

Planning and Highways Committee

Tuesday 1 December 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

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.

PUBLIC ACCESS TO THE MEETING

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

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

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

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

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

FACILITIES

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

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

**PLANNING AND HIGHWAYS COMMITTEE AGENDA
1 DECEMBER 2015**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 1 - 4)
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 5 - 10)
Minutes of the meeting of the Committee held on 10 November 2015
- 6. Sheffield Conservation Advisory Committee** (Pages 11 - 16)
Minutes of the meeting of the Sheffield Conservation Advisory Group held on 20 October 2015
- 7. Site Visit**
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 8. Applications Under Various Acts/Regulations** (Pages 17 - 60)
Report of the Director of Regeneration and Development Services
- 9. Enforcement Of Planning Control: 261 Staniforth Road** (Pages 61 - 68)
Report of the Director of Regeneration and Development Services
- 10. Enforcement Of Planning Control: 16 Moor Oaks Road** (Pages 69 - 74)
Report of the Director of Regeneration and Development Services
- 11. Record of Planning Appeal Submissions and Decisions** (Pages 75 - 76)
Report of the Director of Regeneration and Development Services
- 12. Date of Next Meeting**
The next meeting of the Committee will be held on 22 December 2015

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

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

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Planning and Highways Committee

Meeting held 10 November 2015

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

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Jack Clarkson and Councillor John Booker attended the meeting as the duly appointed substitute.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 Councillor David Baker declared a personal interest as he knew the applicant in respect of an application for planning permission for the demolition of an extension and conversion of a nursing home into a dwellinghouse, erection of 3 dwellinghouses with detached double garages and alterations and an extension to a former coach house to form 3 mews houses, with associated car parking, at Brincliffe Towers Old Peoples Home, Brincliffe Edge Road (Case No. 15/00740/FUL) and did not speak or vote thereon.

3.2 Councillor Alan Law declared a personal interest as he knew the objector in respect of applications for planning permission for (i) the installation of a conservation rooflight and (ii) the retention of 1.8m to 2.5m high fencing panels (eastern boundary) and retention and erection of 1.2m to 1.5m fencing panels with access gates (southern boundary) at Bank Cottage, Bank Lane (Case Nos. 15/03390/FUL and 15/02574/FUL) but did speak and vote thereon.

3.3 Councillor Garry Weatherall declared an interest as a Member of the Ecclesfield Parish Council, in relation to a report of the Director of Regeneration and Development Services concerning the proposed Enforcement Action with regard to 2A Stanley Road (Item 10, Page 97 of the Agenda), but indicated that he would participate in its determination as he had not pre-determined his views on the breach of Planning control when considered at a meeting of the Parish Council.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the meeting of the Committee held on 20 October, 2015 were approved as a correct record

5. SHEFFIELD CONSERVATION ADVISORY GROUP

- 5.1 The Committee received and noted (a) the minutes of the meeting of the Sheffield Conservation Advisory Group held on 29 September 2015 and (b) the observations of the Sheffield Conservation Advisory Group on the outline planning application for the Sheffield Retail Quarter.

6. SITE VISIT

- 6.1 **RESOLVED:** That the Director of Regeneration and Development Services, in liaison with the Co-Chair, be authorised to make arrangements for a site visit on Monday, 30 November 2015, in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

7. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

- 7.1 **RESOLVED:** That (a) the applications now submitted for permission to develop land under the Town and Country Planning Act 1990 and the Regulations made thereunder and for consent under the Town and Country Planning (Control of Advertisements) Regulations 1989, be decided as shown in the minutes of this meeting, and the requisite notices issued; the granting of any permission or consent shall not constitute approval, permission or consent by this Committee or the Council for any other purpose;

(b) having (i) noted (A) an additional representation from a local Ward Councillor commenting on the proposed development and (B) an additional officer recommendation that Condition 4 be deleted, as detailed in a supplementary report circulated at the meeting and (ii) heard representations from a neighbour speaking at the meeting objecting to the development and from another neighbour speaking in support of the development, an application for planning permission for the installation of a conservation rooflight at Bank Cottage, Bank Lane (Case No. 15/03390/FUL) be granted, conditionally, subject to Condition 4 being deleted;

(c) having (i) noted (A) additional representations from two separate local groups of neighbours objecting to the proposed development, along with supporting information on policies and sections of the Conservation Area Appraisal on which it was considered the development did not comply with, (B) objections from two local Ward Councillors to the development and (C) the officer's response, as detailed in a supplementary report circulated at the meeting and (ii) heard representations at the meeting from a local resident speaking against the development and from the applicant's representative speaking in support of the development, an application for planning permission for the demolition of dwellinghouse and erection of 2 semi-detached dwellinghouses at 44 Oak Hill Road (Case No. 15/02943/FUL) be granted, conditionally, subject to condition 15 being deleted;

(d) having (i) noted an additional representation from a local Ward Councillor commenting on the development, as detailed in a supplementary report circulated at the meeting and (ii) heard representations from a neighbour speaking at the meeting objecting to the development and from the applicant speaking in support of the development, an application for planning permission for the retention of 1.8m

to 2.5m high fencing panels (eastern boundary) and retention and erection of 1.2m to 1.5m fencing panels with access gates (southern boundary) at Bank Cottage, Bank Lane (Case No. 15/02574/FU) be granted, conditionally;

(e) having heard a representation at the meeting from the applicant's representative speaking in favour of the development, an application for advertising consent and listed building consent for the retention of an internally illuminated fascia sign at the Broomhill Property Shop, Kennedy House, 319 Glossop Road (Case Nos. 15/01776/ADV and 15/01777/LBC) be refused (i) for the reason detailed in the report now submitted and (ii) with authority given to (A) the Director of Regeneration and Development Services to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised signage at Broomhill Property Shop, Kennedy House, 319 Glossop Road and (B) the Head of Planning, in liaison with a Co-Chair of the Committee, be authorised to vary the action in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control; and

(f) having (i) noted additional representations from the applicant and the officer's response, as detailed in a supplementary report circulated at the meeting and (ii) heard representations from two people speaking at the meeting objecting to the development and from the applicant's representative speaking in support of the development, an application for planning permission for the demolition of an extension and conversion of a nursing home into a dwellinghouse, erection of 3 dwellinghouses with detached double garages and alterations and an extension to a former coach house to form 3 mews houses, with associated car parking, at Brincliffe Towers Old Peoples Home, Brincliffe Edge Road (Case No. 15/00740/FUL) be refused for the reasons detailed in the report now submitted.

8. ENFORCEMENT OF PLANNING CONTROL: 181 TO 185 ABBEYDALE ROAD

8.1 The Director of Regeneration and Development Services submitted a report on his investigation into a complaint received concerning a breach of planning control, in respect of the erection of an unauthorised timber canopy on the front of 181 to 185 Abbeydale Road. The report explained that although canopies were often a traditional feature of shops in the area, they tended to be a retractable metal and canvas fascia type for the shops of this type and age. The canopy erected though was a fixed metal structure with a PVC sheet roof, which the owner had failed to remove or submit a planning application for an alternative acceptable canopy.

8.2 An assessment of the breach of control considered that the erected canopy had a detrimental effect on the visual amenities of the street scene and, as such, was contrary to Policy BE5 and S10 of the Unitary Development Plan.

8.3 **RESOLVED:** That (a) the Director of Regeneration and Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised canopy at 181 to 185 Abbeydale Road; and

(b) the Head of Planning, in liaison with a Co-Chair of the Committee, be

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

9. ENFORCEMENT OF PLANNING CONTROL: 2A STANLEY ROAD, BURNCROSS

9.1 The Director of Regeneration and Development Services submitted a report on his investigation into a breach of planning control, in respect of the siting of an unauthorised metal container at 2A Stanley Road, Burncross. The report explained that the container was originally sited on adjacent land at the corner of Hollow Gate which was also owned by the occupier of 2A Stanley Road. An enforcement notice was served to remove the container and an agreement was reached in 2012 with officers, to temporarily site the container at the front of 2A Stanley Road, with a view to a planning application being submitted for a permanent brick built garage to replace the container. It was stated that the container had now been in position in excess of three years and a planning application for a garage on land at 2A Stanley Road had not been submitted.

9.2 An assessment of the breach of planning control considered that the metal container was contrary to Policy CS74 of the Core Strategy and policies H14 and BE5 of the Unitary Development Plan.

9.3 **RESOLVED:** That (a) the Director of Regeneration and Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised metal container at 2A Stanley Road, Burncross; and

(b) the Head of Planning, in liaison with a Co-Chair of the Committee, be authorised to vary the action in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

10. QUARTERLY OVERVIEW OF ENFORCEMENT ACTIVITY

10.1 The Committee received and noted a report of the Director of Regeneration and Development Services providing a quarterly update of progress on the work being undertaken by the enforcement team within the City.

11. QUARTERLY UPDATE OF ENFORCEMENT CASES IN THE SOUTH AREA

11.1 The Committee noted (a) a report of the Director of Regeneration and Development Services providing an update on the progress of enforcement cases in the South area of the city and (b) further information provided orally by the Director of Regeneration and Development Services on enforcement matters in response to questions from Members of the Committee.'

12. QUARTERLY UPDATE OF ENFORCEMENT CASES IN THE CITY CENTRE AND EAST AREAS

12.1 The Committee noted (a) a report of the Director of Regeneration and

Development Services providing an update on the progress of enforcement cases in the City Centre and East areas of the City and (b) further information provided orally by the Director of Regeneration and Development Services on enforcement matters in response to questions from Members of the Committee

13. QUARTERLY UPDATE OF ENFORCEMENT CASES IN THE WEST AND NORTH AREAS

- 13.1 The Committee noted (a) a report of the Director of Regeneration and Development Services providing an update on the progress of enforcement cases in the West and North areas of the City and (b) that in connection with Oak lodge Farm (Page 137, Item 14 of the report now submitted), as detailed in the supplementary report circulated at the meeting, officers would be taking a revised approach to the enforcement matter, by writing to the occupier of the land and the previous owner to seek evidence that they had continuously used the land for residential purposes for 10 years or more and (c) further information provided orally by the Director of Regeneration and Development Services on enforcement matters in response to questions from Members of the Committee.

14. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 14.1 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.

15. DATE OF NEXT MEETING

- 15.1 **RESOLVED:** That it be noted that the next meeting of the Committee will be held on Tuesday, 1 December, 2015 at 2.00 pm, at the Town Hall.

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SHEFFIELD CONSERVATION ADVISORY GROUP

Meeting held 20th October, 2015

<u>PRESENT:</u>	<u>Name</u>	<u>Organisation</u>
	Dr. Philip Booth (Chair)	Co-opted Member
	Mr. Tim Hale (Deputy Chair)	Sheffield Chamber of Commerce
	Mr. Patrick Burns	Co-opted Member
	Mr. Rob Darrington	Royal Institute of Chartered Surveyors
	Mr. Howard Greaves	Hallamshire Historic Buildings Society
	Mr. Graham Hague	Victorian Society/South Yorkshire Industrial History Society
	Mr. Bob Hawkins	Council for the Protection of Rural England
	Dr. Jo Lintonbon	University of Sheffield
	Mr. Bob Marshall	Royal Town Planning Institute
	Mr. Philip Moore	Sheffield Society of Architects
	Dr. Jan Woudstra	Landscape Institute

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1. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Prof. Clyde Binfield (Twentieth Century Society), Mr. Martin Evans (Institution of Structural Engineers), Mr. Stanley Jones (Hunter Archaeological Society) and Dr. Roger Harper (Ancient Monuments Society),

2. **MINUTES AND OBSERVATIONS**

Minutes of 15th September, 2015

The minutes of the meeting held on 15th September, 2015 were approved as a correct record, subject to the substitution;-

(a) of the words "Historic England" in place of the words "Heritage England",

(b) in the attendance, of the words 'Stanley Jones', in place of the words "Stanley Jone";

(c) in item 3(B) the word 'submitted' in place of the word "submitte";

(d) in item 3(G), of the words "Children's Home" in place of the words

“Children’s Hospital”

(e) in item 3(M), of the words “a film festival, on 16th-17 July last, at the former Abbeydale Picture House, which was 95 years old, had been attended by the great grandson of its architect, Pascal Steinlet” in place of the words “there had been a film festival, on 16th-17 July last, at the former Abbeydale Picture House had been attended by the 95 year old great grandson of Pascal Steinlet, the architect”;

(f) in item 7.1, of the words “there was a presumption in the Broomhill Conservation Area Management Plan that” in place of the words “the Broomhill Conservation Area Management Plan required that”;

(g) in item 7.2, of the word “frontage” in place of the word “frontage”;

(h) in item 7.3, of the words “proposed New Fargate”, in place of the words “new Fargate”;

(i) in item 7.6, the words “negative recommendation” for the word “decision”;

(j) in item 8d, of the words “within the area of the Peak District National Park Authority” in place of the words “in the Peak District”;

(k) in item 8(e), of the words “there was no further development regarding the planning application relating to Minalloy House, Regent Street” in place of the words “there was no development regarding the planning application regarding Minalloy House, Regent Street” (the application was subsequently approved, with reduced height);

(l) in item 8(h) the words “recently published” in place of the word “recently” and the words “Hadfield, Cawkwell and Davidson” in place of the words “Cawkwell, Hadfield and Davidson”;

(m) in item 8(i), of the words “a building at 104 Mary Street listed, had been unsuccessful, but the property had been successfully restored” in place of the words “a building at Mary Street listed, had been unsuccessful;”;

(n) of the words “at 52-54 Garden Street” in place of the words “at Garden Street”; and arising therefrom, the Group noted that:-

(i) the application for listing of the Endcliffe Methodist Church had been refused;

(ii) the former Children’s Home, the Chesterman Building, Wycliff House, Norwood Grange and the boundary walls on Herries Road, at the Northern General Hospital had been listed;

(iii) Mr. Greaves had again approached the local press to obtain publicity of the condition of Cow Mouth Farm;

(iv) work had been done on the planning application regarding the Mappin Building;

- (v) Historic England had objected to the proposals to develop Cambridge Street, within the New Retail Quarter Scheme;
 - (vi) the Planning Board would be recommended to refuse planning permission for the development of the former Age Uk shop, Fulwood Road;
 - (vii) planning permission had been refused for the development of 245 Ecclesall Road; and
 - (viii) the planning applications regarding the Leah's Yard and Bethel Walk schemes would not be submitted to the Planning Board until next month;
 - (ix) (A) the owner of the Old Town Hall had changed his agent, (B) the Head of Planning had inspected the building and had found that although there had been some water ingress, it was insufficient to serve a Notice and generally speaking, the condition of the building was mostly good, (C) the courtrooms were intact and (D) there had been a suggestion of using the building as a film set ; and
 - (x) the judicial review of the determination of the planning application regarding Devonshire Street had upheld the decision; and:-
- The Group exhorted the City Council to take action to encourage the owner of the Old Town Hall to carry out its disposal.

Minutes of 29th September, 2015

The minutes of the meeting held on 29th September, 2015 were approved as a correct record, subject to the substitution;-

- (a) in item 3 (e) of the words "partial retention" in place of the word 'retention'; and
- (b) in item 2(g), of the words "rooftop car park" in place of the words "rooftop car".

Observations on the outline planning application regarding the Sheffield Retail Quarter

The Group approved for submission to the City Council and for publication, a report by the Chair (Dr. Booth) setting out the Group's observations on the outline planning application regarding the Sheffield Retail Quarter, subject to the substitution, in item 6:-

- (a) in Block G of the words "partial retention" in place of the word 'retention'; and
- (b) in Blocks M and N, of the words "rooftop car park" in place of the words "rooftop car".

The Group noted that alternative schemes for the development may be submitted.

4. **CHAIR'S REPORT**

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

5. **HEAD OF PLANNING'S REPORT**

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

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

The Group noted that, for the time being, meetings of the Sheffield Sustainable Development and Design Panel were suspended.

7. **HERITAGE ASSETS**

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

7.1 **Demolition of existing buildings and erection of 103 apartments in 4/5/6 storey block with ancillary facilities and landscaped courtyard at Siverpride Works, Matilda Street (Case no. 15/02699/FUL)**

The Group felt that a building of this height would create unsatisfactory, unacceptable enclosure ratios in Newton Lane and a canyon-like feeling, which would adversely affect the character of the Conservation Area. The Group considered that the development should be reduced by one storey, in line with the recommendations of the Urban Design Compendium and should be built in red brick or industrial brick, to reflect the industrial character of the Conservation Area.

7.2 **Demolition of temporary annexe and covered link, erection of 14 apartments with ancillary parking and demolition of section of retaining wall and erection of replacement retaining structure, at Victoria House, 117 Manchester Road. (Case No. 15/03362/FUL)**

The Group considered that the scheme was overdevelopment and of inappropriate design. The Group considered that the loss of trees would have an adverse effect on the Conservation Area, which contained large villas in substantial grounds

(Note: Mr. Moore declared an interest in this item)

7.3 Demolition of existing building and erection of 2 dwellinghouses at Broomgrove Club, 74 Broomgrove Road. (Case No. 15/03499/FUL)

The Group felt that the building, which served the oldest bowling club in the City, should be retained. The Group considered that the design of the replacement building, the loss of the wall and the car parking would have an adverse effect on the adjacent Conservation Area. The Group expressed doubt that the proposed access would meet the requirements of highways regulations.

7.4 Demolition of 2 single storey buildings, the erection of a three-storey building and a single storey extension and conversion of existing buildings to form 11 apartments at 52-54 Garden Street (Case No. 15/03626 and 15/03625/FUL).

The Group felt that the buildings were located in an important area for small scale workshops and the original metal trades features of the buildings should be retained. The Group considered that the design was unsatisfactory and could not work with the grain of the existing surrounding buildings. The Group felt that the development would adversely affect the setting of the adjacent listed buildings. The Group felt that the detailing, lack of verticality and roofscape were unacceptable and that the parapet level should correspond to the gutterline of the existing buildings.

7.5 Demolition of bungalow and garage, erection of 11 apartments and provision of 17 parking spaces, on site of 58 Ivy Park Road (Case No. 15/03670/FUL)

The Group considered that the development was too bulky for the site and the footprint was too large. The Group felt that the design was unacceptable and the boundary wall and gateposts would be altered unsympathetically. The Group considered that the loss of trees would be unacceptable.

(Note: Mr. Hale declared an interest in this item)

8. MISCELLANEOUS ITEMS

Members reported on various developments affecting listed buildings and conservation areas and the Group noted that:-

- a) a campaign had been launched to prevent the conversion of the Olive House Works, Black Lane into three dwellings. Consideration was being given to serving an Urgent Works Notice, regarding the property ;
- (b) consideration was being given to serving notices regarding the Wharnccliffe Works, Stable Block and Horse Sick Bay;
- (c) Brightholmlee Old Hall had been sold;
- (d) demolitions had been carried out at the Laycocks Works. The bulk of the facade would be retained ;
- (e) the Ebenezer Chapel at South Parade would be brought into residential use, following the Service of a Notice;
- (f) the South Yorkshire Archaeology Day would be held on 14th November next;
- (g) the Ship Inn, Shalesmoor had been sold and would be renovated;
- (h) the Kenilworth Works had been sold;
- (i) 7 Broomgrove Road had been advertised for sale to be developed as flats, but as yet no planning application for it had been submitted;
- (j) a planning application for the extension of the Lambert Works had been submitted;
- (k) a planning application regarding Clifford House, Ecclesall Road had been submitted;
- (l) Amey would replace 3800 street lights within Conservation Areas, with 1000 lights;
- (m) the Head of Planning would investigate (i) whether the former Hallam Tower Hotel would be retained, (ii) the Urban Design Compendium would be reviewed, (iii) a planning application had been received regarding the Abbeydale Cinema and (iv) the proposals for Amey to fell trees at Nether Edge; and
- (n) the Bradford City Council had issued a Local Listed Building Consent Order, affecting buildings within the Little Germany area .

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



SHEFFIELD CITY COUNCIL

Planning and Highways Committee

Report of: Director of Regeneration and Development Services

Date: 01/12/2015

Subject: Applications under various acts/regulations

Author of Report: Chris Heeley 2734218

Summary:

Reasons for Recommendations

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

Recommendations:

Background Papers:

Category of Report: OPEN

Application No.	Location	Page No.
15/03871/FUL	144 The Common Sheffield S35 9WN	21
15/03371/FUL (Formerly PP-04483707)	Heeley And Sheffield 781 Gleadless Road Sheffield S12 2QD	28
15/03156/FUL (Formerly PP-04445392)	30 Stainton Road Sheffield S11 7AX	46
15/02664/OUT (Formerly PP-04353835)	Rear Of 52 Arundel Road Sheffield S35 2RD	51

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To the Planning and Highways Committee
Date Of Meeting: 01/12/2015

LIST OF PLANNING APPLICATIONS FOR DECISION OR INFORMATION

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

Case Number	15/03871/FUL
Application Type	Full Planning Application
Proposal	Erection of garage with play room/store room over (re submission of 15/02089/FUL)
Location	144 The Common Sheffield S35 9WN
Date Received	22/10/2015
Team	West and North
Applicant/Agent	Mr Simon Marshall
Recommendation	Grant Conditionally

Subject to:

Time limit for Commencement of Development

1. The alterations to the development as approved by this planning permission shall be completed within 112 days of the granting of this application.

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

Approved/Refused Plan(s)

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

Drawing No: SM1 Rev 2 received 22nd October 2015.

Reason: In order to define the permission.

Pre-Commencement Condition(s)

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

Other Compliance Conditions

1. 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 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 newer build brick dwellings. There is also a hairdresser adjacent to the property across the Allen Gardens.

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

RELEVANT PLANNING HISTORY

15/02089/FUL - Erection of a two storey outbuilding to the rear of the dwelling house - refused with enforcement action

SUMMARY OF REPRESENTATIONS

One representation has been received, which has been made by Ecclesfield Parish Council:

One letter of objection has been received by Ecclesfield Parish Council and several Councillors have visited the site. The Committee at the Parish Council are in agreement with the resident's objections to the Parish Council that the proposal is out of character with other 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 proposed dimensions of the building are as follows:

- 4 metres to the ridge.
- 2.75 metres to the eaves height.
- 6.3 metres in width.
- 3.4 metres in length.
- Sited 7.7 metres from rear elevation of the existing dwellinghouse.
- Sited 0.8 metres from the back boundary.
- Sited 0.3 metres to the boundary with 146 The Common.
- Sited 0.5 metres to the boundary with the road.

This application is a resubmission of application reference 15/02089/FUL which was refused with enforcement action at Planning Committee. The outbuilding has already been erected; however it was deemed the proposal was unacceptable on design grounds, principally because of the eaves height of approximately 3.8 metres and the windows at first floor level.

The main concerns in the previous application were the roof form, the eaves height and also the two-storey form of the building. It was considered that the form of the building was larger than what is generally accepted as an ancillary residential building and the form would not be in character with the area. The alterations agreed will greatly resolve these concerns and allow the building to be in keeping with the street scene and would largely reflect a building that is considered to be an ancillary residential building.

Following discussions with the applicant, an agreement has been reached to amend the refused scheme to alter the eaves height to 2.75 metres. This will allow for a greater roof pitch and also removes the first floor windows. This would be more in keeping with the area and would visually represent a single-storey ancillary residential building and the roof pitch would reflect those of the dwellinghouse and surrounding properties.

The building would appear single storey with a dual-pitched roof, with two doors to the front elevation and one set of doors to the side facing the road. It is also proposed to install four rooflights (two on the front plane and two on the rear roof plane). The building is proposed to be finished in matching render and roof tiles to the existing dwellinghouse and also part in reclaimed red bricks.

It is considered that the proposed amendments will greatly resolve the concerns with the design as built and are considered acceptable in terms of form, scale and massing.

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.

The previous submission was not considered to greatly impact upon neighbouring residential amenity and the amendments made under this application would reduce any potential impacts on neighbouring properties further.

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 146 The Common either. The amendments proposed will reduce the height of the wall, as the eaves are proposed to be dropped, giving a greater roof pitch and thus reducing the impact as existing. The ridge height is proposed to remain the same as built.

Guideline 6 states that extensions should protect and maintain minimum levels of privacy. Having viewed the building on site, it is not considered that the outbuilding as existing would cause any considerable overlooking issues to the neighbouring property at no. 146 The Common given two doors are proposed to the front elevation at ground floor level, facing towards the rear elevation of 144 The Common. Four rooflights are proposed, however it is not considered these will cause any significant overlooking. As mentioned previously, the outbuilding gives further privacy to the neighbouring front garden to the rear of the application site.

The amendments proposed will reduce any potential impacts upon neighbouring amenity, and which were not considered to be significant in the previous submission.

RESPONSE TO REPRESENTATIONS

One representation has been received, which has been made by Ecclesfield Parish Council:

One letter of objection has been received by Ecclesfield Parish Council and several Councillors have visited the site. The Committee at the Parish Council are in agreement with the resident's objections to the Parish Council that the proposal is out of character with other neighbouring properties and it is overbearing in size.

As mentioned within the report, the proposal is not considered to be overbearing and with the agreed amendments it is considered the proposal would be in keeping

with the local area. The amendments will give a greater pitch to the roof, reflecting the roofs of the neighbouring properties. The roof form will aid in giving an appearance of a single storey building which is considered to be generally accepted as an ancillary residential building.

SUMMARY AND RECOMMENDATION

The proposed development is considered to be acceptable in terms of its design and impact on residential amenity and highway safety. The proposal complies with UDP Policies BE5(c), H14(a) and H14(c) and the guidelines within Designing House Extensions SPG. Accordingly, the application is recommended for approval subject to the conditions listed.

Case Number	15/03371/FUL (Formerly PP-04483707)
Application Type	Full Planning Application
Proposal	Conversion of existing building to form 6 apartments and the erection of 7 dwellinghouses with associated car parking and landscaping works
Location	Heeley And Sheffield 781 Gleadless Road Sheffield S12 2QD
Date Received	10/09/2015
Team	City Centre and East
Applicant/Agent	Chris Gothard Associates
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:

- 2202 01
- Apartments proposed floor plans / 2202 03 Rev A
- Apartments proposed elevations / 2202 04
- House types A and B floor plans and elevations / 2202 05
- House type C floor plans and elevations / 2202 06
- Streetscenes and site sections / 2202 07

Reason: In order to define the permission

Pre-Commencement Condition(s)

3. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. Furthermore, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal.

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

Reason: In order to mitigate against the risk of flooding.

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

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.

6. Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the 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.

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. 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.

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

10. No development shall commence until intrusive site investigation works have been carried out and a report submitted to detail the coal mining legacy on site and approved in writing by the Local Planning Authority. The report shall assess whether shallow mine workings are likely to pose a risk to the safety and stability of the proposed development and, if necessary, what mitigation measures can be employed to ensure the development is safe and stable. In the event that the site investigations confirm the need for remedial works to treat any areas of shallow coal mine workings, remedial issues recommended in the approved report to ensure the safety and stability of the proposed development shall be carried out prior to commencement of the development.

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

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

11. 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.

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

Windows

Window reveals

Doors

Eaves and verges

External wall construction

Brickwork detailing

Balconies

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

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

13. Before the development is commenced full details of a revised shared parking court layout showing a removal of one of the visitor spaces and widening of the remaining spaces shall have been submitted to and approved in writing by the Local Planning Authority and the accommodation shall not be used unless such parking accommodation has been provided in accordance with the approved plans and thereafter such parking accommodation shall be retained for the sole use of the occupiers of the development hereby approved.

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

14. The cycle parking shown in the approved drawings is not hereby approved. The apartments shall not be used unless full details of suitable and sufficient cycle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the apartments shall not be used unless such cycle parking has been provided in accordance with the approved plans and, thereafter, such cycle parking accommodation shall be retained.

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

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

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

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

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

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

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

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

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

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

- a) a minimum, or equivalent of, 10% of the predicted energy needs of the completed development being obtained from decentralised and renewable or low carbon energy.

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

Reason: In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change and given that such works could be one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences.

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

- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.

b) Be capable of achieving the following noise levels:

Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours);

Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours);

Other Habitable Rooms: Noise Rating Curve NR35 (0700 to 2300 hours);

Bedrooms: LAFmax 45dB (2300 to 0700 hours).

c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

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

[Noise Rating Curves should be measured as an LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]

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

21. Before the use of the development is commenced, Validation Testing of the sound attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall:

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

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

[NB. The required Validation Testing is separate from, and in addition to, any tests required to comply with Building Regulations in relation to Approved Document E; Resistance to the passage of sound.]

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

Other Compliance Conditions

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking and re-enacting the order) no windows or other openings shall be formed in the north elevation of the Plot 5 and the west elevation of Plot 1 as shown on

Drawing 2202 01, in addition to those openings shown on the approved elevations.

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

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Schedule 2, Part 1 (Classes A to H inclusive), Part 2 (Class A), or any Order revoking or re-enacting that Order, no extensions, porches, garages, ancillary curtilage buildings, swimming pools, enclosures, fences, walls or alterations which materially affect the external appearance of the Plot 5 as shown on Drawing 2202 01 shall be constructed without prior planning permission being obtained from the Local Planning Authority.

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

24. The side windows in the north elevation of the Plot 5 and the west elevation of Plot 1 shall be fully obscured to a minimum privacy standard of Level 4 Obscurity. The window(s) shall be permanently retained in that condition thereafter.

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

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

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

26. The gradient of the driveways to the dwellings accessed from Hollinsend Road shall not exceed 1:12.

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

Attention is Drawn to the Following Directives:

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

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

Development Services

Howden House

1 Union Street

Sheffield S1 2SH

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

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

You should apply for a consent to: -

Highways Adoption Group

Development Services

Sheffield City Council

Howden House, 1 Union Street

Sheffield

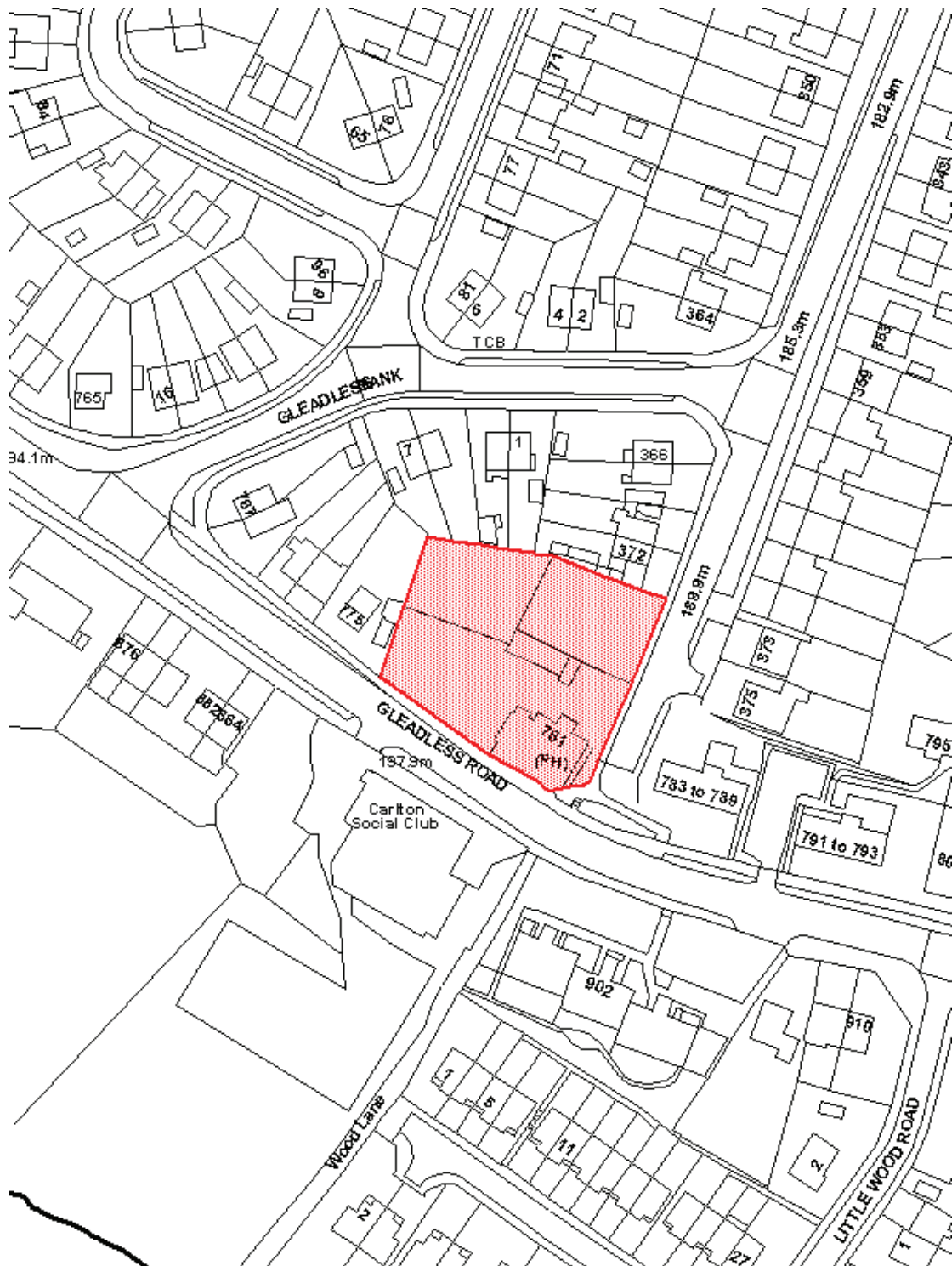
S1 2SH

For the attention of Mr S Turner

Tel: (0114) 27 34383

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

Site Location



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LOCATION AND PROPOSAL

The application site is located to the north of Gleadless Road, and to the west of the 'blocked off' junction with Hollinsend Road. The surrounding area is predominantly residential in nature, although directly opposite the site is the Carlton Social Club. The housing is a mix of semi-detached and detached properties, and there is also some 60/70s sheltered accommodation.

The site slopes downwards away from Gleadless Road, and incorporates a level lawn area in its north east portion which is retained by a perimeter wall running along its north and eastern boundaries.

The site previously incorporated a Public House, car parking and garden, however, the Public House has now closed.

The Adopted Unitary Development Plan designates the site as being within a Housing Area.

The application seeks planning permission for the provision of 13 residential units of accommodation. The Public House would be converted to provide 6 apartments, a terrace of 4 houses would face onto Gleadless Road, and a pair of semis and a detached dwelling would front onto Hollinsend Road. The 4 house terrace would utilise existing land levels, whilst the 3 houses to Hollinsend Road would necessitate excavation of land levels.

The proposal would re-use the existing vehicular access from Gleadless Road, and also provide new 3 new access points onto Hollinsend Road.

RELEVANT PLANNING HISTORY

The planning history relating to the site concerns its use as a Public House, and is therefore not relevant to the current planning application.

SUMMARY OF REPRESENTATIONS

Neighbours

Following neighbouring notification, the placement of site notices and the publication of an advert; 6 representations have been received from 5 addresses, all objecting to the proposals. The comments made can be summarised as follows:

- Loss of privacy (raised by 367, 372, 373, 375 Hollinsend Road)
- Trees that are located on boundary of site cause natural light blockage, but do lose foliage outside spring / summer etc. Four storey dwelling will block light permanently. (Raised by 372 Hollinsend Road and 369 Hollinsend Road). Proposed removal of trees at rear of public house would be welcomed, but building 4 storey houses would block light.
- Design of the 3 houses along Hollinsend Road would be out of character on street, being a storey taller.

- Over-development of land.
- Any development should retain the Public House buildings' features.
- Congestion / parking. Additional cars likely to be parked in Hollinsend Road cul-de-sac. Sometimes work vehicles etc cause parking problems in this location.
- Increase in noise/traffic.
- End of Hollinsend Road cul-de-sac used for occasional parking
- Need for 24/7 access to Hollinsend Road property due to disability, concerned about access during and after building.
- There is no need for the houses on Hollinsend Road to be built
- No problem with proposed Gleadless Road houses.
- Potential impacts on party wall shared with No 372 Hollinsend Road; when work is being carried out, or in future as site level is much higher.
- Significant excavation, and construction will lead to disturbance.
- Potential tenure of properties.
- Query who will manage building project.
- Query detail given on the notification letters.

Applicant

The agent has submitted a representation which picks up on some of the points raised in neighbours' representations. These comments can be summarised as follows:

- Properties on opposite side of Hollinsend Road are a significant distance away from site, thereby avoiding privacy impacts.
- Public House building and trees currently lead to loss of sunlight. Trees will be removed.
- No alterations to Hollinsend Road cul-de-sac are proposed. Number of vehicles using this area will be restricted.
- Character of housing in vicinity is varied. Site levels necessitate the design of the Hollinsend Road house types. Materials reflect local street scene.
- Proposed number of properties considered to fit comfortably in the site, whilst giving parking, external amenity and separation distances. Scheme fits within the relevant planning policy density range.
- New buildings are separate from existing pub building to allow it to be a focal point of the development.
- The trees proposed for Hollinsend Road will be within a root zone cabinet to prevent impact to retaining wall, and not grow beyond a suitable size.
- Construction will be carried out in a controlled manner.
- Garage and eaves will provide storage space, and garage areas may be larger depending on nature of material to be excavated.
- Retaining wall will be properly designed and constructed.

The site notice consultation period had not expired at the time when this report was written. Any additional representations will be covered separately.

PLANNING ASSESSMENT

In national policy terms, the National Planning Policy Framework (NPPF) is relevant.

Paragraph 14 states that “at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development”. It also identifies that in decision-making terms, development proposals which accords with the development plan should be approved.

Paragraph 17 of the NPPF summarises key planning principles, with one being to “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.”

Paragraph 131 of the NPPF, requires local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness.

More generally, Paragraph 12 of the NPPF emphasises that the document does not change the statutory status of the development plan as the starting point for decision making, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

In terms of policy for the Local Authority area, weight is given to the following policies. Policy BE5 - ‘Building Design and Siting’ deals partly with the appearance of the proposal and impacts on the local area.

Weight is also given to policy H14 ‘Conditions on Development in Housing Areas’.

The Sheffield Core Strategy includes Policy CS74, which covers ‘Design Principles’.

Principle of Development

The adopted Unitary Development Plan (UDP) shows that the application site is designated as a housing policy area. UDP policy H10 says housing is the preferred use, so the broad principle is acceptable.

The site currently incorporates a Public House, its car park and the associated external space. It is considered to be previously developed land under the provisions of the NPPF.

Core Strategy Policy CS24 gives priority for the development of new housing on previously developed land. The proposal would therefore meet the aims of policy CS24.

The principle of the development would therefore be considered to meet the requirements of these relevant policies, and therefore be acceptable.

The retention of the Public House building within the scheme is welcomed, since it is considered to make a positive contribution towards the character of the locality.

Layout and Design of Proposed Dwellinghouses

UDP policy BE5 requires new buildings to complement the scale, form and architectural style of surrounding buildings.
Policy H14 covers 'Conditions on Development in Housing Areas' and in part a) requires development to respect the local area.

Policy CS74 'Design Principles' of the Core Strategy requires development to respect and enhance the distinctive features of the city, its districts and neighbourhoods.

The proposal would re-use the existing vehicular access from Gleadless Road. This would lead onto a shared parking court for the Gleadless Road terrace and the apartments. The Hollinsend Road houses would involve excavation of land to provide a level access from the street, but the existing land levels to the rear of the proposed houses would be retained.

A gated access would be provided to prevent the shared parking court being freely accessible. This would be considered to give adequate security to this space and to enhance its quality and amenity value.

This shared parking area enables the terrace of four properties to provide front garden areas onto Gleadless Road, rather than being car parking bays which would have appeared poor in street scene terms. The frontages of these houses would line through with the existing dwellings to the west.

The terrace of four would essentially be split into 2 pairs. The outer of each pair would be accessed from the side, whilst the inner would have the entrance door on the front elevations. This would provide a good level of activity and street presence, but would also ensure that the terrace's elevation onto the access drive was characterised by a level of activity.

The retention of the Public House building is welcomed and is far preferable in sustainability terms to its demolition. The proposed alterations to convert into residential accommodation include addition of external steps, alterations to a number of window openings, addition of rooflights, and addition of small mono-pitch dormer addition to the east facing roofslope.

These alterations are considered to be relatively non-intrusive upon the appearance of the building, and to not detract from its visual appearance or character. The lawned area at the rear of the public house would be retained as a shared amenity space for the apartment residents.

The 3 dwellings fronting onto Hollinsend Road would include a detached and a pair of semi-detached dwellings. They would be set over 3 storeys with rooms in the attic space. The ground floor levels would incorporate garages and access space to the habitable accommodation on the upper floor levels. This arrangement is dictated by the existing land levels in this portion of the site. These necessitate excavation to the front of the dwellings to provide level access from Hollinsend Road, and retention of the existing land levels at the rear to avoid large level differences within the site. These constraints mean an additional two storeys plus

attic space are necessary to achieve sufficient floor space to provide dwellinghouses.

The existing dwellings along Hollinsend Road are two storey detached and semi-detached properties. The eaves of the proposed dwellings would be approximately 3.2metres above the eaves level at No372. Notwithstanding this, the constraints provided by the site levels are a significant factor in determining the acceptability of the proposed design. Additionally, the substantial presence of the public house building at the corner of the site is considered to give scope for buildings taller than the existing dwellinghouses (i.e. 372 Hollinsend Road) to be proposed in this portion of the site. This stepping of the height of properties up to the Gleadless Road 'junction' is therefore acceptable.

The proposed density of the development would be approximately 65 dwellings per hectare (dph). This would exceed the range given within policy CS26 of the Core Strategy which requires 40 to 60 dph in locations near to tram-stops. However, the conversion of the public house to 6 apartments significantly contributes to the 65dph, and the conversion to a lesser number would not represent an optimal use of the building. It would also lead to excessively sized apartments, which would not be considered to be appropriate, as they are intended for single-person or small household occupation. CS26 states densities outside the stated ranges will be allowed where they achieve good design and reflect the character of an area. This proposal would be considered to achieve these outcomes, and therefore the policy is considered to be acceptable in regards to Policy CS26.

The proposal is considered to represent an appropriate level of development within the site. It uses the existing public house, and provides new development in the remaining parts of the site without exceeding what the site is capable of incorporating.

Overall, the proposal's impact on the character of the area is considered to be acceptable, meeting the relevant policies.

Sustainability Issues

Policy CS65 of the Core Strategy requires developments of this nature to provide a minimum of 10% of predicted energy needs from renewable and low carbon energy. The statement submitted with the application referred to solar panels as being the only practical option in this case, and stated that these would be expensive. The cost of solar panels per se would not be considered prohibitive, but of some relevance is the limited scope for provision within the scheme on south facing roof slopes. As an alternative, and perhaps in addition, efficient boilers and high value insulation is proposed as part of the scheme.

This option would not meet the requirements of CS65. However, it has been agreed that some renewable energy would be provided, along with enhanced insulation techniques etc. This approach would be considered to be acceptable, and can be dealt with by condition.

Neighbour Amenity Issues

UDP policy H14 c) requires developments to not deprive residents of light, privacy or security.

The neighbouring occupiers potentially affected by the proposal are those at Hollinsend Road and Gleadless Road.

The dwellings on Hollinsend Road include No372 and those on the opposite side of the road to the site. No372 is located to the north of the application site and is separated from the site's boundary by approximately 3.8metres. Its side elevation includes 2 windows and a door which are obscurely glazed, and a non-obscured window to a kitchen. The kitchen window is understood to be the sole window to that room. The kitchen window currently looks out to the 3.5metres (approx.) tall retaining wall, and a 1.8metres (approx.) tall fence set within the line of the wall by approximately 2metres.

A kitchen window would not typically be considered to serve a main living room; although it is appreciated that substantial time can be spent in a family kitchen. It would be separated by approximately 6.1metres from the nearest proposed house, which would be approximately 10.7metres in height to the eaves line of its 'half-hip'. This proximity would fall under the 12metre separation guideline set out in the Designing House Extensions- Supplementary Planning Guidance, which is also a useful tool for also assessing new housing proposals.

However, the substantial height of the existing retaining wall and fence currently has an imposing presence when viewed from this window. Also this portion of the site features some substantial trees, particularly when viewed from the lower level of the neighbouring dwelling. Whilst the seasonal leaf drop of the trees gives them some permeability reducing their solidity, they also project towards the neighbouring dwelling significantly more than the proposed house.

Also, the additional height provided by the proposed dwelling would not be particularly evident when viewed from the centre of the kitchen space as opposed to a position immediately adjacent to the window.

Concern has been expressed regarding loss of light. The proposed house is to the south of No372, however, the wall and trees would currently have a significant impact in this regard and it is concluded that the proposal would not lead to a significant worsening of this.

The dwelling would not project beyond the front of No372, and would be sited beyond its rear by a negligible distance. Therefore, this arrangement would not be considered to lead to any potential impact upon No372's front and rear elevation windows.

The side facing windows in the proposed dwelling would serve landings, rather than habitable rooms/spaces and would not therefore present significant overlooking opportunities.

On the basis of the above conclusions, it is considered that it would not be possible to resist the scheme based upon it impacts upon the occupants of No372.

The dwellings to the opposite side of Hollinsend Road would be separated by approximately 27.7metres from the frontages of the proposed dwellings on Hollinsend Road. Whilst the proposed houses are 3 storeys in height with accommodation in the attic space, it is considered that this separation would prevent any detrimental overlooking and resulting privacy loss. This is particularly the case given that Hollinsend Road is a public highway. It is also considered that the separation would prevent any significant overshadowing and loss of light implications.

The scheme would therefore be considered to have an acceptable impact upon the amenities of dwellings on the opposite side of Hollinsend Road.

The dwelling at No775 Gleadless Road to the west of the site is a detached property. Immediately adjacent to the boundary, it includes a single storey garage, which is attached to the house by a link type extension. The facing side elevation doesn't include any habitable room windows. Additionally, the proposed terrace of dwellings would not project beyond the front and rear elevations of No 775 Gleadless Road. Overall, it is considered that the proposal would avoid a detrimental impact upon No775, arising from overbearing or overshadowing impacts.

The proposed shared parking court would lead to some vehicular movements adjacent to the garden space of No775, and others. However, the area was previously the parking area of the public house. On this basis the proposal would not be considered to have an increased impact on amenities due to noise and disturbance implications.

Overall, the proposal would be considered to have a detrimental impact upon the amenities of neighbouring occupiers. Therefore, the proposal would be considered to meet the requirements of UDP policy H14.

Amenities for Potential Occupants

The proposed dwellings and apartments would each include gardens of reasonable size. The dwellings would each provide good internal environments, being well lit and ventilated, and an attractive outlook. The accommodation would therefore be acceptable in this regard.

The proposed dwellings may potentially be affected by the Carlton Social Club and generic road noise, though not to a degree that a refusal of permission could be considered. As a result it will be appropriate to impose a condition which would ensure that an acceptable internal noise environment would be provided.

This is considered to be appropriate, and relevant conditions are included in the recommendation.

Highways Issues

UDP policy H14 d) states that developments should give safe access to the highway network and provide appropriate off-street parking.

The 3 proposed dwellings to Hollinsend Road would each have 2 parking spaces, with 1 being the garage space and the other being the driveway. The 4 terraced houses and 6 apartments would each have a single parking space, and there would also be 2 visitor spaces. The terraced houses are 3 bedroomed, and there are 4no x 2 bedroomed apartments and 2no x 1 bedroomed (with an optional study/bedroom).

17 spaces are provided for 13 dwellings with each property having a minimum of one space (based upon the revision of the shared parking court layout, covered below). The Council's parking guidelines would indicate a maximum provision of between 26 and 35 spaces. The proposal therefore represents a shortfall in this regard, however, the Council's guidelines are not prescriptive but are instead maximum provisions. It is not considered necessary to seek this level of provision in this case as the site is very sustainably located, being approximately 280metres from a tram-stop and high frequency bus services. This sustainable location allows a lower parking provision to be considered acceptable. Overall, it is not considered that it would be possible to support an argument for refusal based on an inadequate level of parking provision.

The parking court layout incorporates a narrow aisle width adjacent to the parking bays. This is considered to make it difficult for vehicles to reverse to and from the spaces. Therefore, it would be beneficial to reduce the visitor parking to 1 space, providing slightly wider parking spaces. A condition is incorporated in the recommendation which covers this issue.

The cycle parking arrangements shown within the scheme would not be considered to be satisfactory. It is therefore necessary to impose a condition which requires the resubmission of cycle parking facilities subsequently.

The access / exit point at Gleadless Road would be considered to be a safe location for the access. A condition can be included in the recommendation to require the provision of visibility splays at this point.

Overall, the proposal is considered to have an acceptable impact upon local highway safety, and to meet the relevant component of H14d).

Landscaping Issues

The site currently incorporates a number of trees, which would be removed as part of the scheme. The trees are not considered to be of sufficient quality to warrant their retention. The proposed layout plan shows locations for proposed replacement trees. These locations are considered to be acceptable in principle, however, it is necessary for relevant conditions to be imposed as part of any approval to ensure implementation and maintenance.

Contamination Issues

It will be necessary to include conditions within the recommendation which require the contamination issues affecting the site to be understood and, if necessary, dealt with accordingly.

Drainage Issues

In drainage terms the proposal is considered to be acceptable, however, in the interests of limiting surface water run off as required by Policy CS67 it is necessary to require run-off to be reduced by 30% below current discharge levels.

Community Infrastructure Levy (CIL)

The application is CIL liable, and the charge rate in this location would be £30 / sq m.

RESPONSE TO REPRESENTATIONS

The majority of points made within the representations have been covered in the above assessment. In relation to the outstanding items the following comments can be made:

- The implications for the party wall as a retaining feature would be covered under building control.
- The disturbance caused during construction would not be a material planning consideration. It also is not known who will manage the building project.
- The potential tenure of the properties is not known and would not constitute a material planning consideration.
- The notification letter included an accurate description of the application in the normal manner.

SUMMARY AND RECOMMENDATION

The application relates to a site previously including and a Public House and its grounds. Planning permission is sought for conversion of the public house building to provide 6 apartments, and the construction of 7 new dwellings.

These proposals have an acceptable impact upon the character of the area, respecting the surrounding street scene and nature of the locality. It would also have an acceptable impact on the amenities of neighbouring occupiers, avoiding significant harmful impacts in overbearing or overshadowing terms. Whilst the proposed parking arrangements would represent a shortfall compared to the Council's maximum parking guidelines, the site's sustainable location would enable the proposed arrangements to be considered acceptable and to avoid detrimental impacts on local highway safety circumstances. It would be capable of providing an appropriate residential environment for its potential occupants, and would be capable of providing an acceptable response to its sustainability requirements.

The proposal is therefore considered to be acceptable, and conditional approval is therefore recommended.

Case Number	15/03156/FUL (Formerly PP-04445392)
Application Type	Full Planning Application
Proposal	Construction of glass balustrade to rear of dwellinghouse (Retrospective)
Location	30 Stainton Road Sheffield S11 7AX
Date Received	24/08/2015
Team	South
Applicant/Agent	Mr Andy Richards
Recommendation	Refuse with Enforcement Action

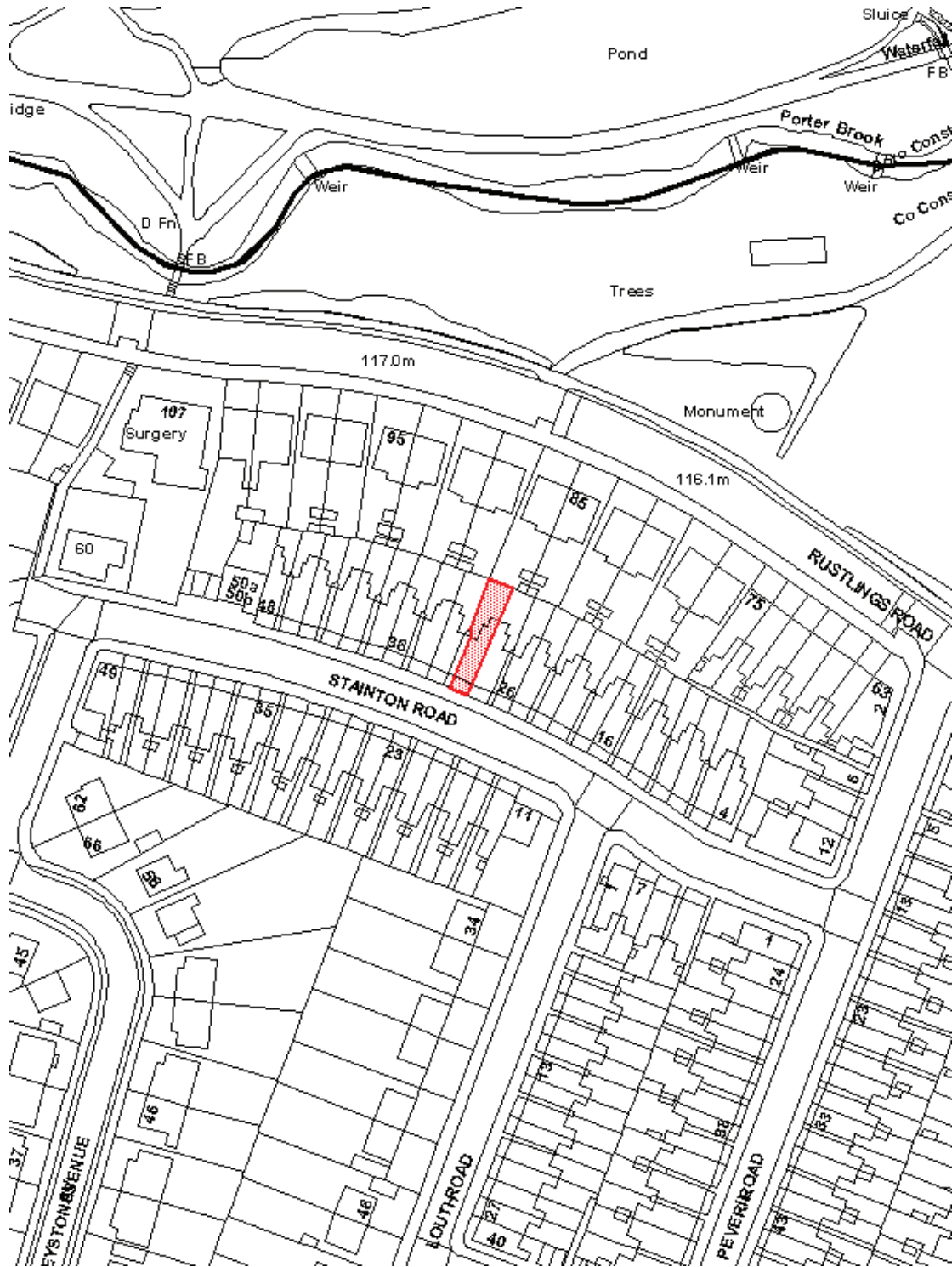
Refuse for the following reason(s):

- 1 The Local Planning Authority considers that the retention of the glass balustrade allowing the balcony to be used would result in an unacceptable level of overlooking, leading to a loss of privacy that would be harmful to occupiers of neighbouring properties especially those located to the rear along Rustlings Road which are in a lower position. The development would therefore be contrary to Policy H14 of the Unitary Development Plan and Guideline 6 of the Supplementary Planning Guidance on Designing House Extensions.

Attention is Drawn to the Following Directives:

1. Despite the Local Planning Authority trying to work with the applicant in a positive and proactive manner it was not possible to reach an agreed solution in negotiations.
2. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:
PL-005 Site Plan, PL-006 Floor Plan, PL-007 Elevations
3. The Director of Development Services or the Head of Planning has been authorised to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the unauthorised balustrade. The Local Planning Authority will be writing separately on this matter.

Site Location



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LOCATION AND PROPOSAL

The application property relates to a mid-terraced dwelling house located on Stainton Road, which is three storeys in height. A dormer window has been erected to the rear roof slope and a glass balustrade enclosing a balcony area.

The site is allocated as falling within a Housing Area as defined by the Sheffield Unitary Development Plan, with the surrounding area being residential in character.

This is a retrospective planning application for the retention of a glass balustrade located to the rear of the property at attic level which encloses a balcony. The dormer window which has been erected to the rear elevation does not require planning permission, falling within the permitted development criteria.

RELEVANT PLANNING HISTORY

There is no relevant planning history relating to this site

SUMMARY OF REPRESENTATIONS

One letter of representation has been received from an occupier of a property located to the rear along Rustlings Road, objecting to the proposal of the following grounds:

- The development overlooks the garden of 89 Rustlings Road and the use of the flat roof area impacts on private use of gardens.
- This is only seasonal and is infrequent by the current occupier but this could change with any change of owner/occupier.
- The glass balustrade should be obscured to limit the scope for visual intrusion onto neighbouring gardens.

PLANNING ASSESSMENT

Policy Issues

The application site lies within a Housing Area and as such UDP policies H14 and BE5, are relevant. The guidelines set out within the Designing House Extensions – Supplementary Planning Guidance (SPG) are targeted at house extensions and therefore serve to set parameters and guidelines to assess applications of this nature.

The National Planning Policy Framework seeks a good standard of amenity for all existing and future occupiers of land and buildings.

Design and Layout

Policies H14 and BE5 of the UDP, and Guideline 1 and 2 of the SPG for house extensions seek high quality designs that enable a proposal to fit in comfortably with their surroundings and without being detrimental to the visual amenities of the area.

The glass balustrade is considered to be well designed, of appropriate scale and good quality materials, and as such does not detract from the appearance of the building, or wider street scene.

Therefore the proposal meets the requirements of Policy H14 and BE5, of the UDP, and the SPG for Designing House Extensions.

Impact on Amenities

UDP policy H14 and guidelines 5 and 6 of the SPG: Designing House Extensions, seek to protect the amenities of the neighbouring properties. H14 (part c) requires development to not result in a significant loss of light or privacy to neighbouring property, guideline 5 of the SPG addresses the issues of overshadowing and loss of light, whilst guideline 6 seeks to protect minimum levels of privacy.

Guideline 6 of the SPG requires that extensions should protect and maintain minimum levels of privacy. It recommends that a distance of 21 metres between facing main windows is achieved, and on sloping land or where a dwelling is higher than surrounding properties, this distance may need to be greater. Guideline 6 goes on to say that rear balconies giving wide views over neighbouring gardens will not be permitted.

The closest neighbouring properties are those immediately adjacent to the site and those properties which are located to the rear along Rustlings Road which are in a lower position and are approximately 26 metres away from the balustrade. Whilst this distance is greater than the recommended 21 metres on level ground found in guideline 6 of the SPG, it is considered owing to the level difference the distance should be greater than 21 metres.

It is acknowledged that the dormer window itself falls within the permitted development rights criteria and is not being assessed as part of this application. However it is the presence of the balustrade that allows occupiers of the application dwelling to walk out from the dormer onto the balcony area which offers clear views over the private amenity space of those adjacent properties along Stainton Road and those to the rear which are in a lower position. As a result it is considered that there is a significant loss of privacy to the occupiers of these dwellings.

The area of garden closest to a property is considered to be the most used and most private, and therefore the most important to protect. It is this area of space that is adversely overlooked serving properties which abut the site especially 32 Stainton Road, and those which back on to the site in particular 85, 87 and 89 Rustlings Road. There is a tall boundary wall along the boundary of the application site which is shared with those properties along Rustlings Road at 85,87 and 89, nevertheless this only protects the bottom part of the gardens serving those properties along Rustlings Road.

Furthermore, owing to the elevated position of the balcony, views from the balcony would encompass a large proportion of the neighbouring gardens and the additional level of overlooking and increased perception of surveillance from users of the balcony in such an elevated position, would as a result, be likely to detract from the enjoyment of a large proportion of the neighbour properties gardens and

would significantly diminish the quality of this outdoor space, detracting from the living conditions of those occupiers.

The letter of objection has suggested that the glass balustrade should be obscured to limit the scope for visual intrusion onto neighbouring gardens. However it is considered that whilst this would help to restrict views whilst people using the balcony are seated, it would not restrict views whilst standing.

With regard to guideline 5 of the SPG, there is no overshadowing or overbearing created from the retention of the glass balustrade, with no detrimental impact on occupiers of neighbouring properties.

ENFORCEMENT

As the application is retrospective, it will be necessary, if permission is refused, to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the unauthorised balustrade.

SUMMARY AND RECOMMENDATION

The retention of the glass balustrade allowing the balcony to be used would result in an unacceptable level of overlooking, leading to a loss of privacy that would be harmful to occupiers of neighbouring properties especially those located to the rear along Rustlings Road which are in a lower position. The development would therefore be contrary to Policy H14 of the Unitary Development Plan and Guideline 6 of the Supplementary Planning Guidance on Designing House Extensions.

Accordingly, it is recommended that planning permission is refused.

It is further 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 balustrade.

Case Number	15/02664/OUT (Formerly PP-04353835)
Application Type	Outline Planning Application
Proposal	Erection of dwellinghouse
Location	Rear Of 52 Arundel Road Sheffield S35 2RD
Date Received	16/07/2015
Team	West and North
Applicant/Agent	R Bryan Planning
Recommendation	Grant Conditionally

Subject to:

Time Limit for Commencement of Development

1. Application for approval in respect of any matter reserved by this permission must be made not later than the expiration of three years from the date of this decision.

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

2. The development shall be begun not later than whichever is the later of the following dates:- the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

Approved/Refused Plan(s)

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

Drawing no. 2015-03D Block plan as Proposed dated November 2015.

Reason: In order to define the permission.

Pre-Commencement Condition(s)

4. The development shall not be commenced unless and until full particulars and plans thereof shall have been submitted to the Local Planning Authority and planning approval in respect thereof including details of (b) Appearance, (c) Landscaping and (e) Scale (matters reserved by the permission) shall have been obtained from the Local Planning Authority.

Reason: Until full particulars and plans of the development (including details of the matters hereby reserved) are submitted to and approved by the Local Planning Authority they cannot agree to the development proceeding.

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

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

6. Prior to the commencement of any demolition works or tree felling, details of dawn and dusk bat surveys shall have been submitted to and approved in writing by the Local Planning Authority. Any mitigation measures identified in the agreed surveys shall be incorporated into the development and retained thereafter.

Reason: In the interests of biodiversity.

7. Prior to the commencement of development, details of screen planting along the north west boundary between the dwelling and the boundary shall have been submitted to and approved in writing by the Local Planning Authority. Such planting shall be put in place prior to the occupation of the dwelling and retained thereafter.

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

Pre-Occupancy and other Stage of Development Condition(s)

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

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

Other Compliance Conditions

9. The existing brick boundary walls shall be retained for use as boundary treatment.

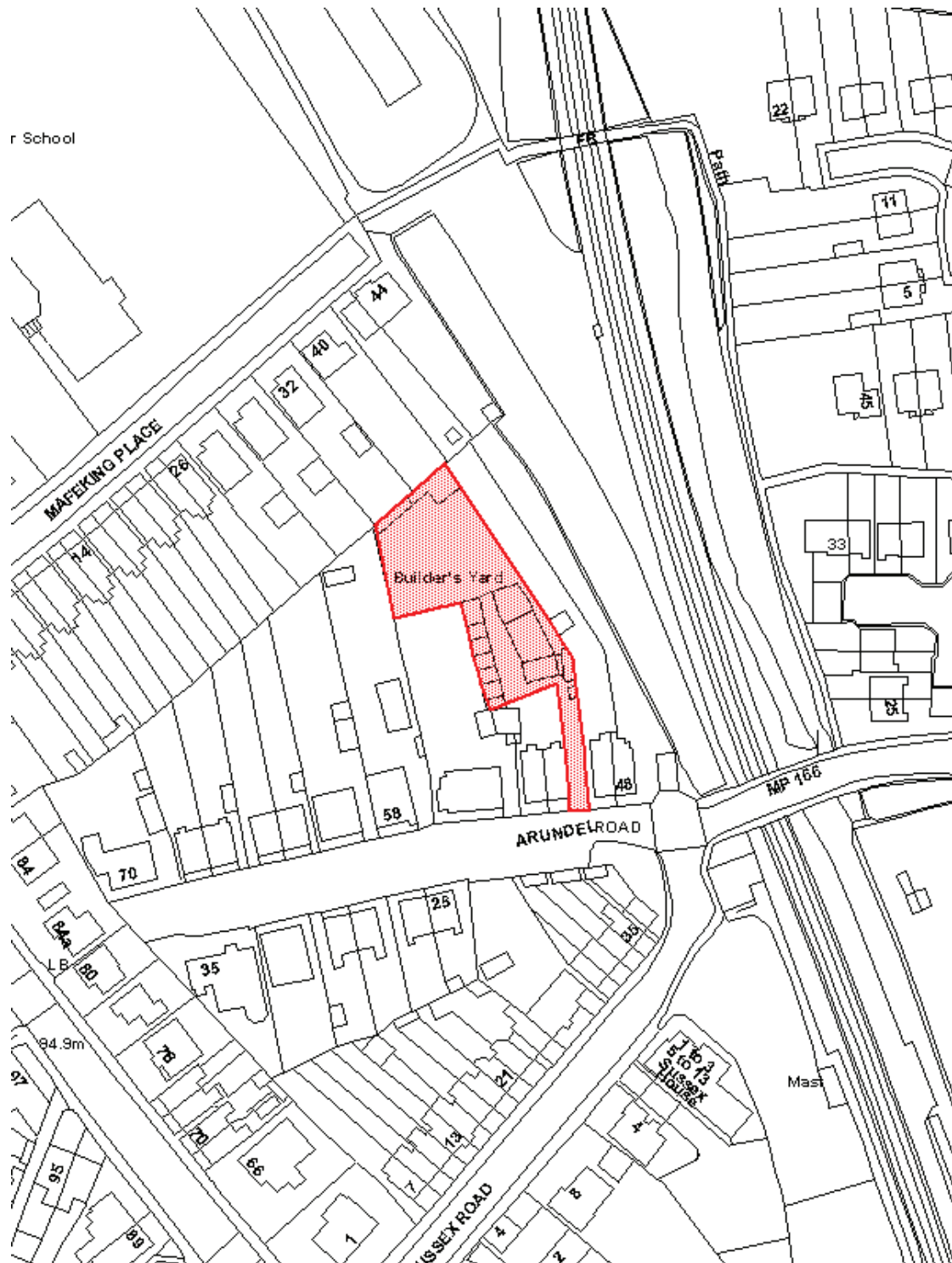
Reason: In the interests of the visual amenities of the locality.

Attention is Drawn to the Following Directives:

1. 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.

2. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk. Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency, and legal difficulties when selling or letting the properties.
3. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848.

Site Location



LOCATION AND PROPOSAL

The application site lies at the rear of gardens associated with 52 and 56, Arundel Road. Access to the site is gained via a private driveway that lies between 50 and 52, Arundel Road and is currently associated with 52, Arundel Road.

Arundel Road is a private, un-surfaced and unadopted road fronted by a mixture of detached and semi-detached houses. The land rises gently to the rear and the houses at the back fronting Mafeking Close are significantly higher.

The application site contains a former builders yard which was used by the current owner who has now vacated the property. There are a number of single and two storey buildings within the site which are in a poor state of repair and are something of an eyesore. The buildings were previously used for the storage of builder's materials and for preparation works. The storage element also spread to external storage outside the buildings.

The site now has a neglected and semi derelict appearance which detracts from the visual quality of the area.

The site widens out to a hammer head shape at the rear where it extends beyond the rear of 56, Arundel Road. In the rear of the site there are the remains of a former orchard and coniferous trees along the boundary. There are also substantial brick walls establishing the boundaries and some of these are incorporated into building walls, particularly along the eastern rear garden wall of 56, Arundel Road.

This application, as amended, seeks outline planning consent for demolition of all buildings on site to be replaced by a single dwelling in the form of a chalet bungalow which would be sited at the rear of the site. The existing access arrangements from Arundel Road would be retained and two car parking spaces would be included in front of the house with the remainder of the site given over to garden space.

The application is outline but detailed approval is being sought at this stage for Access and Layout.

RELEVANT PLANNING HISTORY

None relevant.

SUMMARY OF REPRESENTATIONS

Five letters of objection have been received from neighbours and their comments are set out below.

- The current use is not a builders yard but a garden and orchard.

- The previous application (06/03552/OUT) was refused because it was inappropriate backland development that would have a detrimental impact on 56 and 58, Arundel Road. This new application would set an unwelcome precedent if granted.
- Loss of light and increase in shade affecting the adjoining garden.
- Loss of privacy to gardens caused by overlooking.
- The proposed gable end would be close to the gardens of 32 and 40, Mafeking Place at the rear and the upstairs window of the gable end would overlook gardens.
- This would be inappropriate development close to immediate neighbours.
- If granted, trees should be planted along the north west boundary to screen the development and the footprint of the house should be moved away from this boundary.
- This application is contrary to Unitary Development Plan (UDP) policy H14 because it would be overdevelopment.
- The application site is one metre higher than the adjoining garden.
- There would be a loss of trees which would have a detrimental impact on wildlife and the green environment.
- Trees screen the site from adjoining houses and act as a noise buffer.
- The character of the area would be eroded.
- The application does not follow the pattern of development of houses fronting the roads with large rear gardens.
- Noise and disturbance during building works and cars entering and leaving the site.
- Further ecological surveys need to be carried out and the application should not be decided until this has been done.
- The loss of the site would also lead to a loss of employment opportunities.
- The brick boundary wall should be retained and the bungalow should, if approved, be built in a traditional style.

Ecclesfield Parish Council has no objection but ask that neighbours' comments are taken into account when assessing the application.

Councillor Steve Wilson has asked that this application is decided by the Planning Committee.

PLANNING ASSESSMENT

Planning Policy

The UDP shows that the application site is designated as a housing policy area and policy H10 confirms that housing is the preferred use in such areas.

Paragraph 48 of the National Planning Policy Framework (NPPF) says that windfall housing sites such as this will continue to provide a reliable source of supply but should not include residential gardens.

Embedded within the NPPF in paragraph 111 is the core planning principal of re-using existing resources and a preference for building on previously developed or

'brown field' sites. The application site is classed as brown field because it was previously used as a builder's yard so the principle would satisfy this core principle.

Core Strategy policy CS24 supports the NPPF in that it seeks to maximise the use of previously developed land.

It is considered that the broad principle of housing development on this site would be acceptable, having satisfied the above planning policy guidance.

Layout, Design and External Appearance

UDP policy BE5 says that good design and the use of good quality materials will be expected in all new development.

UDP policy H14 says that new development should be well designed and H15 requires adequate garden space along with retention of privacy and allowance for light.

Core Strategy policy CS74 expects high quality development.

The NPPF sets out in paragraph 56, the requirement of good design and that it is a key aspect of sustainable development.

This application is for outline planning permission only to establish the principle of the development on the site and planning approval for Scale and Appearance would be reserved for a future Reserved Matters application. However, the layout shows that the bungalow would be 20 metres long and between 8 and 11 metres wide, the greater width being where the south west gable feature would be located facing the side garden.

The house would be single storey to eaves apart from the gable feature which would rise to the ridge height. Supporting plans provide an indication as to how the building might be developed and living accommodation and one bedroom would be on the ground floor and three further bedrooms and the bathroom would be in the roof space. All windows in the roof would be velux apart from one window in the gable facing towards the garden at the side.

The footprint of the house would be larger than those nearby on Arundel Road but more in keeping with the scale of houses at the rear on Mafeking Place. There are a number of bungalows on Arundel Road and the indicative design of this proposal is in keeping with that of existing houses.

Materials and external appearance would be dealt with under a future application.

It is noted that the existing buildings are in a near derelict state and one is two storeys high with windows at first floor. The proposal would improve this markedly in visual terms.

Impact on the Amenities of Residents

UDP policy H14 says that new development should not lead to any nuisance or loss of privacy.

The impact of the proposal on the adjoining houses is of great concern to occupiers, who feel that their privacy would be compromised because of windows overlooking gardens due to the close proximity of the proposal to the boundary.

The application has been amended so that the rear boundary would be between 3.2 and 4.6 metres from the north facing wall of the house. The proposed gable end wall here rises to the ridge level and neighbours fear that windows serving the roof space would overlook houses and gardens to the north.

The indicative layout shows that there would be no windows in the gable elevation and this would be controlled as part of a future Reserved Matters submission. In addition, the amended scheme would allow the existing conifer trees along the rear boundary to be retained and enhanced with additional planting. This would significantly reduce the impact of the new bungalow on neighbours.

Neighbours here also feel that the proposal would dominate the existing houses. This would not be the case because existing houses are significantly higher than the application site so there would be no overdominance.

The majority of windows would be on the ground floor and would not result in overlooking because of boundary walls and planting.

The neighbours at 50, Arundel Road are concerned that because of a one metre height difference, the house would overlook the far end of their garden. The view from the neighbouring garden would be restricted to the roof sloping away from the boundary as the ground floor would be screened by the boundary treatment.

It is noted that the existing buildings have windows facing neighbours at first floor level so in the event of a builder wishing to continue the former use this building could be used in connection with the business and overlooking might occur along with noise and disturbance from the use.

It is considered that the proposal would not give rise to disamenity or disturbance to the detriment of existing residents.

Access, Parking and Transportation

UDP policy H14 says that there should be adequate off street parking, safe access from the street and pedestrians should not be endangered by the new development.

The access road at the side currently serves both the house and the former builder's yard at the back and the yard provided off street parking for both. It is the intention that the access would serve the new house including two off street spaces and also allowing pedestrian access to the existing house. There is ample parking available on Arundel Road to absorb the needs of the house.

The proposal would involve significantly less vehicle movements than the former use thus reducing the traffic generation on Arundel Road and rendering it safer for pedestrians because of reduced numbers.

The parking and access arrangements are considered to be acceptable.

Landscaping

UDP policy GE15 seeks to retain trees in new development and where trees are lost, these should be replaced.

The application site is split into three separate parts, the access drive, the builders yard at the rear of 52, Arundel Road and the former orchard area at the back between the yard and gardens of adjoining houses. It is proposed to site the house at the rear where the trees are and an Arboricultural Report has been submitted in support of the application to assess the impact. The loss of trees is also a matter of concern to local residents.

The tree survey revealed 10 individual trees and one group of trees all at the rear of the site with the group being located at the north west corner. There is also a tree located close to the site to the north east in a neighbours garden.

The site has been unmanaged for a considerable period of time and generally consists of fruit and cypress trees and shrubs. Although there is some amenity value associated with the trees, most of them have defects which will limit their long term future prospects.

Nine of the individual trees would be lost to allow development. A single fruit tree and the group of trees in the corner would be retained. The tree in the adjoining garden would not be affected by the development. There is no compelling argument to retain more of the trees because of their condition, the trees are remote from any public vantage points and the loss of the unsightly builder's yard would significantly improve the visual quality of the area.

It is intended that additional trees would be planted by way of replacement and the rear boundary planting retained and enhanced.

Impact on the Natural Environment

A theme of promoting sustainable development is the importance of retaining and enhancing the natural environment. This is recognised in paragraph 109 of the NPPF.

An ecological report has been submitted in support of the application and this focuses on the potential for the existing buildings on the site to be used as bat roosts. Bats are protected species and Members will be aware that it is a criminal offence to disturb or harm a bat.

The report splits the existing buildings into 11 separate units and concludes that nine units have low or negligible potential for roosting and two have medium potential.

Regulations require in circumstances such as this that two further dusk and dawn surveys are required carried out between May and August before any development can commence. This application is for outline planning permission and development cannot take place until a further Reserved Matters application has been approved. Consequently, it is considered reasonable to control the requirement for further surveys by a condition attached to this application.

RESPONSE TO REPRESENTATIONS

Many of the objections have already been addressed in the report but some issues still require a response.

Since the earlier application 06/03552/OUT was refused, new planning policy in the form of the NPPF and Core Strategy has been introduced and this application has been considered on its own merits.

The proposal is not considered to be overdevelopment and would have a density ratio of less than one dwelling per hectare.

The character of the area would not be eroded because the former use of the buildings is an inappropriate use within a housing area due to noise and disturbance potential and the proposal would improve the visual appearance of the site.

The backland development is already established on this site by the former builder's yard.

It is the intention to retain the brick boundary walls.

SUMMARY AND RECOMMENDATION

This application seeks outline planning permission for a single dwelling on the site of a former builder's yard behind houses. An existing access would serve the site. Detailed permission is sought for the matters of Access and Layout.

The application, as amended, proposes the house to be sited at the rear of the site with ample room left for retaining and enhancing screen planting. The principle of a house on this site is considered to be acceptable and the supporting information indicates that it would be a bungalow with the majority of openings at ground floor level. The assessment of scale and external appearance would be dealt with by a subsequent Reserved Matters planning application.

The impact on neighbours' amenities would be acceptable. A number of existing trees would be lost but their value is limited and new planting would replace some of these.

The application satisfies all relevant planning policy, is acceptable and is, therefore, recommended for conditional approval.



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 1 December 2015

Subject: Enforcement Report

Author of Report: Lee Brook

Summary: The purpose of this report is to inform Board Members of a breaches of planning control, to inform Members about enforcement action already taken under delegated powers and make recommendations on any further action required.

Recommendations:

That the Director of Regeneration and Development Services or Head of Planning be authorised to take any appropriate action including if necessary, enforcement action and the institution of legal to (i) secure the removal of the marquee from the land altogether and (ii) the removal of the unauthorised single storey extension or in the alternative full compliance with planning permission 14/1512/FUL, conditions and drawings.

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

Background Papers:

Category of Report: OPEN

ENFORCEMENT REPORT

NON-COMPLIANCE WITH CONDITIONS ATTACHED TO PLANNING PERMISSION 14/01512/FUL FOR THE RETENTION OF A SINGLE STOREY EXTENSION TO RESTAURANT & UNAUTHORISED ERECTION OF MARQUEE TO REAR OF RESTAURANT, MIRPURI DHERA, 261 STANIFORTH ROAD, S9 3FP

1. PURPOSE OF THE REPORT

The purpose of this report is to inform Committee Members of breaches of planning control, to inform Members about enforcement action already taken under delegated powers and make recommendations on any further action required.

2. LOCATION & BACKGROUND

- 2.1 The site is approximately 0.5km east of Attercliffe centre and 1km west of Darnall centre. The Mirpuri Dhera restaurant is a large 1950's two storey, (at the front), brick built detached building with large flat and pitched roofed single storey parts to the rear. It stands within its own fairly large grounds. The area is mixed in character, including railway line, electricity sub-station, industry, other businesses and terraced housing all visible from the site.
- 2.2 The unauthorised single storey extension was first brought to the Planning Service's attention in February 2014. It was found to be built using inappropriate materials consisting of an outward appearance of corrugated metal sheeting for the exterior elevations
- 2.3 A retrospective planning application was submitted in April 2014 and approved the following July for '*retention of single-storey rear extension*', ref 14/1512/FUL, with four conditions attached, which require the extension to be altered / completed to approved plans and materials that cover over the unacceptable metal corrugated sheeted elevations and also to provide the approved car parking layout.
- 2.4 It came to officer attention in June 2015, during the site visit to assess the above mentioned application that further new, unauthorised, development had taken place in the form of a large white canvass marquee erected to the rear, which remains there at the time of writing. The marquee is linked to the restaurant to provide facility for extra capacity to allow for wedding receptions. It appears to be

complementary to the restaurant by providing extra floor space rather than being a separate business. The footprint of the marquee covers some of the car parking spaces shown on subsequently approved (July) parking layout under planning permission 14/01512/FUL.

2.5 Following failed attempts, by letter, to achieve compliance with the planning permission, a Breach of Condition Notice, ('BCN'), dated 27/10/15 was served on the owner and leaseholder, requiring compliance with the following conditions of planning permission 14/01512/FUL:

- Condition 1. That the extension be rendered in accordance with approved drawings in a colour to match the existing building, to remedy the unacceptable appearance of it, as built .
- Condition 2. The development be carried out in complete accordance with the list of approved drawings specified.
- Condition 3. Specifies that the extension should not be used unless the car parking accommodation for at least 23 cars as shown on the approved plans be provided and thereafter retained.

2.6 Requests in writing have also been made for the removal of the marquee on a number of occasions. No meaningful communication has been received to acknowledge the breach, or to commit to removing the marquee, or to suggest any alternative solution.

2.7 The unauthorised extension has been assessed in the above mentioned planning application and a Breach of Conditions Notice was served 27/10/15 to remedy the harm caused by non-compliance with conditions to do with appearance and car parking provision.

3. ASSESSMENT OF THE MARQUEE

3.1 The marquee has been on site continuously for approximately 18 months and is considered to amount to a permanent fixture, with no firm indication of a removal date from its owner. It is large and made of a white canvass type material over a metal frame and has glazed French doors / window in one of the elevations. It is at the rear of the premises and does not appear to be physically attached to the main building although it appears that it might have a loose connection or 'walk through' from the main restaurant. The marquee is considered to be 'development' requiring planning permission by reason of, (a) its size; it is large enough to mean it would need to be erected on site, probably (but not essentially) by specialists; (b) its degree of permanence, being present for approximately 18 months to date and (c) its attachment to the ground, it appears to have a metal frame, which is fastened to the existing tarmac car park.

- 3.2 If it is established as 'development', then planning controls apply and the merits of the development can be assessed against relevant policy. National Planning Policy Framework, (NPPF), states that development should always seek to secure high quality design.
- 3.3 The site lies within 'Attercliffe Mixed Use Area' in the Sheffield Unitary Development Plan, (UDP). UDP Policy MU11 relates to 'Conditions on Development in Mixed Use Areas' and advises that new development will be permitted provided that it is well designed and of a scale and nature appropriate to the site and comply with policies for the 'Built and Green Environment' within the UDP; in this case Policy BE5 is relevant. Policy BE5 requires good design and the use of good quality materials for all new and refurbished buildings and extensions.
- 3.4 The adopted Core Strategy, Policy CS74 sets out the design principles and requires development to be high quality, which would respect, take advantage of and enhance the distinctive features of the City, its districts and neighbourhoods.
- 3.5 The Mirpuri Dhera restaurant, is a brick construction with traditional detailing and a pitched roof to the main part of the building at the front. It is set back from the road with a forecourt area where there are 5 car parking spaces and a raised veranda. It has a fairly large parking area at the rear, however this is partly occupied by the marquee. A smaller proportion of the rear car park was already given over to construct the single storey extension referred to above, which is subject to Breach of Condition Notice, (para.2.5).
- 3.6 The marquee is considered to be inappropriate and not in keeping with the character of the building or the area and is not an acceptable alternative to the use of traditional materials. It is largely made of a white canvass material and is partially visible from the highway (Staniforth Road) but is largely out of view from there. No other footpaths / highways pass the site; it is more visible from adjacent properties. Although the marquee does not occupy a prominent position, it is necessary to consider the impact of the extension on the appearance of the host building.
- 3.7 Its large size has an impact on the parking layout as it sits astride some of the spaces allocated under the approved car parking layout, which is part of the planning permission 14/1512/FUL for the retention of the single storey extension. Compliance with this car parking layout is not possible without moving the marquee. The BCN served 27/10/15, (referred above), requires the approved car park layout be provided. This could be seen as the solution for the removal of the marquee, however to avoid it being modified and re-sited elsewhere on the site, this report is presented to Committee to seek authority to serve an enforcement notice to remove it altogether from site. The design is not acceptable as an alternative to a permanent extension or outbuilding.

3.8 Policy MU11 permits new development provided that it is adequately served by transport facilities, has safe access to the highway and appropriate off-street parking. The marquee is located within the existing rear car park area, resulting in the loss of some car parking spaces. The car park was fairly large and an existing car parking layout has been approved under a planning application 14/01512/FUL, (to regularise the adjacent single storey extension), which indicates that 18 spaces would be provided within the rear car park. This was considered acceptable by the Highways Officer subject to the existing 5 spaces at the front of the site being retained and these have been retained.

4. REPRESENTATIONS

4.1 A member of the public notified the Planning Service that an extension made of metal has been erected at the property in January 2014. No representations have been made in relation to the marquee.

5. ASSESSMENT OF ENFORCEMENT OPTIONS

5.1 Section 171C of the Town & Country Planning Act 1990, ('the Act') provides for the service of a Planning Contravention Notice, (PCN). It requires information about the breach of control and property ownership. It also gives an opportunity to meet with officers to make representations. Such a meeting can be used to encourage regularisation and/or discussions about possible remedies where harm has occurred. In this case regularisation is not being recommended.

5.2 Section 172 of the Act provides for the service of an enforcement notice, (EN). In this case such a notice would require the removal of the unauthorised marquee from the site altogether. An EN could also be used to require the removal of the single storey extension because, technically, it does not have planning consent in the absence of full compliance with the conditions. However in principle an extension is acceptable and the harm can be remedied by using breach of condition notice described at 5.3. It seems unlikely that the owners would argue that they have not implemented the planning permission 14/01512/FUL. However should they make such a case, then an EN could require the removal of the extension altogether.

5.3 Section 187A of the Act provides for the service of a breach of condition notice, (BCN). A BCN was served 27/10/15 under the delegated authority to officers, which requires compliance with retrospective planning permission conditions under ref. 14/1512/FUL for the retention of the extension with appropriate modifications. Compliance with the BCN would also indirectly remedy the marquee issue because it requires compliance with a condition to implement an approved car park layout. One of the approved plans shows a specific car parking layout. The marquee occupies a large area at the rear of

the restaurant including several of the proposed parking spaces shown on the approved layout.

6. EQUAL OPPORTUNITIES

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

7. FINANCIAL IMPLICATIONS

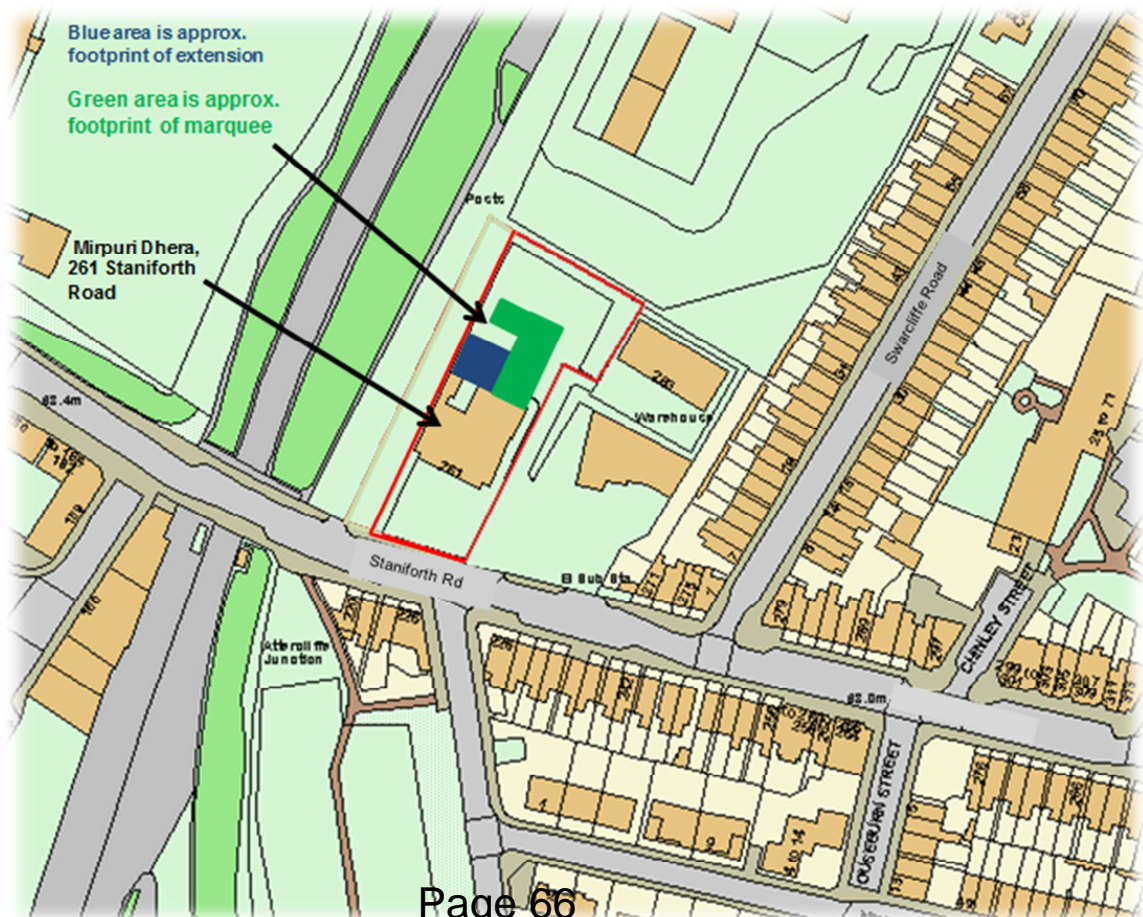
7.1 There are no financial implications arising from the recommendations in this report.

8. RECOMMENDATION

8.1 That the Director of Regeneration and Development Services or Head of Planning be authorised to take any appropriate action including if necessary, enforcement action and the institution of legal proceedings to (i) secure the removal of the marquee from the land altogether and (ii) the removal of the unauthorised single storey extension or in the alternative full compliance with planning permission 14/1512/FUL conditions and drawings.

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

SITE PLAN



PHOTOS



Maria Duffy
Interim Head of Planning

28 October 2015

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SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Director of Regeneration and Development Services

Date: 01 December 2015

Subject: Enforcement Report

Author of Report: Abby Wilson

Summary: To inform committee members of a breach of the Planning Regulations and to make recommendations on any further action required.

Reasons for Recommendations

Officers consider that the UPVC windows are an inappropriate modern material and of poor design in any conservation area and as such are contrary to policies BE5, BE15, BE16 and BE17 of the Unitary Development Plan and CS74 OF THE Core Strategy for Sheffield.

Recommendations:

That authority be given to the Director of Regeneration and Development Services or Head of Planning to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the UPVC windows on the front elevation at 16 Moor Oaks Road.

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

Background Papers:

Category of Report: OPEN

ENFORCEMENT REPORT

Unauthorised Replacement UPVC windows at 16 Moor Oaks Road in the Broomhill Conservation Area.

1. PURPOSE OF THE REPORT

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

2. BACKGROUND AND LOCATION

- 2.1 16 Moor Oaks Road is a traditional mid 19th Century stone built 2 storey terrace property. Moor Oaks Road is situated within the Broomhill Conservation Area and is a Housing Area as defined in the Unitary Development Plan. The property has been subjected by the Local Planning Authority to the Article 4 (1) Direction and permitted development rights have been removed.

- 2.2 The property is used as a House in Multiple Occupation for students. A complaint was received from a local resident, concerned that traditional timber sliding sash windows had been replaced with uPVC, in breach of the Article 4 Direction.

- 2.3 The original good quality, traditionally proportioned timber sliding sash windows in the front bay and front elevation first floor windows have been replaced with uPVC frames. The Article 4(1) Direction removes the right to replace windows.

- 2.4 The owner of the site was contacted to advise him of the breach and how to remedy the situation. The owner responded to state he was complying with instruction from Private Housing Standards (PHS). A review from PHS had highlighted several changes that would be required to bring the property up to a good quality to attain a housing license. The written recommendations of PHS refer to the installation of UPVC windows. The owner believed they were cooperating by complying with all the requirements set out by the Council's Private Housing Standards department.

- 2.5 Although the recommendations of Private Housing Standards specify UPVC windows in their letter, the literature also includes caveat which states '*All work to be carried out in line with current building regulations and all necessary planning and building control permissions should be in place.*'

- 2.6 Officers advised the owner that the windows needed to be replaced with timber sliding sash, however, given the circumstances that had led to the breach of planning control, a generous timescale to allow the owner to resolve the situation. The owner had agreed to do the work and stated that they did not wish to make a

formal complaint regarding the advice from PHS. Since the last correspondence with the owner and his wife in August 2014, no further correspondence has been received and the uPVC windows remain in situ.

3. RELEVANT PLANNING HISTORY

3.1 There is no relevant planning history relating to these properties.

4. ASSESSMENT

4.1 Policy Issues - The property is set within a Housing Area and the Broomhill Conservation Area. Relevant policy therefore includes Unitary Development Plan policies BE5, BE15, BE16 and BE17.

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

4.3 UDP policy BE5 states that any development will be high quality and well designed and of a scale and nature that is appropriate to the site that fits comfortably with their surroundings, without being detrimental to the visual amenities of the area. Similarly, policy CS74 of the Core Strategy further reiterates the need for high quality designs and strengthens the Local Planning Authority's position regarding the preservation of Sheffield's built heritage.

4.4 Policy BE15 Areas and Buildings of Special Architectural or Historic Interest, says that development that would harm the character or appearance of Conservation Areas will not be permitted. Policy BE17 Design and Materials in Areas of Special Architectural or Historic Interest, requires a high standard of design using traditional materials with Policy BE16 Development in Conservation Areas, stating that development in Conservation Areas is required to preserve or enhance the character and appearance of that Conservation Area.

4.5 The Broomhill Conservation Area Appraisal which was adopted on 17 December 2007 refers to the loss of architectural features and poor quality replacement windows which have spoiled the external appearance of a building and the local street scene. This includes the removal of original timber windows, and their replacement with uPVC.

4.6 The appraisal refers to Moor Oaks Road and its neighbouring streets, stating the area has its own special character and there are many examples of buildings still retaining their original features such as sash windows, timber doors and decorative bargeboards. The general uniformity of the buildings brings a sense of cohesion to the area.

4.7 The uPVC windows which have been installed do not reflect the historic window opening mechanism found in this or other traditional buildings in the conservation area. The thicker frames and glossier finish that result from uPVC and the lack of finesse in the detailing results in the windows being wholly out of keeping with the character and detailing of the host properties, and the wider conservation area.

4.8 There have been a number of UPVC replacement windows within the terrace, however these windows do not set a precedent for further poor quality development, and over time through exercise of planning controls, these windows would be expected to return to timber.

4.9 A recent appeal relating to a property at 24 Ashgate Road which featured uPVC mock sashes and included glazing bars and horns, was dismissed, with the inspector concluding that uPVC windows harm the character and appearance of the host property, failing to preserve or enhance the appearance of the Broomhill Conservation Area. In addition recent appeals at no's 9, 11 and 31 Moor Oaks Road relating to composite replacement doors have also been dismissed on a similar basis.

5. SUMMARY OF REPRESENTATIONS

5.1 One representation was received from a local resident, concerned that timber sliding sash windows had been replaced with UPVC in breach of the Article 4 Direction.

6. ASSESSMENT OF ENFORCEMENT OPTIONS

6.1 The service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 enables the Local Planning Authority to issue an Enforcement Notice where there has been a breach of planning control. In this case the notice would require remedial measures to ensure that the perceived harm is remedied. In this case this would be that the uPVC windows facing the highway at 16 Moor Oaks Road are removed. There is a right of appeal to the Planning Inspectorate against the service of an Enforcement Notice. Appeal decisions however have supported the Council in taking similar action.

7. EQUAL OPPORTUNITIES

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

8. FINANCIAL IMPLICATIONS

8.1 There are no additional financial implications expected as a result of this report. If an appeal is made against the enforcement notice, costs can be made against the Council if it is shown that they have behaved "unreasonably" in the appeal process. It is unlikely that this will happen as Officers do not consider unreasonable behaviour has occurred. However, in the unlikely event compensation is paid, it would be met from the planning revenue budget.

9. RECOMMENDATION

9.1 That authority be given to the Director of Regeneration and Development Services or Head of Planning to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the UPVC windows fronting the highway at 16 Moor Oaks Road.

9.2 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.



Before



After

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 1 December 2015

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Claire Woods 0114 2734219

Summary:

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

Reasons for Recommendations

Recommendations:

To Note

Background Papers:

Category of Report: OPEN

DEVELOPMENT SERVICES

REPORT TO PLANNING &
HIGHWAYS COMMITTEE
1 DECEMBER 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 delegated decision of the City Council to refuse planning permission for a single-storey front, side and rear extensions and raised decking to rear of dwellinghouse at 73 Cobnar Road S8 8QD (Case No 15/03112/FUL)

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for alterations to roof including raised ridge height and dormer to rear of dwellinghouse at 149 Lowedges Crescent S8 7LH (Case No 15/02440/FUL)

3.0 RECOMMENDATIONS

That the report be noted

Maria Duffy
Acting Head of Planning

1 December 2015