Sites Programme (Local Growth Fund) has enabled the taking of action to clear derelict sites with housing potential. In some cases Section 215 powers have been used and subsequently direct action has been taken. One such derelict building on Beaumont Road has been demolished under direct action and is now going through the Enforced Sale Procedure. Planning Enforcement has worked jointly with Building Control in demolishing the building and with Forward Area Planning in preparing planning advice for any prospective buyers. The site will be auctioned in the next few weeks with a view to it being redeveloped as a housing site.

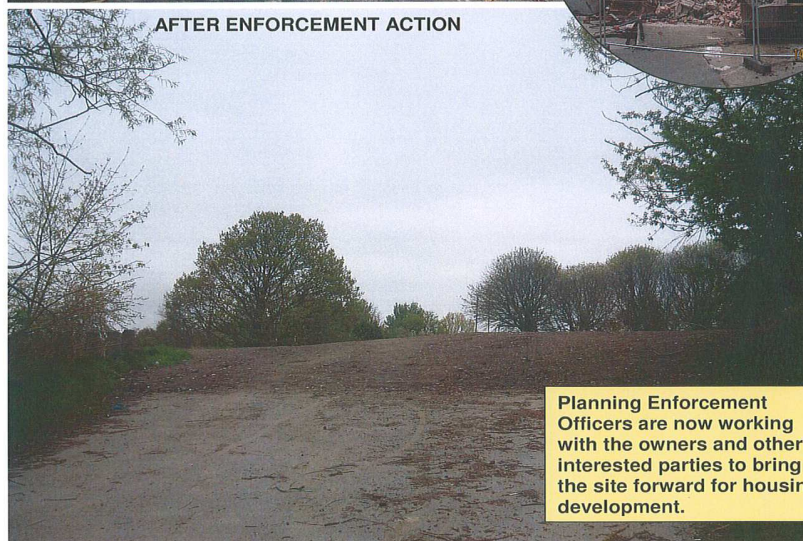
**THE STUCK SITES PROJECT: FORMER FOUNDRY WORKER'S CLUB
BEAUMONT ROAD NORTH, S2**



BEFORE ENFORCEMENT ACTION

This derelict former Foundry Worker's Club building on the edge of the Harborough Lower Manor Estate was demolished by the Council in April 2012, using appointed contractors, following non-compliance with a section 215 notice.

The site is in a Housing Policy Area and is likely to accommodate in the region of 14 dwellings, based on the density of the surrounding area.



AFTER ENFORCEMENT ACTION

Planning Enforcement Officers are now working with the owners and other interested parties to bring the site forward for housing development.

3. CONCLUSION

- 3.1 The six month service target has been met. The number of complaints remedied or made acceptable in the last six months has dropped slightly; however, the number of formal Notices that have been served in this period has increased significantly.

4. RECOMMENDATION

- 4.1 It is recommended that Members note the report.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 28 January 2014

Subject: Enforcement Report

Author of Report: Khalid Mahmood

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

Reasons for Recommendations:

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

Recommendations:

That members note the current progress on actions

Background Papers:

Category of Report: OPEN

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

Report abbreviations

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

ITEMS IN BOLD TYPE INDICATE CHANGES SINCE LAST REPORT

NO	SITE	BREACH	DATE OF BOARD RESOLUTION/ DELEGATED AUTHORITY	CURRENT SITUATION
1.	87 Bowden Wood Crescent, S9 4EA	Unauthorised rear conservatory	17/12/13	09/01/14 – The owner has assured that the conservatory will be removed by the end of March. An EN will also be served in the next few days.
2.	41 Park Grange Mount, S2 3SP	Unauthorised raised platform	17/12/13	09/01/14 – EN has been served in Dec 2013 and requires removal of platform within 16 weeks.

3.	Adjacent to Bailey Bridge, Effingham Street, S4 7YP	Unauthorised telecommunications mast	15/10/13	09/01/14 – BCN has been served 17/12/13 compliance period 6 weeks. 11/11/13 – Appeal against planning application has been dismissed. In discussions with owners to remove the mast.
4.	42 Dundas Road, S9	Unauthorised flue	15/10/13	09/01/14 – EN has been served 3/01/14 comes into effect 07/02/14 12 week compliance period. 05/11/13 – Application (13/02291/FUL) has been refused with enforcement action. A letter has been sent to the owner requesting the removal within 14 days. If flue not removed within the next few days then EN will be served.
5.	37 Westfield Avenue, S12 4LG	Unauthorised high fence	15/10/13	09/01/14 – EN has been served 26/11/13 an appeal has been made. 05/11/13 – Application (13/01874/FUL) has been refused with enforcement action. EN being prepared
6.	5 & 7 Pleasant Close, S12 2BB	Breach of condition 15- Surface water drainage, 20 – Intrusive investigation report, 21, 22 and 25 – relate to remediation works	22/10/13	09/01/14 – A condition discharge application has been submitted. Currently working with Officer to resolve issues. 05/11/13 – BCN has been served on 4/11/13 and comes into effect 28 days after it was served.
7.	Tesco, 1 Savile Street, S4 7UD	Breach of condition 30 – Landscaping, 31 – Public realm works, 33 – Maintenance of the sward, 46 - Revised remediation strategy	11/10/13	09/01/14 – Working with Officer to resolve issues, some work has been done. 05/11/13 – BCN has been served 21/10/13 and comes into effect 28 days after it was served.

8.	Units 6A and 6B Junction 34 Industrial Estate, Gresboro Road, S9	Breach of Condition 6 – use of building between 0900 to 1700 Monday to Friday and 0900 to 1300 on Saturday	09/09/13	09/01/14 – Variation of condition application has been granted – Monitor site. 05/11/13 – BCN has been served and has come into effect. The notice is being complied with. Application (13/03662/CHU) has been submitted to vary condition – Continue to monitor.
9.	60 Clifton crescent, S9 4BE	Unauthorised use of garden for the storage of building materials and machinery	13/08/13	14/01/14 - Most of the rear garden remains clear – Monitor site and if use starts again then serve EN.
10.	104 Stafford Road, S2 2SF	Unauthorised conservatory	25/02/13	14/01/14 – Inspector visited premises on 11/01/14 awaiting decision from Planning Inspector. 04/04/13 – EN has been served on 19/03/13, takes affect 22/04/13 – 8 weeks compliance period.
11.	Steel House, 53-59 West Street, S1 4EQ	Unauthorised Use of premises as a night club	25/02/13	09/01/14 – The Architect has stated that the premises are no longer being used. Monitor. 05/11/13 – New application (13/01495/CHU) has been submitted (Invalid).15/04/13 – Letter asking to stop the unauthorised use and a S330 Notice has been served.
12.	35-39 Southend Road, S2 5FS (Former Windsor Hotel Public House)	Unauthorised formation of self contained flats at first floor level	04/02/13	09/01/14 – Work is progressing positively to comply with conditions. 03/07/13 – Planning permission has been granted and work is being carried out to comply with conditions.12/04/13 – PCN has been served asking for further information regarding the first floor flats. 12/02/13 – New planning application (13/00207/FUL) has been submitted with alternative proposal and is currently Invalid. Letter has been sent asking for further information to validate application.

13.	11 Holywell Road, S4 8AR	Unauthorised use of premises for skip hire	14/01/13	<p>09/01/14 – Given that the Notice is being complied with. It is considered that at this time not to take any further action. However, the property will be monitored from time to time and if the use starts again or if a complaint is received then further action will be taken. NFA.</p> <p>05/11/13 - EN and SN currently being complied with – Monitor site. 23/01/13 – EN and SN served (17/01/13) – Monitor Site – Currently complying with SN</p>
14.	Alma Street, Sheffield, S3 8SA	Unauthorised Car Park	17/12/12	<p>09/01/14 – The unauthorised use has stopped however the signs have not been removed yet. A reminder will be sent. 05/11/13 – Appeal has been dismissed, however there is an error on the appeal decision which has been raised with Planning Inspector. The appeal decision will probably be reissued with a new compliance date. 03/07/13 – Awaiting decision from Planning Inspectorate. 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</p>
15.	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	<p>09/01/14 – Appeal has been dismissed 6 month compliance period from 24 October 2013. 03/07/13 - Case with the Planning Inspectorate. 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.</p>

16.	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	<p>09/01/14 – Planning permission (13/01597/FUL) for the alterations has been granted with conditions. The unauthorised flue at No 64 has been removed – Condition application has also been submitted. Monitor site.</p> <p>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. 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.</p>
17.	28 Ebenezer Street, Sheffield S3 8SR	Untidy Land – derelict building in a state of disrepair	29/10/12	<p>09/01/14 – Planning permission has been granted – Monitor site. 03/07/13 – Planning application (13/01940/FUL) has been submitted - invalid. 04/04/13 – S215 Notice has been served on 29/10/12 – Owner currently negotiating pre-app for residential on site.</p>

18.	44 Fellbrigg Road, Sheffield, S2 2GX	Unauthorised erection of a timber storage building at the front elevation of the property	13/08/12	09/01/14 – New evidence has been gathered and file passed to litigation for prosecution. 04/04/13 – Prosecution file being prepared. 25/01/13 – EN has been served needs to be complied with before 16 Feb 13.
19.	255 Glossop Road, S10 2GW	Unauthorised fume extraction system	23/07/12	09/01/14 – Flue has been removed and a new approved flue has been erected. Minor details such as air con unit and external metal grill need to be resolved. 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. 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.

20.	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	09/01/14 – Most of the information has been submitted and rest will be submitted in the next few days. 05/11/13 – The occupier has contacted the architect and has assured that the required information will be submitted before end of Nov. 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. 04/04/13 - A retrospective planning application (12/03059/FUL) has been received to retain the current use.
21.	Site Of Richardsons Cutlery Works, Alma Street and Cotton Street, S3 8SA	Unauthorised demolition of boundary wall	10/04/12	09/01/14 – In discussions with officer to resolve this issue. Compliance period expires 11/03/14. 05/11/13 – Appeal has been dismissed, however there is an error on the appeal decision which has been raised with Planning Inspector. The appeal decision will probably be reissued with a new compliance date. 03/07/13 - EN served (16/06/12) and has been appealed against, awaiting Planning Inspector's decision.

22.	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	<p>09/01/14 – Given that the Notice is being complied with. It is considered that at this time not to take any further action. However, the property will be monitored from time to time and if the use starts again or if a complaint is received then further action will be taken. NFA</p> <p>05/11/13 – No further breach monitor site. 29/10/12 – Advice from Solicitor is that there is not enough evidence to prosecute at this time. Monitor site.</p>
23.	272 Glossop Road, S10 2HS	Unauthorised cooling fan at rear of property	20/12/11	<p>09/01/14 – Prosecution file has been passed to litigation. 05/11/13 – A 2nd prosecution file is being prepared. 03/07/13 – A letter has been sent asking to remove the unit before August 2013. 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.</p>

24.	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	<p>09/01/14 – legal have instructed Kier Asset Partnership Services to put the land in an auction as soon as possible.</p> <p>07/11/13 – Deadline for due payment is beginning of December if no payment is received then the property will be put in auction early next year. 03/07/13 – Currently in the process of pursuing 'enforced sale' of the site. 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 unlock the site and make it viable for regeneration and development.</p>
25.	Craggside, Eckington Rd, Beighton	Non payment of planning obligation monies, £7,323. Planning application 07/01057/FUL. Development complete.	20/12/10	<p>09/01/14 – The monies were paid</p> <p>03/01/14 case can now be closed - NFA</p> <p>11/11/13 – Still pursuing payment. 10/07/13 – Recent correspondence between applicant's solicitor and our litigation team. Hopeful of resolution shortly.</p>

26.	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	<p>09/01/14 - New application (13/03658/FUL) has been submitted for the continuation of the use of the premises as a car wash. The application has been validated. Monitor. 05/11/13 – Planning permission expired on 01/11/13, advice from litigation was to withdraw the current prosecution and the owner should re-apply for planning permission. 03/07/13 – Litigation file has been prepared and sent to solicitors for prosecution. 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.</p>
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27.	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	09/01/14 – Given that the Notices are being complied with. It is considered that at this time not to take any further action. However, the property will be monitored from time to time and if the use starts again or if a complaint is received then further action will be taken. NFA 05/11/13 – All the EN's are being complied with - Monitor site. 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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28.	484 Staniforth Road	Unauthorised roof extension	25/01/2010	<p>09/01/14 – Quotations being requested for possible direct action by SCC. 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 2nd 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>
29.	Jacosa, 141 West Street, S1 4EW	Unauthorised Roller Shutters	13/10/2008	<p>09/01/14 - The new occupier has assured that main entrance door will be replaced and then the shutters will be removed. – Monitor site. 05/11/13 – The new occupier was prosecuted and fined £370 in total.</p>



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 28th January 2014

Subject: Enforcement Report

Author of Report: Deborah Parkinson

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

Reasons for Recommendations:

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

Recommendations:

That members note the current progress on actions

Background Papers:

Category of Report: OPEN

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UPDATE ON LIVE ENFORCEMENT CASES IN SOUTH AREA FOR QUARTER ENDED 31st December 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

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
1.	24 Ashgate Road, S10 3BZ	Unauthorised UPVC windows	04/02/2013	9/1/2014 – EN served with 16 week compliance period. 11/09/2013 – Appeal dismissed, EN will now be served. 06/03/2013 Appeal lodged & on-going, Inspectorate has written to the appellant requesting further information. 04/02/2013 Application refused with enforcement action authorised.

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
2.	227-229 Abbeydale Road, S7	Unauthorised Signs	04/02/2013	14.01/14 Paperwork still with litigation. 1/10/2013 – Paperwork with litigation.04/02/2013 – Authority given to serve notices.
3.	22 Barber Place, S10 1EG	Breach of Conditions and approved plan	12/03/2013	15/01/2014 Still within compliance period (until 31/1/2014) 29/10/2013 – Appeal Allowed, but with 3 months condition. Site to be monitored for compliance.20/05/2013 – Appeal received.29/04/2013 – Enforcement Notice Served
4.	153 Twentywell Lane, S17 4QA	Unauthorised Fencing erected	29/04/2013	4/12/2013 – EN served, 16 week compliance period. 1/10/2013 - Authority obtained to serve Enforcement Notice (29/04/2013) however, negotiations are taking place with the owner to agree an alternative scheme.
5.	23 Briar Road, Sheffield S7 1SA	Unauthorised UPVC windows in Article 4 area	19/07/2013	14/01/2014- Still within compliance period (until 26th February 2014) 22/07/2013 – Enforcement Notice served, time for compliance 21/01/2014.
6.	79 Dore Road, S17 3ND	Unauthorised Hoarding	24/09/2013	14/01/2014- awaiting outcome of appeal before prosecution 1/10/2013 – Notice being prepared.
7.	759 – 761 Abbeydale	Unauthorised smoking shelter	11/09/13	08/01/2014 – Application still Invalid

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
	Road S7 2BG			06/11/13 - Planning application (13/03424/FUL) has been submitted for the Council's consideration.
8.	263 Cemetery Road, S11 8FS	Unauthorised replacement of windows to the front and side of 263 Cemetery Road, S11, facing Grange Crescent Road and Cemetery Road, the erection of a new soil pipe facing Cemetery Road, a new down pipe adjacent to the bay window facing Grange Crescent Road, the replacement of guttering and the erection of roof felt on the ground floor bay windows.	05/11/13	14/01/14 – EN being drafted and will be served shortly.
9.	73 Sandford Grove Road, S7 1RR	Unauthorised excavation works to the front garden and the unauthorised erection of fences at the front of 73 Sandford Grove Road, Sheffield, S7	23/07/13	14/01/14 – Private Sector Housing are pursuing Enforced Sale Procedure (ESP) and advice given from legal is to wait until the ESP has been effective in which case the same outcome would have been achieved. If ESP fails or until the next transgression then to proceed with Injunction. 14/11/13 – EN in relation to the unauthorised fence has been served

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				came into effect 15/10/13 with a compliance period of 2 months. TSN has been served and has been complied with. The injunction relating to the excavation works is with Counsel for drafting of proceedings for issue. Further evidence is required before Counsel is ready to take injunction to Court. Evidence is being provided.
10.	Whirlow Elms Chase, S11 9RQ	Unauthorised retention of buildings and use of building and land as a builders compound /gardeners store.	21/05/2013	08/01/2014 – BCN not complied with, witness statement being prepared. 08/10/2013 – BCN served on Pullan Developments Ltd requesting the removal of the former care takers dwelling and the compliance with condition 3 relating to Sustainable development. 21/05/2013 – Authority given to serve an Enforcement Notice to secure the cessation of use of the former caretakers house as a builders compound/ gardener store.
11.	201 Chippinghouse Road,S7 1DQ	Breach of condition 2 – development not carried out as to the approved plans	03/05/13	14/01/14 – Notice has not been complied with. The matter is being reported to Committee with a request for authority to pursue a prosecution. 09/07/13 – BCN has been served on 5/06/13 – 56 days

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				compliance period
12.	6 Rosamond Place	<p>Breach of Condition 2 – Landscaping.</p> <p>Breach of Condition 1 – Completion of Development</p>	20/02/13	<p>06/01/2014 – Work re-commenced on site, so being monitored to ensure that this continues. 31/10/2013 – A new conditions application received but not valid, to ensure compliance with breach of condition 2. Site visited and development not completed therefore prosecution papers being prepared for 2nd breach of control. 16/10/2013 – Case in Court, found guilty and fined £75 fine, £75 costs and £25 surcharge. 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</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				site.
13.	Swanky Franks 722A Chesterfield Road	Non-compliance with a planning condition to clad an extraction flue	13/02/2012	15/01/2014 – Reminder letters being sent. 31/10/13 No recent progress as waiting for legal advice with regard to ownership of property. 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 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.
14.	4 Parkers Road	Unauthorised roller shutter	06/02/2012	31.12.2013 – Awaiting court date. 31/10/2013 – Paperwork with Litigation for prosecution. 10/7/2013 – Notice being prepared.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

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				to be removed by 18/03/2013. 31/05/2012 Appeal Received. 16/04/2012 EN served,
15.	8 Chandos Street, Broomhill, S10 2PP	Unauthorised removal of chimney stack	25/02/13	14/01/14 – Prosecution file being prepared. 05/11/13 – EN has not been complied with a reminder letter has been sent. 09/07/13 – EN has been served 12 weeks compliance period. 15/04/13 – EN has been drafted and is with Legal and Admin.
16.	75 Machon Bank Road, S7 1PE	Unauthorised replacement of windows at the front of the property	25/02/13	14/01/14 – EN has not been complied with but application for timber windows just received. 05/11/13 – EN has been served 6 Month compliance period. Expires on 03/12/13. 15/04/13 – EN has been drafted and is with Legal and Admin. Planning application (12/03797/FUL has been refused with enforcement action.
17.	204 Chippinghouse Road, Nether Edge, S7 1DR	Unauthorised replacement of windows and door within an Article 4 area	13/08/12	14/01/14 – The upstairs windows have been manufactured and ready to be installed. 06/11/13 – In discussions with owner and joiner for suitable replacement windows. 12/07/13 – EN was served (21/09/12) and took effect on 26/10/12 – 9 month compliance period (26/07/13). No work commenced on site as yet.

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
18	7 Greenfield Drive	Unauthorised signage on display	26/09/11	<p>15/01/2014 – Ongoing Notice due to be served.</p> <p>06/11/2013 – Paperwork for Notice nearly complete, final legal checks and service expected within next 2 weeks 11/7/2013 – Notices expected to be served by mid-August. 16/04/2013 Other 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>
19	Land at 141 Denmark Road	Non payment of planning obligation monies £8,255.45 secured in relation to	20/12/2010	<p>10/01/2014 – Awaiting court date.</p> <p>06/11/2013 – Ownership details updated, still awaiting court date. 10/07/2013 – Still</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
		08/02716/FUL. Development is complete with most of the units occupied		waiting for a court date.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 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.
20	Ball Inn, Mansfield Road	Unauthorised Hoarding	21/06/2010	15/01/2014 – Ongoing Notice due to be served. 06/11/2013 – Paperwork for Notice nearly complete, final legal checks and service expected within next 2 weeks.11/07/2013 – No recent progress, expect to serve Notices by 01/09/2013.15/04/2013 – No

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>work on this case due to other cases taking priority. 12/02/13 – Notices being prepared, aiming to be served by end of February 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. 21/06/11 - Hoarding still in place. Discontinuance Notice to be served. 18/03/11 Company instructed in writing to 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.</p>
21	776 Ecclesall Road	Breach of Condition (Opening	03/06/2010	14/01/14 – Awaiting litigation advice.

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
		hours of hot food take away)		<p>06/11/2013 – Case meetings arranged with litigation with regard to extending the joint strategy with licensing. 12/07/2013 – New evidence gathering needed towards service of new BCN. 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 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</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				Further late night site visit to be undertaken to get current position. 20/09/10 Site visited on 30 July 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.
22	Pizza Padrino, 267 Fulwood Road, Broomhill Conservation Area	Non compliance with approved hours (94/01539/FUL)	02/06/2010	14.01.2014 – Ongoing prosecution with licensing. Court date expected before April. 6/11/2013 Joint strategy with licensing, awaiting a further prosecution. 26/06/06 – Case in court, owner pleaded guilty and was fined £260. 16/04/2013 – Awaiting court dates for licensing prosecution. 23/1/13 – 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. 18/07/2012 – Case in Court. Owner pleaded guilty £50 fine, Costs £50 and £15 surcharge. 20/03/2012 –

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				Files with prosecution awaiting court date 17/2/12 –Evidence for prosecution obtained & 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 taking place with a view to prosecution for any further breaches.
23	Oasis Pizza, 204 Whitham Road, Broomhill	Non-compliance with approved hours (98/00186/FUL)	02/06/2010	14.01.2014 – Owners are currently applying for an Eviction Notice against the occupying tenant, citing the

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
	Conservation Area			<p>continued breach of planning and licensing controls as their reason. 6/11/2013 Joint strategy with licensing, awaiting a further prosecution. 26/06/2013 – Case in Court, owner pleaded guilty and fined £260.16/04/2013 – 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 & 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 14th November and requires compliance with planning permission by 14th 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
24	Old Whitelow Farm, Old Whitelow Lane.	Re-construction of a demolished redundant farm building	30/07/08	10/01/2014 – Ongoing discussions with litigation and owners agents. 05/11/2013 – Discussions taking place with litigation, legal position being evaluated. 11/07/2013 – No recent progress, however meeting arranged for mid-August with litigation. 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

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>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' 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>
25	Norfolk Arms Public House, Ringinglow Village	Unauthorised fume extraction and Lighting Columns.	19/05/08 & 21/09/09	<p>16/12/2013 – Ongoing awaiting court date. 5/11/2013 – Witness statement with litigation for the non-compliance with the Enforcement Notice for the lighting columns. Another statement being prepared for the non-compliance with the Listed Building Enforcement</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>Notice.11/07/2013 –Discussed with legal services, prosecution to proceed, paperwork being prepared.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 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.</p>

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 28 January 2014

Subject: Enforcement Report

Author of Report: Lee Brook

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

Reasons for Recommendations:

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

Recommendations:

That members note the current progress on actions

Background Papers:

Category of Report: OPEN

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UPDATE ON LIVE ENFORCEMENT CASES IN WEST AND NORTH AREA FOR QUARTER ENDED 31 December 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 / 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.	Telecommunications Mast, Oak Lodge Farm, Thompson Hill	Retention of mast beyond 6 month time limit that is permitted for emergency installations by The T&CP (General Permitted Development) Order.	05/12/13 (delegated)	BCN served 07/01/14, which requires the removal of the mast and associated equipment by 18/3/14, (10wks).

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
2.	Lion Works, Handley Street	Derelict listed building causing visual harm to both the area and the building itself.	4/10/13 (delegated)	Some works scheduled to begin before February 2014. S215N served 4/10/13. It took effect 1/11/13, requiring renovation works including making building wind and water tight. Compliance required by 21/2/14.
3.	36 Stanwood Crescent	Erection of a conservatory projecting 5.7m from the rear elevation.	03/09/13	Appeal lodged against EN, therefore it is not in effect, outcome awaited. EN issued 19/10/13, which takes effect 23/10/13 and requires removal of conservatory by 12/2/14.
4.	Vetsry Hall, Crookesmoor Road	Listed building in poor state of repair.	20/5/13 (delegated)	Works ongoing at January 2014. S215N served 24/5/13. Came into effect 21/6/13 & requires roof repairs, boarding of windows / painting black & general making good works, wind & water tight etc. Compliance was required by 2/8/13. Owner appealed to Magistrates against S215N. Magistrates refused to deal with appeal as it was out of time. Notice was not complied with so Council contractor appointed to carry out

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	Vestry Hall continued from p2			works following tender process. The owner began work at 11 th hour however cost have been incurred by Council due to tender process so that money will be recovered in any event.
5.	Land adjacent to 4 Mowson Hollow	Timber Building used for store / studio	13/11/12	EN served 15/2/13 & appeal dismissed 5/9/13, removal of building required by 5/3/14 . Jan 2013, details sent to Legal Services for service of EN requiring removal of building, EN expected to be served by 1/2/12.
6.	Land adjacent to 2A Stanley Road, Burncross	Change of use to Residential Curtilage & storage & associated works, including fence & gates.	13/9/11	16/1/14, work stalled again, but enforcement continues to liase with the owner to progress but leaving prosecution option open. 31/7/12 – earth bank part restored, work ongoing. Fence erected to separate Land from house, container 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,

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	Stanley Rd continued from 3			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 st floor extension to rear of house – ref.11/01679/FUL	2/8/11	02/12/13 Enforcement Notice now fully complied with 01/11/13, Unauthorised works removed. NFA required. 03/07/13, Works are on going & are near completion for amended scheme under approved 12/03865/FUL. 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 2/1/13 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 requiring extension to be altered to PD limit by 17/7/12. Appeal lodged against EN.

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
8.	183 Fox Street	Broken & boarded front ground floor window to terraced house.	10/5/11	<p>07/01/14 – Work by the owner to renovate the house are nearly complete. Window will be last job before house rented out. 10/07/13 - Quotes for works being sought from 3 different sources to cost up the work. 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.</p>
9.	290-308 Pitsmoor Road	<p>(1) Use of Ground floor for retail shop, 1st & 2nd floors as HIMO, (11/00050/FUL refused)</p> <p>(2) Canopy to front of Shop refused PP</p>	19/4/11	(1) November '13 - EN proposed regarding discharge of conditions of 11/00050/FUL as agent pulled out and no sign of progress. 31/10/12. Officers talking with agent regarding discharge of conditions

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	Pitsmoor Rd continued from p5			<p>before application submitted for same. 31/7/12. Discharge of conditions application being prepared for this PP. (1) New application 11/01912/FUL to improve the scheme taking account of reasons for refusal of HMO/Shop, (amendment to refusal of broadly similar scheme ref.11/00050/FUL), was granted conditionally 11/8/11. Shop and HMO now has PP.</p> <hr/> <p>(2) 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 & enquires removal of canopy by 31/8/11.</p>
10	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	25/1/11	Jan 2014 - Litigation still pursuing original owner who signed the s106. Legally the new owner cannot be sued. Solicitors are examining ownership to decide who to

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	Burgoyne Rd continued from p6	flats now occupied		pursue for the money. 06/04/11 Developer Mr Dempsey still owns the site. Case with litigation and prosecution next step to be considered.
11	Parker's Yard, Stannington Road	Unauthorised use as self storage & metals recycling facility. 09/02757/CHU refused PP.	10/6/10	At January 2014 , the lease is still being actively negotiated for the Pearson Forge Site, but it remains unsigned due to difficulties on the sellers part. 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 10/4/12). Owner reports on 28/3/12 there shouldn't be further obstacles if analysis shows the land is ok. Business owner

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	Parker's Yard continued from p7			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.
12	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	15/12/09 (delegated authority)	Discharge of Conditions applications, refs.13/00599/COND & 13/00606/COND under consideration at 15/1/14, likely to come to committee in Feb or March. Development nearing completion at Nov.

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	Ben Lane continued from p8	new apartment building, C4-landscaping for grounds, C6-highway access & finishes to frontage, C8-pedestrian access to new bowling green, C9-new pavilion details, C10-bowling green maintenance.		2013. 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 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.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 28 January 2014

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Claire Woods 0114 2734219

Summary:

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

Reasons for Recommendations

Recommendations:

To Note

Background Papers:

Category of Report: OPEN

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REGENERATION & DEVELOPMENT SERVICES

REPORT TO PLANNING &
HIGHWAYS COMMITTEE
28 JANUARY 2014

1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

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

2.0 NEW APPEALS RECEIVED

(i) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for enlargement of domestic curtilage to provide parking space to side of dwellinghouse, including construction/formation of a means of vehicular access across existing verge at 78 Abbey Brook Drive Sheffield S8 7UT (Case No13/02498/FUL)

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for retention of 1 non-illuminated free-standing V shaped sign at Curtilage Of 79 Dore Road Sheffield S17 3ND (Case No 13/00337/HOARD)

3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the delegated decision of the Council to refuse planning consent for 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) has been dismissed.

Officer Comment:-

The main issues were the effect of the proposed dwelling on the character and appearance of the area; and the living conditions of future occupiers.

On character and appearance the Inspector considered that whilst the dwelling could physically be accommodated on the site, its proximity to the road and limited amenity space would result in a cramped property out of keeping with those surrounding. She noted this would be in conflict with Core Strategy policy CS74 (design principles) and specifically CS31 where the Council places emphasis on retaining the existing character of south west Sheffield.

She noted the dwelling would be screened by existing hedging, but felt this could be removed in the future and would not justify the cramped appearance

of the dwelling.

On living conditions, she noted that whilst the dwelling was specifically designed for the appellant's needs, which include limited amenity space, this would result in a dwelling that provided a substandard level of accommodation for future occupiers, contrary to the aims of UDP policy H14.

The needs of the appellant (following illness) were considered by the Inspector but she was not convinced that other solutions to providing suitable living accommodation had been explored. Whilst this personal case was an important consideration, it did not outweigh the harmful impact the dwelling would have upon particularly the character and appearance of the area.

The appeal was therefore dismissed.

4.0 APPEALS DECISIONS - ALLOWED

(i) An appeal against the imposition of a condition requiring obscure glazing within a delegated decision of the Council to grant planning consent for alterations to the existing raised decking and erection of a rear conservatory at 51 Mawfa Crescent Sheffield S14 1AS (Case No 13/00395/FUL) has been allowed.

Officer Comment:-

In granting the permission for a rear conservatory officers had imposed a condition requiring obscure glazing to the side elevations to prevent overlooking of adjacent neighbours gardens and to prevent views from the conservatory into neighbouring windows of main habitable rooms.

The Inspector noted that a fence and hedge prevented views of no.49 and that overlooking of no.53 was possible, and to 49 if the hedge were removed. She felt that the gap between the conservatory and the boundaries would allow for boundary reinforcements, and that an element of overlooking already existed, such that the removal of the requirement for obscure glazing would not lead to significant harm.

She did not therefore consider the condition to be necessary, allowed the appeal and removed condition 4.

5.0 RECOMMENDATIONS

That the report be noted

Maria Duffy
Acting Head of Planning

28 January 2014