

# Planning and Highways Committee

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**Tuesday 28 July 2015 at 2.00 pm**

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

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

## **Membership**

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Councillors Alan Law (Chair), Peter Rippon (Chair), Nasima Akther, David Baker, Jack Clarkson, Tony Damms, Roger Davison, Adam Hurst, Ibrar Hussain, Bryan Lodge, Peter Price, Denise Reaney, Chris Rosling-Josephs, Garry Weatherall and Joyce Wright

## **Substitute Members**

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

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## **PUBLIC ACCESS TO THE MEETING**

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

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

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## **FACILITIES**

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

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

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**PLANNING AND HIGHWAYS COMMITTEE AGENDA  
28 JULY 2015**

**Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (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 - 10)  
Minutes of the meeting of the Committee held on 7 July 2015
- 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 11 - 34)  
Report of the Director of Regeneration and Development Services
- 8. Enforcement of Planning Control: 1 Priory Road, Ecclesfield** (Pages 35 - 38)  
Report of the Director of Regeneration and Development Services
- 9. Quarterly Overview of Enforcement Activity** (Pages 39 - 48)  
Report of the Director of Regeneration and Development Services
- 10. Quarterly Update of Enforcement Cases in the City Centre and East Area** (Pages 49 - 58)  
Report of the Director of Regeneration and Development Services
- 11. Quarterly Update of Enforcement Cases in the South Area** (Pages 59 - 74)  
Report of the Director of Regeneration and Development Services
- 12. Quarterly Update of Enforcement Cases in the West and North Area** (Pages 75 - 90)  
Report of the Director of Regeneration and Development Services
- 13. Record of Planning Appeal Submissions and Decisions** (Pages 91 - 94)

Report of the Director of Regeneration and Development  
Services

**14. Date of Next Meeting**

The next meeting of the Committee will be held on 18 August  
2015

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

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

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## SHEFFIELD CITY COUNCIL

### Planning and Highways Committee

#### Meeting held 7 July 2015

**PRESENT:** Councillors Peter Rippon (Chair), Nasima Akther, David Baker, Jack Clarkson, Tony Damms, Roger Davison, Adam Hurst, Ibrar Hussain, Alan Law, Bryan Lodge, Peter Price, Denise Reaney, Chris Rosling-Josephs and Garry Weatherall

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

1.1 An apology for absence was received from Councillor Joyce Wright and no substitute was appointed.

#### **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 MEETINGS**

4.1 The minutes of the meetings of the Committee held on 20 May and 16 June 2015 were approved as correct records.

#### **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 July 2015, in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

#### **6. PROPOSED DIVERSION OF PUBLIC FOOTPATH SHE/174A BETWEEN TOTLEY HALL LANE AND STOCKS GREEN DRIVE, TOTLEY**

6.1 The Director of Regeneration and Development Services submitted a report seeking authority to process the Public Path Diversion Order required to divert the public footpath which runs through the site of the former Fleur de Lys pub linking Totley Hall Lane and Stocks Green Drive in the Totley area of Sheffield.

6.2 The report stated that on 30<sup>th</sup> January 2015 planning consent was granted for the demolition of part of building, alterations to existing public house to form 6 apartments, alterations to outbuildings to form 2 cottages and erection of 3 detached dwellinghouses and garages, including associated external works and a

footpath diversion.

- 6.3 In order to enable the approved development to be carried out, it was necessary to re-align the footpath which ran through the site. To be done legally, a Public Path Diversion Order must first be made and confirmed.
- 6.4 Consultations had been carried out with Statutory Undertakers (i.e. utility companies), the Emergency Services, and other relevant bodies, including footpath societies.
- 6.5 Not all the consultees had responded at the time of writing the report. Of those that had responded, no objections had been received.
- 6.6 **RESOLVED:** That (a) no objections are raised to the proposed diversion of the footpath linking Totle Hall Lane and Stocks Green Drive, as shown by a solid black line on the plan included as Appendix A to the report, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected; and

(b) authority be delegated to the Director of Legal and Governance to:-

(i) take all necessary action to divert the footpath by order under the powers contained within Section 257 of the Town and Country Planning Act 1990;

(ii) confirm the Order as an unopposed order, in the event of no objections being received, or any objections being resolved and withdrawn prior to the Order being confirmed; and

(iii) submit the Order to the Secretary of State for confirmation in the event that objections are received which cannot be resolved.

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

- 7.1 **RESOLVED:** That (a) the applications now submitted for permission to develop land under the Town and Country Planning Act 1990 and the Regulations made thereunder and for consent under the Town and Country Planning (Control of Advertisements) Regulations 1989, be decided, granted or refused as stated in the report to this Committee for this date in respect of Case No. 15/01176/FUL and other applications considered be amended as in the minutes of this meeting, and the requisite notices issued; the granting of any permission or consent shall not constitute approval, permission or consent by this Committee or the Council for any other purpose;

(b) following consideration of amendments to the report, additional information on highways, and, subject to an amendment to condition 2, as outlined in a supplementary report circulated at the meeting, an application for planning permission for demolition of existing public house and erection of 9 apartments including new boundary walls, bicycle store and associated works at Thorncliffe Arms, 135 Warren Lane (Case No. 15/01291/FUL) be granted, conditionally;

(c) (i) following consideration of (A) representations at the meeting from two local residents opposing the application and from a representative of the Council speaking in favour of the application, and (B) additional information in relation to a bat survey in the area, as outlined in a supplementary report circulated at the meeting, (ii) subject to an amendment to condition 2, as outlined in the aforementioned supplementary report, and (iii) following a decision to consider this item alongside 15/01264/RG3 and to vote simultaneously on both items an application for planning permission for demolition of existing school buildings and use of land, including existing playing fields, as public open space at Tinsley Junior School, Bawtry Road (Case No. 15/01265/RG3) be granted, conditionally;

(d) (i) following consideration of (A) a petition, containing 53 signatures, submitted at the meeting, requesting that, if the application was granted, the youth centre on site be extended with the loss of two parking spaces, (B) representations at the meeting from two local residents speaking against the application and a representative of the Council speaking in favour of the application and (C) clarification on parking numbers, (ii) additional representations from the Director of Public Health and a member of the public, as outlined in a supplementary report circulated at the meeting, (iii) subject to the inclusion of an additional condition and amendments to conditions 2, 9 and 10 also as outlined in the afore-mentioned supplementary report, (iv) subject to an additional condition that, prior to the commencement of development, details of the surfacing of the car park be agreed with the Local Planning Authority with the view to providing a green surface, and (v) following a decision to consider this item alongside 15/01265/RG3 and to vote simultaneously on both items, an application for planning permission for refurbishment of existing building and erection of three-storey extension to form a new primary school for ages 2-11 with associated hard and soft landscaping works, additional car parking accommodation and relocation of multi-use games area (MUGA) at Tinsley Green Centre, 34A Norborough Road (Case No. 15/01264/RG3) be granted, conditionally;

(e) following consideration of an amended description and additional representations, and subject to the inclusion of an additional condition, as outlined in a supplementary report circulated at the meeting, and following consideration of representations from the applicant speaking in favour of the application, an application for planning permission for the erection of 1 no. detached dwellinghouse with integral garage, separate hard standing, provision of landscaping and amenity space at curtilage of 172 Prospect Road, Bradway (Case No. 15/00739/FUL) be granted, conditionally;

(f) following consideration of an additional representation from a local Ward Councillor, as outlined in a supplementary report circulated at the meeting, and an additional representation at the meeting speaking against the application, an application for planning permission for demolition of existing office building (use class B1) and erection of 72 studios/one bedroom apartments and 1 two bedroom apartment in 7 storey building at Minalloy House, 10-16 Regent Street and 2 Pitt Street (Case No. 15/00731/FUL) be granted, conditionally, subject to legal agreement;

(g) (i) an application for planning permission for the retention of fence/gate to

front/side of dwellinghouse at 42 Wostenholm Road (Case No. 15/00679/FUL) be refused as the Committee considered that the proposed development, by reason of its prominent location and external appearance, gave rise to an unsatisfactory design, detrimental to the character of the Nether Edge Conservation Area and contrary to the aims of Policies BE15 and BE16 of the Unitary Development Plan and Policy CS74 of the Sheffield Core Strategy and paragraph 134 of the National Planning Policy Framework, (ii) authority be delegated to the Director of Regeneration and Development Services or Head of Planning to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised fence and gate and (iii) authority be delegated to the Head of Planning, in consultation with a Co-Chair of the Committee, to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control;

(h) following consideration of representations from the applicant speaking against the recommendation to refuse the application and from a representative of the Broomhall Park Association speaking in favour of the recommendation to refuse the application, an application for planning permission for alterations and extension to height of building to provide five student cluster flats at second, third and fourth floor levels with ancillary cycle store and bin store at ground floor level (as amended 23/6/15) at Broompark House, 200-208 Broomhall Street (Case No. 15/00467/FUL) be refused as the Committee considered that (i) the proposed increase in the height of the building and the proposed flat roof form would detract from the building proportions and roof form of a key unlisted heritage asset building in the Hanover Conservation Area, (ii) the proposed increase in the height of the building and the proposed flat roof form would also detract from the appearance of a strong group of buildings, including No's 194, 196, 200 and 210 Broomhall Street and No. 177 Upper Hanover Street, (iii) the less than substantial harm caused would be detrimental to the character and appearance of the Hanover Conservation Area and was not outweighed by any public benefit considerations, and (iv) the proposed development was thereby contrary to Policies BE5, BE15, BE16 and S10(d) of the Unitary Development Plan and Policy CS74 of the Core Strategy and was unjustified having regard to Paragraph 134 of the National Planning Policy Framework; and

(i) following consideration of an updated recommendation, as outlined in a supplementary report circulated at the meeting, an application for planning permission for demolition of former conference facility and erection of five detached dwellinghouses and nine apartments in a 3-storey block including provision of garages/parking at Whirlow Grange Conference Centre, Whirlow Grange Drive (Case No. 15/00138/FUL) be granted, conditionally, subject to legal agreement.

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

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

**9. DATE OF NEXT MEETING**

- 9.1 It was noted that the next meeting of the Committee will be held on Tuesday, 28 July 2015, at 2.00 pm, at the Town Hall.

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## SHEFFIELD CITY COUNCIL

### Planning and Highways Committee

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**Report of:** Director of Regeneration and Development Services

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**Date:** 28/07/2015

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

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**Author of Report:** John Williamson/Chris Heeley/Adam Chapman  
(2734944/2736329/2039668)

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**Summary:**

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#### Reasons for Recommendations

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

**Recommendations:**

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**Background Papers:**

**Category of Report:** OPEN





Application No.	Location	Page No.
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15/02089/FUL	144 The Common, Sheffield, S35 9WN	15
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15/00252/FUL (Formerly PP-03898155)	ASDA, Handsworth Road, Sheffield, S13 9LR	21
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SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning  
To the Planning and Highways Committee  
Date Of Meeting:

LIST OF PLANNING APPLICATIONS FOR DECISION OR INFORMATION

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

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Case Number	15/02089/FUL
Application Type	Full Planning Application
Proposal	Erection of a two storey outbuilding to the rear of the dwelling house
Location	144 The Common, Sheffield, S35 9WN
Date Received	08/06/2015
Team	West and North
Applicant/Agent	Mr S Marshall
Recommendation	Refuse

Refuse for the following reason(s):

- 1 The Local Planning Authority considers that the design of the outbuilding, by reason of its prominence and massing would be out of character with the built form of the local area. It would therefore be contrary to Policy CS74 of the Core Strategy and Policy H14 of the Unitary Development Plan.

Attention is Drawn to the Following Directives:

1. Despite the Local Planning Authority trying to negotiate in a positive and proactive manner during the life of the application the proposal has shown insufficient regard for policy requirement(s), so it has not been possible to reach an agreed solution.

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

Elevations - received 9th June 2015

Plans - received 17th June 2015

Site Location



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## LOCATION AND PROPOSAL

The application relates to an end of terrace property on The Common. The property has a small front garden bounded by a stone wall and a larger rear garden. The property has a single storey extension to the side which also partly acts as a boundary to the site. A stone wall with trellising above offers boundary treatment to the rear garden area.

The surrounding area is residential in character with a number of stone terraced properties, some finished in render. Across the street there are some newer stone flats and dwellinghouses. To the rear of the dwellinghouse, there are some new build brick dwellings. There is also a hairdresser adjacent to the property across the Allen Gardens.

The application seeks retrospective planning permission for a two storey outbuilding to the rear of the dwellinghouse.

## RELEVANT PLANNING HISTORY

There is no planning history for this site.

## SUMMARY OF REPRESENTATIONS

Ecclesfield Parish Council has objected to the application on the grounds that it is out of character with neighbouring properties and it is overbearing in size.

## PLANNING ASSESSMENT

The property is located within a Housing Area, as identified by the Unitary Development Plan. Therefore, the following UDP policies are relevant to the application; BE5(c), H14(a) and H14(c). Also relevant to the application is Supplementary Planning Guidance (SPG) 'Designing House Extensions.

The Core Strategy further emphasises this, with policy CS74 'Design Principles' requiring development to respect and take advantage of unique design characteristics within the local Neighbourhood.

### Design Issues

Policy H14(a) states that in Housing Areas, development will be permitted provided that extensions are well designed and would be in scale and character with neighbouring buildings.

The dimensions of the building are as follows:

- 6.3 metres in length
- 3.4metres in width
- 4 metres to the ridge
- 3.6 metres to the eaves

- Sited 7.7 metres from the rear elevation of the existing dwellinghouse
- Sited 0.8 metres from the back boundary
- Sited 0.3 metres to boundary with 146 The Common
- Sited 0.5 metres to boundary with the road.

The outbuilding as proposed has been completed. It is a two-storey building which sits at the rear of the garden to 144 The Common. The building has been finished in matching render to the existing property. The roof is technically pitched, but visually is more representative of a flat roof. The pitch is considered a token effort to 'match' the surrounding pitched roofs.

The building is very prominent on the street and when viewed from The Common itself. Due to the first floor element, it sits approximately 2 metres above the boundary fence on either side. It is proposed to be ancillary to the dwellinghouse, however it appears larger than what is usually considered to attribute to ancillary accommodation within a curtilage area. It can be argued that with the building having two-storeys it can be seen as dwelling-like in form, albeit a small dwelling.

The main design issues are considered to be the form of the pitched roof, the eaves height and also the two-storey nature of the building.

It is considered the outbuilding is not in keeping with the local character or form of the local area, particularly given its prominence on the street scene.

#### Residential Amenity

Policy H14(c) states that in Housing Areas, development will be permitted provided that the site would not be over-developed or deprive residents of light, privacy or security, or cause serious loss of existing garden space which would harm the character of the neighbourhood.

Designing House Extensions SPG Guidelines 4-6 detail how the above policy is put into practice. These guidelines essentially require extensions to avoid overshadowing neighbouring property and maintain minimum levels of privacy.

Guideline 5 states that unreasonable overshadowing and over dominance of neighbouring dwellings should be avoided. It was a concern that the building would be overbearing to the property to the rear. The outbuilding backs onto a neighbouring front garden, but is set approximately 6 metres from that property. It can be argued the outbuilding offers greater privacy to this neighbour, as it prevents any potential overlooking from the existing dwellinghouse's rear windows.

Furthermore, there are a number of small trees in this neighbouring garden which partly screens the outbuilding; nevertheless it is still a prominent structure on the boundary line. The garden area mentioned is to the front of the neighbouring property and therefore it is considered this is not the main amenity space, given this neighbouring property also has a rear garden. Given the above points, it is not considered the outbuilding is overly overbearing to this neighbour, nor is it considered to overbear 142 The Common either.

Guideline 6 states that extensions should protect and maintain minimum levels of privacy. There are two windows to the first floor level of the outbuilding, which face towards the rear elevation of the existing house. Having viewed the building on site, It is not considered that the outbuilding would cause any considerable overlooking issues to the neighbouring property at no. 142 The Common given they face directly towards the rear elevation of 144 The Common. It should be noted that there is a potential to view into the neighbouring rear garden, but considering it is ancillary accommodation (playroom) and the angle it sits in relation to the boundary line, it is not considered this would allow for clear views into the neighbouring amenity space. As mentioned previously, the outbuilding gives further privacy to the neighbouring front garden to the rear of the application site.

## RESPONSE TO REPRESENTATIONS

Ecclesfield Parish Council has objected on the grounds that it is out of character with neighbouring properties and it is overbearing in size. These issues have been discussed within the contents of the report.

## ENFORCEMENT

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

## SUMMARY AND RECOMMENDATION

It is considered that the outbuilding does not accord with policy H14 (a) of the Unitary Development Plan nor policy CS74 of the Core Strategy due to the design issues mentioned above. Following the above, the application is recommended for refusal and appropriate enforcement action.



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Case Number	15/00252/FUL (Formerly PP-03898155)
Application Type	Full Planning Application
Proposal	Construction of petrol filling station, kiosk, jet wash facility and associated works
Location	ASDA, Handsworth Road, Sheffield, S13 9LR
Date Received	23/01/2015
Team	City Centre and East
Applicant/Agent	Drivers Jonas Deloitte (Leeds)
Recommendation	Grant Conditionally

Subject to:

**Time limit for Commencement of Development**

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

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

**Approved/Refused Plan(s)**

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

(PA) 01 rev a site location plan  
(PA) 02 rev b existing store layout  
(PA) 03 rev C proposed store layout  
(PA) 04 rev c proposed PFS plan  
(PA) 05 rev A Proposed PFS site elevations  
(PA) 06 Proposed PFS forecourt section  
(PA) 07 rev A proposed kiosk and elevations  
(PA) 08 rev A jet wash  
(PA) 09 rev A lighting column/cctv  
Parking numbers plan received 10th July 2015

Reason: In order to define the permission.

### **Pre-Commencement Condition(s)**

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

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

4. 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.

### **Pre-Occupancy and Other Stage of Development Condition(s)**

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

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

6. Prior to the use of the petrol filling station commencing all works detailed in Environmental Noise Survey and Petrol Filling Station Noise Assessment, ref: RF85025/NIA, dated: 11/11/14, prepared by: Noise Solutions Ltd, which form part of a scheme of works to protect the occupiers of nearby dwellings from noise, shall have been implemented and thereafter retained in accordance with the details submitted to and approved in writing by the Local Planning Authority.

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

7. Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR11

(Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

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

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

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

### **Other Compliance Conditions**

9. Plant and equipment shall be designed to ensure total plant noise levels (including any +5dB correction for tonality or impulsive noise) do not exceed the LA90 (5 minute) background noise level at any time, when measured at positions on the site boundary adjacent to any noise sensitive use.

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

10. The external PA system shall only be used in an emergency and shall only be played within the commercial use hereby permitted in such a way that noise breakout does not exceed the prevailing ambient noise level by more than 3dB when measured at the site boundary;
  - a) as a 15 minute LAeq, and;
  - b) at any one third octave band centre frequency as a 15 minute LZeq.

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

11. No deliveries to the building shall be carried out between the hours of 21:00 to 08:00 hours Monday to Saturday and 16:00 to 10:00 hours Sundays and Public Holidays.

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

12. 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 within the site of the development between 21:00 hours and 08:00 hours Monday to Saturday and between 16:00 hours and 10:00 hours on Sundays and Public Holidays.

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

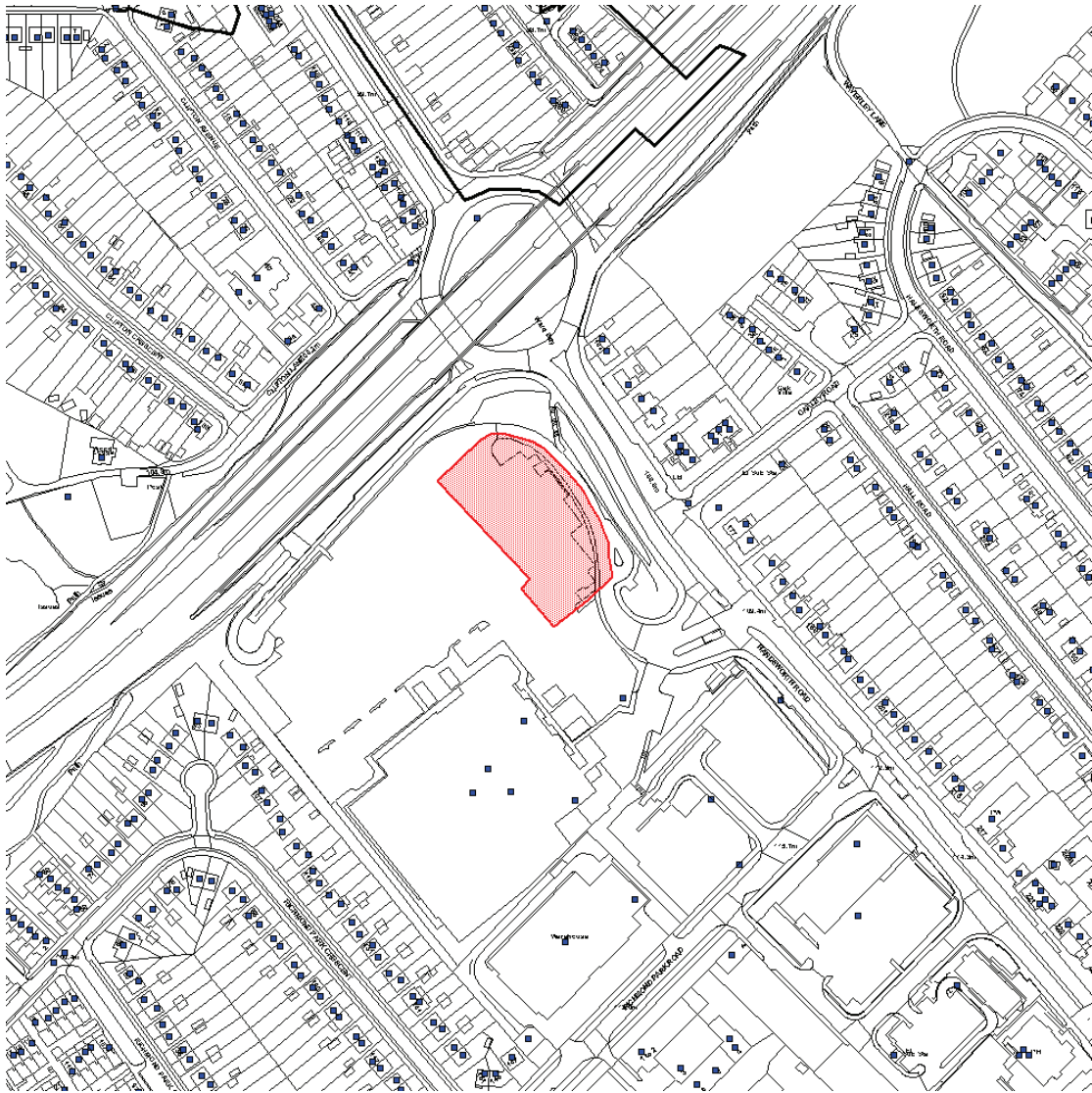
13. All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy, or unexpected contamination is encountered at any stage of 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.

**Attention is Drawn to the Following Directives:**

1. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document "Guidance Notes for the Reduction of Obtrusive Light (GN01: 2011)". This is to prevent obtrusive light causing disamenity to neighbours. The Guidance Notes are available for download from the Institution of Lighting Professionals' website, or telephone (01788) 576492.
2. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

Site Location



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## LOCATION AND PROPOSAL

The application site comprises of an Asda Supermarket, associated access and car parking. The site is located at the junction of Handsworth Road and the Sheffield Parkway.

Asda received planning permission in early 2014 to site a fully automated petrol filling station (PFS) on an adjacent but separate parcel of land in their ownership located on the corner of Handsworth Road and Richmond Park Road. Asda are now seeking an alternative solution to PFS provision within the existing store site.

This application seeks permission to erect a petrol filling station with kiosk and jet wash facility within the existing operational car park of the superstore adjacent to Handsworth Road.

Vehicular access to the site is currently gained from Handsworth Road via a signal controlled junction with a secondary access from the city bound slip road onto the Sheffield Parkway.

The application site is located in an allocated Fringe Industry and Business Area as defined in the Adopted Sheffield Unitary Development Plan.

The area surrounding the application site is mixed in character. The properties immediately opposite the site on Handsworth Road are primarily residential. Further to the south of the site on a higher plateau accessed from Richmond Park Road is a vacant parcel of land which has permission for an Asda PFS adjacent to which is a staff car park. The former Turner Business Park is located further along Richmond Park Road and accommodates an Aldi food store, a public house and a McDonald's drive thru restaurant.

## RELEVANT PLANNING HISTORY

10/04021/FUL – Reconfiguration of store car park, forecourt area and access road; creation of taxi lay-by; alterations to recycling area; provision of additional cycle parking and trolley bays, and associated works and landscaping – Granted Conditionally.

10/00273/FUL - Side extension, provision of additional mezzanine floorspace, alterations to car parking accommodation and associated works to supermarket - Withdrawn

07/04493/FUL - Extension to warehouse, erection of external stairway, erection of canopy, erection of single-storey extension to form home shopping pod, alterations to service yard, lengthening of existing pedestrian route and erection of boundary wall to service yard (In accordance with email dated 08.01.2008) – Granted Conditionally.

02/02805/LD2 - Installation of mezzanine floor (Application for Certificate of Lawfulness of Proposed Development) – Granted

On land adjacent to the superstore:-

13/04145/FUL - Erection of fully automated Petrol Filling Station (PFS) with jet wash facility and 12 additional staff parking spaces – Granted Conditionally.

#### SUMMARY OF REPRESENTATIONS

9 individual letters of representation have been received, 8 in objection and 1 in support. The issues raised are summarised as follows:

##### In objection

- Increase in traffic congestion in what is already a very busy area with existing traffic congestion issues.
- Increase in traffic pollution which is a health concern.
- Increase in light pollution and associated noise issues from the operation of the petrol station.
- Safety concerns from the tanks and petrol station being located in an elevated position which would be dangerous for the public, particularly given the proximity of the Sheffield Parkway.
- A number of applications have been made in the past for a petrol station.
- The petrol station will remove parking spaces which are already at a premium.
- No replacement parking is proposed.
- There are a number of other petrol stations in the area and another one is not needed.
- Increase in traffic will give rise to highways safety concerns as a number of people including school children cross the road in this area.
- Only 1 site notice was posted.
- The proposal will lead to an increase in litter which is already a problem associated with Asda.
- Safety concerns with the storage of such large quantity of fuel so close to residents.
- Inconsistencies between the Air Quality assessment and Transport assessment.

##### In support

- Asda are competitive of fuel prices which will drive down the price at other local petrol stations.
- The proposal will create a 24 hour convenience store and create several new job opportunities.

## PLANNING ASSESSMENT

### Policy Issues

Within the Unitary Development Plan the site is designated as a Fringe Industry and Business Area. The existing supermarket and car parking is an established use in the policy area.

Policy IB6 'Development in Fringe Industry and Business Areas' which identifies preferred, acceptable and unacceptable uses in the policy area identifies petrol filling stations as an acceptable use provided they are located on a Strategic Road. Handsworth Road is a Dual Carriageway which carries large volumes of traffic; however it is not identified in the UDP proposals map as a Strategic Road. As such in accordance with policy IB6 the proposed erection of a petrol filling station, which is a Sui generis use must be considered on its individual merits.

Petrol filling stations are often now considered integral parts of the retail offer of a large supermarket and as such there is not considered to be any objection in principle to accommodating a PFS alongside the existing operational supermarket subject to the consideration of highways, air quality, design and amenity issues.

### Design and Layout issues

Policy BE5 of the UDP relates to building design and siting and advises that good design and the use of good quality materials will be expected in all new developments. It seeks to achieve original architecture and a design on a human scale with varied materials that break down the overall mass of development. Policy CS74 of the SDF Core Strategy, which relates to design principles, advises that high-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods. Policy IB9 (c) also seeks that developments are well designed with buildings and storage of a scale and nature appropriate to the site.

The existing car park is elevated above Handsworth Road and it is proposed to site the PFS within the northern corner of the car park adjacent to Handsworth Road. The existing site access from Handsworth Road will remain unaltered with some minor changes to the internal access road to accommodate access to the PFS. The PFS includes a small single storey service kiosk, a flat roofed canopy which provides cover to the 12 petrol pumps with ancillary jet wash facility.

Although the PFS will occupy an elevated position above Handsworth Road it will largely be viewed in the context of the existing superstore and established operational car park. The PFS is set back approximately 24 metres from the Handsworth Road frontage of the site behind the established site landscaping and existing internal service road, as such it is not considered to appear prominent or obtrusive in the street scene or to detrimentally affect the visual amenities of the locality. In light of the above the proposal is considered acceptable from a design perspective and complies with policies BE5, CS74 and IB9.



## Amenity Issues

Policy IB9 (b) seeks to ensure that development does not cause residents to suffer from unacceptable living conditions. The building is well separated from noise sensitive uses (residential properties). The closest residential properties are located on the opposite side of Handsworth Road.

Handsworth Road is a busy arterial route in the city and as such there are relatively high background noise levels in the area already associated with traffic and the existing operation of the superstore and other commercial uses in the area. The existing superstore operates 24 hours a day Monday from 0700 hours to Saturday 2200 hours and between 1000 and 1600 hours on a Sunday. The applicant is seeking flexibility to operate the PFS 24 hours a day with 'out of hours' service available through a 'pay an pump' facility. In addition to the main superstore there are other premises in the locality that operate on a 24 hour basis including a drive through restaurant. The proposed PFS is not considered to attract a significant number of new customers or generate a large volume of vehicles movements, particularly in the late evening or early morning that would give rise to any significant noise and disturbance issues.

Furthermore due to the location of the PFS within the existing store car park and the site's distance and separation from the closest noise sensitive residential properties which are located on the opposite side of Handsworth Road the operation of the PFS is not considered to give rise to any significant noise and disturbance issues.

Concerns have been raised with regard to increase in light pollution and associated impact on amenity of residents as a result of the development. The existing car park is already lit and any new lighting will be directional minimising any light spillage from the site. Handsworth Road and the adjoining Sheffield Parkway are also illuminated by established street lights and as such any new lighting is not considered to harm the amenity of residents. In view of the above the proposal is considered to comply with Policy IB9.

## Highways

Policy IB9 part (f) seeks to ensure that new development is adequately served by public transport facilities and provides safe access to the highways network and appropriate off street parking. The applicant has submitted a transport assessment and separate justification in support of the application to demonstrate that the addition of the proposed PFS will not detrimentally affect the operation of the adjoining highway network or lead to a shortage of on-site car parking.

## Traffic generation

The format and layout of the proposed PFS is similar to that already approved on adjoining land under planning ref: 13/04145/FUL. The TA supporting this application identifies that the trip generation associated with the proposed PFS within the ASDA car park will be substantially lower than that generated by the permitted standalone PFS.

The TA identifies, based on data from other operational Asda stores with on-site PFS's and data from TRICS that approximately 70% of the trips to the PFS are not new trips on the network but are linked or associated with an existing shopping trip to the supermarket. The remaining 30% of trips are considered to be new fuel only trips generated by the PFS i.e not associated with an existing shopping trip. However a number of these new trips are considered to be pass-by trips from vehicles already on the network that visit the PFS as they pass by rather than purposely setting out to go to the PFS. The TA identifies that taking account of the deductions for pass by trips the PFS will generate 29 new trips in the weekday peak (1700-1800 Hours) and 43 in the weekend peak (1200-1300 hours), which is substantially less than the consented scheme which was anticipated to generate 97 trips in the evening peak and 100 during the peak weekend peak hour. The proposal therefore generates significantly less traffic or trips on the network than the consented PFS and therefore the proposal is not considered to give rise to any harmful highways issues or significant increase in congestion which would detrimentally affect to the operation of the highway network.

#### Parking and layout

The existing Handsworth Road signalised junction and Parkway slip road access will remain unchanged as part of the development. Minor alterations to part of the internal site access road are required to accommodate the entrance and exit to the PFS. These changes include the provision of a new dedicated lane into the PFS from the site access road, which in the event of a queue forming at the PFS will reduce the likelihood of vehicles affecting customers trying to gain access to the main superstore car park preventing queuing back through the signalised junction onto Handsworth Road.

Members may recall that Asda gained permission in 2010 (planning ref: 10/04021/FUL) to reconfigure the car parking in order to resolve issues with the inefficient layout, difficulties with manoeuvring and to provide an additional 86 car parking spaces due to a perceived shortage of customer car parking. These works increased site car parking provision to 702 spaces in total following which a further application was granted to enable a click and collect service to operate from the store which resulted in a minor reduction in overall parking provision.

In order to accommodate the proposed PFS 66 of the 86 parking spaces added under the 2010 application are now proposed to be removed. The applicants have undertaken car parking surveys in March, May and June 2014 and in April 2015 to establish the current demand for parking spaces at the store. The submitted data demonstrates that with the PFS in place over 100 spaces remain available for customers in the evening peak. The Saturday peak is typically considered to be the busiest time at the store and the survey data suggests that with the PFS in place between 36 and 92 spaces will still be available for customers. The applicants have stated that demand for car parking at the store has fallen since 2010 and as such the PFS can be accommodated without creating parking issues that would impact the operation of the adjoining highways network. The applicants have identified a number of issues that have led to a reduction in car parking demand at the store, including changes in shopping habits of customers, the introduction of a click and

collect service, the opening of other stores in the area and a reduction in trade at the store, these issues are explained in more detail below.

Asda have provided data to the council which shows that the total number of customer transactions at the store has fallen by 15,000 from 75,000 per week in 2010 to 60,000 per week in 2015, this drop in transactions would lead to an obvious reduction in demand for car parking provision on site as less customers come to the store. Since 2010 a new superstore has opened in the catchment area of the Handsworth store which has reduced customer numbers. The new Asda store at Mosborough is located within the secondary catchment area for the Handsworth store and as such the new Mosborough store has attracted customers who may have previously travelled to Handsworth to do their shopping. The supporting information for the application for the Mosborough store (10/04024/OUT) identified that the new store expected to divert up to 25% of convenience trade away from the Handsworth store. Netto conversions to ASDA at Manor Top and Queens Road may also have also resulted in some further trade diversion from the Handsworth store. The applicant has also identified that changes in shopping patterns including the growth of home delivery services which generates no customer trips to the store and the click and collect service which allows customers to order their shopping online and then simply drive to store at an allocated time for collection, which has resulted in fewer customers visiting the store, reducing parking demand.

Although the parking demand during the peak hour on Saturday remains relatively high the applicant has demonstrated that adequate car parking provision will remain available for customers. Taking account of the evidence put forward regarding the reduction in customer transactions at the store and changes in shopping habits which has resulted in a drop in demand for car parking spaces at the site, it is considered that the loss of 66 of the 86 car parking spaces added in 2010 to accommodate the on-site PFS would not result in an unacceptable reduction in on-site parking provision. The proposal is not therefore considered to detrimentally affect the safe operation of the site or the operation of the adjoining highways network.

This proposal results in a car parking ratio of 1 space per 23 sqm gross floor area based on the store's current gross floor space of 14,780 sqm. The government has removed requirements for Local Planning Authorities (LPA's) to impose maximum parking standards. Current Council parking standards are under review but remain relevant to the consideration of this application. They currently require car parking provision for developments in excess of 7000 sq m gross floor area to be decided on their individual merits. In light of the issues discussed earlier the overall provision is considered acceptable for this site.

The applicant has submitted a tracking drawing demonstrating that suitable on-site turning provision is provided for tanker delivery and servicing of the site. The proposal is therefore considered to comply with policy IB9.

## Air Quality Issues

Policy CS66 of the Core Strategy also advises that action to protect air quality will be taken in all areas of the City and action to improve air quality will be taken across the built up area and particularly where residents in road corridors with high levels of traffic are directly exposed to levels of pollution above national targets.

The Council has presently designated an Air Quality Management Area (AQMA) for Nitrogen Dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub>) for the whole of the urban area of Sheffield and Handsworth Road is an area that is considered to be particularly affected by road traffic pollution due to the volumes of traffic using Handsworth Road and the surrounding highways network. The applicant has submitted an air quality assessment in support of the application. Given the very limited increase in traffic generation and the minimal highways impact of the development, the proposal is not considered to have any detrimental impact on local air quality or cause a breach of any of the health based standards with regard to particulate matter and nitrogen dioxide. The proposal is therefore considered acceptable from an air quality perspective.

## RESPONSE TO REPRESENTATIONS

In relation to issues to do with litter in the area, the proposal is not considered to give rise to any specific increase in litter. Any issues associated with the current store are a management issue for the store operators.

The inconsistencies between the Air quality assessment and Transport assessment have been corrected through the submission of updated reports.

It is not the Council's role to prevent competition between petrol station operators or put limits on the number of petrol stations in a certain area.

Appropriate and safe construction of the PFS and storage of fuel will be secured through building regulations and other legislative controls outside the planning process.

Three site notices were posted outside the site on Handsworth Road and 37 individual neighbour notification letters were sent to directly affected properties.

## SUMMARY AND RECOMMENDATION

This application seeks full planning permission to erect a Petrol Filling Station (PFS) within the car parking area of ASDA Handsworth.

The site is in an allocated Fringe Industry and Business Area within the adopted UDP and the addition of a PFS to an established supermarket is considered acceptable in principle the main issues for consideration are highways, amenity, design and air quality.

The proposal will result in the removal of 66 car parking spaces from the site, however the applicant has provided evidence from car parking occupancy surveys

and identified that as a result of trade diversion to other stores and changes in shopping patterns that parking demand can be accommodated without harm to the operation of the site or adjoining highways network with the PFS in place. Traffic generation from the development is minimal and less than that previously approved in 2013 for an ASDA PFS on an adjoining site. The limited highways impacts ensure that the development does not detrimentally affect air quality.

The proposals do not give rise to any amenity issues for adjoining sensitive or residential uses the PFS is set back some 24 metres from the site frontage and appropriate landscaping is retained to the site perimeter to ensure that the development does not detrimentally impact upon the appearance of the street scene or the visual amenities of the locality.

Overall, it is therefore concluded that the proposed development is in accordance with current local and national planning policy and the application is therefore recommended for approval subject to conditions.

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## SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

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**Report of:** Director of Regeneration & Development Services

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**Date:** 28 July 2015

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**Subject:** Enforcement Report  
1 Priory Road, Ecclesfield, Sheffield S35 9XY

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**Author of Report:** Brendan Gillespie

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### Summary:

To inform committee members of additional enforcement requirements to a recently presented Planning Report and to make recommendations on any further action required following its decision

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### Reasons for Recommendations:

To remedy the breach of Planning Control

### Recommendations:

That the Director of Regeneration & Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised non- illuminated fascia name signs at 1 Priory Road, Ecclesfield, Sheffield S35 9XY

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

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### Background Papers:

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**Category of Report:** OPEN

## **ENFORCEMENT REPORT**

### **ADDITIONAL ENFORCEMENT INFORMATION IN RESPECT TO RECENT PLANNING REPORT AT 1 PRIORY ROAD, ECCLESFIELD, SHEFFIELD FOR THE RETENTION OF NON- ILLUMINATED FACIA NAME SIGNS**

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

- 1.1 To inform committee members of additional enforcement requirements to a recently presented Planning Report and to make recommendations on any further action required following its decision.

#### **2. BACKGROUND**

- 2.1 At the 5 May 2015 Planning and Highways Committee a report was presented for the retention of non –illuminated fascia name signs at 1 Priory Road, Ecclesfield.
- 2.2 Authority was sought and granted at this meeting to refuse this application with enforcement action, if it was necessary to do so. A copy of this report is summarily attached for Members attention.
- 2.3 Although members were requested to authorise officers to take all necessary action, including enforcement action to ensure the signs removal, authority is also required in this case for officers to institute 'legal proceedings' for a possible prosecution, if it is necessary to do so.
- 2.4 It is illegal to display any advertisement that does not meet the Town and Country Planning Act (Control of Advertisements) Regulations 2007

#### **3.0 RECOMMENDATIONS**

- 3.1 That the Director of Regeneration & Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised non-illuminated fascia name signs at 1 Priory Road, Ecclesfield.



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

Maria Duffy  
Head of Planning Service

8 July 2015

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## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Director of Regeneration & Development Services

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**Date:** 28 July 2015

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**Subject:** Quarterly overview of enforcement activity

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**Author of Report:** Khalid Mahmood

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

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### **Reasons for Recommendations:**

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

### **Recommendations:**

That members note the report.

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### **Background Papers:**

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**Category of Report:** OPEN

## REGENERATION & DEVELOPMENT SERVICES

### REPORT TO PLANNING AND HIGHWAYS COMMITTEE

28 JULY 2015

#### QUARTERLEY OVERVIEW OF ENFORCEMENT ACTIVITY

##### 1. PURPOSE OF THE REPORT

1.1 This is the quarterly report to inform members of the work being undertaken by the Planning Enforcement Team. The period covered runs from 1<sup>st</sup> April 2015 to 30<sup>th</sup> June 2015.

##### 2. ACTIVITY DURING THE QUARTER

2.1 A total of 164 enforcement complaints were received, out of these 49% were concerned with unauthorised development and use, and 32% were failure to comply with planning conditions or approved plans. The percentage of cases involving Section 215 untidy land/buildings was 10%, unauthorised advertisements including hoardings were 5% and all other complaints were 4%.

2.2 The number of cases resolved within the target of 6 months was 60% of all the cases closed in the period. The 60% Service target for cases closed within 6 months has been achieved. 138 cases have been closed in this quarter which is an increase of 17% of which 59% have been remedied or made acceptable.

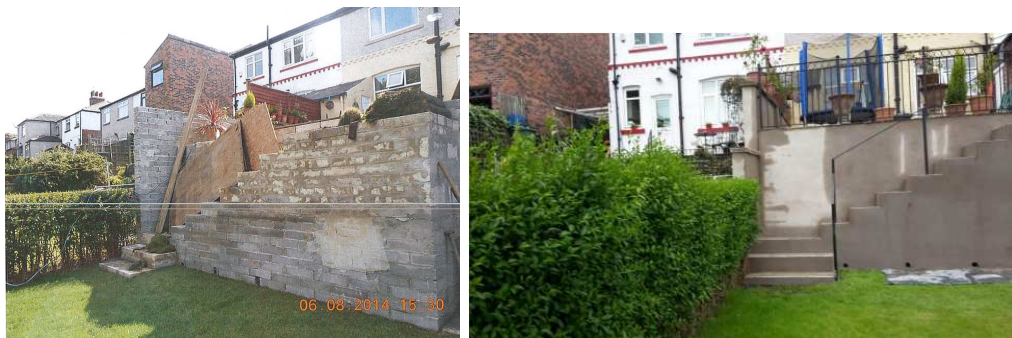
2.3 The table below shows the number of formal Notices served and prosecutions carried out within this period and the previous three quarters as well as the years 2013 and 2014 to show trends: -

Notice type	Year 1 <sup>st</sup> Jul 2013 to 30 <sup>th</sup> Jun 2014	Year 1 <sup>st</sup> Jul 2014 to 30 <sup>th</sup> Jun 2015	Quarter 2 1 <sup>st</sup> Jul – 30 <sup>th</sup> Sep 2014	Quarter 3 1 <sup>st</sup> Oct – 31 <sup>st</sup> Dec 2014	Quarter 4 1 <sup>st</sup> Jan – 31 <sup>st</sup> Mar 2015	Quarter 1 1 <sup>st</sup> Apr – 30 <sup>th</sup> Jun 2015
Breach of Conditions	12	15	2	5	2	6
Discontinuance (adverts)	0	11	0	11	0	0
Enforcement	11	17	2	5	4	6
Stop	0	0	0	0	0	0
Temporary Stop	2	3	1	0	0	2
Section 215 (untidy land)	5	7	0	2	4	1
Section 225 (signs)	43	14	4	0	5	5
Total Notices Served	73	67	9	23	15	20
Prosecutions	8	7	2	2	1	2

2.4 The number of Enforcement and Breach of Condition Notices served in the last 12 months has increased compared to the previous year. However, many more cases are resolved through negotiation, as in the case of a householder who had built a 2.6m high concrete block side boundary wall, the complainant had concerns that it was both overbearing and unsightly. The matter was investigated and the property owner was advised that planning permission was required for the wall because it was more than 2m high. An application was subsequently submitted, for planning permission, which resulted in the wall being lowered and rendered to make it more visually acceptable. In some cases this is much quicker and less time consuming than using formal Notices.

Before

After



2.5 The table below shows the number of complaints received in the last year 2015 and the previous year 2014:-

Year 1 <sup>st</sup> July 2013 – 30 <sup>th</sup> June 2014	Year 1 <sup>st</sup> July 2014 – 30 <sup>th</sup> June 2015
676	630

2.6 There continues to be a drop in the number of new cases received over the last 12 months compared to the previous 12 months. It is expected that over time the changes implemented last year will bring the numbers of new cases reported to a constant level.

2.7 Officers have recently had prosecution training, which has enabled them to gain a better understanding in preparing statements and the amount and type of evidence required for a successful prosecution. This will both give further confidence to officers and also support them to be more successful in future prosecutions.

### 3. CONCLUSION

3.1 The six month service target has been met and the number of Notices served the last quarter and the number of cases closed has increased.

### 4. RECOMMENDATION

4.1 It is recommended that Members note the report.

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## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Director of Regeneration & Development Services

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**Date:** 28 July 2015

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**Subject:** Enforcement Report

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**Author of Report:** Khalid Mahmood

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

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### Reasons for Recommendations:

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

### Recommendations:

That members note the current progress on actions

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### Background Papers:

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**Category of Report:** OPEN

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

### Report abbreviations

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

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

NO	SITE	BREACH	DATE OF BOARD RESOLUTION/ DELEGATED AUTHORITY	CURRENT SITUATION
1.	55 Bawtry Road S9	External wall insulation	24/06/2014	<b>08/07/2015 - An EN has been served on 25/06/2015 comes into effect on 27/07/2015 unless appeal is made and needs to be complied by 27/11/2015.</b>
2.	38 Hatherley Road S9	External wall insulation	24/06/2014	<b>08/07/2015 – An EN has been served on 25/06/2015 comes into effect on 27/07/2015 unless appeal is made and needs to be complied by 27/11/2015.</b>
3.	Units 6A & 6B Junction 34 Industrial Estate Greasbro Road S9	Condition 6 relating to vehicle movement delivering and picking up	19/05/2015	<b>08/07/2015 – A BCN has been served on 01/06/2015 and came into effect on the 28/0/2015. It is currently being complied with – Monitor.</b>

4.	1 Blackmore Street,	Re-roofing of a listed building	16/06/2015	<b>08/07/2015 – Details have been sent to legal and admin to serve an EN</b>
5.	751 Attercliffe Road, S9 3RF	Untidy property	31/03/2015	<b>08/07/2015 – Notice has not been complied with – quotes to be obtained for works in default.</b> 20/04/2015 – A S215 Notice has been served, still within compliance period (01/05/2015).
6.	8 Delves Place, S12 2AG	Untidy Land	25/03/2015	<b>08/07/2015 – Some work has been done but not enough to comply with Notice – Costs to be obtained for works to be carried out in default.</b> 20/04/2015 – A S215 Notice has been served, still within compliance period (27/04/2015).
7.	Rear of 784 Attercliffe Road, S9 3TJ	Unauthorised use as a storage yard	24/03/2015	<b>08/07/2015 – EN has been served on 23/04/2015, takes affect 25/05/2015 unless an appeal is made against it 12 week compliance period.</b>
8.	20 Dovercourt Road, S2 1UA	Untidy front and rear garden	20/11/2014	<b>08/07/2015 – Witness statements have been done and sent to litigation.</b> 20/04/2015 – The Notice has not been complied a prosecution file is being prepared. 19/01/2015 – A S215 Notice has been served and needs to be complied with by 14/12/2014. A reminder letter to be sent.



9.	33 Pavilion Way, S5 6ED	Unauthorised single storey side and rear extension	09/12/2014	<b>08/07/2015 – Appeal against the planning application has been allowed conditionally – Condition requires plastic to be replaced by brickwork within 6 months – Deadline 16/10/2015 - Monitor</b> 20/04/2015 – The planning application was refused on 17/03/2015 and an appeal has been lodged on the 01/04/2015. 19/01/2015 – Application (15/00183/FUL) has been submitted on 15/01/2015 for retention and alterations to design and materials, and is in the process of being logged on the system.
10.	17 Market Street, Woodhouse, S13 7PD	Breach of Condition	17/11/2014	<b>08/07/2015 – Conditions have been discharged except condition 10 relating to level threshold – NFA as the original complaint was about the opening hours.</b> 20/04/2015 – A condition discharge application (12/00194/COND1) has been submitted and is pending consideration. 16/01/2015 – Notice has been served and has not been complied with – reminder letter to be sent.
11.	Sheiks, 274 Glossop Road, S10	Breach of Condition 3 – the shelter needs to be removed	25/09/14	<b>08/07/2015 – Prosecution Statement to be done.</b> 20/04/2015 – BCN has been served and has not been complied with, meeting has been arranged with litigation to discuss this issue. The premises are currently not being used. 09/10/14 – BCN has been drafted and is with legal Services.

12.	11 Advertisement Hoardings in Wincobank Area	Unauthorised Advertisement Hoardings	22/04/14	<p><b>08/07/2015 – Awaiting outcome of appeals.</b> 20/04/2015 – Appeals have been lodged against all 11 DN's statements being done. 16/01/2015 – DN have been served on 09/12/2014 and come into effect on the 03/02/2015. 09/10/14 – Discontinuance Notice (DN) 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.</p>
13.	20 Paddock Crescent, Sheffield, S2 2AR	Unauthorised erection of fence at front and decking at rear of property	11/03/14	<p><b>08/07/2015 – The height of the fence/gate and posts have been reduced to an acceptable level - NFA</b> 20/05/2015 – Due in court on the 21/05/2015. 16/01/2015 – The front of the fence facing the highway has been reduced to an acceptable level. However the side panels have not been reduced. A final letter has been sent by Legal to get the owner to reduce the height of the side panels to an acceptable level – Monitor. 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.</p>

14.	42 Dundas Road, Tinsley, S9 1SY	Unauthorised external flue	15/10/13	<p><b>08/07/2015 – The owner did not attend Court the case was adjourned to 13/08/2015.</b> 20/05/2015 – Due in Court on the 21/05/2015. 16/01/2015 – legal to be instructed to prosecute and witness statement to be done. 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.</p>
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15.	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><b>08/07/2015 – BCN is to be served in the next few days.</b> 16/01/2015 – Reminder letter has been sent and no details received. A BCN to be served. 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>
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16.	484 Staniforth Road, Darnall, S9 3FW	Unauthorised roof extension	25/01/2010	<p><b>08/07/2015 – Statement to be done for prosecution.</b> 20/04/2015 – No response received from the owners after the reminder letter had been sent the matter will now be reported to litigation for prosecution. 16/01/2015 – A reminder letter has been 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 2<sup>nd</sup> 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

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**Report of:** Director of Regeneration & Development Services

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**Date:** 28 July 2015

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**Subject:** Enforcement Report

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**Author of Report:** Khalid Mahmood

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

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### Reasons for Recommendations:

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

### Recommendations:

That members note the current progress on actions

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### Background Papers:

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**Category of Report:** OPEN

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## UPDATE ON LIVE ENFORCEMENT CASES IN SOUTH AREA

### 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.	Tesco Express, Clan House Turner's Lane, S10	Condition 4 relating to the management plan	15/04/2015	<b>13/07/2015 – BCN has been served on 08/05/2015 and needs to be complied with by 04/06/2015 – assurances have been given that the condition will be complied with - Monitor</b>
2.	24 Park Lane, S10	Condition 9 relating to landscaping	23/04/2015	<b>13/07/2015 – BCN has been served on 30/04/2015 and needs to be complied by 27/05/2015 – BCN has not been complied with. File to be prepared for</b>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<b>prosecution.</b>
3.	352 Sharrow Lane	Unauthorised replacement of windows	29/05/2015	<b>13/07/2015 – EN has been served on 29/06/2015 and needs to be complied with by 16/11/2015.</b>
4.	414 London Road, S2 4ND	Unauthorised Canopy	09/12/2014	<b>13/07/2015 – EN has been served 16/01/2015 comes into effect on 16/02/2015 and needs to be complied with by 16/03/2015 – Most of the Notice has been complied with - Monitor</b>
5.	215 -219 Fulwood Road, S10	Unauthorised roller shutter	03/03/2015	<b>13/07/2015 – EN has been served on 09/04/2015, takes effect 11/05/2015 and compliance by 31/08/2015.</b>
6.	166 Abbeydale Road, S7	Unauthorised canopy	03/03/2015	<b>13/07/2015 – EN has been served on 09/04/2015 and takes effect on 11/05/2015 and compliance by 31/08/2015. 22/05/2015 – EN has been served on the 09/04/2015, comes into effect on the 11/05/2015 unless an appeal is made (16 week compliance period).</b>
7.	13 College Street, S10 2PH	Unauthorised replacement of roof tiles within an Article 4 Area	11/04/2014	<b>13/07/2015 – Prosecution file being prepared for litigation. 20/01/2015 – The time period for compliance has expired and reminder letter to be sent.</b>
8.	Vestry Hall 80 Crookesmoor	Untidy Grade 2 Listed building	16/10/2014	<b>13/07/2015 – Appeal has been lodged and is due in Court on the 11 August for</b>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
	Road Sheffield S6 3FR			<b>full hearing.</b> 19/01/2015 – A S215 Notice has been served on the 16/10/2014. An appeal has been made. Statements being done for hearing in Court.
9.	245 Ecclesall Road Sheffield S11 8JE	Breach of Condition 3 relating to premises opening beyond permitted hours and condition 6 relating to amplified sound	25/10/2014	<b>13/07/2015 – Found guilty and fined a total of £150, surcharge £20, costs £150 and (Criminal Court Charge) of £150 – total £470.</b> 22/04/2015 – Due in Court on the 21/05/2015. 19/01/2015 – A BCN has been served, the Notice is not being complied with. Witness statements being done for prosecution.
10.	140-142 Abbeydale Road, S7 1FF	Unauthorised canopy	16/09/2014	<b>13/07/2015 – File being prepared for prosecution.</b> 22/04/2015 – The EN has not been complied with reminder letter to be sent if no response the matter will be reported for prosecution. 16/01/2015 – EN has been served on 30/10/2014 and needs to be complied with by 19/03/2015.
11.	755-757 Abbeydale Road, S2 7BG	Unauthorised canopy	16/09/2014	<b>13/07/2015 – File being prepared for prosecution.</b> 22/04/2015 – Planning application has been granted for new alternative canopy. Reminder letter to be sent asking to remove existing unauthorised canopy, if no response the

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>matter will be reported for prosecution. 16/01/2015 – EN has been served on the 30/10/2014 and needs to be complied with by 16/03/2015. Planning permission for retractable canopy has been granted (14/04380/FUL) – Monitor 14/10/2014 – Negotiations ongoing with owner to submit a planning application within 21 days for a more acceptable canopy.</p>
12.	44 Grange Crescent, Nether Edge, S11 8AY	Unauthorised replacement of windows, roof tiles, guttering, door and repainting of headers, sills and architectural feature	07/02/2011	<p><b>13/07/2015 – Fined £200, £150 Costs and £20 Surcharge. Letter to be sent giving new deadline to comply with Notice.</b></p> <p>22/04/2015 – Due in Court for 2<sup>nd</sup> prosecution in June 2015. 16/01/2015 – Witness statement being prepared for prosecution. 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 complied with then the matter will be reported for 2<sup>nd</sup> 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.</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
13.	166, 223-225, 234, 235, 243-245 and 280 Abbeydale road, S7	Illegal Signs	16/09/2014	<b>13/07/2015 – Property no 280 due in Court in August 2015 and with regards to other properties officers are trying to identify the owners before reporting to prosecution.</b> 16/01/2015 –Occupier details being identified before the matter is reported for prosecution. 14/10/2014 - Writing to owners/occupiers to advice of pending prosecution - locating up to date contact details for each property.
14.	31 Moor Oaks Road, S10 1BX	Unauthorised replacement front door and frame	26/08/2014	<b>13/07/2015 – A replacement door details have been agreed if no progress made to replace door then prosecution file to be prepared.</b> 22/04/2015 – Appeal has been dismissed within compliance period. 16/01/2015 – EN has been served on 14/11/2014 came into effect on the 12/12/2014 and needs to be complied with by 06/03/2015. The appeal against the planning application has been dismissed. – Monitor. 14/10/2014 – EN with legal, due to be served shortly
15.	9 & 11 Moor Oaks Road, S10 1BX	Unauthorised replacement front doors and frames	26/08/2014	<b>13/07/2015 – Prosecution file to be prepared.</b> 22/04/2015 – Planning application appeal has been dismissed,

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				within compliance period. 16/01/2015 – EN has been served. An appeal has been made. 14/10/2014 – 2 EN's with legal, due to be served shortly
16.	20 Glen Road, S7 1RA	Unauthorised replacement driveway	15/07/2014	<b>13/07/2015 – Prosecution file being prepared for prosecution.</b> 22/04/2015 – The owner has assured officers that work will be done in the next few weeks. 16/01/2015 – It has been agreed that works will be carried out by the end of March 2015. 14/10/2014 EN served 23/09/14 takes effect 23/10/14 -
17.	12 & 14 Crookes Road, S10 1GR	Unauthorised replacement roof tiles, fascia and guttering	28/01/2014	<b>13/07/2015 – EN to be served.</b> 22/04/2015 – 16/01/2015 – The owner is not making sufficient progress to carry out the works required, therefore an EN is being prepared and will be served asap. 14/10/2014 Roof replacement underway 23/07/2014 - Works underway – agreed not to serve EN as committed to resolve the issue.
18.	261, 269 & 271-273 Fulwood Road, S10	Unauthorised replacement windows	17/12/2013	<b>13/07/2015 - Appeal has been dismissed still within compliance period.</b> 16/01/2015 – the appeal has been dismissed on 21/01/2015 - 6 Month

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				compliance period. . 06/03/14 - Appealed EN. Appealed refusal 13/02/2014 EN served, appealed under same grounds. Application refused with authority to serve EN
19.	95 Brunswick Street, S10 2FL	Non-compliance with planning conditions	14/03/2014	<b>13/07/2015 – Application has been submitted (15/01608/FUL).</b> 22/04/2015 – The works in relation to the light well has been carried out – a new application to be submitted to vary condition with regards to the landscaping scheme. 16/01/2015 – Work is being carried out to comply with the Notice - Monitor. 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.
20.	Land Between 1 To 3 and No 5 And 7 Dover Road S11 8RH	Erection of an Unauthorised wall	11/03/2014	<b>13/07/2015 Still within compliance period (until October 2015)</b> 22/04/2015 – Appeal has been dismissed still within compliance period. 16/01/2015 - Awaiting Planning Inspector decision. 18/07/2014 – Appeal Statements submitted. 1/06/2014 Appeal Lodged. 09.04.2014 – EN served

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
21	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.	05/11/2013	with 6 month compliance period. <b>13/07/2015 – Advice from litigation is that as the company is registered in Isle of Man it is outside of the jurisdiction of the Court and prosecution is not possible. A letter to be sent threatening direct action as an alternative to prosecution.</b> 22/04/2015 – Due in Court on the 21/05/2015. 16/01/2015 – Witness statement being prepared for prosecution. 16/06/2014 – Notice has not been complied with, a reminder letter has been sent to the person in control of the property. 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.
22	Whirlow Elms Chase, S11 9RQ	Breach of Condition 3 – relating to the minimum	03/10/2013	<b>13/07/2015 – Legal advice is that we cannot make the owner of the site</b>



NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
		standard of Code Level for Sustainable Home Level 3 and 15 relating to the removal of the caretakers house before the occupation of the dwellings		<p><b>remove the former caretaker's outbuilding as there is no strong evidence to suggest that outbuilding was part of the caretaker's house. With regards to the outstanding code 3 conditions, whilst at this stage it cannot be demonstrated that it has been complied with, it is considered unreasonable to pursue further enforcement as energy efficiency measures have been employed and it is not now possible to retrospectively address the issue at reasonable cost. In addition, action would potentially affect the individual householders, therefore recommend NFA.</b></p> <p>22/04/2015 – Case meeting to be held with Legal Services for advice on alternative action. 16/01/2015 – Condition 3 – The developer is discussing with Planning Officer for an alternative approach to condition. With regards to condition 15 – the main building has been removed but part of the building remains. Legal advice being sought regarding potential prosecution regarding this condition. 14/10/2014 – with regards to</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				Condition 3 - the developer was convicted and fined £750, SCC awarded costs £1000 and surcharge of £75.
23	6 Rosamond Place, S17 4LX	Breach of Condition 2 – Landscaping.  Breach of Condition 1 – Completion of Development	20/02/2013	<b>13/07/2015 – Case adjourned again due to owner being away on holiday. Rescheduled for 13<sup>th</sup> August 2015.</b> 22/04/2015 – Case has been adjourned until June 2015, due to extenuating circumstances. – Monitor. 14/10/2014 – All paperwork with litigation ready for a 2 <sup>nd</sup> prosecution. 22/07/2014 – Although application determined, No works carried out on site, so matter to be reported for 2 <sup>nd</sup> prosecution again. 01/05/2014 – 2 <sup>nd</sup> prosecution held back as the Owner submitted the necessary application. 07/04/2014 – Awaiting a court date for the 2 <sup>nd</sup> 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 <sup>nd</sup> 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.
24	Swanky Franks 722A Chesterfield Road	Non-compliance with a planning condition to clad an extraction flue	13/02/2012	<b>13/07/2015 – Reserve BCN to all directors.</b> 22/04/2015 – S330 Notice has not been replied to and the matter to be reported for prosecution for non-compliance of S330 Notice. 16/01/2015 – Letter and S330 Notice has been sent to all Directors. 14/10/2014 – List of all Directors now obtained, new BCN's to be served on all of them. -
25	204 Chippinghouse Road, Nether Edge, S7 1DR	Unauthorised replacement of windows and door within an Article 4 area	13/08/2012	<b>13/07/2015 – The builder is in the process of getting the window replaced and the old door that was removed is to be put back.</b> 16/01/2015 – A reminder letter to be sent asking to replace the ground floor window and door to fully comply with the Notice. 14/10/14 – 1 <sup>st</sup> floor windows have been replaced as agreed. A further 6 month from April agreed before the ground floor windows and door is replaced. 14/01/14 – The upstairs windows have been manufactured and ready to be installed. 06/11/13 – In discussions with

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				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.
26	7 Greenfield Drive, S8 7SL	Unauthorised signage on display	26/09/2011	<b>13/07/2015 – To be reported for prosecution.</b> 22/04/2015 – A letter to be sent asking to remove sign within 21 days, if not removed then report for prosecution. 16/01/2015 – The Section 330 Notice has not been returned a reminder letter to be sent. 14/10/2014 –Letter and S330 notice to be served.
27	Ball Inn, Mansfield Road, S12 2AG	Unauthorised Hoarding	21/06/2010	<b>13/07/2015 – A DN to be served.</b> 22/04/2015 – S330 Notice has been served awaiting response. 16/01/2015 – Letter and S330 Notice to be served.
28	Old Whitelow Farm, Old Whitelow Lane, S17 3AG	Re-construction of a demolished redundant farm building	30/07/2008	<b>13/07/2015 – Planning applications to be determined</b> 22/04/2015 – New application (15/00564/FUL) has been submitted, await outcome before any further action is to be taken. 28/01/2015 – EN to be served. 15/10/2014 – Awaiting legal interpretation of legislation to ascertain whether the works are now immune from action due to

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				the four year rule or whether a second bite provision can be applied to this case.
29	Norfolk Arms Public House, Ringinglow Village, S11 7TS	Unauthorised fume extraction and Lighting Columns.	19/05/2008 & 21/09/2009	<b>13/07/2015 – New photographs to be taken and then statement to be done for prosecution.</b> 14/10/2014 –Reminder letter to be sent asking him to comply with notice within 28 days. If no response then prosecution file to be prepared.

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## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Director of Regeneration & Development Services

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**Date:** 28 July 2015

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**Subject:** Enforcement Report

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**Author of Report:** Lee Brook

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

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### **Reasons for Recommendations:**

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

### **Recommendations:**

That members note the current progress on actions

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### **Background Papers:**

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**Category of Report:** OPEN

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**UPDATE ON LIVE ENFORCEMENT CASES IN WEST AND NORTH AREA FOR QUARTER ENDED 30 June 2015**

**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.	Land at the junction of Bedford Street and Cross Bedford Street (Apts 1-19 The Hub), Sheffield, S6 3AT	<b>Failure to comply with conditions 17, 18, 19 of PP 12/00204/FUL</b> erection of a 6 storey development of 19 student apartments comprising 80 bedrooms,	9 <sup>th</sup> November 2012	<b>BCN served on 4<sup>th</sup> July 2015, requiring submission</b> further information to supplement the Remediation Strategy Report which confirms that the validation methodology for the capping system is in accordance with standard Environmental Protection Service and Local Planning Authority requirements, to enable the

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
				Council to approve the report in accordance with condition no. 17 and thereafter ensure that all development and associated remediation is carried out in accordance with the approved strategy as required by condition no. 18 and that in accordance with condition no. 19 any identified measures in the report are subject to a validation report.
2.	80 Hill Top Road	Failure to comply with condition 5 of PP 07/00729/FUL – Glazing to Dormer Window to be obscure glazed.	22/4/15	<b>Complied NFA action required.</b> BCN served 22/4/15, requires glazing to be obscure within 30 days.
3.	110 Bolsover Road	Unauthorised external wall insulation added to front and rear walls of house in breach of the materials condition in the planning permission under PD.	11/12/14	<b>09/07/15 - Legal proceedings being prepared &amp; should be underway by next update – for failure to comply with BCN.</b> BCN served 29/1/15, requires Replacement of the unauthorised cream

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
				render material, installed over what was previously visible red brick and stone on the front elevation, with materials that are similar in appearance to the original red brick and stone. <b>Compliance required by 21/5/15.</b> Jan 2015, Seeking legal advice about construction of BCN
4.	523 Loxley Road	Unauthorised Car Port erected at rear of house, which includes a balcony roof.	09/12/14	<b>Appeal lodged against EN, process underway.</b> EN served 19/2/15. It requires removal of canopy & balcony by 15/5/15. Dec '14 – Legal services instructed to prepare EN for removal of whole development. Retrospective application to retain balcony aspect only, refused 23/12/13 & subsequent appeal dismissed on 1/4/14.
5.	209 Stannington Road	Unauthorised Front Extension to House	09/12/14	<b>EN not complied with, legal proceedings being prepared at 09/07/15.</b> EN served 16/1/15. It requires removal of white plastic extension from the front of house by 11/5/15.

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
6.	Land, Rear of Former Middlewood Tavern, off Middlewood Road North	Unauthorised Excavation Works.	09/12/14	<b>EN being prepared at July to advance matter more timely, but co-operation from landowner is expected as at 09/07/15.</b> Unexpected delay but application is under preparation as at 20/5/15. It is confirmed that all work on site is stopped, hasn't progressed any further, and will remain stopped pending outcome of the proposed application. 17/12/14 - Owner has committed to submit application with justification for the development by end of January.
7.	91-99 Coward Drive  Coward Drive continued from p 2	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)	<b>PP granted 9/4/15 for gardens to be set to 10m from rear elevation with boundary fence on this position, french doors to rear elevation of upper ground floor amended to window, bin stores to be omitted, grassed areas to drives &amp; trees omitted. NFA required.</b> 15/00275/FUL submitted 26/1/15 to change details previously approved under

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
				10/03955/FUL. This includes extent of garden area & fencing thereto, changing french doors at to windows, omission of grassed areas at front of properties & omission of trees from scheme. Under consideration at 21/4/15. 08/01/15 - Awaiting service of BCN. Details sent to Legal Services 30/09/14 for service of BCN
8.	Oak Lodge Farm, Thompson Hill  Oak Lodge Farm continued from p4	Unauthorised siting of 2 caravans and 4 metal containers	01/04/14	<b>July '15 - Meeting arranged between Officers from Legal and Planning to discuss last remaining issue of 'caravan A' with respect to all available evidence on that point. Other matters resolved.</b> 16/1/15– The Council withdrew the EN & it's interest in the Public Inquiry due legal advice (from Council's Barrister). This is due to significant steps taken by the owner /appellant to remedy the issues covered by the EN. Step included removal of Two containers (containers 1 & 3) & one of the caravans (caravan B). The decision is also due to the late submission of evidence on

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
				<p>behalf of the appellant (a few days before the Inquiry) in relation to residential caravans (caravan B was already removed but A remains).</p> <p>29/1/15 – Noted by officers on site that container 3 removed from land &amp; container 4 has now been relocated to a position between two existing farm buildings, removing planning objections to it (on visual grounds).</p> <p>The only issue remaining is residential caravan A.</p> <p>21/4/15 - Legal advice being taken in relation to caravan A</p> <p>Appeal lodged &amp; Public Inquiry to be held 20/1/15. EN served 16/4/14, requires removal of 2 caravans &amp; 4 containers.</p>
9.	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	28/03/14 (delegated)	<p><b>All applications complied with &amp; café operating within planning controls.</b></p> <p>BCN served 28/3/14 requiring compliance with c3,c6 &amp; c7 within 28 days. 3 planning applications submitted to alter the</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	Main Street continued from p.5	plant.		<p>conditions being enforced, therefore BCN deemed to be complied with as info required is dealt with by these applications:</p> <ul style="list-style-type: none"> <li>- 14/02191/FUL – for an outdoor seating area <b>and fencing to boundaries approved conditionally 27/5/15.</b></li> <li>- 14/01031/FUL — extend opening times to 8am to 6pm Monday to Friday, 8am to 5pm Sat.&amp; increase cooking equipment to 2 microwave ovens, 1 griddle &amp; 1 safety fat fryer. Granted Conditionally 6/1/15.</li> <li>- 14/-1042/FUL –PP granted 6/1/15 for reposition air handling plant &amp; add sound attenuation measures.</li> </ul> <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
10.	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.
11.	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 construction, (c31) environmental measures concerning delivery vehicles, electric charge points, cycle racks etc, (c.53) Forecourt improvements adj the mill & wood management	16/01/14 (delegated)	<b>Correspondence ongoing with Aldi management in July to resolve remaining landscape issue. Any further delay will result in Council starting legal proceedings.</b> 20/4/15 – Landscaping not completed so owners contacted & told to finish. All details for conditions approved. Only outstanding issue is the implementation of approved landscape scheme by end of current planting season. BCN served 17/1/14 requiring details for specified conditions (see breach) in 28 days. Delivery time condition no.43 now being complied with. The other details are being considered under new discharge of conditions application 14/00605/COND



NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
12.	Lion Works, Handley Street	Derelict listed building causing visual harm to both the area and the building itself.	4/10/13 (delegated)	<b>Phase 2 work started 20/4/15.</b> 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 building weather proof. Compliance required by 21/2/14.
13.	290-308 Pitsmoor Road	(1) Use of Ground floor for retail shop, 1 <sup>st</sup> & 2 <sup>nd</sup> floors as HIMO, (11/00050/FUL refused) (2) Canopy to front of Shop refused PP	19/4/11	<b>Little progress due to other high priority work. Progress expected by next update.</b> 06/01/15 – Conditions in breach identified, contacting new 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

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	Pitsmoor Rd continued from p 8			<p>same. 31/7/12. Discharge of conditions application being prepared for this PP.</p> <p>(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 &amp; HMO has PP</p> <hr/> <p>(2) 11/03370/ granted 3/1/12, implementation will supersede the EN. EN not complied with at 30/12/12. Holding back from prosecution for time being due to new application 11/03370 for alternative canopy to the one built. EN served 8/6/11, took effect 13/7/11.</p>
14.	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	<p><b>07/01/15 – Ongoing litigation case to pursue original owner who signed the s106. Legally the new owner cannot be sued. Solicitors are examining ownership to decide who to pursue for the money.</b> 06/04/11 Developer Mr Dempsey still owns the site. Case with litigation &amp; prosecution to be considered.</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
15.	<p>Parker's Yard, Stannington Road</p> <p>Parker's Yard continued from p9</p>	<p>Unauthorised use as self storage &amp; metals recycling facility. 09/02757/CHU refused PP.</p>	10/6/10	<p><b>09/07/15 – new application under consideration / decision pending.</b> 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 lack of alternative plan from Carwood Commodities. Proposed that 16 wks be given from date of cttee if approved by Members. At Jan 2014, the lease is still being actively negotiated for the Pearson Forge Site, but it remains unsigned due to difficulties on the seller's part. The business is overcoming problems with bank &amp; with the vendor for the 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</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	Parker's Yard continued from p9			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 Dec'11 for work to start at Pearson Forge. Alternative site that would be suitable for relocation 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.
16.	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	15/12/09 (delegated authority)	<b>09/07/15, Applications under consideration, decision pending.</b> 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

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
		frontage, C8-pedestrian access to new bowling green, C9-new pavilion details, C10-bowling green maintenance.		& 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

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**Report of:** Director of Regeneration & Development Services

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**Date:** 28 July 2015

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

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

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**Summary:**

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

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**Reasons for Recommendations**

**Recommendations:**

To Note

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**Background Papers:**

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**Category of Report:** OPEN

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## DEVELOPMENT SERVICES

REPORT TO PLANNING &  
HIGHWAYS COMMITTEE  
28 JULY 2015

### 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 enforcement notice served by the City Council for the erection of a balcony at the rear of the property at 523 Loxley Road, Loxley, Sheffield, S6 6RR (Case No 12/00731/ENUD)

### 3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the decision of the Council at its meeting of 28 October 2014 to refuse planning consent for demolition of existing building and erection of 4 dwellinghouses (as per amended drawings received 19 August 2014) at Site Of Clear Line Creevela Works Parsonage Street Sheffield S6 5BL (Case No 14/00831/FUL) has been dismissed.

Officer Comment:-

The application was refused by the Committee contrary to officer advice.

The Inspector was aware from submissions made that cars and lorries parked at and around the site on Saturdays and in the evenings, causing parking problems for residents but had no substantive evidence that there was a significant possibility that a similar use would continue in the future. The Inspector considered the main issue to be whether the proposed development would provide sufficient off-street car parking in accordance with policy H14(d) of the Unitary Development Plan.

Although the site is near to shops on Walkley Road and South Road, she considered that, as these were up a hill and across a busy road, residents of the proposed scheme would be likely to be car owners and would also be likely to park close to their property.

Core Strategy Policy CS53 seeks to reduce the demand for travel through the management and reduction of parking. The Inspector considered that the introduction of four additional dwellings with only one car parking space and



without any means of managing demand for travel would result in additional cars being parked on Parsonage Crescent/Street compounding an already undesirable situation, impacting on the living conditions of both existing residents and future occupants of the proposed dwellings. As a result, it will be contrary to Unitary Development Plan Policy H14(d) and the Written Ministerial Statement of 23 March 2015 Accordingly, the appeal was dismissed.

#### 4.0 RECOMMENDATIONS

That the report be noted

Maria Duffy  
Acting Head of Planning

*28 July 2015*

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