

Planning and Highways Committee

Tuesday 28 October 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), Nasima Akther, David Baker, Jack Clarkson, Roger Davison, Tony Downing (Deputy Chair), Ibrar Hussain, Bob Johnson, Bryan Lodge, Peter Price, Denise Reaney, Tim Rippon and Joyce Wright

Substitute Members

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

PUBLIC ACCESS TO THE MEETING

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

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

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

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

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

FACILITIES

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

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

**PLANNING AND HIGHWAYS COMMITTEE AGENDA
28 OCTOBER 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 October 2014
- 6. Site Visit**
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 7. Applications Under Various Acts/Regulations** (Pages 9 - 98)
Report of the Director of Regeneration and Development Services
- 8. Quarterly Overview Of Enforcement Activity** (Pages 99 - 102)
Report of Director of Regeneration & Development Services
- 9. Quarterly Update of Enforcement Cases in the City Centre and East Area of the City** (Pages 103 - 110)
Report of Director of Regeneration & Development Services
- 10. Quarterly Update of Enforcement Cases in the South Area of the City** (Pages 111 - 134)
Report of Director of Regeneration & Development Services
- 11. Quarterly Update of Enforcement Cases in the West and North Area of the City** (Pages 135 - 146)
Report of Director of Regeneration & Development Services
- 12. Record of Planning Appeal Submissions and Decisions** (Pages 147 - 150)
Report of the Director of Regeneration and Development Services
- 13. Date of Next Meeting**

The next meeting of the Committee will be held on 18 November
2014

ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

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

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SHEFFIELD CITY COUNCIL

Planning and Highways Committee

Meeting held 7 October 2014

PRESENT: Councillors Alan Law (Chair), David Baker, Jack Clarkson, Roger Davison, Tony Downing (Deputy Chair), Ibrar Hussain, Bob Johnson, Bryan Lodge, Roy Munn, Peter Price and Denise Reaney

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Joyce Wright, but no substitute was provided.

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 There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the previous meeting of the Committee held on 16 September 2014 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 October 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

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

(b) having (i) noted an amendment to the proposed development's description to confirm that the application relates to the ground floor of the building and (ii) considered additional representations and the officer's response, as detailed in a

supplementary report circulated at the meeting, an application for planning permission for use of the ground floor of a building (Class A1(Shops)) as a public house (Class A4 (Drinking Establishments)) at 623 Ecclesall Road (Case No. 14/02765/FUL) be granted, conditionally, subject to an additional condition requiring a level threshold to be provided to the entrance, as detailed in the aforementioned supplementary report;

(c) having considered (i) additional representations from a local Ward Councillor objecting to the proposed development, as detailed in a supplementary report circulated at the meeting and (ii) oral representations at the meeting objecting to the development from a neighbour and a representative of the Broomhall Park Association and from the applicant's agent in support of the development, an application for planning permission for the change of use to a seated outdoor coffee area (Use Class A3) at 245 Ecclesall Road (Case No. 14/02614/FUL), be granted, conditionally;

(d) an application for planning permission for a single-storey rear extension to the Sunflower Children's Centre at 21 Carter Hall Road (Case No 14/02260/FUL) be granted, conditionally, subject to an additional condition being attached requiring the applicant to provide details of measures to prevent pavement car parking, between the existing highway safety barrier and the children centre's boundary;

(e) following consideration of (i) an additional submission from the applicant, additional representations from objectors and the officer's planning assessment in response, as detailed in a supplementary report circulated at the meeting and (ii) oral representations at the meeting from a local resident commenting on the development and the applicant's representatives in support of the development, an application under Regulation 3 of the Town and Country Planning (General) Regulations 1992 for the demolition of parts of infant school buildings, alterations and an extension to retained buildings and an extension to provide additional classrooms, provision of a multi use games area, car parking and external works at Hallam Primary School, Hallam Grange Crescent (Case No. 14/02000/RG3) be granted, conditionally;

(f) having (i) noted a proposed amendment to Condition 3 regarding the hours of use, as detailed in a supplementary report circulated at the meeting and (ii) heard oral representations at the meeting from two local residents commenting on the application and the response from the applicant's agent, an application under Section 73 to vary Condition 3 (hours of use) and Condition 6 (cooking equipment) concerning the planning permission for the use of a dwellinghouse as a restaurant/cafe (Class A3) on the ground floor with a flat at first floor level (Case No. 13/02171/CHU), by increasing the opening hours of the cafe to between 0800 hours to 1800 hours Monday to Saturday and 0800 hours and 1700 hours on a Sunday and for two microwave ovens, one safety fat frier and one griddle to be used in the cafe at the Village News, 176 to 178 Main Street, Grenoside (Case No. 14/01031/CHU), be deferred to the next meeting of the Committee to allow officers to seek clarification on the proposed change of hours of use;

(g) having (i) noted a correction to the report now submitted by the substitution of the timescale of "4 weeks" for "6 weeks" under the Summary and Recommendation

(Page 89, 2nd Paragraph 3rd sentence) and (ii) heard oral representations at the meeting from two local residents commenting on the application and the response from the applicant's agent, an application for planning permission for the repositioning of an existing refrigeration unit to the rear elevation and its encasement in a sound reduction enclosure at the Village News, 176 to 178 Main Street, Grenoside (Case No. 14/01042/FUL), be deferred to the next meeting of the Committee to allow officers to seek clarification on the refrigeration unit proposed in the application description; and

(h) having heard an oral representation at the meeting from a neighbour objecting to the proposed development, an application for planning permission for the erection of a dwellinghouse and detached garage within the curtilage of the Croft, 5 Stratford Road (Case No. 14/00442/FUL) be granted, conditionally.

7. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 7.1 The Committee received and noted a report of the Director of Regeneration and Development Services detailing 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 October 2014 at 2.00 pm at the Town Hall.

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SHEFFIELD CITY COUNCIL

Planning and Highways Committee

Report of: Director of Regeneration and Development Services

Date: 28/10/2014

Subject: Applications under various acts/regulations

Author of Report: John Williamson 2734218

Summary:

Reasons for Recommendations

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

Recommendations:

Background Papers:

Category of Report: OPEN

Application No.	Location	Page No.
14/03379/FUL (Formerly PP-03636454)	135 Mulehouse Road Sheffield S10 1TD	13
14/03331/FUL (Formerly PP-03648614)	7 Garden Street Sheffield S1 4BJ	17
14/03284/FUL (Formerly PP-03643690)	Oasis Pizza 204 Whitham Road Sheffield S10 2SS	25
14/01453/FUL (Formerly PP-03332428)	Carterknowle Food And Wine 264 Carter Knowle Road Sheffield S7 2EB	35
14/01042/FUL (Formerly PP-03271328)	Village News 176 - 178 Main Street Grenoside Sheffield S35 8PR	59
14/01031/CHU (Formerly PP-03270884)	Village News 176 - 178 Main Street Grenoside Sheffield S35 8PR	67
14/00831/FUL	Site Of Clear Line Creevela Works Parsonage Street Sheffield S6 5BL	80

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning

To the Planning and Highways Committee

Date Of Meeting: 28/10/2014

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 14/03379/FUL (Formerly PP-03636454)

Application Type Full Planning Application

Proposal Construction of a new ground floor bay window to the front of the property

Location 135 Mulehouse Road
Sheffield
S10 1TD

Date Received 12/09/2014

Team West and North

Applicant/Agent Mr & Mrs Matthew & Eleanor Roden

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.

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

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

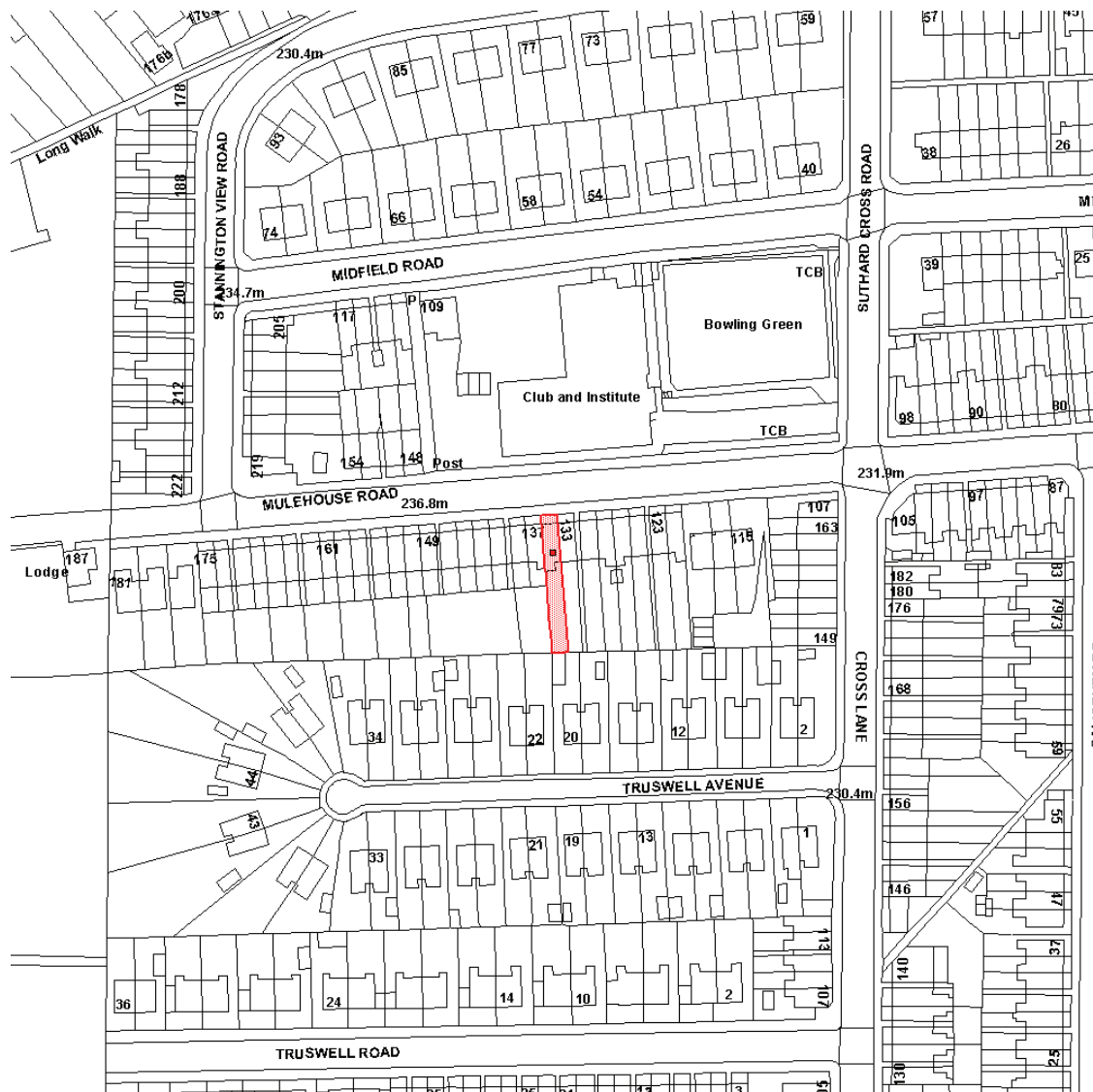
Drawings No. 01 and 02

Reason: In order to define the permission.

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

135, Mulehouse Road is a two storey stone terraced house located in Crookes. The house has a small front garden with a larger rear one. All neighbouring uses are residential and the houses either side are all terraced of similar proportions but they all have a ground floor bay window whereas this is absent at the application site.

This application seeks planning permission to introduce a ground floor bay window at the front of the house which would match the existing bays either side.

Members should be aware that that the applicant is employed by the City Council so procedures indicate that in these circumstances this application should be considered by the Planning Committee.

SUMMARY OF REPRESENTATIONS

No representations have been received.

PLANNING ASSESSMENT

Planning Policy.

The adopted Unitary Development Plan (UDP) shows that the site is designated as part of a housing policy area and policy H10 confirms that housing is the preferred use.

Design and External Appearance.

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

UDP policy BE5 says that all new extensions should be of good design and good quality materials will be expected.

Core Strategy policy CS74 expects high quality design that takes advantage of distinctive features in neighbourhoods.

The application site does not have a front facing bay window and it appears that there was one in the past but it was replaced by a window which is flush with the rest of the house front. This contrasts with houses either side and the absence of the bay disrupts the pleasant rhythm of this part of Mulehouse Road. The application seeks to rectify this by the addition of a ground floor bay window which would have a stone base, wooden top and windows arranged to match neighbours.

The design and scale of the bay would match neighbours either side and improve the appearance of the house and the terraced elevation. It would be significantly better than the existing appearance.

There would be no impact on either the amenities of neighbours or parking and access.

SUMMARY AND RECOMMENDATION

The application is considered to be a significant improvement on the existing appearance of the front of the house. It satisfies all relevant policy criteria and is, therefore, recommended for conditional approval.

Case Number 14/03331/FUL (Formerly PP-03648614)

Application Type Full Planning Application

Proposal Alterations to ground floor to form a residential apartment (Use Class C3)

Location 7 Garden StreetSheffieldS1 4BJ

Date Received 08/09/2014

Team City Centre and East

Applicant/Agent Journeyman Design Ltd

Recommendation Grant Conditionally

Subject to:

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

Reason: 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 document:

Amended plan received via email dated 14 October 2014 (Ref: GST-PL-03B).

Reason: In order to define the permission.
- 3 The residential accommodation hereby permitted shall not be occupied unless a scheme of sound attenuation works has been installed and thereafter retained. Such scheme of works shall:
 - a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey,
 - b) Be capable of achieving the following noise levels:

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

c) Include a system of alternative acoustically treated ventilation to all habitable rooms.

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

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

4 Before first occupation, a Validation Test of the sound attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Test shall:

a) Be carried out in accordance with an approved method statement,

b) Demonstrate that the specified noise levels have been achieved.

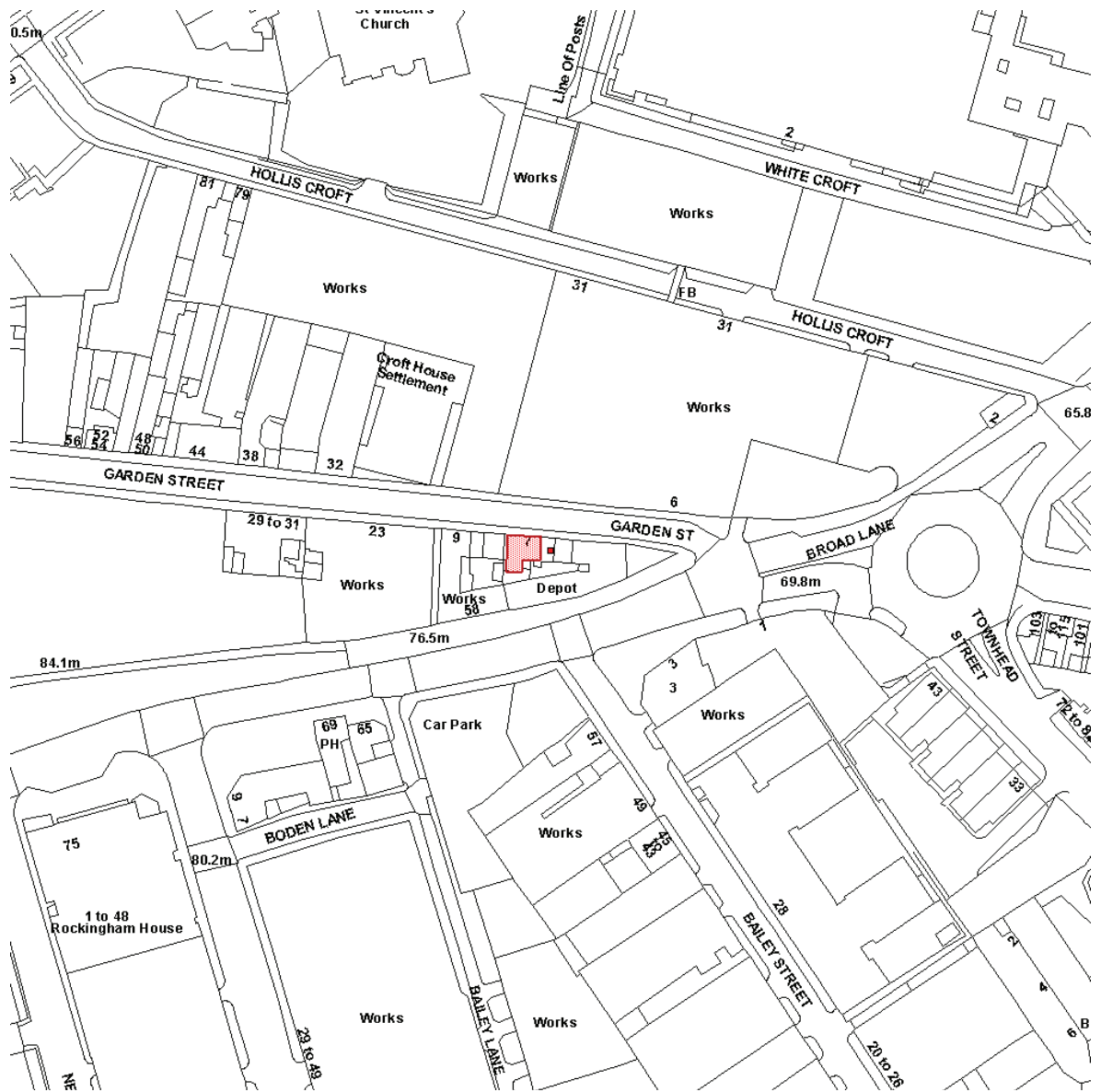
In the event that the specified noise levels have not been achieved, then notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

Reason; In order to protect the health and safety of future occupiers and users of the site.

Attention is drawn to the following directives:

1. You are advised that residential occupiers of the building should be informed in writing prior to occupation that:
 - (a) limited/no car parking provision is available on site for occupiers of the building,
 - (b) resident's car parking permits will not be provided by the Council for any person living in the building.
2. 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

The application site comprises a traditional two-storey workshop/office unit on the south side of Garden Street within the St Vincent's Quarter. It is constructed in brick that has been painted black with a slate pitched roof. On the principle elevation (Garden Street) are two sets of bi-fold timber doors to the ground floor and two large openings to the first floor. Between No.7 and the adjacent property at No.9 is a narrow single storey element, which provides access to the first floor.

At the present time the St Vincent's area is in transition, but the immediate surroundings remain predominantly commercial in character. To the immediate south and east is Butlers Balti House, which is a restaurant that has opened in recent years. Commercial/industrial uses adjoin the building to the west and opposite (north) are the now vacant former premises of Footprint Tools.

Members may recall that a former Planning Board conditionally approved an application for alterations to the building to enable the use of the first floor as residential accommodation and continued use of ground floor for commercial purposes in March 2008 (07/04924/FUL). A further application for limited alterations was also approved in June 2009 (09/01452/FUL).

The applicant is now applying to create a separate two bedroom apartment at ground floor. The unit would also provide a kitchen/diner, a bathroom and an internal bin store. Externally the proposed alterations relate to the front elevation and would see both existing double doors replaced with cedar cladding and new aluminium doors and windows.

The site is located within a General Industry Area as defined by the Sheffield Unitary Development Plan (UDP) and the Well Meadow Conservation Area is set approximately eighteen metres to the north-west.

RELEVANT PLANNING HISTORY

See above

SUMMARY OF REPRESENTATIONS

One representation has been received from the neighbouring restaurant (Butlers Balti House), which raises concerns about possible disturbance between the new residential unit and the restaurant. These are as follows:

The rear of the proposed apartment faces the internal courtyard to Butlers Balti House

The previous application restricted windows to be kept locked and fully obscured, as with the restaurant application (NB – this is not correct – the windows to the rear of the apartment were required to be obscured but not permanently locked)

Need confirmation that the habitable rooms facing the courtyard will have separate mechanical ventilation so that windows do not need to be opened

Need assurances that the ventilation system will have adequate filtration to stop smoke (from smokers in the courtyard) from entering the new apartment

Need assurances that the proposal will not affect the restaurant business

The restaurant bin store and back of house facilities are adjacent to the proposed apartment. Need to ensure that this does not disturb future residents

PLANNING ASSESSMENT

Land Use

The application site lies within a General Industry Area as defined in the Sheffield Unitary Development Plan (UDP). In such areas Policy IB5 (Development in General Industry Areas) states Housing (C3) is an unacceptable use as the presumption is that living conditions in industrial environments are generally not considered to be satisfactory. However, this policy has been superseded in the area by the St Vincent's Action Plan (discussed below) and Policy CS17: City Centre Quarters within the Sheffield Development Framework Core Strategy (CS). CS17 states that residential uses are now acceptable in the St Vincent's Area.

The St Vincent's Action Plan (SVAP), which was approved by Cabinet in December 2004, is now a material consideration when determining planning applications in the area. The application site is included within a Business Areas within the SVAP, in which housing (other than at ground floor) is acceptable in principle.

The SVAP seeks to restrict housing at ground floor in order to ensure a strong commercial presence is retained. It also helps ensure a suitable residential environment is created for residents (issues relating to amenity are discussed further below).

In relation to retaining a commercial presence, given its very limited frontage and floor area the loss of this ground floor unit would have a minimal impact on the dominance of commercial uses in the wider area. Its loss would therefore not undermine the aspirations of the SVAP.

In light of the above the principle of this proposal does not cause any concern from a land use perspective.

Design

The site is located adjacent to the Well Meadow Conservation Area. Policy BE16: Development in Conservation Areas within the UDP states that such development would be expected to preserve or enhance the character or appearance of that area.

Policy CS74: Design Principles within the CS states 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.

The interventions are limited and will see the introduction of aluminium windows and doors to the frontage and elements of cedar cladding. These good quality materials suitably reflect the conservation setting and retain the commercial character of the building.

The new openings have been positioned in a logical fashion. The variation in window proportions will add visual interest and reflect the more contemporary nature of the existing façade.

In light of the above the proposal is considered to comply with the design and conservation policies discussed within this section of the report.

Highways

Section f) of Policy IB9: Conditions on Developments in Industry and Business Areas within the UDP states that new development or change of use applications will be permitted provided that they are adequately served by transport facilities and provide safe access to the highway network and appropriate off-street parking.

Although no car parking is available, the site is located in the city centre and offers convenient access to varying modes of transport, including the Sheffield Supertram. A car-free directive will be added to ensure that future residents will not be entitled to an on-street parking permit.

The proposal is therefore considered to be in compliance with section f) of Policy IB9.

Amenity of Future Residents & Effect on Adjacent Industrial Units

Policy IB9: Conditions on Development in Industry and Business Areas within the UDP states that new development or change of use will be permitted provided that it would not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

Policy IB11: Housing and Residential Institutions in Industry and Business Areas within the UDP states that Housing (C3) will be permitted only where the development would not suffer from unacceptable living conditions including, ground contamination, noise, other nuisance or risk to health and safety.

Due to the approval of several other residential schemes in the vicinity, including the first floor apartment, it is known that a suitable internal noise environment can be provided through the imposition of planning conditions.

The location of a commercial courtyard to the immediate rear of the building and outside the red line boundary is a consideration. Butlers Balti House does have access to this courtyard and it is understood that staff do use this space on breaks and to smoke. As the relevant noise conditions will require alternative acoustically treated ventilation to be in place any noise created by these activities can be mitigated.

The restaurant also has planning restrictions in relation to issues such as moving bins and noise breakout, so the activities of this unit should not cause undue nuisance.

The introduction of residential windows at ground floor is not uncommon in the area, including windows set at the back edge of footpath. Although not ideal, the resident can close blinds/curtains as required and it would not be reasonable to refuse the scheme on these grounds, given the presence of other similar developments in the St Vincent's area, of which back-edge-of footpath developments are one of its characteristics.

The rear facing windows will face directly into the courtyard. These are existing window openings on the building. Owing to the topography, the internal floor level is set above the courtyard level, which ensures that direct views into the bedroom window from the courtyard are suitably restricted. Direct views into the kitchen are possible, but this room is not as sensitive as a bedroom or living room so this can be tolerated.

In relation to window to window overlooking across the courtyard, the windows within Butlers Balti House have been blocked up or obscured so direct views are not possible.

The scheme includes internal bin storage adjacent to the entrance to the apartment, which is welcomed.

The scheme is therefore considered to comply with Policies IB9 & IB11 within the UDP.

RESPONSE TO REPRESENTATIONS

The points raised in the representation have been addressed in the above assessment.

SUMMARY & RECOMMENDATION

Given its very limited frontage and floor space, the loss of this commercial ground floor unit would not undermine the aspirations of the St Vincent's Action Plan.

The external alterations are limited and will principally involve the introduction of aluminium windows and doors. These alterations and materials suitably reflect the conservation setting and the original commercial origins of the building.

Given the city centre location public transport is easily accessible. A car-free scheme is therefore considered appropriate.

Due to the approval of several other residential schemes in the vicinity, it is known that a suitable internal noise environment can be provided through the imposition of planning conditions, particularly since the former Footprint Tools site opposite was vacated some time ago, with little prospect of it being re-established for industrial purposes.

The location of a commercial courtyard to the immediate rear of the building is a consideration. The staff of Butlers Balti House do have access to this courtyard (not customers), but the restaurant also has an internal bin store and storage area,

so access should be limited. Given that the new apartment will be required to install an alternative ventilation system it is considered that suitable safeguards against nuisance will be in place.

The scheme is therefore recommended for conditional approval.

Case Number	14/03284/FUL (Formerly PP-03643690)
Application Type	Full Planning Application
Proposal	Extension of opening hours until 0330 every day (Application to vary condition 2 (opening hours) of planning permission no. 98/00186/FUL (use of ground floor as café/takeaway))
Location	Oasis Pizza204 Whitham RoadSheffieldS10 2SS
Date Received	03/09/2014
Team	South
Applicant/Agent	Hallam Jones - Mr Abbas Shah
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.

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

- 2 The building shall be used for the abovementioned purpose only between 0900 hours and 0330 hours on any day.

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

- 3 The accommodation at the first and second floor levels of the application site shall not at any future point be occupied as a self-contained residential flat.

Reason; In order to prevent the approval hereby granted having a detrimental impact upon residential amenities.

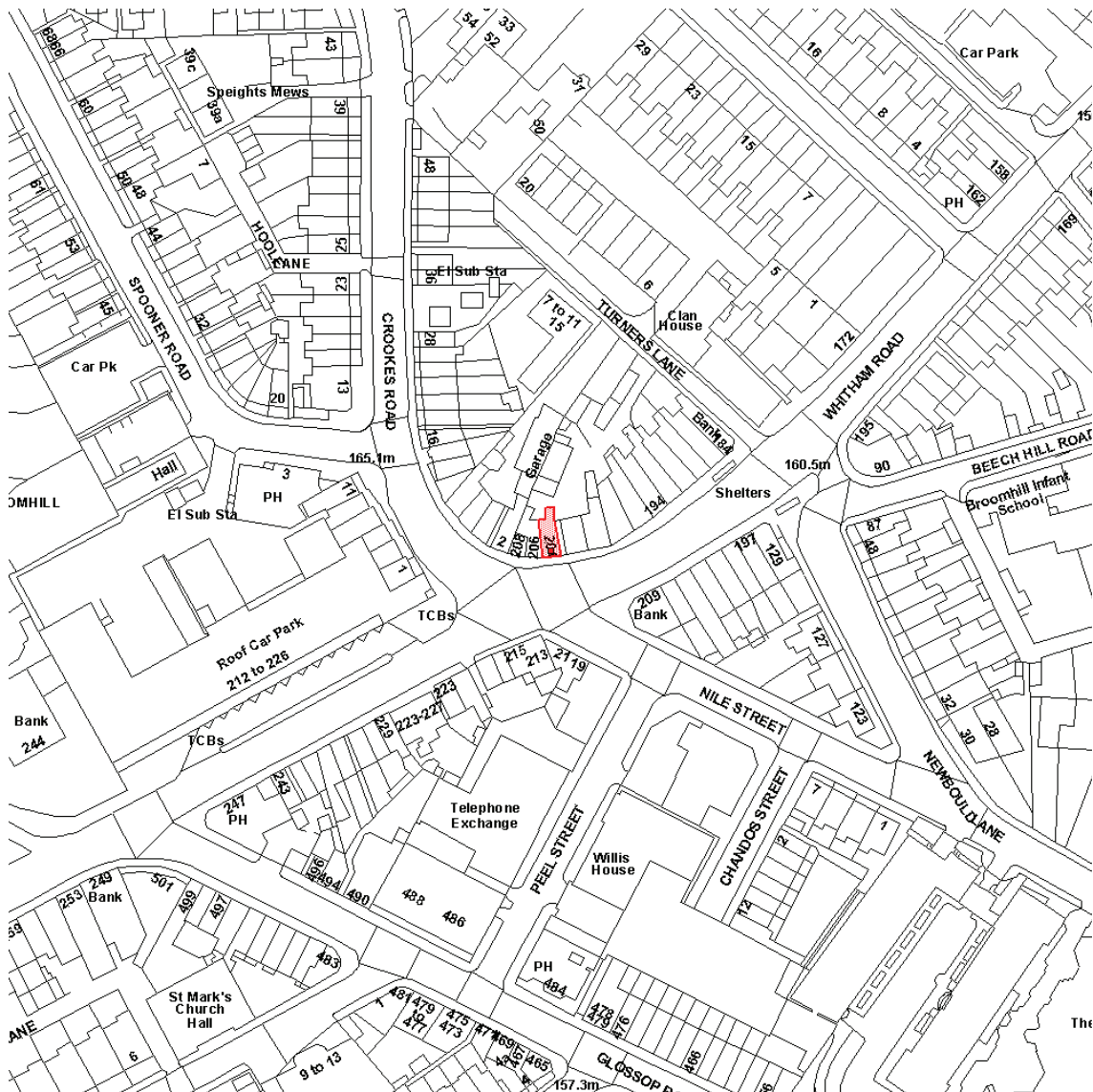
- 4 Within eight weeks of the date of this decision details of a self-closing front door which shall be required to be permanently in operation so that the door at no time is open other than for entry/exit of persons shall have been submitted to the local planning authority for their written approval. The approved details shall be implemented within eight weeks of the date of the approval and be retained as such thereafter.

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

Attention is drawn to the following directives:

1. The Local Planning Authority has 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

The application site is located to the north of Whitham Road, close to the point where it meets Crookes Road. It is within Broomhill District Shopping Centre and currently operates as a A5 Hot Food Takeaway.

The adjoining premises are occupied as an Estate / Letting Agent (No. 206 Whitham Road) and an Office Suppliers / Stationers (No.202 Whitham Road).

The current application seeks to vary Condition 2 of the previous planning consent (98/00186/FUL), which allows the takeaway to be open between 09:00 hours and 00:00 hours on any day.

The variation proposed would allow the premises to be open until 03:30hours on any day.

RELEVANT PLANNING HISTORY

In May 2007 an application was submitted under reference 06/04375/FUL which sought to extend the takeaway's opening hours to 03:00 hours each day via the amendment of condition 2 of 98/00186/FUL.

This application was refused, for the following reason:

“The Local Planning Authority consider that the use of the ground floor of the building during the additional hours of operation would be detrimental to the amenities of nearby residents owing to the noise, smells, litter and general disturbance which would be generated. The proposal is, therefore, contrary to Policy S10 of the Unitary Development Plan.”

A further application was refused (10/02135/FUL) which sought to allow opening during the following hours:

- Mondays to Saturdays, 09:00 – 03:00hours
- Sundays, 09:00 – 01:00hours

The application was refused because of harmful impacts to the amenities of the flat above the premises and nearby residents.

An appeal against this refusal was then dismissed by the planning Inspectorate. The reasons for the dismissal will be covered as part of the assessment of the current application.

A further application (10/02642/FUL) related to Num.205 Whitham Road (also a Hot-Food Takeaway). This application sought consent to extend the opening times to the following hours:

- Sunday, 11:00 to 03:00 hours
- Monday to Thursday, 11:00 to 03:30 hours
- Friday and Saturday, 11:00 to 04:15 hours

The application was refused for the following reason:

“The Local Planning Authority consider that the use of the ground floor of the building during the additional hours of operation would be detrimental to the amenities of nearby residents owing to the noise, smells, litter and general disturbance which would be generated. The proposal is, therefore, contrary to Policy S10 of the Unitary Development Plan.”

Also, an application (08/05048/FUL) was submitted in relation to 196 Whitham Road, seeking consent for opening until the following times:

- Sunday nights, until 01:00 hours
- Monday to Thursday nights, until 03:30 hours
- Fridays and Saturday nights, until 04:15 hours

The application was initially refused, and an appeal against this refusal was later allowed by the Planning Inspectorate.

SUMMARY OF REPRESENTATIONS

Following notification of neighbours and local community groups, five representations have been received. These include representations from Councillors Webster and Dunn.

The comments made by neighbouring occupiers can be summarised as:

- Increased opening would lead to increased disruption and impact on well-being, due to excessive noise and rowdy behaviour.
- Litter and health hazard caused by discarded food/vomit.
- Placing a bin on the street would not address litter issue, and Applicant's offer to pick up litter would not be enforced.
- Queried whether previous Planning Inspector visited the site during University term time.
- Notification has mainly covered business premises, and not nearby residents
-

One of the representations from neighbouring occupiers states that they would have no objection, providing they are serving just food and it isn't a bar/nightclub that would attract extra noise at night.

Cllr Dunn's comments can be summarised as follows:

- Impact on local community due to noise associated with congregation of large numbers of people in the early hours of the morning, which has attracted this type of behaviour previously.

- Previously local residents have had their sleep disturbed.
- Littering of pavements, gardens and roads.
- Enforcement has previously been carried out on this property, and nothing has changed.
- Since the previous appeal / decisions, Broomhill has more takeaways open, and there are already enough establishments open after midnight. Any further establishments opening late would have a severe impact on this balance.

Cllr Webster's comments can be summarised as follows:

- Number of residents on the lower portion of Parkers Road have reported that they suffer noise nuisance from the premises with existing allowable opening hours.
- Noise relating to the business' delivery service is a particular issue for residents.
- A proposed bin outside the premises will not deal with litter, as premises is not an eat-in venue. Instead customers walk and eat, discarding rubbish elsewhere.
- Late night takeaways and licensed premises are not suitable for residential areas. At Ecclesall Road, 23:30 is the normal closing time, with exceptions being historic permissions. This norm should be extended to the central Broomhill area to give consistency.

PLANNING ASSESSMENT

The application premises are located in an area allocated as a District Shopping Centre in the Unitary Development Plan. Policy S7 states that a hot-food takeaway is an acceptable use, provided certain safeguards are met. Policy S10 states, in addition to other requirements, that any use should not cause residents to suffer from unacceptable living conditions, including noise or air pollution.

The application is seeking to extend the allowable opening hours, via the amendment of the relevant condition. The main considerations in the assessment of the proposal are the impacts on the amenities of the locality and occupiers of residential property/s that result from the later opening.

Broomhill continues to be an area popular during evening periods. The shopping area has a concentration of a significant number of restaurants, hot food takeaways and cafes, as well as public houses in a relatively small area. Some of these other hot food takeaways have no restrictions placed on their opening hours, whilst others are required by planning conditions to close at 11.30pm or midnight.

Consequently the area becomes busy during late evening and early morning periods, both during weekends and week nights. The peak periods of activity are after the closure of local public houses, but most particularly after closure of the

student union and city centre clubs. These periods of peak activity are during times when there is very little background noise in the area. For instance, there is only limited traffic flow driving through Broomhill. Obviously the reduction in background levels of noise means that sensitivity to noise impacts arising from the takeaway is heightened. It is also during these times of night when the vast majority of residents will be aiming to sleep

Some noise and disturbance also arises from taxis dropping off passengers in the area, their engine noise and slamming of doors. Customer based noise arises as groups of friends wait for food and talk at volumes causing disturbance. During this period larger groups also form, which then continue on together to their respective residences. As a result of the larger size of these groups the noise generated is greater than it would otherwise be.

The appeal regarding No.196 Whitham Road (Flavours, previously Northern Sole) was allowed. The critical issues in the Inspector's determination were the presence of four venues which operated legitimately nearby without either a planning permission or a condition restricting their opening. It was noted that whilst some of those venues did not necessarily operate into the early AM hours, they had the potential to do so. It was also critical that most neighbouring representations related to the general incidence of noise and disturbance, rather than the specific operation at the appeal premises. The Inspector also concluded that the loss of one takeaway operating during early morning hours would lead to a concentration of demand on the remaining facilities, leading to the potential for localised increased noise and disturbance. As such a refusal was thought to not have the potential to address the overall numbers of people gathering in the area. Additionally, it was noted that the first floor above the appeal premises served as storage associated with the takeaway at No.196, rather than as a flat like some other properties in the terrace.

The appeal relating to the current application site, was dismissed in February 2011. It was noted by the Inspector that extended opening hours would result in vehicular and pedestrian activity immediately below the flat over the appeal premises, during the early hours of the morning. It was commented that this would arise from coming and going of customers, congregations of people outside the building, high-spirited behaviour, loud conversations and the arrival/departure of vehicles, including taxis and vehicles associated with the food delivery service. Also noise within the building, such as raised voices, cooking and cleaning operations and odour extraction equipment were cited as adding to noise levels. It was concluded that these activities would severely disrupt the occupiers of the upper level flat during the early hours of the morning when they were likely to be sleeping, and especially during warm weather when windows would probably be open.

The number of other takeaways in the vicinity of the site which were open until the early hours of the morning were also noted. The Inspector acknowledged that by

living in the area, the flat occupants must accept a certain degree of late night disturbance associated with those outlets. Having said this, the Inspector concluded that this should not involve noisy activities immediately below the flat until the closing time proposed as part of that appeal.

The Inspector also commented upon the No.196 Whitham Road appeal decision, and noted that the Inspector in that appeal pointed out that the first floor of No.196 was used for storage associated with the business unlike some of the other properties in the terrace which had flats at first floor. No.196 was seen as different from No. 204, as it had a greater separation distance between the takeaway and residential accommodation in the terrace to the rear.

It is therefore clear that the Inspector gave significant weight to the impacts of the later closing time upon the amenities of the flat above the premises. The documentation submitted with the current application states that the “flat above the premises is solely used for storage facilities for the takeaway and as a staff washroom/WC, and that it is not used for residential purposes”. This is also confirmed as being the permanent situation.

The Planning Officer dealing with the current application has recently visited the premises on two separate occasions. No evidence of permanent residential occupation has been observed, with the space being used as a storage facility for the takeaway and as a staff ‘mess-room’ facility.

Given that the upper floor/s no longer function as a flat, the detrimental and unacceptable impacts which led to the Inspector’s dismissal of the case would no longer arise, and wouldn’t therefore constitute a reason to resist the proposed extended opening hours.

In order to ensure that the upper floor/s of the application premises are not used at any future point as a flat, a condition can be added to any consent granted in this case to control this situation.

The Inspector then continued to consider the effects of the proposal on other residential accommodation in the vicinity of the application site. The Inspector was satisfied that the living conditions would not be materially harmed by the extended hours given the separation distances, and the presence of the other takeaways which are open into the early a.m. hours. It was commented that later opening hours would increase activity at the appeal premises and within the shopping centre generally during the early morning period. This was acknowledged as leading to some increase in activity in the surrounding neighbourhood as people, predominantly on foot, made their way home. It was then commented that these pedestrian routes would vary widely and the dispersal of pedestrians through the extensive residential area would not be considered to materially increase noise and disturbance. It was concluded as part of the Appeal decision that the living

conditions of residents in the vicinity of the appeal site and the wider residential area would not be materially harmed by the proposal.

Whilst the current application seeks marginally longer opening hours than formed the subject of the appeal, it is considered that circumstances relating to the application remain sufficiently similar to lead to a similar conclusion in relation to this issue.

The proposal would inevitably involve cooking odours generated at the premises. The absence of a permanent residential flat above the premises clearly eliminates this concern. The separation distance to other more remotely located residential accommodation means that the dispersal of any odours would occur, and that there would not be a detrimental impact arising from this issue.

A number of the written representations have mentioned the operation of the food delivery service from the premises. This would have had significant impact upon occupants of a flat immediately above the application premises. However, it would have less potential to harm amenities of other residents located more remotely from the application premises, as the noise created would be amalgamated into the other vehicle based noise, i.e. passing vehicles, and taxis 'dropping-off'. As a result this aspect would not be considered to have a detrimental impact in this regard, and there would not be considered to be a reason to impose a condition requiring cessation of the delivery service at 12 midnight.

Overall, whilst it is acknowledged that there is a level of disturbance to local residents, which has been a source of complaint, in the light of the previous Planning Inspector's findings, and the change in circumstances at the premises since the previous application and appeal, the proposal would be considered to have an acceptable impact upon the amenities of occupants of residential accommodation within the application site's vicinity. Consequently, the proposed extended opening hours would be considered to meet the relevant requirements of UDP policy S7 and S10.

RESPONSE TO REPRESENTATIONS

The comments made by neighbouring occupiers have been largely dealt with in the body of the above assessment.

In relation to the issue of litter generation, the previous Appeal Inspector commented that the litter generated by a takeaway rarely occurs within the immediate vicinity of the premises but over a wider area. As a result of this and existing provision within the centre it is not considered that imposing a condition would be reasonable or necessary.

The Applicant's willingness to collect any litter at the end of each day is noted, however, any such condition would not be enforceable and therefore it would not be possible to legitimately apply it.

It is not clear when the Inspector dealing with the previous appeal at the site visited Broomhill Centre. However, the Inspector would have taken note of the representations which had been made about the activity levels etc and taken these into account when coming to a decision.

SUMMARY AND RECOMMENDATION

The application seeks planning permission to extend the opening hours of an existing hot food takeaway (Oasis Pizza) at Num.204 Whitham Road. This is located in Broomhill Shopping Centre.

The space above the premises no longer functions as a flat, and instead is used as storage space and/or staff wash / mess type facility associated to the takeaway. As a result, the proposal would avoid any detrimental impacts in this regard. It is considered that in the light of the previous Planning Inspector's findings and the change in circumstances at the premises since the previous application and appeal the proposal's impacts upon other residential occupiers would not be sufficiently detrimental to support a reason for refusal.

Overall, the proposal is therefore considered to comply with the relevant provisions of UDP Policies S7 and S10, and therefore it is recommended that the application is approved.

Case Number 14/01453/FUL (Formerly PP-03332428)

Application Type Full Planning Application

Proposal Demolition of existing building, erection of a new convenience store with 3 x 2 bed apartments above including garages at lower ground floor level and external terrace areas to the first floor and roof area

Location Carterknowle Food And Wine264 Carter Knowle RoadSheffieldS7 2EB

Date Received 22/04/2014

Team South

Applicant/Agent Tatlow Stancer 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.
Reason: 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:
 - A4_01
 - A3_11 Rev A
 - A3_05 Rev A
 - A3_06 Rev A
 - A3_07 Rev B
 - A3_08 Rev B
 - A3_03 Rev A
 - A3_04 Rev B

Reason: In order to define the permission.

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

Reason: In the interests of delivering sustainable forms of transport.

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

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

- 5 The development hereby permitted shall not be occupied until the Local Planning Authority has approved in writing a Delivery Service Plan (DSP) which identifies efficiency, safety and sustainability measures to be undertaken once the development is operational and open to the public. The servicing and management of the development shall thereafter be carried out in accordance with the approved DSP.

Reason; In order to ensure that deliveries do not impact adversely on the free flow of traffic on the adjacent highway

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

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

- 7 The retail unit shall not be used unless a level threshold has been provided to the entrance thereto in accordance with details to be submitted to and approved in writing by the Local Planning Authority and thereafter such level threshold shall be retained.

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

- 8 The residential accommodation hereby permitted shall not be occupied unless a scheme of sound attenuation works has been installed and thereafter retained. Such scheme of works shall:
- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey,
 - b) Be capable of achieving the following noise levels:
 - Bedrooms: LAeq 15 minutes 30 dB (2300 to 0700 hours),
 - Living Rooms: LAeq 15 minutes 40 dB (0700 to 2300 hours),
 - c) Include a system of alternative acoustically treated ventilation to all habitable rooms.

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

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

- 9 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.

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

- 10 No deliveries to the building shall be carried out between the hours of 2300 to 0700 (on the following day) Sundays to Fridays and 2300 hours to 0900 hours (on the following day) on Saturdays and the day before a Public Holiday.

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

- 11 No movement, sorting or removal of waste bottles, materials or other articles, nor movement of skips or bins shall be carried on outside the building/s within the site of the development (shown on the plan) between 2300 hours and 0700 hours (on the following day) Sundays to Fridays and between 2300 hours and 0900 hours (on the following day) on Saturdays and the day before a Public Holiday.

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

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

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

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

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

- 14 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:

Windows
Window reveals
Doors
Eaves
Brickwork detailing
Balconies
Entrance canopies
Roof
Rainwater goods

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

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

- 15 The approved shop fronts shall be installed prior to the first occupation of the building or within an alternative timescale to be first agreed in writing with the Local Planning Authority. Thereafter the approved shop fronts shall be retained.

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

- 16 No windows serving the retail floor space shall be blocked up, filmed over or otherwise rendered non transparent.

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

- 17 The dwellings hereby approved shall be constructed to achieve a minimum standard of Code Level for Sustainable Homes Level 3 and before any dwelling is occupied (or within an alternative timescale to be agreed) the relevant certification, demonstrating that Code Level 3 has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.

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

- 18 The retail 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.

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

- 19 The flats shall not be occupied unless privacy screens have been erected on the east elevation terraces in accordance with details to be submitted to and approved in writing by the Local Planning Authority and thereafter such screens shall be retained.

Reason; In the interests of the amenity of the neighbouring dwelling.

- 20 Before the development is commenced details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as per these approved details
Reason; In the interests of the amenity of the locality.

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

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

- 22 The retail unit shall be used for such purpose only between 07:00 hours and 23:00 hours on any day.

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

Attention is drawn to the following directives:

1. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense. This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980, and dealt with by:

Development Services
Howden House
1 Union Street
Sheffield S1 2SH

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

2. 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.
3. 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.

4. 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.
5. The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

Site Location



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LOCATION AND PROPOSAL

The application relates to a parcel of land which is currently occupied by a retail unit. The shop itself is of unorthodox design having a trapezoidal footprint somewhat dictated by the arrangement of roads to north and south (gross internal floor space of 99.5 square metres). The building is a flat roof structure lying on ground sloping naturally from south and west to north and east. The building

therefore exhibits a single storey aspect towards Carterknowle Road but is two to two and a half storeys in height onto Montrose Road.

The unit is faced in a mixture of red brick and render, features very little fenestration and is considered to relate poorly within the context of the street scene. Given the highly prominent corner location it is considered that the unit represents a considerable missed opportunity in design terms.

The site lies within an allocated Housing Area though it does lie immediately opposite a small Local Shopping Centre on the north side of Montrose Road (and is proposed as part of an extended Neighbourhood Centre on the Local Plan proposals map).

The prevailing character of the area is residential with two storey houses dominating but three storey flats are present to the south on Carterknowle Road. The existing Shopping Centre consists of flat roof units of a single storey in height.

It is proposed to demolish the existing unit and replace it with a larger retail unit (gross internal floor area of 264 square metres) with parking at lower ground floor for three flats at first floor level.

The building would have a footprint approximating to an isosceles triangle with a rotunda feature located at the 'junction' of Montrose Road and Carterknowle Road. The 'rotunda' and its flank onto Carterknowle Road would rise to a full two storeys with the corner 'feature' having a tall parapet above in order to further define that feature.

Due to the fall in natural land level the design yields a three storey aspect onto Montrose Road at the north east corner of the site and it is at this point that access to the lower ground floor/undercroft parking is located.

The rotunda would feature two storeys of glazing, the lower flanking the shop's main entrance and the upper having a Juliette balcony feature for the first floor apartment.

The buildings flanks would feature upper floor fenestration serving main habitable rooms to the two remaining flats and the larger central panel of glazing present at first floor would be replicated at ground floor in the retail unit. This central panel of ground floor glazing would be flanked on both sides of the building by recessed panels of terracotta cladding.

Off-street car parking provision would amount to 3 spaces.

It is proposed that the shop unit will have opening hours of 07:00-23:00 each day.

RELEVANT PLANNING HISTORY

There is no recent planning history on this site consistent with its longstanding retail use.

SUMMARY OF REPRESENTATIONS (Objections)

There have been 3 petitions received objecting to the proposal, a joint letter from 5 occupants of Grange Court flats and 36 individual representations including submissions from Cllr Nikki Bond, Cllr Penny Baker and the Carterknowle and Millhouses Community Group

Cllr Nikki Bond writes to confirm her support for those objections to the application put forward by Carterknowle and Millhouses Community Group most notably on the grounds of increased traffic, reduced parking, and the associated impact on air quality.

Cllr Penny Baker asks that the concerns of 5 residents from the Grange Court flats be taken into consideration.

The Carterknowle and Millhouses Community Group object to the scheme on the following grounds:

The proposal would:

- be out of scale and character with the surrounding area.
- breach building lines on Montrose Road and Carterknowle Road
- overlook and overshadow neighbouring property
- would be too close to the memorial bench
- exacerbate servicing difficulties at the premises
- increase the likelihood of vehicular and pedestrian conflict at the junction of Carterknowle Road and Montrose Roadpotentially create noise pollution (from associated plant and vehicular movements)

The scheme will introduce increased pressure on street car parking and traffic and research should be entered into to investigate transport movements in the locality of the site.

The three petitions object on the grounds that the enlarged shop unit could be occupied by a large multiple supermarket chain.

Other representations raise the following objections:

- The development should respect the memorial tree and bench located adjacent the site.
- The development will attract significantly larger trade and this will lead to car parking and highway movement difficulties.
- The proposal makes no provision for deliveries. Servicing will therefore have to be done from Carterknowle Road causing traffic chaos.
- There is no off street car parking for the store
- A café in the Local Shopping Centre has just re-opened and this, combined with the new proposal will result in adverse impacts on on-street car parking and traffic movements.
- This is a residential area that does not require buildings to 'promote their position'
- There is inadequate space allowed at the entrance for delivery vehicles and wheelchair users
- The height of the proposal will be overly dominant in the locality
- There is no requirement for the 'prow' to be higher than the rest of the building. The additional height is out of character with the area.
- The inclusion of the roof terrace will impact on residential privacy
- There have been near misses with vehicles in the past and this development will exacerbate highway problems.
- Increasing the footprint will obliterate the footway and the green area at the junction.
- The proposal does nothing for the community.
- The area will become transient and it will change the character of the area.
- The building would reduce natural light to a neighbouring dwelling.
- The proposal would break the building line on Montrose Road
- The need for outside plant could result in noise nuisance to neighbouring properties
- The design is an overdevelopment
- This will impact on the outlook of people shopping across the road and on the visibility of drivers
- Current air pollution levels are already above the EU recommended levels. The proposal will exacerbate this problem.
- The design is uninteresting
- The provision of more housing is unnecessary
- Earlier and later closing times will mean noise and disturbance to local residents as will increased deliveries.
- The lay-by on Montrose Road will disappear as a result of the development leading to increased parking difficulties.
- Minimal areas have been given over to storage and waste which means a high number of deliveries are likely.
- The building could affect local fauna across the road at the Exclusive Brethren ancient woodland.

Summary of representations (neutral/support)

The proposal would be acceptable with the caveat that the terrace have permanent screening and that the waiting bay on Montrose Road be made short stay only (to prevent flat dwellers from using this space rather than their garages)

Matters raised that are not material planning considerations

- The proposal is unethical in that it would enable a national chain type store to occupy the shop.
- The main message of the development is slum landlord greed.
- If the corner is important in terms of prominence why have permissions been granted for unsightly telecommunications equipment at the junction?
- The proposal will create adverse competition for nearby shops
- There is a suggestion that the neighbour notification period is shorter than usual and this may be the result of the Applicant's Agent being related to a Planning Department employee.
- The demand for a bigger store in the locality has not been demonstrated
- Existing businesses have already lost trade through the demolition of Abbeydale School and the closure of the Bannerdale Centre.
- If permission is to be granted the size of the proposal should be reduced by condition.
- The new building will block private views
- The flats are tiny when each is expected to house 4 people.
- Granting permission would be an abuse of public office
- The current store is sufficient for local needs.
- Has the telephone company whose cables run close to the site been consulted about the development?
- A decision on this application should be delayed until the Bannerdale Centre application has been reached.
- The proposal would block satellite t.v. reception.
- A new shop owner may not offer the levels of service that the current owners do

PLANNING ASSESSMENT

Policy

The National Planning Policy Framework (NPPF) has replaced previous national planning guidance and the following paragraphs are relevant in terms of overall principle:

At Paragraph 11: Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

At Paragraph 19 states:

The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth...Therefore significant weight should be placed on the need to support economic growth through the planning system.

At Paragraph 58 states:

Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area.

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 over the lifetime of the development;

optimise the potential of the site to accommodate development

respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;

and are visually attractive as a result of good architecture and appropriate landscaping.

The site lies within a Housing Area as defined in the adopted Unitary Development Plan (UDP).

The most relevant UDP and SLP Core Strategy policies are:

H5 'Flats, Bed-sitters and Shared Housing'

H10 'Development in Housing Areas'

H14 'Conditions on Development in Housing Areas'

S5 'Shop Development outside the Central Shopping Area and District Centres'

BE5 'Building Design and Siting'

BE9 'Design for vehicles'

CS24 'Maximising the Use of Previously Developed Land for New Housing'

CS63 'Responses to Climate Change'

CS64 'Climate Change, Resources and Sustainable Design of Developments'

CS74 'Design Principles'

Supplementary Planning Guidance "Designing House Extensions" provides guidelines for protecting residential amenity. Whilst not relating specifically to new build schemes the guiding principles are considered relevant.

The South Yorkshire Residential Design Guide, whilst not formally adopted by Sheffield City Council, offers excellent guiding principles with regard to design, layout and space about dwelling standards for new build residential proposals.

Principle

Policy H10 'Development in Housing Areas' states:

In Housing Areas, the following uses will be:

Preferred

Housing (C3)

Acceptable

Small shops (A1)

Policy S5 'Shop Development outside the Central Shopping Area and District Centres' states:

Retail development other than within or at the edge of the Central Shopping Area or District Shopping Centre's will be permitted where the development is:

(a) of a small shop; or

(b) in, or at the edge of, a local centre, for appropriately sized food stores and other facilities to serve the day-today needs of the local population;

Small shops are defined in the Unitary Development Plan as having a gross internal floor space of less than 280 square metres.

This proposal has a total gross internal floor space of 264 square metres and therefore qualifies as a 'small shop'

When considered against the requirements of the NPPF there is no requirement for an Impact Assessment for the retail element as the floor area is below the 2500 square metre threshold stated in that document. The proposal is considered to pass the Sequential test as there is not considered to be a suitable alternative site for the development in a nearby centre.

Given the above both uses are acceptable in principle within the Housing Area

Residential element, location and density

Policy CS 23 'Locations for New Housing' states:

New housing development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure. In the period 2008/09 to 2020/21, the main focus will be on suitable, sustainably located, sites within, or adjoining:

a. the main urban area of Sheffield

Policy CS24 'Maximising the Use of Previously Developed Land for New Housing' states:

'Priority will be given to the development of previously developed sites...'

Policy CS 26 'Efficient Use of Housing Land and Accessibility'

requires development to make efficient use of land and the density of new developments to 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 are intended to vary according to the accessibility of locations, with the highest densities in the City Centre and the lowest in rural areas. The density range identified for a site like this in the urban area is 30 to 50 dwellings per hectare;

The development represents a density of 60 dwellings per hectare but this only marginally outside the suggested density range and is a reflection of the type of development (flats rather than dwellinghouses). It is not considered to represent a robust reason for refusal.

Given the above the proposal is considered to be acceptable in the light of Policies CS23, CS24 and CS 26 of the Core Strategy

Design and detailing

The National Planning Policy Framework (NPPF) states:

At Paragraph 9. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life

Paragraph 17 states that decisions should:

Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

Paragraph 58 states:

Planning policies and decisions should aim to ensure that developments function well and add to the overall quality of the area, and respond to local character and history, reflect the identity of local surroundings and materials, and are visually attractive as a result of good architecture and appropriate landscaping.

At paragraph 59 it continues:

...design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

Further, at paragraph 60 it states:

Planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Relevant policies in the Sheffield Unitary Development Plan are

Policy BE5 'Building Design and Siting' states:

- (a) original architecture will be encouraged but new buildings should complement the scale, form and architectural style of surrounding buildings;
- (e) special architectural treatment should be given to corner sites in order to create a lively and interesting environment

Policy H14 'Conditions on development in Housing Areas' states:

In Housing Areas, new development or change of use will be permitted provided that:

- (a) new buildings and extensions are well designed and would be in scale and character with neighbouring buildings; and

In addition Policy CS74 'Design Principles' of the Sheffield Core Strategy applies which states:

High-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods

The design of the building has been reached after pre-application consultation with Officers and after some amendment during the lifetime of the application. The design seeks to respond to the general context and to the highly prominent location in line with Policy BE5 (e).

The height of the building is two storeys onto Carterknowle Road and this is entirely consistent with the two and three storey residential development present in that street scene. The use of the rotunda at the apex of the junction of Carterknowle and Montrose provides appropriate interest but it is the architectural treatment and form that provides interest rather than an increase in height which is most often employed in these cases. This is considered an appropriate response to the street scene and will not result in a structure which greatly exceeds the height of residential buildings on Carterknowle Road.

The overall detailing of the building is unfussy and the use of a large amount of glazing on the rotunda, red brick for the main facing material and inset panels on the flank walls using a facing material with a slightly larger unit size should result in a building which provides some visual interest and breaks up any large monotonous panels of masonry.

The fenestration to the building sides should add interest to the street scene where presently the footway is flanked only with blank wall.

Overall the proposal is considered a suitable and appropriate response to the constraints of the site and would represent a significant improvement over the existing building

Given the above it is therefore concluded that the proposal is acceptable in regard of Policies H5, H14, BE5, and CS74 and paragraphs 9 and 58 of the NPPF

Sustainability

The scheme offers some marginal benefits which contribute to achieving sustainable development though the scale and nature of the scheme does limit its potential in this regard.

The site is in a reasonably sustainable location being located on high frequency public transport corridor. The proposal represents an efficient use of a previously developed site and will assist the economy in terms of providing jobs during the construction process.

The use of porous paving for the curtilage works should enable a marginally improved percolation of rainfall into the site and help to diminish rainwater run-off from the site.

The introduction of the Green Roof was discussed with the Applicants Agent but this addition was rejected on the grounds of the schemes viability.

The use of grey water recycling and use of rainwater for toilet flushing will make minor but worthwhile contributions to the schemes sustainability credentials.

Housing element

Policy CS64 would require the development to achieve Code for Sustainable Homes Level 3 as a minimum. The applicant has indicated in their Sustainability Statement that this would be achieved, referring to specific measures and methods. In order to ensure that any development meets this requirement, an appropriate condition could be added to any consent granted should Members be minded to grant the application.

Retail element

The submitted Sustainability Statement states that the building will achieve a BREEAM rating of 'Very Good'.

The increased glazing should enable excellent light penetration into the building at both ground and first floor.

The use of porous paving and surfacing will also reduce rainwater run off

Drainage

Surface water discharge should be reduced by a minimum of 30% on brownfield sites in accordance with Core Strategy Policy CS67. Whilst the area of built footprint on the site would represent an increase over existing the areas of curtilage currently outside the building footprint are hardstanding and so no worsening of the current situation will occur.

However, given the policy requirements of CS67 a condition should be added seeking details that this criterion is met.

Residential Amenity

Existing residents

Overlooking, overbearing and overshadowing

Paragraph 17 of the NPPF states that decisions should:

Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

Policy H14 'Conditions on Development in Housing Areas' states:

In Housing Areas, new development or change of use will be permitted provided that:

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

The general principles outlined in the NPPF para. 17 and Policy H14 are further supported by Supplementary Planning Guidance 'Design of house extensions' (SPG) which lays out good practice guides for new build structures and their relationship to existing houses. Of these the following are particularly relevant:

SPG guideline 5 states that a two storey structure should not be located closer than 12 metres in front of ground floor windows of a neighbour and that level differences may require this distance to be increased.

SPG guideline 6 states that dwellings should keep a minimum of 21 metres between facing main windows.

Properties on Carterknowle Road

Separation distance to the houses on the opposite side of Carterknowle Road would equate to 21 metres. It is considered that this separation distance to dwellings across the public highway is commensurate with other separation distances between opposing houses on the street. Hence, it is not felt that unacceptable levels of overlooking would arise in this case. This is also the case for the roof terrace serving the 'rotunda' apartment

No. 262 Carterknowle Road

This is the nearest property to the site and the only adjoining residence. The proposal would lie close to the side boundary of this property. The layout of 262 is such that the house is separated from the site by its drive and detached garage to the rear.

There are no main aspect windows in the side elevation of No.262

The proposal steps down to two storey height (relative to natural ground level at the boundary) and as such, relative to the house itself, would have no greater overbearing/overshadowing effect than a two storey house with a gable end.

The profile of the development is of course deeper than would be a single dwelling but the rear wall of the proposal towards Montrose Road would lie adjacent the detached garage of No.252 and therefore, once again, no significant overbearing or overshadowing of neighbouring main aspect windows or principal rear amenity space would occur.

The roof top terraced areas here could offer an overlooking potential but a condition requiring full height (1.7 metres high) screening would negate this potential and details should be sought by condition requiring these features.

Properties on Montrose Road

There are no dwellings opposite the site on Montrose Road and the shop units achieve a separation of 21 metres. It is therefore considered that no disamenity arises as a result of the proposal when considering Montrose Road.

Given the above it is not considered that the proposal will result in an adverse effect on residential amenity and therefore complies with policies H5 and H14 of the Unitary Development Plan.

Noise and disturbance

General

As with any proposed commercial operation close to residential property conditions are suggested to control movement and sorting of waste and delivery times.

External plant

The submitted plans do not indicate the provision of external plant such as air conditioning units etc. These items can lead to disamenity in residential areas and as such a condition should be added requiring details to be submitted and approved by the Local Planning Authority (if the intention is to add such plant).

Future occupiers

H5 'Flats, Bedsitters and Shared Housing' states:

Planning permission 'will be granted for the creation of flats, bed-sitters and the multiple sharing of houses only if:

(b) living conditions would be satisfactory for occupants of the accommodation and for their immediate neighbours

H14 'Conditions on development in Housing Areas' states:

In Housing Areas, new development or change of use will be permitted provided that:

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

Natural lighting

The flats have excellent provision of fenestration, none of which is considered compromised by nearby buildings. It is considered that levels of natural light should be acceptable within all main habitable spaces. The windows serving the bedrooms should also provide a degree of natural light that will be acceptable.

Outlook

The outlook from main aspect windows facing both Montrose Road and Carterknowle Road is acceptable.

External Amenity Space

The two side facing flats (facing Carterknowle and Montrose Roads) both have a small private external terrace for sitting out. Outlook from these terraces will be limited to the respective roads that they face as privacy screens will be required along the eastern boundary to prevent overlooking towards No.262 Carterknowle Road. Nonetheless it is considered that an acceptable level of external amenity space is achieved.

The flat within the rotunda has no roof terrace but does benefit from the ability to open out the fenestration on the 'prow' of the building in order to create an inside/outside space with the living room/lounge.

Hence, despite the shortfall in provision for this flat, it is not considered that this alone represents a robust reason for refusal of the scheme overall.

Noise and disturbance

Since the building is flanked by well used roads it is suggested that a condition be added requiring sound attenuation to the proposed flats in order to achieve appropriate levels of amenity in bedrooms and Living Rooms.

The scheme is therefore considered satisfactory with regard to the NPPF and Policy H5.

Highways and car parking

Residential element

H5 'Flats, Bedsitters and Shared Housing' states:

Planning permission 'will be granted for the creation of flats, bed-sitters and the multiple sharing of houses only if:

there would be appropriate off-street car parking for the needs of the people living there.

The residential element of the scheme has been designed with provision of one space per flat. Given the availability of on street car parking and the access to high frequency public transport linkages it is considered that this represents an acceptable response and given the overall regeneration benefits of the whole development is not considered a robust enough reason to refuse the proposals.

Retail element

Customer parking

There is no specified off street car parking designated for the retail unit. Suggested parking provision for the current shop (if applying UDP guidelines) would suggest a provision of 5 spaces. The same standards applied to the new proposal would suggest 13 spaces.

It has to be accepted therefore that if the development is implemented it is likely that additional on street parking will be present around the site.

Whilst it is accepted that the additional parking is not ideal Officers are not convinced that it would be a justifiable reason to refuse the application for the following reasons.

Firstly, there is an existing shop on this site and it is generally accepted that increasing the size of a retail outlet does not necessarily result in a proportionate increase in customer numbers but rather an increase in customer spend.

Secondly, there are a very significant number of properties that are within an easy walking distance of the site and as such a high proportion of visits could be made on foot.

Thirdly, waiting restrictions are in place which would prevent any inappropriate parking.

Servicing

There may be an increase in the level of service activity at the site and therefore it is suggested that if the application is to be recommended for approval an appropriate service delivery plan be secured by condition.

On this basis the proposal is considered acceptable in transportation terms.

Accessibility

Level access will be available at the shop entrance which will be fitted with automatic doors.

Air Quality

A representation has raised the issue of degradation of air quality due to increased trip generation. Unitary Development Plan Policy GE22 and Core Strategy Policy CS66 seek to limit any adverse effects arising from pollution relating to development.

The emerging City policies and Sites (pre-submission) includes Policy F1 which addresses Pollution Control.

This policy lays out thresholds for the size of developments wherein air quality should be considered.

For retail development the threshold indicated is 1000 square metres of gross floor space.

The proposal therefore falls well below that threshold and it is not considered that such a small unit would generate significant air quality concerns.

Landscaping

Policy BE6 'Landscape Design' states that good quality landscape design will be expected in new developments.

The development itself will not result in the loss of any significant publicly accessible open/green space or loss of trees of significant public value.

There is no indication that the development will encroach onto the small green space at the junction of Carterknowle Road and Montrose Road.

Overall, it is felt that the scheme would signify a significant positive contribution to the local environment in this regard thereby satisfying the requirements of Policy BE6

RESPONSE TO REPRESENTATIONS

Matters relating to scale massing and appearance, car parking, servicing, accessibility, neighbouring amenity, and air quality have been dealt with in the main body of this report.

Contrary to a representation more housing is required in Sheffield, as evidenced by the current absence of a five year supply in the city.

Matters that are not material planning considerations

The development's proximity to the memorial bench is not a planning concern since the red line boundary does not impinge on the area of land in which the bench lies.

Matters of business competition and type of end user for the retail unit cannot be considered.

The relationship between Agent and member of staff was correctly declared on the application form. The neighbour notification scheme was carried out in accordance with the Council Statement of Community Involvement with additional site notices posted. Representations have been accepted up until the time of the drafting of this report.

There is no reason to believe that the erection of a replacement building will affect local fauna across the road at the Exclusive Brethren ancient woodland.

Given that a forecourt area around the building is to be retained there is no reason to believe that wheelchair users will be unable to manoeuvre in the proximity of the entrance.

SUMMARY AND RECOMMENDATION

This is an application to erect a retail unit with flats above on the site of an existing shop.

Both uses are acceptable in principle. The retail unit qualifies as a small shop as defined in the Unitary Development Plan and despite a shortfall in off street car parking provision it is not considered that this reason alone would form a robust reason for refusal given both the regeneration value of the proposal and the presence of an existing shop on the site.

It is considered that the design of the proposal will contribute positively to the street scene and the scheme will both provide acceptable living conditions for future occupants whilst maintaining existing resident's amenity.

It is therefore considered that the scheme meets the requirements of UDP policies H5, H10, BE5, Core Strategy policies CS23, CS24, CS26, CS63, CS64, and CS74 and relevant paragraphs of the NPPF.

Accordingly, it is recommended that the application is granted with conditions

Case Number	14/01042/FUL (Formerly PP-03271328)
Application Type	Full Planning Application
Proposal	Retrospective application for the retention and re-positioning of existing refrigeration unit to rear elevation and encasement in sound reduction enclosure (Amended description) (As per amended drawings received on the 7 August 2014 and 4 September 2014)
Location	Village News176 - 178 Main StreetGrenosideSheffieldS35 8PR
Date Received	21/03/2014
Team	West and North
Applicant/Agent	Mr M Burgin
Recommendation	Grant Conditionally

Subject to:

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

Drawing No. P13:033:01 (Site Location Plan)
Drawing No. P13:033:08 (Proposed fence construction)
Drawing No. P13:033:09 (Proposed fence construction)
Drawing No. P14:034:02 Revision F (Existing and proposed Elevations/Plans)

In order to define the permission.

- 2 The work as detailed on amended drawing No. P14:034:02 Revision F (Existing and Proposed Elevations/Plans) shall be carried out within 4 weeks from the date of this decision unless an alternative timescale has been first agreed in writing by the Local Planning Authority.

Reason: In order to secure a reasonable timescale for work to be carried out in the interests of protecting the residential amenity of neighbouring properties.

- 3 The refrigeration unit shall only be operational during shop/café opening hours.

Reason: In the interests of protecting the residential amenity of neighbouring properties.

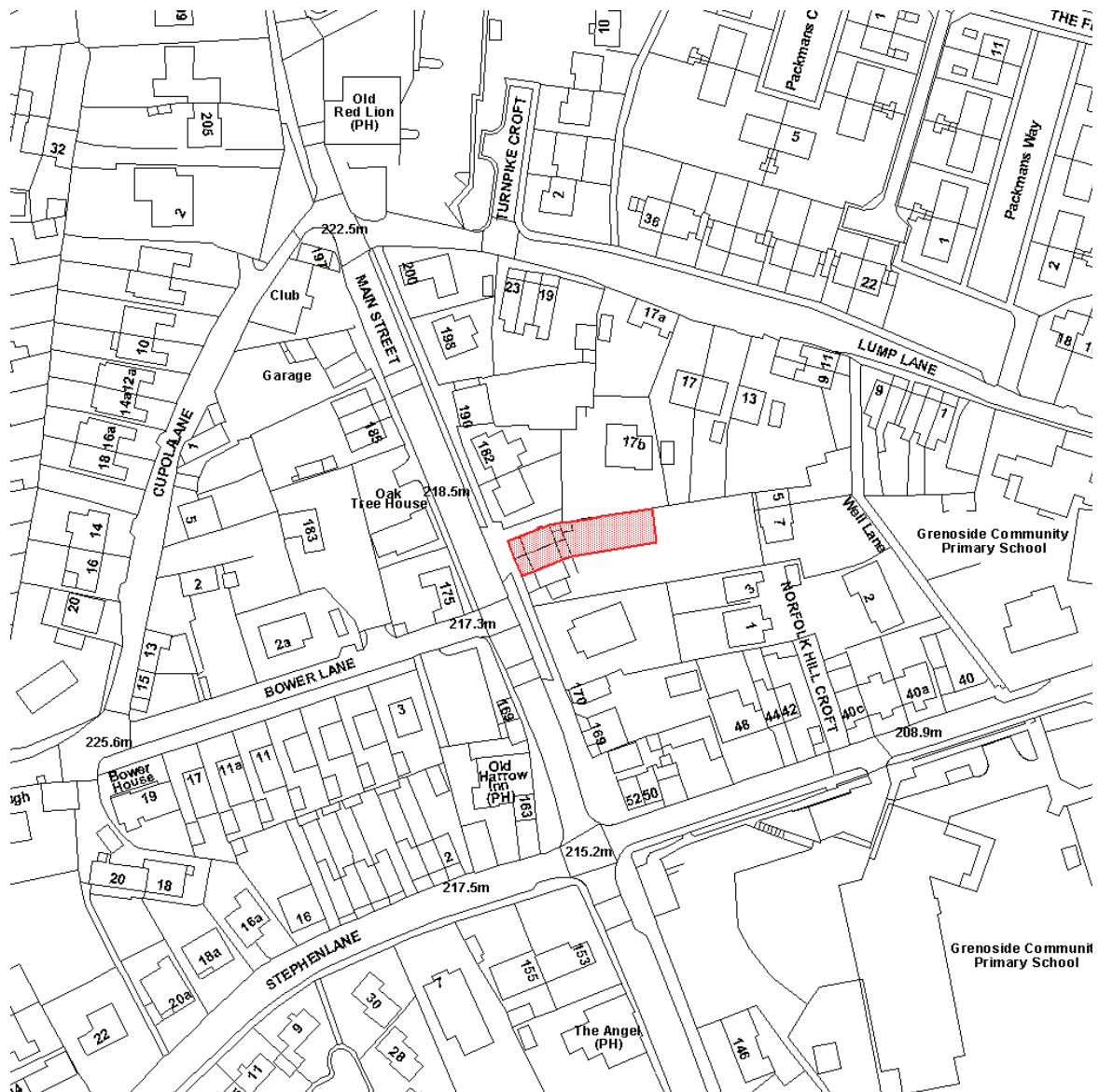
- 4 The refrigeration unit hereby approved shall be enclosed by a sound reduction enclosure within 4 weeks of the date of this decision, details of which shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter, the sound reduction enclosure shall be retained.

Reason: In the interests of protecting the residential amenity of neighbouring properties.

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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INTRODUCTION

Members will recall that this application was reported to the last Planning and Highways Committee (7/10/14) where it was resolved that the application should be deferred to seek amendments to the proposed development to avoid any ambiguity to what is being proposed. As a result of this, officers have amended the description of the application to the following:-

Retrospective application for the retention and re-positioning of existing refrigeration unit to rear elevation and encasement in sound reduction enclosure (Amended description)

BACKGROUND

This application relates specifically to 178 Main Street in Grenoside. The building is occupied at ground floor by a shop/newsagent (A1) known as Village News. The applicant has been running the newsagent for over 12 years.

In March 2014, officers were informed that a new refrigeration unit had been erected along the side (northern) elevation of the property without the benefit of planning permission. Officers were informed of this together with information that the applicant was not complying with two other conditions (Nos. 3 and 6) imposed by planning approval No. 13/02171/CHU to change the adjoining premises (No. 176) from a dwellinghouse (C3) to a café (A3).

On account of the above, the Council served a breach of condition notice on the applicant on the 28 March 2014 relating to Condition Nos. 3 (opening hours), 6 (cooking equipment) and No. 7 (External mounted plant and equipment).

In response to the breaches of planning, the applicant decided to seek retrospective planning permission to retain the refrigeration unit and also seek approval under a Section 73 application to vary Conditions No. 3 (hours of use) and 6 (cooking equipment) of planning approval No. 13/02171/CHU.

Members are informed that an application seeking to vary Condition Nos. 3 and 6 is being considered under a separate application No. 14/01031/CHU.

LOCATION AND PROPOSAL

No. 178 Main Street is an end-terrace property; one of three traditional two-storey stone cottages located along the eastern side of Main Street. The surrounding area is predominantly residential but is interspersed with commercial units including public houses and small local shops. The site and surrounding area is designated as a Housing Area as identified in the adopted Sheffield Unitary Development Plan and also lies within Grenoside Conservation Area.

The neighbouring property (No. 176), also owned by the applicant, is a café and No. 174 is a dwellinghouse. To the north of the site is the southern property of a pair of semi-detached houses (No.180 Main Street) and to its north east is a large detached house (17b Lump Lane). A 2m high privet hedge runs along the southern boundary to No. 180 Main Street.

To the side of the property is a small rectangular strip of land. This land, measuring approximately 7m by 3m lies between the application property and No. 180 and provides a through route to 17b Lump Lane. Although this land has no registered owner, the

applicant has enclosed it off at both ends by 1m high timber fencing and is currently using it for storage in connection with the shop and café.

The applicant is seeking retrospective planning permission for the retention and re-positioning of the existing and unauthorised refrigeration unit, and is being used by the applicant to provide refrigeration to one of the shop's fridges and was installed in the spring of this year without the benefit of planning permission.

The refrigeration unit is currently attached to the side (northern) elevation of the building and forms one of two units along the building's side wall. The unit is fixed to the wall by brackets, some 1.5-1.75m above ground level and overhangs the adjoining strip of land outside the applicant's ownership.

RELEVANT PLANNING HISTORY

14/01031/CHU - Application to increase opening hours of cafe to between 0800 hours to 1800 hours Monday to Saturday and 0800 hours and 1700 hours on a Sunday and for 2 Microwave ovens, 1 safety fat fryer and 1 griddle to be used in the cafe (Application under Section 73 to vary condition 3 (hours of use) and condition 6 (cooking equipment) as per planning permission 13/02171/CHU - Use of dwellinghouse as a restaurant/cafe (Class A3) on the Ground Floor with a flat at first floor level) (Amended description) – Pending

13/02171/CHU - Use of dwellinghouse as a restaurant/cafe (Class A3) on the Ground Floor with a flat at first floor level (as amended plans received 27/08/13) – Granted 26/09/13

11/03753/FUL – Retention of solar PV panels – Granted 2 February 2012

07/02518/FUL – Erection of detached dwellinghouse – Refused

03/04087/FUL – Single-storey rear extension to shop – Granted conditionally

SUMMARY OF REPRESENTATIONS

There have been several letters of objection received in response to the two applications at Main Street; most of these relate specifically to the application to vary Condition Nos. 3 and 6 of planning approval No. 13/02171/CHU. The representations received in response to neighbour consultation that relate specifically to the retention of the refrigeration unit are summarised below:-

- Unlawful development on land which does not constitute part of the applicant's property; and
- Noise disturbance.

Ecclesfield Parish Council considers that the neighbouring residents are still suffering from unacceptable noise levels from the refrigeration unit. They go on to state that the applicant is not adhering to the conditions previously imposed, and as such is affecting the quality of life of neighbouring residents. They recommend that the application be refused.

Grenoside Conservation Society states that the applicant has ignored several conditions set out in granting planning permission for the change of use to the detriment of neighbours and Grenoside Conservation Area. This includes installing an external air-conditioning unit in contravention of Condition No. 7.

Angela Smith MP has written in on behalf of a number of her constituents. With regard to this application, she states that a condition was attached to the planning approval for the café that states that no externally mounted plant or equipment for heating, cooling or ventilation be fitted to the building without the prior approval of the LPA. The external refrigeration unit has been fitted to the exterior of the building and protrudes over land which does not belong to the applicant. The unit is emitting unacceptably high levels of noise, affecting quality of life and causing the occupants difficulties sleeping.

PLANNING ASSESSMENT

The application should be assessed against the criteria set out in Policy H14 of the UDP. This policy relates to conditions that development in Housing Areas should be required to meet. Part (k) of this policy details that new development or change of use will be permitted provided that it does not lead to air pollution, noise, smell, excessive traffic levels or other nuisance. The reason behind the policy is to ensure that conditions placed on development do not lead to an unsatisfactory environment for people living nearby that could harm their residential amenity.

From representations received, it is considered that the main issue with this application relates specifically to noise disturbance. The representations have been received from the residents of 180 Main Street and 17b Lump Lane. These residents have commented that the new refrigeration unit emits unacceptably high levels of noise to the detriment of their residential amenity. From officers' site visit, it was noted that the refrigeration unit was clearly audible within its vicinity, which in officers' opinion was compounded by the general quietness of the street. Although the unit only operates intermittently throughout the day, due to its very close proximity to No. 180 Main Street, noise emanating from the unit is considered significant and harmful to the residential amenity of this neighbouring property. Even with sound-proof casing, the distance and height of the unit to this neighbouring property is still likely to impact on this property's residential amenity.

On account of officers' concerns, the applicant has agreed to re-locate the refrigeration unit to the rear of the building and box the unit within a sound-reduction enclosure. By doing so, officers are satisfied that the residential amenity of both No. 180 Main Street and 17b Lump Lane would not be unduly harmed from unacceptable noise disturbance emanating from the unit. Although it is accepted that moving the unit to the rear of the building would bring it closer to No. 17b Lump Lane, the distance of the unit to this

neighbouring property would be in excess of 13m. This separation distance together with the proposed sound reduction enclosure should mean that any noise emanating from the unit would be muted and dispersed and not such that would be harmful to this neighbouring property. Moreover, on the recommendation of the resident of 17b Lump Lane, the applicant has amended the scheme further by agreeing to lower the height of the unit on the rear wall so it not readily visible when viewed from this neighbouring property. Environmental Protection Service (EPS) have commented that they are satisfied with the proposal to re-locate the unit and do not consider that it would unduly harm the amenity of neighbouring properties.

Should Members be minded to grant planning permission, it is recommended that a condition be attached that requires the refrigeration unit to be moved to the rear of the building and boxed within a sound reducing casing within 4 weeks from the date of the decision. It is also recommended that a further condition be attached that permits the refrigeration unit only be operational during shop/café opening hours. The stock in the refrigeration unit is non-perishable so the condition is reasonable.

Subject to these condition being attached, it is considered that the application is acceptable and would be in general accordance with Policy H14 (k) of the UDP.

Other Issues

A number of concerns have been raised regarding the narrow strip of land to the side of the building that the applicant has enclosed off and is using it in connection with his business despite not being within his ownership.

While this is noted, Members are advised that land ownership is not a material consideration for the purposes of planning control. The applicant has fulfilled all the procedural requirements of the planning application by signing Certificate D on the application form and placing an advert in the Local Press to advertise that the development, as originally submitted, involved work on land not full within his ownership. The amended scheme has relocated the unit at the rear of the property on land within the applicant's ownership.

SUMMARY AND RECOMMENDATION

Retrospective planning permission is being sought to retain a refrigeration unit that has been installed to a commercial premises in Main Street, Grenoside. The refrigeration unit is being used by the applicant to refrigerate produce sold within the newsagent/shop.

The application has been amended on the advice of officers following concerns that noise emanating from the refrigeration unit causes significant noise disturbance to the detriment of neighbouring properties. The applicant has agreed to re-locate the unit to the rear of the building and enclose it in within a sound reduction enclosure. Subject to this being carried out within 4 weeks from the date of the decision, it is considered that the residential amenity of neighbouring properties would not be unduly harmed from unacceptable noise disturbance from the unit.

For the reasons set out in the report, it is considered that Policy H14 of the UDP is met. The application is therefore recommended for approval subject to the conditions listed within the report.

Case Number	14/01031/CHU (Formerly PP-03270884)
Application Type	Planning Application for Change of Use
Proposal	Application to increase opening hours of cafe to between 0800 hours and 1800 hours (Monday to Friday) and between 0900 hours and 1600 hours (Saturday, Sunday and Bank Holidays) and for the retention of 2 Microwave ovens, 1 safety fat fryer and 1 griddle to be used in the cafe (Application under Section 73 to vary condition 3 (hours of use) and condition 6 (cooking equipment) as per planning permission 13/02171/CHU - Use of dwellinghouse as a restaurant/cafe (Class A3) on the Ground Floor with a flat at first floor level) (Amended description)
Location	Village News176 - 178 Main StreetGrenosideSheffieldS35 8PR
Date Received	21/03/2014
Team	West and North
Applicant/Agent	Mr M Burgin
Recommendation	Grant Conditionally

Subject to:

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

Drawing No. P13:033:01 (Site Location Plan)
Drawing No. P13:033:08 (Proposed fence construction)
Drawing No. P13:033:09 (Proposed fence construction)
Drawing No. P14:034:02 Revision F (Existing and proposed Elevations/Plans)

Reason: In order to define the permission.

- 3 The building shall be used for the above-mentioned purpose only between 0800 hours and 1800 hours (Monday to Friday) and between 0900 hours and 1600 (Saturday, Sunday and Bank Holidays).

The hours of use, as set out above, shall not be brought into use until the equipment specified in the approved ventilation scheme, as set out in

condition No. 6, to control the emission of fumes and odours from the premises, has been installed. The Local Planning Authority shall be informed of this on completion of the installation.

Reason: In the interests of the amenities of the locality and occupiers of the adjoining properties

- 4 No deliveries to the café shall take place outside of the opening times as detailed in the preceding condition.

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

- 5 No movement, sorting or removal of waste bottles, materials or other articles, nor movement of skips or bins shall be carried on outside the building/s within the site of the development (shown on the plan) on Sundays or Public Holidays and between 19:00 hours and 08.30 hours on Monday to Saturday.

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

- 6 A scheme for the installation of equipment to control the emission of fumes and odours from the premises shall be submitted for written approval by the Local Planning Authority within 4 weeks from the date of this approval. These details shall include plans showing the location of the fume extract terminating a minimum of 1m above the eaves of the building and shall include a low resistance cowl, and all appliances to be used for the cooking of hot food.

The extraction system shall be installed within 4 weeks of the details being approved and thereafter retained.

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

- 7 No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building without the prior written agreement of the Local Planning Authority.

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

- 8 The garden area to the rear of No.176 shall be used only as an amenity area for the first floor flat above No.176 and 178.

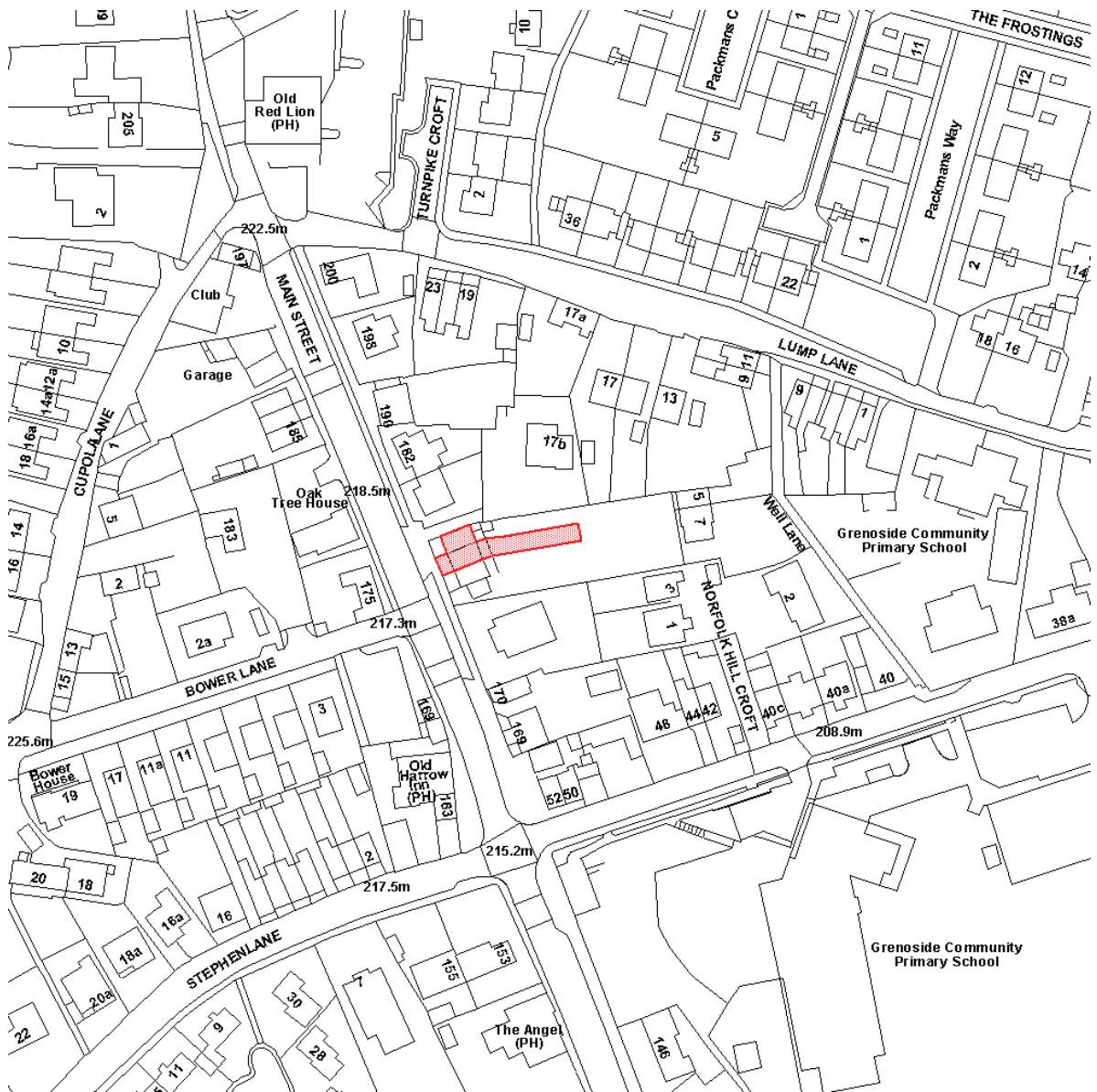
Reason: In the interests of the amenities of the locality and occupiers of adjoining property.

- 9 No external seating or tables shall be placed to the front of the café.
- Reason: In the interests of the amenities of the locality and occupiers of adjoining property.
- 10 Prior to the commencement of development full details showing a level access into No.178 shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved details.
- Reason: To ensure ease of access and facilities for disabled persons at all times.
- 11 Access to the cafe hereby approved shall only be via No. 178 as indicated in drawing P13:033:03 Rev A.
- Reason: In the interests of the amenities of the locality and occupiers of adjoining property.

Attention is drawn to the following directives:

1. The Local Planning Authority has 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.
2. Information on the discharge and arrestment of kitchen fumes and odours is given in the Defra guidance document, 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems', 2005.

Site Location



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INTRODUCTION

Members will recall that this application was reported to the last Planning and Highways Committee (7/10/14), where it was resolved that the application should be deferred to seek clarification on the proposed opening hours, particularly with regard to Bank Holiday openings.

BACKGROUND

The application relates to 176-178 Main Street in Grenoside. Planning permission was granted in September 2013 to change the use of No. 176, a mid-terrace property from a dwellinghouse (C3) into a restaurant/café (Class A3) on the ground floor with a 2-bedroom flat above both 176-178 (Planning No. 13/02171/CHU refers). The approval was subject to 11 conditions; two of these being the subject of this application, namely 3 (Hours of use) and 6 (Cooking equipment limited to appliances which do not require fume extraction).

Condition 3 states that the café shall be used only between 0845 hours and 1800 hour (Monday to Friday) and between 0900 hours and 1600 hours on Saturdays and shall not be used on any Sunday or any Public Holiday.

Condition 6 states that prior to the commencement of development details of cooking equipment shall be submitted to and approved in writing. Such equipment shall be limited to appliances which do not require fume extraction such as a microwave, bain marie and standard oven. Thereafter the development shall be carried out in accordance with the approved details and any proposed alterations to the cooking equipment used shall be approved in writing by the Local Planning Authority.

The application has been submitted following a complaint being received that the café was operating outside the terms of three conditions (Nos. 3, 6 and 7). Following investigation of the complaints, the Council served a breach of condition notice on the applicant on the 28 March 2014. Although the date for compliance of the breach of notice has lapsed, it was agreed that the notice be held in abeyance pending a decision on the two applications under consideration at today's meeting, namely 14/01042/FUL and 14/01031/CHU.

LOCATION AND PROPOSAL

The application is a mid-terraced property which forms one of three traditional stone cottages located within the Grenoside Conservation Area. The property is within the same ownership as the adjoining unit No.178 which is in use as a newsagents/local convenience store (A1) at ground floor. Access to the café is taken through the adjoining shop only with no separate entrance from Main Street.

The surrounding area is predominantly residential but is interspersed with commercial units including public houses and small local shops. The site and surrounding area is designated as a Housing Area as identified in the adopted Sheffield Unitary Development Plan.

The applicant is seeking retrospective approval to vary Conditions 3 and 6 in order to increase opening hours of the café to between 0800 hours to 1800 hours (Monday to Friday) and 0900 hours and 1600 hours on Saturdays, Sundays and Bank Holidays and allow the use of 2 Microwave ovens, 1 safety fat fryer and one griddle for the cooking of hot food with external extraction system.

Members are informed that the applicant is seeking to open on Bank Holidays despite this not being set out in the planning application form.

The application has been made under Section 73 of the T&CPA 1990 which allows applicants to vary conditions in order to make material amendments to approved schemes without the need to make a full planning application.

In addition to this Section 73 application, Members are informed that an application (Planning reference No. 14/01042/FUL) to reposition an unauthorised refrigeration unit to the rear of the adjoining shop's single storey rear off-shot is also being reported to this Planning and Highways Committee.

RELEVANT PLANNING HISTORY

13/02171/CHU - Use of dwellinghouse as a restaurant/cafe (Class A3) on the Ground Floor with a flat at first floor level (as amended plans received 27/08/13) – Granted 26/09/13

11/03753/FUL – Retention of solar PV panels – Granted 2 February 2012

07/02518/FUL – Erection of detached dwellinghouse – Refused

03/04087/FUL – Single-storey rear extension to shop – Granted conditionally

SUMMARY OF REPRESENTATIONS

A petition with 200 signatures in support of the development was submitted as part of the application.

Thirty letters have been received from the residents of nineteen properties. The residents of six properties are in support and the residents of thirteen properties are opposed to the development. Representations have also been received from Ecclesfield Parish Council, Grenoside Conservation Society and Angela Smith MP.

A summary of all comments received are listed below:

Support

- The café is in the middle of the village and is an ideal meeting place for family and friends. It is a much needed service within the village community;
- The café will help to attract people from outside of the village, especially walkers and cyclists;
- Good for the local economy;
- Café is what is needed on Sundays with people wishing to go after the church service at St Marks;
- Have not experienced any problems with noise disturbance or parking in connection with the café;
- The café is an attractive and inviting place;

- The café is a good alternative to the village's local pubs.

Object

- The applicant operates the development with scant regard to planning and is in breach of several conditions
- Loss of amenity for amenity of neighbouring properties in terms of noise disturbance and odours/smells;
- Highway safety; parking in the area has significantly increased owing to the café and is often illegal;
- Inappropriate and unnecessary development within a Conservation Area;
- Only 1 or 2 of the people listed on the petition made in support of the application live near the site;
- Of concern is the applicant's future plans to open an outdoor area at the rear of the property, which will reduce privacy for neighbouring properties;
- Development will not enhance or preserve the character or appearance of the Conservation Area

Ecclesfield Parish Council is in full support of the objections raised. They comment that the applicant has breached several conditions imposed when the previous application was granted, residents have experienced problems with vehicles being illegally parked on double yellow lines close to their driveway and that they are concerned that the applicant may also apply for outdoor seating when there is a condition imposed stating that there should be no outdoor seating as it would cause a loss of privacy for neighbouring residents. Also, Ecclesfield Parish Council is also concerned with the large advertising signs that have been displayed outside the café and the fence/gates that has been erected to the side of the property 'blocking off' land that is not within the applicant's ownership, within which is a skip, all of which is not in-keeping within the Conservation Area.

Grenoside Conservation Society objects to the application. They comment that the permission for the café was granted with reasonable conditions to protect the environment of his neighbours and Grenoside Conservation Area. The increased opening hours will exacerbate the problems already occurring. This will mean that the café will become more antisocial with increased parking problems, increased noise from traffic, people movement, machinery noise (from the refrigeration unit) and cooking smells. There are already problems with customers parking on the pavement and on double yellow lines causing pedestrians to walk on the road.

Angela Smith MP has written in on behalf of a number of her constituents. She states that the café has been fitted with an extraction system to extract cooking smells from the kitchen, which is in contravention to the conditions imposed when planning permission was granted for the café. The same permission also states that no externally mounted plant or equipment for the heating, cooling or ventilation should be fitted to the building without the prior written agreement of the LPA. In addition to this, the café has also been opening longer than is permitted under its planning consent. By doing so, this has resulted

in local people being subject to cooking smells from when the café opens until its closes in the evening.

The MP also makes comment on the applicant's proposal to use the area to the rear of the café as an outdoor seating area, which also would be in breach of planning.

PLANNING ASSESSMENT

Principle of Development

The use of the property's ground floor as a café/restaurant was approved in September 2013, under planning No. 13/02171/CHU. It is not for this application to revisit whether the use of the premises as a café (A3) is acceptable as this has been found acceptable.

Residential Amenity Issues

Policy H14 relates to development in Housing Areas. At Part k of this policy, it states that new development or change of use will be permitted provided that it would not lead to air pollution, noise or smell, excessive traffic levels or other nuisance for people living nearby.

The use as a café in close proximity to residential dwellings has the potential to cause noise and odour issues that would be detrimental to the enjoyment of neighbouring properties' residential amenity. In this instance there is an adjoining residential property at No.174, residential accommodation directly above the unit and several dwellings in the immediate locality, the closest being 180 Main Street and 17b Lump Lane.

When considering the merits of the earlier application to change the use of the premises into a café, officers considered it appropriate to restrict the hours of use and limit the type of cooking that could be carried out on the premises owing to the proximity of neighbouring properties. The hours of use were therefore restricted under Condition 3 to 0845 and 1800 hours (Monday to Friday) and 0900 and 1600 (Saturdays) with no opening on Sundays and Condition 6 limited cooking equipment to appliances which do not require fume extraction such as a microwave, bain marie and standard oven. Subject to these two conditions being attached, it was considered by officers that the proposed use would not result in any significant noise disturbance or odours that would be harmful to the residential amenity of neighbouring properties.

Although the conditions imposed by the LPA placed restrictions on the use, the conditions reflected closely to what the applicant was seeking in terms of the nature of the café and its opening hours. Despite this, the applicant has been operating the café breach of both conditions; opening outside the specified hours and cooking foods that require fume extraction. Once officers were made aware of the breaches, the applicant was advised to apply for planning permission to vary the two conditions to allow for extended opening times including Sunday opening and to allow the use of a safety fat fryer and cooking griddle and provision of new external fume extraction.

An assessment of the two conditions with regard to residential amenity is discussed below:-

Condition No. 3

As detailed above, the café has approval to open between the hours of 0845 and 1800 hours (Monday to Friday) and 0900 and 1600 hours (Saturday). The applicant is seeking approval to extend the opening times of the café to 0800 and 1800 hours (Monday to Friday) with Sunday and Bank Holiday opening between 0800 and 1600 hours. From the above, the applicant is therefore seeking approval to increase the opening hours of the café by an additional 45 minutes in the morning (Monday to Friday), with new Sunday and Bank Holiday opening. Saturday openings would remain unchanged (0900-1600 hours)

In officers' opinion, it is not considered that the proposal to increase the opening times of the café proposed for Mondays to Friday would unduly harm the residential amenity of neighbouring properties. Officers also support the applicant's proposal to allow the café to open on Sundays and Bank Holidays, although as recommended by Environmental Protection Services (EPS) on these days as on Saturdays, the hours of the café be limited to 0900 to 1600 hours only. These revised opening times are considered acceptable and have been recommended on the advice of EPS. Although the hours of use are more restrictive than what was requested by the applicant in his application, he has confirmed through his agent (e-mail dated 13 October 2014) that he would accept the reduced opening hours in line with the advice of EPS.

Any increase in opening hours has the potential to cause disamenity to neighbouring properties. However, in this instance, it is considered that any increase activity within these hours is unlikely to generate any significant noise disturbance to the detriment of neighbouring properties' amenity. In coming to this view, officers have given significant weight to the fact that there is no restriction on opening times of the adjoining newsagent, the size of the café and importantly, the fact that access into the café is taken through the shop only. Any increase activity and noise that is solely related to the increase in the café's opening hours is likely to be minimal and not harmful to neighbouring properties' residential amenity.

Condition No. 6

The applicant is seeking approval to vary Condition No. 6 in order to allow a safety fat fryer and griddle with fume extraction to be used at the café. At present, odours from the use of the cafe are being dispersed by an extraction hood that terminates above the property's single storey rear off-shot. The type and location of the extraction is considered to be unsatisfactory and does not provide adequate dispersion of fumes and odours to avoid occupants of immediate neighbouring properties to be subject to some loss of amenity. The applicant has informed officers that he is currently cooking a wide range of hot foods but the termination point of his existing fume extract is currently at ground floor roof level which is below the windows of surrounding residential properties and is an unsuitable location for this type of cooking.

Following discussions with EPS, the applicant has agreed to install a new fume extraction system that would terminate a minimum of 1m above the eaves of the property.

EPS officers have confirmed that they are satisfied that the proposed fume extract system as shown in plan ref. P14-034:02 (March 2014) is located in a satisfactory position to achieve the adequate dispersion of fumes and odours. The termination point of the fume extract should be a minimum of 1m above the eaves of the property to meet EPS standard requirements for this type application. EPS are also satisfied that the proposed cooking of hot food at these premises could be carried out without causing nuisance/disamenity at nearby properties providing a suitable fume extraction and filtration system is installed.

Subject to a new fume extraction and filtration system being installed that terminates at a minimum of 1m above the eaves of the property, it is considered that any effect on the residential amenity of neighbouring properties from odours emanating from the café would be minimal. Given that the café is already in use, should Members be minded to grant planning permission, it is recommended that the rewording of Condition 6 include a timeframe for when the extraction system should be installed on this building. Given the time that has already lapsed since the initial breach, it is recommended that details of the extraction system be provided within 4 weeks of the date of this decision and then installed on the building within 4 weeks from the details being approved.

Highway Issues

In the planning assessment of the previous application, officers were satisfied that the proposed development would not result in any significant impact on on-street parking that would be detrimental to highway safety.

While officers accept that no off-street parking is provided in connection with the use, the adjoining highway benefits from a relatively high level of on-street parking that can absorb any demand for on-street parking without result in any concerns over highway safety. On-street parking is available directly to the front of the site and to the north with restrictions only to the west side of Main Street by double yellow lines. Given the small scale nature of the café and the fact that there is a large residential population within walking distance of the café, any impact of the proposal to increase the café's opening hours, including Sunday opening is unlikely to materially increase parking problems in the area that would be detrimental to highway safety.

The concerns raised with regard to illegal parking are not a matter for this application and should be disregarded.

Effect on the character and appearance of the Conservation Area

UDP Policy BE16 relates to development in Conservation Areas. This policy details that in Conservation Areas, permission will only be given for development including change of use applications which contain sufficient information to enable their impact to be judged acceptable and preserve or enhance the character or appearance of the Conservation Area.

The only element of the development which would have any effect on the Conservation Area is the proposed extraction flue. The amended plans show that the proposed extraction flue would be fixed up against the rear elevation of the building and extend 1m above its eaves. The width of the ducting would be only 300mm at the point above the building's eaves and would be painted black.

Given the proposed siting of the flue to the rear of the building, any impact of the development on the character and appearance of Grenoside Conservation Area is likely to be minimal. It is considered therefore that the development would accord with UDP Policy BE16.

Other issues

Several concerns have been raised with the applicant's proposal to use part of the property's rear garden curtilage for outdoor seating in connection with the café. On the issue of outdoor seating, officers are aware that the applicant has placed three tables with twelve chairs on the hardstanding immediately to the rear of the building. Despite being advised that planning permission would be required to provide outdoor seating the applicant has on occasion allowed customers to use this area. Following discussions with officers, the applicant has submitted an application seeking the provision of outdoor seating to the immediate rear of the café. As the planning merits of the outdoor seating is being considered under a separate application, any comments raised regarding the outdoor seating under this Section 73 application should be disregarded.

Other concerns raised by some of the complainants relate to the land to the side of No. 178. They are concerned that this land, which is not within the ownership of the applicant has been effectively 'claimed' by the applicant and has been enclosed by 1m high timber fence/gates at either end; one to Main Street and the other to the south western corner of a neighbouring property garden curtilage (17b Lump Lane). At the time of officers' site visit, this land was being used for storage by the applicant.

Members are advised that land ownership is not a material consideration for the purposes of planning control. While it is accepted that the applicant has erected 1m high timber gate/fencing at either end of the land, which in part has restricted access for the neighbour of 17b Lump Lane to Main Street, the gates are permitted by Class A (Part 2) of the Town and Country Planning (General Permitted Development) Order 1995 and do not require planning permission. The use of the land by the applicant for storage is not considered to have any adverse effect on the character or appearance of the Conservation Area.

SUMMARY AND RECOMMENDATION

The application relates to 176-178 Main Street in Grenoside. Planning permission was granted in September 2013 to change the use of the property from a dwellinghouse (C3) into a restaurant/café (Class A3). This was granted subject to eleven conditions, under planning reference No. 13/02171/CHU.

The applicant is seeking approval to vary two of these conditions (Nos. 3 and 6) to extend the café's opening hours between 0800 hours and 1800 hours Monday to Friday and 0800 hours and 1700 hours on Saturday, Sunday and Bank Holidays and also allow the use of 1 safety fat fryer and one griddle with external fume extraction.

It is considered that for the reasons outlined in the report, the proposal to increase the opening hours of the café is acceptable and would not unduly harm the residential amenity of neighbouring properties in terms of increased noise disturbance. Although the applicant is seeking to open longer opening hours on Sundays and Bank Holidays, the hours sought are considered unreasonable and instead, it is recommended that this be amended to between 0900 and 1600 hours.

It is also considered that the residents of neighbouring properties would not be unduly harmed by the proposal from unacceptable odours to allow the use 2 Microwave ovens, a safety fat fryer and one griddle at the café subject to the fume extraction system terminating 1m above the eaves of the property and the use of a low resistance cowl, full details of which to be submitted for approval by the LPA.

For the reasons set out in the report, it is considered that the proposal would satisfy UDP Policies H10, H14, BE5, BE16.. It is therefore recommended that the application be approved with Condition Nos. 3 and 6 be reworded as follows:-

Condition No. 3

The building shall be used for the above-mentioned purpose only between 0800 hours and 1800 hours (Monday to Friday) and between 0900 hours and 1600 (Saturday, Sunday and Bank Holidays).

The hours of use, as set out above, shall not be brought into use until the equipment specified in the approved ventilation scheme, as set out in condition No. 6, to control the emission of fumes and odours from the premises, has been installed. The LPA shall be informed of this on completion of the installation.

Reason: In the interests of the amenities of the locality and occupiers of the adjoining properties

Condition No. 6

A scheme for the installation of equipment to control the emission of fumes and odours from the premises shall be submitted for written approval by the Local Planning Authority within 4 weeks from the date of this approval. These details shall include plans showing the location of the fume extract terminating a minimum of 1m above the eaves of the building and shall include a low resistance cowl, and all appliances to be used for the cooking of hot food.

The extraction system shall be installed within 4 weeks of the details being approved and thereafter retained.

Reason: In the interests of the amenities of the locality and occupiers of the adjoining properties

As a consequence of amending Condition No. 6, Members are advised that Condition No. 2 (Schedule of drawings) will also need to be changed to account for the drawings received in connection with this application. Also, Condition No. 1, which requires the use to commence within 3 years from the date of the earlier permission (26 September 2013) has been met, and therefore this condition should be removed from any subsequent planning approval. The other seven conditions that were attached to the September 2013 approval continue to apply to the development and should again be attached to the new planning approval.

Case Number	14/00831/FUL
Application Type	Full Planning Application
Proposal	Demolition of existing building and erection of 4 dwellinghouses (as per amended drawings received 19 August 2014)
Location	Site Of Clear Line Creevela Works Parsonage Street Sheffield S6 5BL
Date Received	28/02/2014
Team	West and North
Applicant/Agent	R Bryan Planning
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.

Reason: 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:

Drawing No. CW/003/2114 (Proposed Ground Floor Layout);
Drawing No. CW/004/2114 (Proposed First Floor Layout);
Drawing No. CW/005/2114 (Proposed Elevation to Parsonage Crescent);
Drawing No. CW/006/2114 (Proposed Rear Elevation);
Drawing No. CW/007/2114 (Proposed Side Elevation from Parsonage Crescent);
Drawing No. CW/008/2114 (Proposed Side Elevation from Parsonage Crescent);

received on the 3 March 2014 from Planned Design Solution Ltd

Drawing No. CW/002/2114 (Existing and Proposed Site Layout Plans) Revision A;
Drawing No. CW/007/2114 (Proposed Side Elevation from Parsonage Crescent);

Drawing No. CW/008/2114 (Proposed Side Elevation from Parsonage Crescent);

received on the 19 August 2014 from Planned Design Solution Ltd

Reason: In order to define the permission.

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

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

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

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

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

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

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

Reason; In the interests of pedestrian safety.

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

Reason: In the interests of pedestrian safety.

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

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

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

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

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

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

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

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

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (and any order revoking and re-enacting the order) no first floor windows or other openings shall be formed in the side elevation of the dwellinghouse (Plot 1) hereby permitted without the prior written approval of the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

- 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).

Reason: 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).

Reason: 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.

Reason: 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.

Reason: 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.

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

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

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

Part B (pre-occupation/use)

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

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

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

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

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

Attention is drawn to the following directives:

1. The proposed development will have implications regards existing and proposed retaining structures. You are advised under Section 167 of the Highways Act to contact Mr Andrew Brodie (Technical Officer Structures) 0114 205 7420, with regards seeking the necessary approvals.
2. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

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

Development Services
Howden House
1 Union Street
Sheffield S1 2SH

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

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

You should apply for a consent to: -

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

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

4. Before the development is commenced, a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which agreed in writing with the Local Planning Authority. Any deterioration in the condition of the highway attributable to the construction works shall be rectified in accordance with a scheme of work to be agreed with the Local Planning Authority.
5. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.
6. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk. Please be aware that failure to

apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

7. 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

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

The site is made up of a traditional two-storey stone building and two separate yard areas covering an area of approximately 616 square metres. The building is effectively 'L' shaped in appearance with its two wings extending out at right angles to the two adjoining roads. The building has been extended in the recent past with a two storey flat roofed

extension added to the rear of the building. The building has also been significantly altered over the years with changes to the window and door openings, the introduction of a steel shutter door and uPVC windows, much of which has significantly and adversely affected the character and appearance of the building.

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

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

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

The applicant is seeking full planning permission to demolish the existing building and erect 4 two-storey dwellinghouses (2 two-bedroomed and 2 three-bedroomed). Parking for one vehicle would be provided alongside the house proposed on Plot 1.

RELEVANT PLANNING HISTORY

The application site has a long and complex planning history and includes a Public Inquiry that was allowed in February 2006 to demolish the existing building and erect a three-storey building to provide 6 one and two bedroomed apartments. A summary of the relevant applications are listed below:-

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

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

04/02809/FUL – Erection of 3-storey building to provide 6 1-2 bedroom apartments with associated parking – Refused 29/09/04

04/00111/PI – Erection of 3-storey building to provide 6 1-2 bedroom apartments with associated parking – Refused 29/09/0412/02027/FUL – Appeal allowed 16/02/06 – Appeal Reference No. APP/J4423/A/04/1169443

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

SUMMARY OF REPRESENTATIONS

The application has generated a significant amount of interest from residents of neighbouring properties with 33 letters received, 32 opposed to the development and one in support. Representations have also been received from Walkley Community Forum and Paul Blomfield MP.

A summary of the comments received are listed below:-

Object (32)

- The barn is one of the oldest buildings in Walkley and is of great historic importance; Should not be demolished;
- The development is larger than the guidelines for number of dwellings per hectare;
- Exacerbate existing parking problems in the area
- Insufficient on-site parking provision that will result in extremely ;
- Overshadowing of neighbouring properties;
- Increase traffic along the adjoining streets;
- Overdevelopment of the site; suitable for two dwellinghouses with adequate off-street parking;
- The application should be heard at committee;
- The demolition of Creevela works would cause damage to the community of Walkley;
- Overlooking Issues;
- Flooding Issues from blocked drains;
- Loss of Light;
- Safety concerns during the building process;

Support (1)

- Totally disagree with people's complaints regarding parking. It cannot be worse than it was when the applicant's was operating his business out of the site with private vehicles and delivery vehicles etc
- The submitted scheme is significantly better than the apartment block that was previously approved on this site.

Walkley Community Forum agreed unanimously to oppose the proposal to the demolition of the Creevela works and build four houses on the site. The building is the oldest in Walkley, dating back to the 18th century and the last remaining agricultural building in its original use. It is therefore of historic and aesthetic interest to the local area. Also, the site is situated on the corner of two very busy narrow streets which are usually double parked for most of the day. As only one off street parking spot is proposed, the development will add considerably to the existing traffic congestion and difficulties of driving between

Parsonage Street and Parsonage Crescent, and put at risk pedestrians crossing the top of Parsonage Crescent.

A previous application for flats was refused some years ago. At that time it was pointed out that a previous planning application for the existing building to be converted to residential dwellings was granted and was acceptable to people living in the area.

Paul Blomfield MP fully supports the views of his constituents who are opposing the development of this site. Many residents have concerns that the development would result in a loss of privacy, loss of daylight and represents the over-development of the site.

The MP also raises concerns with regard to parking and loss of a heritage asset. He states that Parsonage Crescent is a narrow road which is used by many drivers as a short cut. Concerned that the small amount of off-street parking will only make parking congestion and access problems along the adjoining streets worse. The existing building is widely reported to be the third oldest building in Walkley. Where old buildings are in good condition, such as this, he believes that they should be re-developed and re-used rather than demolish. Demolishing the building will alter the character of the street.

PLANNING ASSESSMENT

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

- (i) The principle of development – Policy and Land Use;
- (ii) Design Issues and its effect on the character and appearance of the surrounding area;
- (iv) Residential Amenity Issues;
- (v) Ground Contamination issues and former coal mining activities;
- (vi) Archaeological Issues; and
- (vii) Other Issues

These are considered in turn below.

(i) Principle of Development – Policy and Land Use

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

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

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

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

and support the development of sustainable, balanced communities. The application site is situated within an area where the density range should be in the order of 40 to 60 dwellings per hectare according to this policy. In respect of this application, the density of the development based on 4 dwellinghouses would be 64 dwellings per hectare. Although the proposed development is outside the density range set out in the policy, this is only marginally and can be justified here given the character of the area achieving a density much higher than this.

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

Based on the above, the principle of demolishing the existing building and the erection of four dwellinghouses on this site should therefore be viewed acceptable.

(ii) Highway Issues

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

The vehicular activity associated with the proposed four dwellinghouses will undoubtedly be less intense than that associated with the previous business use of the site. The applicant has submitted details that each day the business operations of the previous use generated approximately 10 to 15 staff vehicles, 1 to 3 visitor vehicles, 5 to 7 work vehicles, and 5 deliveries (rigid lorries). Most of the aforementioned parking occurred on the surrounding streets, with only 4 to 6 spaces available internally. The applicant has provided further details stating that there was up to 15 staff occupying the building at any one time most arriving by car and parking on adjacent streets. The site was used for storage of heavy plant, tackle and materials and company vehicles. There were frequent visitors to the premises who also parked on the street. In particular construction teams would regularly report to the depot as early as 5 am, leave their cars to then be conveyed to sites throughout the country. Teams would often return as late as 8.00pm. Also, the applicant has confirmed that deliveries of materials from HGV's would often cause congestion and manoeuvring problems along the adjacent streets.

Although the development involves the provision of only one off-street parking space, it is not considered that the development raises any significant highway implications that would justify a refusal on highway grounds. The proposed development is likely to place significantly less demand for on-street parking than the previous business use of the site. Any demand for on-street parking required in connection with the use would therefore be materially less than before. The site is also favourably located with respect to local shops/facilities and bus stops on Walkley Road and South Road. To seek greater off-street parking provision in connection with the development would be unreasonable.

Conditions that should be attached to any grant of planning should include re-profiling works to the rear of the existing highway retaining wall flanking Parsonage Crescent/Road, intervisibility splays at the site entrance and car parking provided in

accordance with the submitted plans. Subject to appropriate highway conditions being attached, UDP Policy H14 (d) is considered to be met.

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

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

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

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

The application was submitted with the benefit of pre-application discussions with officers. These discussions have culminated in the scheme that is being presented before Member's today. The proposal involves the erection of 4 linked town houses that would be constructed along the site's frontage to Parsonage Crescent with a small wrap-around onto Parsonage Street. The four houses are split into two different house types (2 two-bedroomed and 2 three-bedroomed), each provided with level access thresholds from the road frontage. The houses would be two storey in height and designed to reflect closely the scale and massing of the traditional terrace housing found along both Parsonage Street and Parsonage Crescent. They would be constructed in natural stone (front elevations) and red brick (rear elevations) with interlocking slate effect tiles. Features of the houses include stone heads and cills, chimneys and a single storey lean-to rear off-shots. (Plots 1 and 2 only). Owing to the fall in ground levels, it is proposed to construct a set of steps with railings to the rear of each of the houses to access the properties' lower gardens.

The supporting Design and Access Statement details that the arrangement of the houses fronting Parsonage Crescent has been dictated by the site characteristics being that the western side has the longest frontage and has the least severe gradient. At pre-application stage, the applicant was advised by officers that the development should be provided with a hard edge approach, keeping the house frontages close to the back edge of the footpath and wrapping around the frontage around Parsonage Crescent and Parsonage Street intersection.

The proposed development is considered to represent an acceptable design quality that would make a positive contribution to the character and appearance of the surrounding area and provides a strong response to the corner on Parsonage Street. The surrounding terraced housing provides the context for this and also demonstrates how a corner can be designed successfully by incorporating dual frontages. The proposed terrace is

considered to form a strong edge to the street while the corner allows the end house to successfully address both the Parsonage Street and Parsonage Crescent frontages. It is recommended that conditions be attached that requires all facing materials to be submitted for approval.

For the reasons set out above, it is considered that the development is acceptable from a design perspective and would be in general accordance with UDP Policies H14 (a) and Policy BE5 and Core Strategy CS74.

(iv) Residential Amenity Issues

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

In officers' opinion, the only properties directly affected by the development are No. 52 Parsonage Street and Nos. 56-58 Parsonage Crescent. All other properties are considered to be adequately distanced from the site that any impact on their residential amenity is likely to be minimal. Although a separation distance of only 13.8m would be maintained between the proposed houses and properties facing the site (49-59 Parsonage Crescent), the arrangements of houses built close to or up against the back edge of the highway is characteristic of the street and should be maintained in the interests of streetscape. To achieve a much greater separation distance between properties would require the houses to be set back on site, something that cannot be justified given the streetscape. It should also be noted that the Planning Inspector in her assessment of the planning appeal, that it was not uncommon for properties to face each other at these distances in the area and did not consider that the proposal would appear overbearing when viewed from these properties.

With regard No. 56-58 Parsonage Crescent, although the proposed development would project beyond the rear elevation of these properties, a desktop assessment shows that the development would not breach the 45 degree rule, in that the furthest part of the house (Plot 1) would not project out further at two-storey than the distance of the building from the nearest neighbour's window. Also, as no windows are proposed along the property's side gable wall, it is not considered that the proposed development would result in any disamenity to the residents of these two neighbouring properties from overlooking, overshadowing or loss of outlook. A condition should be attached to any approval that restricts any new openings being placed within the side gable wall.

From officers' site visit, it was noted that views from the existing building's upper floors look directly onto the rear garden of No. 52 Parsonage Crescent. The amount of overlooking from the proposed development would be reduced with overlooking of this neighbouring property's rear garden being restricted solely to two first floor bedroom windows to Plots 3 and 4 only. In addition to this, the distance of the proposed new build to this rear garden area would be increased by more than 2m from that currently existing. To improve the amenity of this neighbouring property still further, the applicant has also agreed to demolish the high boundary masonry wall that extends along the property's western boundary and erect of a 1.8m screen fence to enclose the side and rear garden from the development site. The removal of the high masonry wall should improve outlook

and overshadowing to the benefit of the occupants of this property, whilst providing adequate screening of the garden at ground level from the house proposed on Plot 4.

Officers are also satisfied that the future occupants of the dwellinghouses would be provided with a good level of amenity with a private amenity space ranging between 52 square meters and 71 square metres. Given the size of the rear gardens however, it is considered reasonable to remove the properties' 'PD' rights to ensure that any call for extensions and outbuildings in the future is properly assessed and controlled by the LPA.

(v) Ground contamination issues and former coal mining activities

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

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

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

The application was accompanied by a Coal Mining Risk Assessment on account of the site falling within a Coal Mining Referral Area.

The Coal Authority initially objected to this planning application as the applicant had submitted some information but the Coal Authority did not consider that this adequately addressed coal mining legacy issues. In response to this objection, the applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and this information has been used to inform the Coal Mining Risk Assessment Report. The Coal Mining Risk Assessment correctly identifies that the application site may have been subject to past coal mining activity with records from the Coal Authority indicating that the site is in an area of coal outcrops which may have been subject to historic unrecorded coal mine workings.

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

(vi) Archaeological issues

UDP Policy BE20 states that the retention of historic buildings, which are of local interest but not listed will be encouraged wherever practicable.

The applicant commissioned an archaeological desk-based assessment and buildings appraisal by ArcHeritage, using a brief provided by South Yorkshire Archaeology Service (SYAS). This assessment has indicated that the site developed as part of a farm complex associated with Primrose House, the original farmhouse. The date of the original construction is uncertain but may date from the late 18th or early 19th century. The present buildings seem most likely to have been a barn or farm outbuildings. The appraisal identified substantial alterations to the buildings at various times. Between 1893 and 1905 a large range at the south-west was demolished in association with the widening of Parsonage Crescent and a smaller structure at the south-east was cleared for the construction of Parsonage Street. The site was in use as stables and storage in 1911 and as the premises of Hall and Roberts, building contractors, between 1939 and 1954. From the 1950s to the present day, the buildings went through a number of ownerships and were further altered.

SYAS have stated that as one of the few surviving parts of the agricultural past of Walkley, these buildings and the wider development site are important, even in their altered state. There is also potential for important remains relating to the agricultural past of Walkley to exist on this site. Groundwork associated with the development of the site could therefore destroy finds and features of potential archaeological importance. For these reasons, SYAS recommends that the developer reconsiders the proposal to demolish and instead seek to convert the existing buildings, thus retaining this important element of Walkley's historic landscape. However, in the event that the applicant is not prepared to seek the retention of the building, SYAS recommends that a condition be attached that requires the applicant to submit a Written Scheme of Investigation that sets out a strategy for archaeological investigation of the building.

It is clear from a number of the representations received that there is a strong desire to retain the building in situ given its local significance to the historic landscape of Walkley. However, it should be noted that the building is not listed nor does it lie within a Conservation Area and has been subject to alterations and extensions over the years that that have harmed rather than preserved the character and appearance of the building. As detailed above, the policy position (Policy BE20) in terms of the retention of historic buildings which are of local interest but not listed is one of 'encouragement', and unlike listed buildings, do not have the same level of protection. While it is acknowledged that the building is of some local interest, given the policy position and the extent that the building has been altered over the years, it would be difficult in officers' opinion to seek the retention of the building. This view is further emphasised by the Planning Inspector's decision in February 2006 that allowed for the demolition of the building in connection with the erection of a three-storey building on this site for 6 flats. (Appeal Reference No. APP/J4423/A/04/1169443). To refuse the application on grounds of being contrary to Policy BE20 would be unreasonable in officers' opinion and likely to prove difficult to sustain at appeal.

(vii) Other Issues

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

SUMMARY AND RECOMMENDATION

The applicant is seeking full planning permission to demolish the existing building and erect 4 two-storey dwellinghouses (2 two-bedroomed and 2 three-bedroomed). Parking for a single vehicle would be provided to the side of the house on Plot 1.

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

It is considered that the development is of acceptable design quality, responds positively to the context of the site and adjoining properties and would not unduly harm the character or appearance of the street or surrounding area. While concerns have been raised in terms of the lack of on-street parking provision, it is not considered that the development would result in any significant demand for on-street parking that would prejudice highway safety. The vehicular activity associated with the proposed four dwellinghouses is expected to be significantly less intense than that associated with the previous business use of the site and would result in less demand for on-street parking.

Officers are also satisfied that the development would not unduly harm the residential amenity of neighbouring properties with no significant loss of privacy, overshadowing or loss of outlook. Although the development involves the loss of a building that is considered to be a heritage asset and of some local interest, given the level of intervention of the building over the years, the policy position and previous appeal decision, it is considered difficult to insist that the building be retained in situ. To do so in officers opinion would be unreasonable and likely to be difficult to sustain at appeal.

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

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

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 28 October 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

REGENERATION & DEVELOPMENT SERVICES

REPORT TO PLANNING AND HIGHWAYS COMMITTEE

28 OCTOBER 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 July 2014 to 30th September 2014.

2. ACTIVITY DURING THE QUARTER

2.1 A total of 165 enforcement complaints were received, out of these 40% were concerned with unauthorised development and use, and 24% were failure to comply with planning conditions or approved plans. The percentage of cases involving Section 215 untidy land/buildings was 11%, unauthorised advertisements including hoardings were 19% and all other complaints were 6%.

2.2 The number of cases resolved within the target of 6 months was almost 62% of all the cases closed in the period. This has exceeded the Service target of 60% of cases to be closed within 6 months. 181 cases have been closed in this quarter of which 47% have been remedied or made acceptable.

2.3 The table below shows the number of formal Notices served and prosecutions carried out within this period and the previous three quarters as well as the years 2012/13 and 2013/14 to show trends: -

Notice type	Oct 2012 to Sept 2013	Oct 2013 to Sept 2014	Quarter 3 Oct – Dec 2013	Quarter 4 Jan – Apr 2014	Quarter 1 Apr – Jun 2014	Quarter 2 Jul – Sept 2014
Breach of Conditions	7	13	5	4	2	2
Discontinuance (adverts)	0	0	0	0	0	0
Enforcement	24	15	4	6	3	2
Stop	2	0	0	0	0	0
Temporary Stop	3	2	0	1	0	1
Section 215 (untidy land)	4	7	1	2	4	0
Section 225 (signs)	12	42	4	0	34	4
Total Notices Served	52	79	14	13	43	9
Prosecutions	3	11	0	6	3	2

2.4 The number of formal notices that have been served in the last 12 months has increased, mainly due to the S225 notices served in relation to illegal signs. This was because of targeted action on student to let signs in the previous quarter. The number of Enforcement Notices served has decreased; however, the number of prosecutions and number of breach of condition notices has increased.

2.5 Many cases are resolved by negotiation, as in the case of someone replacing a door in an Article 4 Conservation Area. A complaint was received about a timber door being replaced with UPVC which led to officers writing to the owner and negotiating an alternative timber door within a few weeks. This is sometimes much quicker and less time consuming for all parties than using formal notices.

2.6 The table below shows the number of complaints received in the last year 2013/14 and the previous year 2012/13:-

Year October 2012 – September 2013	Year October 2013 – September-2014
719	631

2.7 There has been a drop in the number of cases received over the last 12 months compared to the previous 12 months. This has mainly been through some ongoing changes and filtering of enquiries on submission, changes such as, requesting that an enforcement enquiry from to be completed in full wherever possible before a complaint is investigated formally, not registering verbal or anonymous complaints, unless there appears to be a significant harm. Vehicle repairs at residential properties have not been accepted unless harm demonstrated with a 30 day log of activity, this log has also helped Officers deal with the case more efficiently. In some cases requested more information about the enquiry such as photographs or measurements and this has subsequently shown that the development was PD and did not require planning permission, and therefore not registered as a complaint.

2.8 Officers have successfully prosecuted a developer in the Magistrates Court for non-compliance with a Breach of Condition Notice. This was in connection with a development at Whirlow Elms Chase, the site of the former Broad Elms School located just off Broad Elms Road. The developer had to comply with a condition which related to a minimum standard of Code Level for Sustainable Homes. The Enforcement Officer and the Planning Officer were both called to the witness stand and had to give evidence and were cross examined over two court sessions. The developer was subsequently found guilty and was fined £750 with £1000 costs with a court surcharge of £75. The developer still has to comply with the original condition and if it's not complied with within a reasonable time period he can be prosecuted again. Officers are in contact with the developer and have offered advice as to

how to comply with the condition to try to resolve the situation without further prosecution.

3. CONCLUSION

3.1 Despite this quarter including the summer period the six month service target has been exceeded and the number of Notices served has remained consistent.

4. RECOMMENDATION

4.1 It is recommended that Members note the report.



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 28 October 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.	Sheiks, 274 Glossop Road, S10	Breach of Condition 3 – the shelter needs to be removed	25/09/14	09/10/14 – BCN has been drafted and is with legal Services.
2.	11 Advertisement Hoardings in Wincobank Area	Unauthorised Advertisement Hoardings	22/04/14	09/10/14 – Discontinuance Notice being prepared by legal Services for 8 Hoardings – no response has been received regarding S330 Notice for 3 of the hoardings – the non-return of S330 will be reported for prosecution. 08/07/14 - A letter and S330 Notice to be sent.

3.	Unit 5, 6 and 7 Elliot Business Park, Chambers Lane, S4 8DA	Unauthorised metal buildings	03/06/14	09/10/14 – An appeal has been made against the EN to the Planning Inspectorate. 21/07/14 – letter and 330 Notice has been served. An EN is being drafted and will be served shortly. The Architect has said that the planning application (13/03839/FUL) will be appealed.
4.	85 Robin lane, Sheffield, S20 1BB	Unauthorised first floor balcony	01/04/14	09/10/14 – Planning application has been granted with conditions – Monitor 08/07/14 - EN has not been complied with a reminder letter to be sent. 07/04/14 – Enforcement Notice has been served, takes effect 06/05/14 and needs to be complied with by 06/07/14.
5.	20 Paddock Crescent, Sheffield, S2 2AR	Unauthorised erection of fence at front and decking at rear of property	11/03/14	09/10/14 – works have started to comply with the Notice – Monitor. 08/07/14 – EN has been served 3/04/14 – took effect on the 06/06/14 and needs to be complied with by 06/08/14. 01/04/14 - A letter asking for the fence to be removed and S330 Notice has been sent.
6.	87 Bowden Wood Crescent, S9 4EA	Unauthorised rear conservatory	17/12/13	09/10/14 – the length of the Conservatory has been reduced to what is considered acceptable – NFA. 08/07/14 – the Conservatory is in the process of being reduced in length to just over 3 metres, this reduction in length is considered acceptable - Monitor. 01/04/14 – EN has been served compliance period expires 04/06/14. 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.

7.	41 Park Grange Mount	Unauthorised raised platform	17/12/13	09/10/14 – EN has been complied with NFA. 08/07/14 – EN has not been complied with prosecution file being prepared. 07/04/14 - EN has been served, took effect on 04/03/14 & requires compliance by 24/06/14.
8.	42 Dundas Road	Unauthorised external flue	15/10/13	09/10/14 – The flue has been removed the external fan still needs to be removed. A reminder letter to be sent. 08/07/04/14 – letter sent warning legal action to be taken unless EN complied with. 07/04/14 - EN has been served 3/01/14 comes into effect 07/02/14 and required compliance by 02/05/14. 05/11/13 – Application (13/02291/FUL) has been refused with enforcement action. A letter has been sent to the owner requesting the removal within 14 days. If flue not removed within the next few days then EN will be served.
9.	37 Westfield Avenue, S12 4LG	Unauthorised high fence	15/10/13	09/10/14 – the height of the fence has been reduced to an acceptable level – NFA. 08/07/14 – In discussions with the owner to reduce the height of the fence to 1.6 metres. 07/04/14 – The appeal has been dismissed on 24/03/14, 8 week compliance period ends 09/05/14. 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

10.	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	09/10/14 – A contractor has been appointed and work is due to start within the next few weeks to comply with the green wall. 08/07/14 – A reminder letter has been sent. 07/04/14 – Most of work has been carried out except for the work relating to green wall reminder to be sent. 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.
11.	60 Clifton crescent, S9 4BE	Unauthorised use of garden for the storage of building materials and machinery	13/08/13	09/10/14 – EN has been served and it appears that the use has stopped and site has been cleared – NFA. 08/07/14 – EN has been drafted and will be served shortly. 01/04/14 – Some materials still remain in garden a EN will be served.14/01/14 - Most of the rear garden remains clear – Monitor site and if use starts again then serve EN.

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	<p>09/10/14 – Two outstanding issues reminder letter to be sent. 08/07/14 – Most of the issues have been resolved. Joint visit between Private Sector Housing and Planning to check remaining few issues. 07/04/14 – A BCN to be prepared and served. 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.</p>
13.	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>09/10/14 – Work has started to remove the structure assurances have been given that the structure will be removed by 31/10/14 – Monitor. 01/04/14– Appeal has been dismissed 6 month compliance period from 24 October 2013 expires on 24/04/14. 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>

14.	484 Staniforth Road	Unauthorised roof extension	25/01/2010	<p>09/10/14 – A reminder letter to be sent to the owner to establish if he has enough funds to start works to comply with Notice. 08/07/14 – Quotations being requested for possible direct action by SCC. 04/04/13 – No solution offered by the owner, the lending bank (mortgage) contacted but not able to 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 EN. 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 2 months to comply with EN or 2nd prosecution will begin. Work not started yet. Trying to arrange site meeting with owner to clarify what is required. 08/07/11- Fined £200+100 costs, reminder to be sent to comply with EN. 20/01/2011</p>
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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 28th October 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 30th September 2014.

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.	140-142 Abbeydale Road	Unauthorised canopy	16/09/2014	14/10/2014 – EN being prepared
2.	755-757 Abbeydale Road	Unauthorised canopy	16/09/2014	14/10/2014 – Negotiations ongoing with owner to submit a planning application within 21 days for a more acceptable canopy.
3.	44 Grange Crescent, Nether Edge Conservation Area	Unauthorised replacement of windows, roof tiles, guttering, door and repainting of	07/02/11	14/10/14 – EN has not been complied with and a final letter to be sent in the next few days and if the EN is not

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
		headers, sills and architectural feature		complied with then the matter will be reported for 2nd prosecution. 09/07/13 – letter has been sent asking to comply with EN before 01/09/13. 25/01/13 – prosecuted 19/12/12 pleaded guilty and was fined £30 and £15 costs. Letter to be sent asking to comply with notice. 06/11/12 – File with litigation. 26/07/12 – 2nd part of EN not been complied with either a prosecution file has been prepared and is with litigation. 02/04/12 – File with litigation. 13/01/12 – Prosecution file being prepared. 14/10/11 – 1st compliance period Nov 2011. 15/06/11 - Enforcement notice served on 4 April 2011, takes effect on 09/05/11 phased compliance period 6 months and 12 months from when notice takes effect. 22/03/11 – An Enforcement Notice is being prepared.
4.	166, 223-225, 234, 235, 243-245 and 280 Abbeydale road, S7	Illegal Signs	16/09/2014	14/10/2014 Writing to owners/occupiers to advise of pending prosecution - locating up to date contact details for each property.
5.	31 Moor Oaks Road, S10 1BX	Unauthorised replacement front door and frame	26/08/2014	14/10/2014 – EN with legal, due to be served shortly

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
6.	9 & 11 Moor Oaks Road, S10 1BX	Unauthorised replacement front doors and frames	26/08/2014	14/10/2014 – 2 EN's with legal, due to be served shortly
7.	20 Hallamgate Road, S10 5BT	Unauthorised replacement garage	16/07/2014	14/10/2014 – New application 14/02579/FUL approved on 11/09/2014, NFA 17/07/2014 – Temporary Stop notice served to halt works on site. Works started not in accordance with the approved plan 13/02297/FUL.
8.	20 Glen Road, S7 1RA	Unauthorised replacement driveway	15/07/2014	14/10/2014 EN served 23.09.14 takes effect 23.10.14 15/07/2014 Authority given for enforcement action – Notice being prepared.
9.	12 & 14 Crookes Road, S10 1GR	Unauthorised replacement roof tiles, fascia and guttering	28/01/2014	14/10/2014 Roof replacement underway 23/07/2014 Works underway – agreed not to serve EN as committed to solve Application submitted for natural slate approved 28/01/2014 Authority given for enforcement action
10.	261, 269 & 271-273 Fulwood Road,	Unauthorised replacement windows	17/12/2013	14/10/14 Still awaiting inspectorates decision 23/07 Still awaiting inspectorates decision 06/03/14 Appealed Enforcement Notice Appealed refusal

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				13/02/2014 Enforcement Notice served, appealed under same grounds Application refused with authority to serve enforcement Notice Advised upvc windows must be removed
11.	95 Brunswick Street, S10 2FL	Non-compliance with planning conditions	14/03/2014	14/10/14 – Work has started to comply with the notice. 22/07/2014 A BCN has been served 16/04/2014 28 days compliance period – a variation of condition application (14/00980/FUL) has been submitted and subsequently approved. Work has started on site.
12.	Land Between 1 To 3 And Nos 5 And 7 Dover Road Sheffield S11 8RH	Erection of an Unauthorised wall	11/03/2014	14/010/2014 – Appeal still ongoing. 18/07/2014 – Appeal Statements submitted. 1/06/2014 Appeal Lodged. 09.04.2014 – Enforcement Notice Served with 6 month compliance period. 03.04.2014 – Paperwork with legal services to serve an Enforcement Notice
13	24 Ashgate Road, S10 3BZ	Unauthorised UPVC windows	04/02/2013	14/10/2014 Windows have been replaced with timber sliding sashes NFA. 24/07/2014 – Planning application 14/01379/FUL to replace timber sash

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				windows granted conditionally on 02/06/2014. Site to be monitored. 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.
14	153 Twentywell Lane, S17 4QA	Unauthorised Fencing erected	29/04/2013	24/07/2014 – Fence has been reduced in height to an acceptable level, NFA 07/04/2014 – Still within the compliance period (30/4/14). 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.
15	79 Dore Road, S17 3ND	Unauthorised Hoarding	24/09/2013	14/10/2014 – Awaiting prosecution 23/07/14 Appeal dismissed – final time limit given on 09/07 allowing 14 days – prosecution pending 7/04/14 – Appeal in progress. 14/01/2014-

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				awaiting outcome of appeal before prosecution 1/10/2013 – Notice being prepared.
16	759 – 761 Abbeydale Road S7 2BG	Unauthorised smoking shelter	11/09/13	23/07/2014 – Application granted conditionally NFA. 07/04/14 – Some details have been submitted but the application is still invalid. 06/11/13 - Planning application (13/03424/FUL) has been submitted for the Council's consideration.
17	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	14/10/14 – the Notice is still within compliance period. 22/07/14 – The company is not registered in the UK and would be difficult to prosecute if they did not comply with the notice as the notice. Letter to be sent to Companies house informing them that the company is not registered in the UK. 07/04/14 – EN has been served 02/04/14 compliance period 6 months. 14/01/14 – EN being drafted and will be served shortly.
18	73 Sandford Grove Road, S7 1RR	Unauthorised excavation works to the front garden and	23/07/13	14/10/14 – Most of the excavation has been filled in by co-ordinated action led

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
		the unauthorised erection of fences at the front of 73 Sandford Grove Road, Sheffield, S7		<p>by Private Sector Housing – NFA. 07/04/14 – A planning application (14/00871/FUL) has been submitted to for alterations to the property – Monitor, enforced sale by PSH still to take place. 14/01/14 – Private Sector Housing (PSH) 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 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.</p>
18	Whirlow Elms Chase, S11 9RQ	Unauthorised retention of buildings and use of building	21/05/2013	14/10/2014 – Case in Magistrates court for 2 sessions 16/9/2014 & 25/9/2014.

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
		and land as a builder's compound /gardeners store.		<p>Developer convicted and fined £750, SCC awarded costs £1000 and surcharge of £75. Letter to be sent shortly to developer offering advice on how the breach of Control can be complied with. 24/07/2014 – Full hearing in Magistrates court, 16/09/2014. 1/05/2014 – Case in court, owner pleaded not guilty. 07/04/2014 – Awaiting court date. 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.</p>
19	201 Chippinghouse Road,S7 1DQ	Breach of condition 2 – development not carried out as to the approved plans	03/05/13	<p>14/10/14 – work has been carried out as required – NFA 22/07/14 – Work has started on site and assurances given that it has now been completed SV to be done to check. 07/04/14 – prosecution on the</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				20/03/14 £200 fine, £100 Costs and £ 20 Victim Surcharge 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 compliance period
20	6 Rosamond Place	Breach of Condition 2 – Landscaping. Breach of Condition 1 – Completion of Development	20/02/13	14/10/2014 – All paperwork with litigation ready for a 2nd prosecution. 22/07/2014 – Although application determined, No works carried out on site, so matter to be reported for 2nd prosecution again. 01/05/2014 – 2nd prosecution held back as the Owner submitted the necessary application. 07/04/2014 – Awaiting a court date for the 2 nd prosecution. 06/01/2014 – Work recommenced 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 2 nd breach of

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				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 site.
21	Swanky Franks 722A Chesterfield Road	Non-compliance with a planning condition to clad an extraction flue	13/02/2012	14/10/2014 – List of all Directors now obtained, new BCN's to be served on all of them. - 24/07/2014 –Section 330 Notice to be served, to gain details of all interested parties. 07/04/2014 – No progress on this as other cases have taken priority. 07/04/2014 15/01/2014 – Reminder letters being sent. 31/10/13 No recent

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>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.</p>
22	4 Parkers Road	Unauthorised roller shutter	06/02/2012	<p>14/09/2014 – The owner has replaced the wall to an acceptable level, NFA 22/07/2014 – No correspondence from owner so letter sent requiring him to comply with the Enforcement Notice within the next 28 days, to avoid a 2nd Prosecution. 1/05/2014 – Owner attended court and pleaded guilty. He was given a conditional discharge for 12 months and ordered to pay £75 plus</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>£15 surcharge. 20/03/2014 – Case was due to be heard in court but appellant wanted legal counsel so the case was adjourned until 1st May 2014. 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 to be removed by 18/03/2013. 31/05/2012 Appeal Received. 16/04/2012 EN served,</p>
23	75 Machon Bank Road, S7 1PE	Unauthorised replacement of windows at the front of the property	25/02/13	<p>14/10/14 – work has been completed as required. – NFA 22/07/14 – Works to be completed by end of July – Monitor. 07/04/14 – Planning application has been granted for an alternative proposal time period to be agreed before work is carried out. 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</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				application (12/03797/FUL has been refused with enforcement action.
24	204 Chippinghouse Road, Nether Edge, S7 1DR	Unauthorized replacement of windows and door within an Article 4 area	13/08/12	<p>14/10/14 – 1st floor windows have been replaced as agreed. A further 6 month from April agreed before the ground floor windows and door is replaced.</p> <p>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.</p>
25	7 Greenfield Drive	Unauthorized signage on display	26/09/11	<p>14/10/2014 –Letter and S330 notice to be served. 07/04/2014 – No action on this other cases have taken priority. 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 11/7/2013 – Notices expected to be served by mid-</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				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.
26	Ball Inn, Mansfield Road	Unauthorised Hoarding	21/06/2010	14/10/2014 – Letter and S330 Notice to be served. 07/04/2014 – No action on this other cases have taken priority.15/01/2014 – Ongoing Notice due to be served. 06/11/2013 – Paperwork for Notice nearly complete, final legal checks & 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>
27	Pizza Padrino,	Non compliance with approved	02/06/2010	24/07/2014 – Tenant Evicted by owner,

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
	267 Fulwood Road, Broomhill Conservation Area	hours (94/01539/FUL)		<p>business closed. NFA 7/4/2014 – Awaiting outcome of latest prosecution. 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 & was fined £260. 16/04/2013 – Awaiting court dates for licensing prosecution. 23/1/13 – Site being monitored, to gain evidence for further breaches. Licensing are currently prosecuting for failure to comply with license conditions, court date expected soon. 18/07/2012 – Case in Court. Owner pleaded guilty £50 fine, Costs £50 and £15 surcharge. 20/03/2012 – Files with prosecution waiting 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.</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				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 & BCN. Prosecution file being prepared in conjunction with Licensing. 03/06/2010 – BCN & TSN served. Regular monitoring taking place with a view to prosecution for any further breaches.
28	Oasis Pizza, 204 Whitham Road, Broomhill Conservation Area	Non-compliance with approved hours (98/00186/FUL)	02/06/2010	14/10/2014 – new application for extended hours of operation appears elsewhere on this agenda. 13/03/14 – Owner prosecuted (3 rd such prosecution since July 2011) & found guilty & fined £125 for each of two offences prosecuted (total inc costs = £425 to be paid in instalments of £20 per week).01.2014 – Owners are currently applying for an Eviction Notice against the occupying tenant, citing the 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

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>pleaded guilty & fined £260. 16/04/2013– Awaiting a court date for licensing prosecution.13/01/13 – Site being monitored, to gain evidence for further breaches. 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 14/11/11& 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.Decided that new EN's 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</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				refusal of PP 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 & BCN. Prosecution file being prepared in conjunction with Licensing
29	Old Whitelow Farm, Old Whitelow Lane.	Re-construction of a demolished redundant farm building	30/07/08	<p>15/10/2014 – Awaiting legal interpretation of legislation to ascertain whether the works are now immune from action due to the four year rule or whether a second bite provision can be applied to this case.</p> <p>24/07/2014 – Meeting to be arranged with legal & planning officer to discuss different options to resolve this issue.</p> <p>28/03/2014 – Correspondence received from solicitors trying to address the ownership issues of the site. 10/01/2014 – Ongoing discussions with litigation & owners agents. 05/11/2013 – Discussions taking place with litigation, legal position being evaluated. 11/07/2013 – No recent progress, however meeting arranged for</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>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 property & the possible re-instigation of an historic EN. 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 & 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>
30	Norfolk Arms Public House, Ringinglow	Unauthorised fume extraction and Lighting Columns.	19/05/08 & 21/09/09	14/10/2014 –Reminder letter to be sent asking him to comply with notice within

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
	Village			<p>28 days. If no response then prosecution file to be prepared.</p> <p>07/04/2014 – New Witness statements being prepared, aim to get all paperwork to Legal 1/5/2014. 16/12/2013 – Ongoing awaiting court date. 5/11/2013 – Witness statement with litigation for non-compliance with EN for the lighting columns. Another statement being prepared for the non-compliance with the Listed Building Enforcement 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 & installation of a new extraction system. Site being monitored for compliance with notice Columns should be removed by 28/3/2013. 5/11/12 – Inspectors decision, appeal dismissed & the owner now has 16 weeks to remove unauthorised lighting columns. 1/11/12 Appeal site visit arranged. 15/06/2012 – Appeal ongoing statement submitted.</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				8/6/2012 Appeal received in connection with the lighting columns. 18/04/2012 – Listed Building Notice & EN served on all parties with an interest.



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 28 October 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 30 September 2014

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.	91-99 Coward Drive	Non-compliance with approved plans & conditions of PP 10/03955/FUL for erection of 5 houses. Fencing omitted, window details changed, soft landscaping not provided & trees felled.	30/9/14 (delegated)	Details sent to Legal Dept 30/09/14 for service.

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
2.	Oak Lodge Farm, Thompson Hill	Unauthorized siting of 2 caravans and 4 metal containers	01/04/14	EN served 16/4/14, requires removal of 2 caravans and 4 containers within 6 months. Appeal lodged against EN, Inquiry to be held 20/1/15.
3.	Village News, 176-178 Main Street, Grenoside	Non-compliance with conditions PP13/02171/FUL, condition 3 - opening times, c6 – inventory of cooking equipment, c7 – no external plant.	28/03/14 (delegated)	<p>BCN served 28/3/14 requiring compliance with c.3, c6 & c7 within 28 days of service. Three planning applications have been submitted to alter the conditions being enforced.</p> <ul style="list-style-type: none"> - 14/02191/FUL – extend opening times to 8am to 6pm Monday to Friday, 8am to 5pm Sat - 14/01031/FUL – increase cooking equipment to 2 microwave ovens, 1 griddle & 1 safety fat fryer - 14/-1042/FUL – reposition air handling plant & add sound attenuation measures. <p>Outcome of those applications is awaited before any further action taken on BCN.</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
4.	492 Barnsley Road	Unauthorised Change of Use from A1 to A5 and erection of external flue without planning permission	11/03/14	Application submitted for change of use & flue, ref: 14/02077/FUL Preparations being made for service of EN to remove flue and negotiations needed to find alternative method of venting fumes away without causing visual harm.
5.	2 Larch Grove	Unauthorised Fence	29/01/14	EN served 18/02/14 requiring the removal of the fence. The owner has reduced the height of the fence to PD height of 1m not requiring PP. It is believed it might be slightly over 1m so officers to check.
6.	Aldi, 82 The Common	Non-compliance with conditions of PP 13/00498/FUL for erection of a food store, regarding (condition43) delivery of goods / times, (c25) carry out landscaping scheme, (c28) target emission reductions for store	16/01/14 (delegated)	BCN served 17/1/14 requiring details for specified conditions (see breach) within 28 days. Delivery time condition no.43 now being complied with. The other details are being considered under new discharge of conditions application ref. 14/00605/COND as at 10/10/14.

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	The Common continued from p3	construction, (c31) environmental measures concerning delivery vehicles, electric charge points, cycle racks etc, (c.53) Forecourt improvements adj the mill & wood management		
7.	Land to Rear of 33 & 35 Nottingham Cliff	Erection of a building for use as a dwelling	28/01/14	Work towards compliance with EN are well progressed. Retrospective application 13/03341/FUL refused 3/12/13 & appeal dismissed 22/5/14. EN served 3/6/14, requires demolition of building by 20/11/14.
8.	Lion Works, Handley Street	Derelict listed building causing visual harm to both the area and the building itself.	4/10/13 (delegated)	Works completed under phase 1 to remove most of the eyesore problems of the site. Phase 2 to begin next financial year in 2015 to restore structural integrity of the roof. 24/03/14- Works underway & progressing. S215N served 4/10/13. Took effect 1/11/13, requiring renovation work including making

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
				building weather proof. Compliance required by 21/2/14.
9.	36 Stanwood Crescent	Erection of a conservatory projecting 5.7m from the rear elevation.	03/09/13	Alternative scheme approved under new Prior Notification Scheme, ref 14/01468/HPN for smaller conservatory & works completed to reduce size of structure in line with new scheme. EN does not need to be enforced. Appeal against EN dismissed 2/4/14, new compliance period 23/07/14. EN issued 19/10/13, which takes effect 23/10/13 that requires removal of conservatory by 12/2/14.
10.	Land adjacent to 4 Mowson Hollow	Timber Building used for store / studio	13/11/12	10/10/14 EN largely complied with, just concrete foundation to remove. Work started to remove building as application approved to relocate building to within garden area, ref. 14/00621/FUL. Written assurance given that building will be moved on the outcome (either way) of this application. Costs and materials can be saved by moving and re-constructing in one job. EN served

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	Mowsom Hollow continued from p3			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.
11.	290-308 Pitsmoor Road	(1) Use of Ground floor for retail shop, 1 st & 2 nd floors as HIMO, (11/00050/FUL refused) (2) Canopy to front of Shop refused PP	19/4/11	10/10/14 – Conditions in breach identified, contacting owner to address before next quarterly update, for any outstanding conditions, such as boundary treatment, surfacing works etc. (1) EN proposed regarding discharge of conditions of 11/00050/FUL as agent pulled out and no sign of progress. 31/10/12. Officers talking with agent regarding discharge of conditions before application submitted for same. 31/7/12. Discharge of conditions application being 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 & HMO has PP

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	Pitsmoor Rd continued from p4			(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.
12.	Youth Club Building, Burgoyne Road,	Non payment of planning obligation monies £10,897.40 in relation to 05/00551/FUL. Change of use taken place and flats now occupied	25/1/11	15/7/14 - Litigation still pursuing original owner who signed the s106. Legally the new owner cannot be sued. Solicitors are examining ownership to decide who to pursue for the money. 06/04/11 Developer Mr Dempsey still owns the site. Case with litigation & prosecution to be considered.
13.	Parker's Yard, Stannington Road	Unauthorized use as self storage & metals recycling facility. 09/02757/CHU refused PP.	10/6/10	10/10/14 – new app under consideration. New application. 14/02426/CHU submitted to retain previously refused use setting out case that it is operating without nuisance. Deadline set , of the same period given in the EN to cease the use at Parker's Yard due to the lack of an alternative plan from Carwood Commodities. Proposed that 16 weeks be given from date of cttee if approved

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	Parker's Yard continued from p5			<p>by members. 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 6wks=approx 10/4/12). Owner reports on 28/3/12 there shouldn't be further obstacles if analysis shows the land is ok. Business owner continues to update officers with progress 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 - 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</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	Parker's Yard continued from p6			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 of 09/02757/CHU dismissed.
14.	Dial House Club, Far Lane / Ben Lane	Non-compliance with conditions attached to PP04/04797/FUL, Cond 2-materials for external surfaces, C3-design details for new apartment building, C4-landscaping for grounds, C6-highway access & finishes to frontage, C8-pedestrian access to new bowling green, C9-new pavilion details, C10-bowling green maintenance.	15/12/09 (delegated authority)	10/10/14, Applications under consideration. Discharge of Conditions applications, 13/00599/COND & 13/00606 under consideration likely to come to committee in Feb/March. Development nearly complete. PP being implemented at 26/9/11, BCN now complied with. Meeting inc developer, officers & Members was held in Dec10 & promise to start work along agreed lines made to start Jan'11. Discharge of conditions agreed in principle with applicant at meeting 6/8/10 subject to approval of application. BCN served 21/12/09. Condition details required by 29/3/10.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 28 October 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

DEVELOPMENT SERVICES

REPORT TO PLANNING &
HIGHWAYS COMMITTEE
28 October 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 demolition of existing garage and erection of a two-storey garage/gym and decked area at 74 Chesterfield Road Sheffield S8 0RS (Case No 14/01482/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 erection of non-illuminated hoarding to gable wall at British Telecom, Telephone House, Charter Square, Sheffield S1 4HS (Case No 14/02003/HOARD)
(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for erection of two-storey rear extension and first-floor front balcony to dwellinghouse (Re-submission of 14/01132/FUL) at 56 Rivelin Street Sheffield S6 5DL (Case No 14/02221/FUL)
(iv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for two-storey side/front extension including garage, single-storey front extension, single-storey rear extension, erection of rear dormer window, extension to rear raised decking area and demolition of existing garage at 10 Knab Rise Sheffield S7 2ES (Case No 14/01559/FUL)

3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the delegated decision of the Council to refuse planning consent for erection of a dormer bungalow within The Curtilage Of 3 Long Line Sheffield S11 7TX (Case No 13/03450/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issues to be:-
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- i) Whether the development represented 'inappropriate development' in the Green Belt, and if so, whether the harm by inappropriateness was outweighed by other considerations; and
- ii) The effect of the bungalow on the character and appearance of the area including trees.

The Inspector noted the site formed part of the garden of 3 Long Line which is typified by groups of houses at intervals along its southern side. He also noted the strong building line that no.3 conformed to.

He noted para 89 of the NPPF indicated the construction of new buildings as inappropriate with certain exceptions, one such exception being limited infilling. The Inspector agreed with officers, and disagreed with the appellant that the bungalow represented infilling, as its proposed position is sited significantly forward of no.3 and of the building line, with its car parking directly in front of no.3. He therefore concluded it was inappropriate development in the Green Belt, which by definition is harmful, to which he gave substantial weight.

The appellant argued that other developments along Long Line were similar but the Inspector felt these may well not have been 'inappropriate' having satisfied the exceptions, and in any event he considered this proposal on its own merits.

He concluded there were no very special circumstances to justify the inappropriate development.

In addition he agreed with officers that the development had a cramped form and would lead to the loss of trees within the site that contributed to the character of the area, and also that insufficient information had been submitted to demonstrate the public sewer crossing the site could be relocated within the restricted dimensions of the site.

He dismissed the appeal.

(ii) An appeal against the delegated decision of the Council to refuse planning consent for erection of a summer-house to front garden of dwellinghouse at 8 Merbeck Drive Sheffield S35 4DB (Case No 14/01257/FUL) has been dismissed.

Officer Comment:-

The Inspector considered that the main issue in this case was the implications of the proposal for the character and appearance of the area.

The summerhouse would be at the terminal point of the front garden. From some points it would be seen against the existing fence and hedge, it is a structure normally seen in back gardens and so would appear out of place in this prominent position at the head of the cul-de-sac especially in context with open plan front gardens to the houses.

No issue was taken with the design and it was felt that it would not be injurious to the character of the house itself but it would be inappropriately located which would render it an incongruous feature in the street scene

This would conflict with Unitary Development Plan policy H14 and the Supplementary Planning Guidance "Designing House Extensions which seek to ensure that development is compatible with the character of the area and does not detract from the appearance of the street scene. It was considered that the summerhouse would not adversely affect the living conditions of other neighbours but this did not outweigh his conclusion on the main issue and so the appeal was dismissed.

5.0 RECOMMENDATIONS

That the report be noted

Maria Duffy
Acting Head of Planning

28 October 2014