

Planning and Highways Committee

Tuesday 23 February 2016 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
23 FEBRUARY 2016**

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 - 6)
Minutes of the meeting of the Committee held on 2 February 2016
- 6. Site Visit**
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 7. Applications Under Various Acts/Regulations** (Pages 7 - 82)
Report of the Director of Regeneration and Development Services
- 8. Enforcement of Planning Control: 198 to 200 Crookes Valley Road** (Pages 83 - 90)
Report of the Director of Regeneration and Development Services
- 9. Enforcement of Planning Control: 3 Nether Edge Road** (Pages 91 - 98)
Report of the Director of Regeneration and Development Services
- 10. Quarterly Overview of Enforcement Activity** (Pages 99 - 102)
Report of the Director of Regeneration and Development Services
- 11. Quarterly Update of Enforcement Cases in the South Area** (Pages 103 - 118)
Report of the Director of Regeneration and Development Services
- 12. Quarterly Update of Enforcement Cases in the City Centre and East Areas** (Pages 119 - 130)
Report of the Director of Regeneration and Development Services

- 13. Quarterly Update of Enforcement Cases in the West and North Area** (Pages 131 - 146)
Report of the Director of Regeneration and Development Services
- 14. Review of Affordable Housing Obligation: Dyson Refractories Ltd., Griff Fireclay Works, Stopes Road** (Pages 147 - 150)
Report of the Director of Regeneration and Development Services
- 15. Record of Planning Appeal Submissions and Decisions** (Pages 151 - 154)
Report of the Director of Regeneration and Development Services
- 16. Date of Next Meeting**
The next meeting of the Committee will be held on 15 March 2016

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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SHEFFIELD CITY COUNCIL

Planning and Highways Committee

Meeting held 2 February 2016

PRESENT: Councillors Peter Rippon (Chair), Nasima Akther, David Baker, Jack Clarkson, Roger Davison, Alan Law, Adam Hurst, Ibrar Hussain, Peter Price, Vickie Priestley (Substitute Member), Chris Rosling-Josephs, Ian Saunders (Substitute Member), Garry Weatherall and Joyce Wright

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1. APOLOGIES FOR ABSENCE

- 1.1 Apologies for absence were received from Councillors Bryan Lodge and Denise Reaney and Councillors Ian Saunders and Vickie Priestley, respectively, attended the meeting as the duly appointed substitutes. An apology for absence was also received from Councillor Tony Damms, but no substitute was appointed.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETING

- 4.1 The minutes of the meeting of the Committee held on 19 January, 2016 were agreed as a correct record, subject to the name of Councillor Nasima Akther being added to the list of Councillors who gave their apologies for absence for the meeting and it also being recorded that a substitute was not appointed in her place.

5. SITE VISIT

- 5.1 **RESOLVED:** That the Director of Regeneration and Development Services, in liaison with a Co-Chair, be authorised to make arrangements for a site visit on Monday, 22 February 2016, in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

6. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

- 6.1 **RESOLVED:** That (a) the applications now submitted for permission to develop land under the Town and Country Planning Act 1990 and the Regulations made thereunder and for consent under the Town and Country Planning (Control of Advertisements) Regulations 1989, be decided, granted or refused as stated in the

report to this Committee for this date and as amended 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) an application for advertising consent for the retention of two illuminated digital display screens at 259 Abbeydale Road (Case No. 15/04448ADV) be refused (i) for the reasons 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 259 Abbeydale Road and (B) the Head of Planning, in liaison with a Co-Chair of the Committee, to vary the action in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control; and

(c) having heard representations at the meeting from the applicant's representative speaking in support of the development, an application for planning permission for the erection of a care centre (99 beds) (use class C2) with ancillary rehabilitation facilities/service (delivering physiotherapy, aqua therapy, occupational therapy and speech therapy) and other ancillary elements (including cafe, library, cinema and hair and beauty salon), parking and outdoor landscaped amenity space at Ravenscroft Resource Centre, Smelter Wood Drive (Case No. 15/03318/FUL) be granted, conditionally, subject to (i) the plan details contained in Condition 2 being replaced by revised details, (ii) Condition 7, Paragraph 1, being amended in respect of the relocation of the words "(using the BRE 365 method)" from after the words "engineering drawings" to the end of the paragraph after the words "infiltration is proposed" and (iii) Condition 17 being amended by the addition of "roof parapet" to the list of items to be provided at minimum scale of 1:20, all as detailed in a supplementary report circulated at the meeting.

(NOTE: Councillor Ibrar Hussain arrived at the meeting during consideration of an application for advertising consent for the retention of two illuminated digital display screens at 259 Abbeydale Road (Case No. 15/04448ADV), but sat in the public seating area and did not take part in the consideration of the application.)

7. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 7.1 The Committee received and noted a report of the Director of Regeneration and Development Services detailing (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.

8. DATE OF NEXT MEETING

- 8.1 **RESOLVED:** That it be noted that the next meeting of the Committee will be held on Tuesday 23 February 2016 at 2.00 pm, at the Town Hall.



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 23/02/2016

Subject: APPLICATION UNDER VARIOUS
ACTS/REGULATIONS

Author of Report: Lucy Bond and 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.
15/04643/FUL (Formerly PP-04721295)	Star Flyer Fargate Sheffield S1 2DH	11
15/04019/OUT (Formerly PP-04517843)	Baldwins Omega Ltd Brincliffe Hill Sheffield S11 9DF	18
15/03567/FUL (Formerly PP-04515234)	Garages To Side Of 127 Bevercotes Road Sheffield S5 6HB	38
15/03556/FUL (Formerly PP-04520858)	Myers Grove House Cats Hotel 100 Myers Grove Lane Sheffield S6 5JH	47
15/03555/FUL (Formerly PP-04520841)	100 Myers Grove Lane Sheffield S6 5JH	55
15/03543/REM (Formerly PP-04513623)	Site Of Abbeydale Grange School Hastings Road Sheffield S7 2GU	61

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SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To the Planning and Highways Committee
Date Of Meeting: 23/02/2016

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	15/04643/FUL (Formerly PP-04721295)
Application Type	Full Planning Application
Proposal	Temporary installation of a Star Flyer attraction including associated structures and works
Location	Star Flyer Fargate Sheffield S1 2DH
Date Received	23/12/2015
Team	City Centre and East
Applicant/Agent	Linestyle Architecture
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:

Plan reference No:

- (a) (21) 002 rev A00 star flyer layout and elevations
- (b) (10)028 rev A00 site location plan
- (c) (10)029 rev A01 exieisng and proposed site plan

Reason: In order to define the permission

Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)

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

3. The use shall cease and the Star Flyer and all associated structures and equipment shall be removed on or before the 30th June 2016.

Reason: In the interests of the future development of the area

Other Compliance Conditions

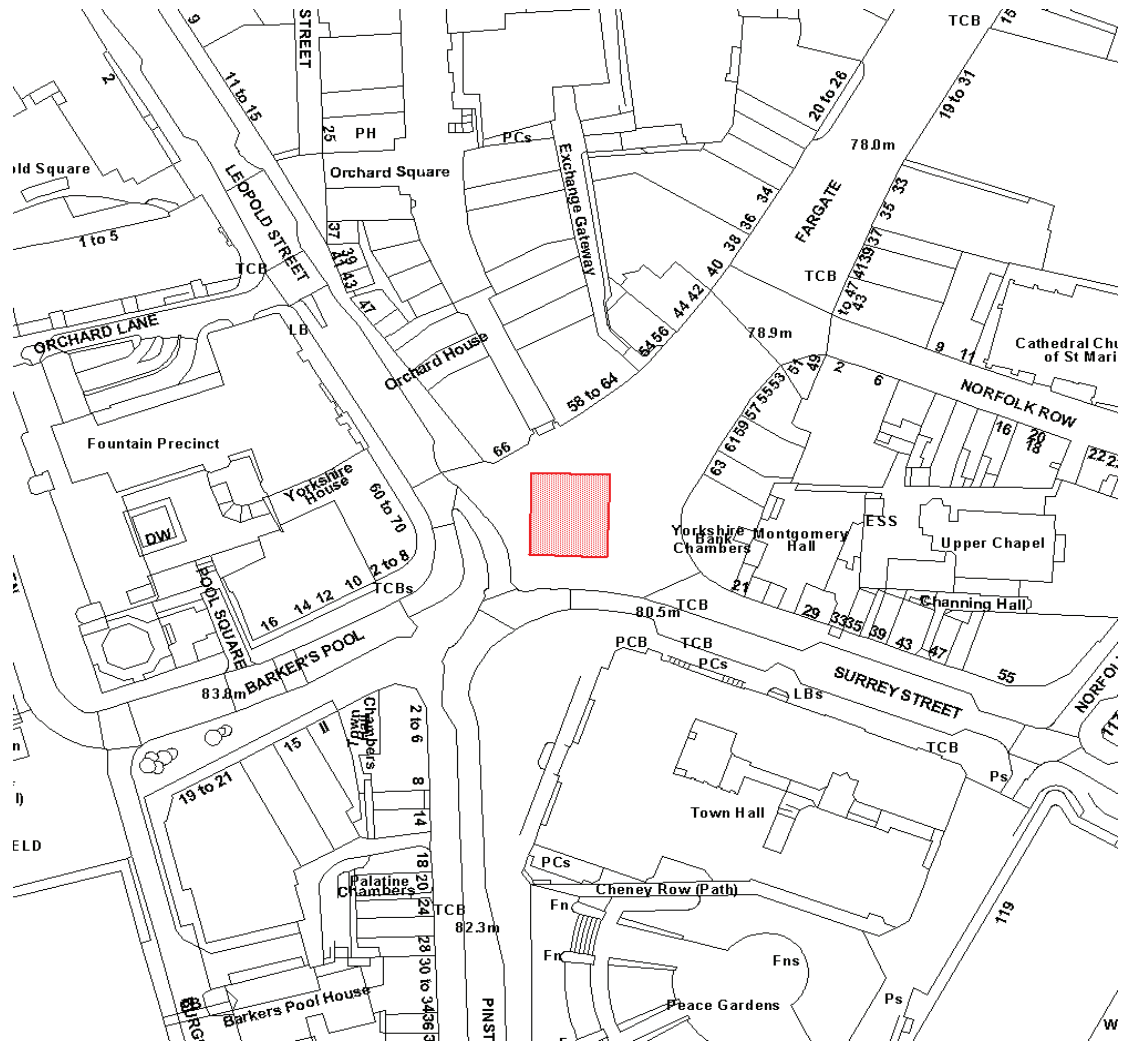
4. The star flyer shall be used only between 1000 hours and 2300 hours on any day.

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

Attention is Drawn to the Following Directives:

1. 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

This application relates to the temporary siting of a 'Star Flyer' carousel visitor attraction for a period of 4 months between March 2016 and the end of June 2016. The Star Flyer is proposed to be located at the southern end of Fargate close to the junction of Barkers Pool and Surrey Street. The site has in the past temporarily accommodated a giant observation wheel for a period of approximately 18 months.

The Star Flyer is approximately 66.8 metres high and the base of the structure inclusive of plant, equipment and designated customer queuing space occupies an area of approximately 25 metres by 22 metres.

The site is located within the City Centre Conservation Area and in close proximity to several listed buildings, including the Grade I Listed Town Hall, which is located approximately 20 metres to the south.

RELEVANT PLANNING HISTORY

09/01571/FUL - Siting of giant observation wheel for temporary period to end of January 2010 (amended layout plan dated 17.06.2009) – Granted Conditionally.

09/03500/FUL - Application to allow siting of giant observation wheel for temporary period to end of January 2011 (Extension of time of previous temporary permission) – Granted Conditionally.

12/03380/RG3 - Temporary siting of log cabins and market stalls for use as Christmas Market (Change of use application under Reg 3 - 1992) – Granted Conditionally.

SUMMARY OF REPRESENTATIONS

No letters of representation have been received from the general Public.

Historic England has no comments on the application.

Yorkshire Water have objected to the proposal on the grounds that the structure will restrict access to underground drainage and water supply infrastructure.

PLANNING ASSESSMENT

Land Use

Policy S3 'Development in the Central Shopping Area' within the Sheffield Unitary Development Plan (UDP) states that leisure and recreation facilities (D2) are acceptable uses within such areas. Furthermore the principle of erecting a city wide leisure attraction is supported by adopted Core Strategy Policy CS 14 'City-wide Distribution of Shopping and Leisure Development' which identifies the City Centre Primary Shopping Area as the main focus for leisure facilities with city-wide and regional catchments, and Policy CS 15 'Locations for Large Leisure and Cultural Developments' which identifies that development of leisure and cultural facilities that serve the city and wider region will be located in, or at the edge of, the City Centre where possible.

The site has accommodated a giant observation wheel in the past and as such the principle of locating a similar large scale visitor attraction is considered acceptable in this location. The Star Flyer has been located in several other cities worldwide and locations nationally including London and Manchester. The presence of this attraction will help to encourage visitors into the city centre contributing to its vitality and viability.

Adopted local policy identifies the City Centre as the preferred location for large scale leisure developments and it is considered that the Star Flyer will attract

visitors and increase footfall in the City Centre benefiting established retail and commercial uses by providing an attraction that will allow Sheffield City Centre to rival other regional shopping destinations.

In light of the above the principle of accommodating the Star Flyer for a temporary period is considered acceptable.

Visual Impact

Policy BE3 'Views and Vistas in the City Centre' within the UDP states that development will not be permitted to damage the traditional City Centre skyline or views and vistas which are important to the centre's character. The policy goes on to identify several views that will be affected by this proposal, including views towards the Town Hall along Division Street and Leopold Street and views down Fargate.

Policy BE11 'Public Spaces' states that development within or adjacent to Fargate will only be permitted where it would respect:

- The character of the space in terms of function, scale, proportions and views, and
- The contribution which surrounding buildings make to the character of the space in terms of scale, massing and proportions.

Policy BE15 'Areas and Buildings of Special Architectural or Historic Interest', Policy BE16 'Development in Conservation Areas'; and Policy BE19 'Development Affecting Listed Buildings' seek to ensure that development preserves and enhances the character of the area and special architectural or historic interest of buildings which are an important part of Sheffield's heritage

Policy S10 'Conditions on Development in Shopping Areas' within the UDP states that new development should be well designed and of a scale and nature appropriate to the site.

The Star Flyer is approximately 67 metres high constructed from a steel lattice frame with feature star which accommodates the seating that forms part of the ride. The base of the structure is enclosed with low level fencing, and the back of house area, which includes the power generator, is located to minimise its visual impact and will be screened with solid fencing. Due to the height and position of the Star Flyer it will be visible from a number of established key views and from a number of vistas across the city. It will also be viewed in the context of the City Centre Conservation Area and several listed buildings adjacent to the site.

The principle of siting a large attraction in this location on Fargate has been established by the previous "Wheel of Sheffield" approvals. In material terms, the impacts on the setting of nearby listed buildings and the conservation area is similar to the previous wheel, and the temporary nature of the attraction effectively reduces its impact.

In light of the above, whilst the Star Flyer will certainly affect the appearance of the Conservation Area and the setting of the nearby listed buildings for a temporary period it will have no long term impact and as such is not considered to be contrary to the above policies. The economic benefits of the scheme will far outweigh the short-term visual harm caused.

Highways and Access Issues

Policy S10 'Conditions on Development in Shopping Areas' within the UDP states that new development should be served adequately by transport facilities and provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians. Policy BE10: Design of Streets, Pedestrian Routes, Cycleways and Public Spaces within the UDP seeks to ensure that the design of streets, pedestrian routes and public spaces makes them convenient and safe to use for all members of society and minimises the conflict between pedestrians, cyclists and motorised traffic.

The Star Flyer will be located centrally in the wide pedestrian area at the top of Fargate. Although this location has some spatial constraints particularly with regard to existing street furniture, the structure can be accommodated without damaging any existing street furniture features. Adequate circulation space is also retained on the ground around the structure to continue to allow the free and safe flow of pedestrians in this busy City Centre location.

In terms of vehicle movements, a suitable distance has been retained to ensure that all stores can retain existing service arrangements. Access for emergency vehicles is also retained along Fargate.

With regard to mobility access, the operators ensure that all the required help is given to allow access for all.

In light of the above the impact of the structure on pedestrian movement for this temporary period is considered acceptable and accords with Policies S10 and BE10.

Amenity Issues

The Star Flyer does not create any excessive light pollution or emit any significant noise from its operation (other than from passengers on the ride) that is considered to give rise to any amenity issues. It is proposed to operate the attraction between 1000 hours and 2300 hours 7 days a week. There are not considered to be any residents in the immediate locality that would be detrimentally affected by the operation of the proposal. In light of the above the proposal is considered acceptable from an amenity perspective.

RESPONSE TO REPRESENTATIONS

Yorkshire Water (YW)

The applicant has identified that the base of the structure is sectional and can be removed to enable access under it if required by YW. Whilst YW's objection is noted the previous observation wheel was sited over the same infrastructure for an extended period of time without incident. On the basis that the applicant has confirmed access can be provided, YW's objection is not considered to warrant the refusal of planning permission as this is principally a matter between the applicant and YW as a statutory undertaker.

SUMMARY AND RECOMMENDATION

The visual impact of the Star Flyer on the city skyline is not considered to be harmful taking account of its temporary nature. The site has successfully accommodated a large observation wheel in the past and it is considered that the proposal will have a similar positive economic effect, contributing to the vitality and viability of the city centre and helping to attract visitors.

Although not ideal in the long term, the siting of the wheel affords suitable space for pedestrians to continue to access the shops and services available on Fargate for this temporary period.

All the retail units retain existing servicing arrangements.

Given the central location, the attraction will be easily accessible by varying modes of public transport and there are several public car parks in the vicinity.

In light of the above, it is recommended that the application for the Star Flyer is granted for a temporary period and subject to the listed conditions.

Case Number	15/04019/OUT (Formerly PP-04517843)
Application Type	Outline Planning Application
Proposal	Demolition of existing buildings, and re-development as residential with vehicular access from Chelsea Court
Location	Baldwins Omega Ltd Brincliffe Hill Sheffield S11 9DF
Date Received	04/11/2015
Team	South
Applicant/Agent	DLP Planning Ltd
Recommendation	Grant Conditionally

Subject to:

Time Limit for Commencement of Development

1. 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 (a) Appearance, (b) Landscaping, (c) Layout and (d) 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.

2. 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.

3. 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)

4. With the exception of emergency vehicles, vehicular access to the development shall be achieved solely from Chelsea Court as identified within the Illustrative layout - Option 1e (Rev A)

Reason: In order to define the permission.

Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)

5. Before the commencement of the development a construction management plan shall be submitted and agreed. The plan shall provide details of:

Construction vehicle routing;
Construction vehicle parking and manoeuvring areas;
Contractor parking areas;

The development shall then be constructed in accordance with the agreed plan

Reason: In the interests of highway safety and the amenity of the locality

6. No development shall take place, including any works of demolition, until details are submitted for written approval by the Local Planning Authority specifying measures to monitor and control the emission of dust during demolition and construction works.

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

7. 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.

8. 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.

9. 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.

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

10. 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.

11. 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.

12. 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.

13. 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, unless otherwise agreed in writing by the Local Planning Authority 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 the proper provision has been made for its disposal.

14. Before the commencement of the development details of the measures to restrict the Brincliffe Hill access to use by pedestrians, cyclists and emergency service vehicles only shall be submitted to and approved in writing by the Local Planning Authority. Thereafter such approved details shall be implemented and so retained thereafter.

Reason: In the interests of highway safety and the amenity of the locality

15. No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs of the completed development will be 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 shall have been installed before any part of the development is occupied and a post-installation report shall have been submitted to and 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.

16. Before the development is commenced full details of the technical specification of the interface between proposed highway and the existing highway of Chelsea Court shall be submitted to, and approved in writing by, the Local Planning Authority. Such details shall include:

- Gradients
- Visibility splays
- Kerbs and verges
- Pedestrian Footways

Thereafter, the newly formed access shall be implemented in accordance with these approved details and shall be so retained thereafter.

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

17. No development shall commence until a scheme for the delivery of affordable housing equivalent to no less than 10% of the gross internal area to be provided as part of the development, or an alternative percentage figure agreed with the Local Planning Authority following an independent viability assessment has been submitted to and approved by the Local Planning Authority. The affordable housing shall be provided for sale to a Registered Provider at a transfer price stipulated by the Council as part of the approved scheme. The scheme shall include details of:
- a) The number, type, tenure and location of the affordable housing;
 - b) The timing for the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - c) The arrangements to ensure that such provision is affordable for both first and future occupiers of the affordable housing or if not possible for the subsidy to be recycled for alternative affordable housing provision;

The affordable housing shall be provided in accordance with the approved scheme.

Reason: In order to ensure that appropriate contribution is made towards provision of affordable housing within the City Centre and West Area

Other Compliance Conditions

18. 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.

19. Surface water and foul drainage shall drain to separate systems.

Reason: To ensure satisfactory drainage arrangements.

Attention is Drawn to the Following Directives:

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

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

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

You should apply for a consent to: -

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

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

3. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
4. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from SCC Environmental Protection Service, 2-10 Carbrook Hall Road, Sheffield, S9 2DB: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.

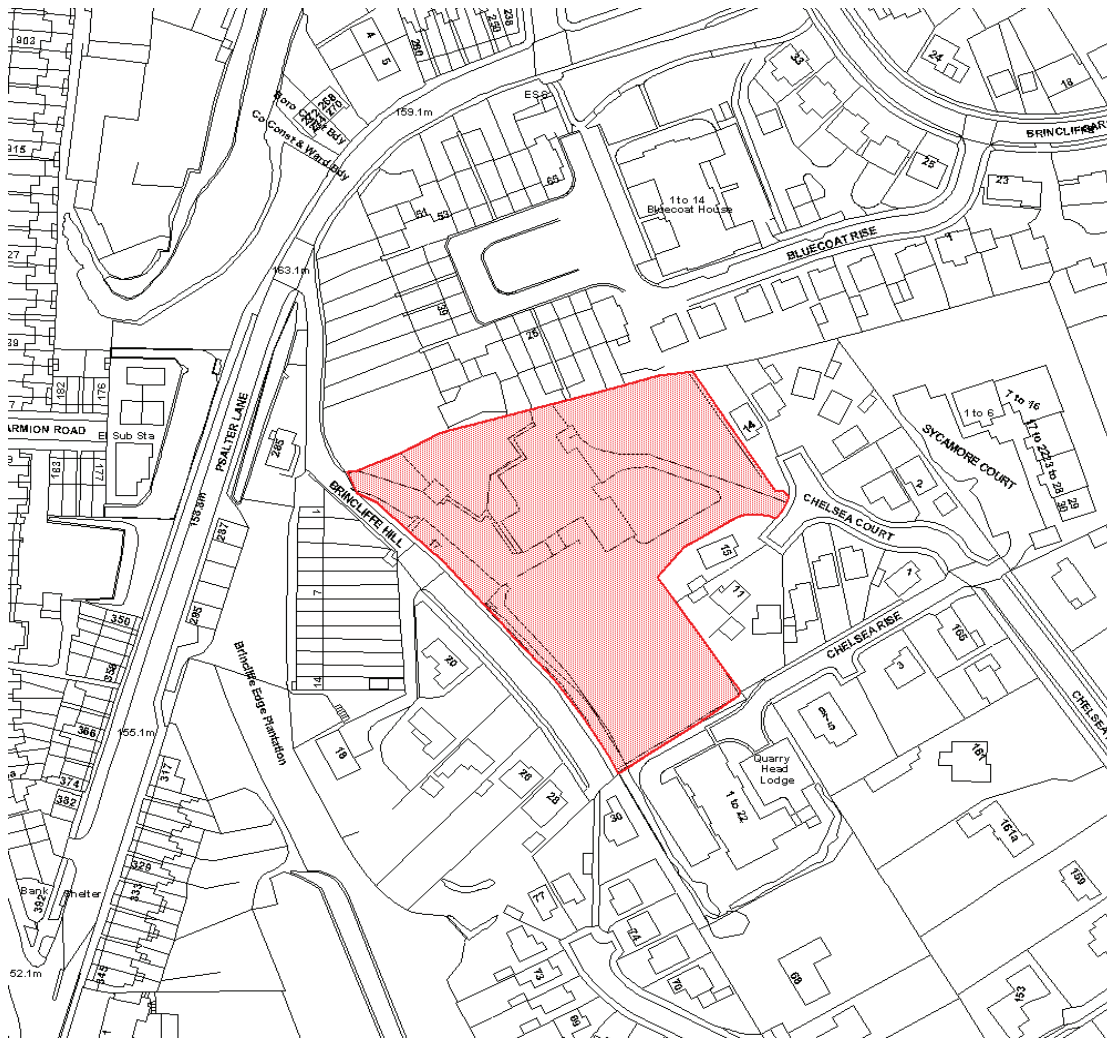
5. Before the development is commenced, a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which agreed in writing with the Local Planning Authority. Any deterioration in the condition of the highway attributable to the construction works shall be rectified in accordance with a scheme of work to be agreed with the Local Planning Authority.
6. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.
7. Section 80 (2) of the Building Act 1984 requires that any person carrying out demolition work shall notify the local authority of their intention to do so. This applies if any building or structure is to be demolished in part or whole. (There are some exceptions to this including an internal part of an occupied building, a building with a cubic content of not more than 1750 cubic feet or where a greenhouse, conservatory, shed or pre-fabricated garage forms part of a larger building). Where demolition is proposed in City Centre and /or sensitive areas close to busy pedestrian routes, particular attention is drawn to the need to consult with Environmental Protection Services to agree suitable noise (including appropriate working hours) and dust suppression measures.

Form Dem 1 (Notice of Intention to Demolish) is available from Building Standards, 2-10 Carbrook Hall Road, Sheffield S9 2DB. Tel (0114) 2734170

Environmental Protection Services can be contacted at DEL, 2-10 Carbrook Hall Road, Sheffield, S9 2DB. Tel (0114) 2734651

8. 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.
9. The Applicant is advised that measures required by Condition 14 shall employ measures such as use of a landscape strip with a minimum width of hard surfacing for a fire appliance and knock down bollards
10. 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 a site of approximately 0.8 hectares located in the south west of the city and lying within an allocated Housing Area as defined in the Sheffield Unitary Development Plan.

The site use is currently the Baldwin's Omega restaurant and function rooms (Use Class A3). The restaurant itself is a sizeable, predominantly single storey building located towards the northern boundary of the site with the rest of the site dominated by a large car park (approximately 95 spaces). Because of the falling ground level across the site from west to east the building does achieve elements of two storeys in height at its eastern elevation. White render is employed throughout as a principal facing material.

Some areas of soft landscaping are located adjacent the building along the northern and north western boundary.

The site is currently accessible to vehicular traffic from Brincliffe Hill to the north west and Chelsea Court to the east.

This is an outline application which originally sought permission for the erection of 38 dwellings (a mixture of flats and detached dwellings). However Officer concerns with regard to the indicative layout mean that the exact numbers of units is now not specified. This will enable negotiation with regard to an appropriate density/layout to be undertaken at reserved matters stage. Nonetheless it is anticipated that the number of dwellings to be accommodated on the site would not be dissimilar to the indicative plans depending on unit types and other design considerations/constraints.

RELEVANT PLANNING HISTORY

Planning permission was granted in 2003 (03/02175/FUL) for an extension to form garden room and terrace for dining.

SUMMARY OF REPRESENTATIONS

In response to the Neighbour Notification process 28 letters of representation have been received 23 of these being objections and a further five offering a neutral view or highlighting constraints on the site. One of the latter letters is a response from the Sheffield Area Geology Trust.

SUMMARY OF POINTS RAISED

The Sheffield Area Geology Trust sought comfort that the former quarry face on the western boundary should remain available for viewing and study for geological reasons.

Representations objecting to the proposal can be summarised as follows:

Assurances are sought that any works to the quarry faces should be achieved at the expense of the developer and not local residents particularly on Brincliffe Hill where the highway is only semi-adopted.

On street car parking is a concern for residents of Chelsea Road and Chelsea Court where overspill and inconsiderate on street car parking creates manoeuvring difficulties and adversely impacts on residential amenity and highway safety.

The proposal is an overdevelopment of the site with inadequate off street car parking and poor access.

The access from Chelsea Court will be particularly problematic during periods of freezing weather due to ice/snow on the roads.

Public transport (in the locality) is hopelessly inadequate. The only close bus route is the No 4 along Psalter Lane. This only runs once an hour. To propose a low level of parking provision 'given the location to public transport' is disingenuous.

Future occupants are likely to be younger, professional couples, both of whom work, both of whom need to use cars. This is clearly demonstrated by the car ownership characteristics of the other new developments in the area, some of which comprise only one bedroom apartments. Parking provision should be increased to at least the level of the SCC guidelines.

The area is being over developed and at the very least the number of units should be reduced.

The proposed three-storey flats will introduce an overbearing/overlooking aspect towards properties on Brincliffe Hill.

The proposal will generate excessive vehicular journeys.

In recent years the construction of the apartment blocks at Quarry Head Lodge and Sycamore Court has already caused a considerable increase in traffic and wear and tear on the road surfaces. The addition of more dwellings would exacerbate this situation.

Since the Council accepts that the use of the junction of Brincliffe Hill and Psalter Lane is acceptable as the primary access point future resident's vehicular access to the site should be split between Brincliffe Hill and Chelsea Court. The road surface of Brincliffe Hill should be upgraded at the expense of the developer/ new estates residents and adopted by the Council. Any access to the site should be controlled by electronic barrier to prevent rat running and only residents of the new development, Brincliffe Hill and Chelsea Court would be given passes.

Resident's vehicular access should be completely avoided on Brincliffe Hill as the junction with Psalter Lane is extremely dangerous and increasing vehicular movements would compromise highway safety.

The proposal should be for individual houses with garages and driveway parking.

The development should be restricted to houses rather than including flats.

Drains in the locality have overflowed in the past and created flooding problems. Surface drainage is much the same and Chelsea Road becomes a river. There is always a deep and extensive flood outside 28 Cavendish Road where the road levels off. Larger sewer systems should be installed before the roads are resurfaced this year under the PFI initiative.

There will need to be a physical barrier installed at the Brincliffe Hill access to prevent access/egress to all but emergency vehicles.

The absence of appropriate footpaths on Brincliffe Hill raise highway safety concerns.

Brincliffe Hill should not be used as an access for emergency vehicles due to the narrowness of the carriageway and the dangerous junction with Psalter Lane.

The indicative cross sections do not accurately represent the site and due to the topography of the site the flats will appear as six stories in height when set against the adjacent Bluecoats development. If not set back sufficiently there will be considerable overlooking and significant blocking of light.

The development will also result in significant loss of trees without appearing to replace them.

The parking plans suggest cars within a few metres of the north boundary. This boundary consists partly of quarry wall and part stone retaining wall. The stone wall on the boundary would have never been considered as a highway retaining structure and any design should reflect this. Should the proposal be constructed there is the possibility of the wall being surcharged which may result in failure. There is also the reasonable proposition that accidental actions could see a car plummet up to 5 metres (into back gardens) if the correct barriers are not included.

The only viable solution for the drainage would be attenuation tanks. It is likely this attenuation would need to reduce the flow greater than the 30% suggested or it could surcharge the local system and flood areas.

The proximity of the car parking area at the North Side of the proposed development to the Bluecoats estate. This may cause a significant litter/fouling issue.

Neutral comments/observations/suggestions.

Construction traffic should be restricted to certain times to reduce disruption to residents.

The contribution towards housing stock is to be welcomed provided adequate off street car parking is provided within the development and the housing is constructed to the best environmental standards.

Bin lorries reverse onto Brincliffe Hill and so any increase in pedestrians on this route raises concerns about highway safety.

Before construction of the boundary wall to the car park surface water poured into the gardens of houses on Chelsea Court. Residents would not want to see a return of such a scenario.

Matters raised that are not material considerations

There are concerns that developing the site could de-stabilise the quarry face and boundary wall on the adjacent Bellway site to the north. This would be a matter for Building Regulations.

Construction traffic will damage verges pavements and road surfaces.

At certain dates in the past, for example when Chelsea Park hosted the annual bonfire and during the construction of Sycamore Court when contractors cars/vans were parked on Chelsea Rd inconsiderate parking occurred to the detriment of local residents amenity.

PLANNING ASSESSMENT

Policy

Overarching National Policy

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

The key principle enshrined in the document is a presumption in favour of sustainable development.

At Paragraph 11 states:

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

At Paragraph 19 states:

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

At Paragraph 58 states:

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

Planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- optimise the potential of the site to accommodate development
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging
- appropriate innovation;
- and are visually attractive as a result of good architecture and appropriate landscaping.

At Paragraph 47 states:

To boost significantly the supply of housing, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to

provide five years supply of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land.

At Paragraph 49 states:

Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Local policy and supplementary planning guidance

The site lies within a Housing Area as defined in the adopted Unitary Development Plan (UDP). The most relevant UDP and SLP Core Strategy policies are:

H5 (Flats, bedsits and shared housing)
H10 (Development in Housing Areas)
H14 (Conditions on Development in Housing Areas)
H15 (Design of New Housing Developments)
H16 (Open Space in New Housing Developments)
BE5 (Building Design and Siting)
CS22 (Scale of the Requirement for New Housing)
CS23 (Locations for New Housing)
CS24 (Maximising the Use of Previously Developed Land for New Housing)
CS26 (Efficient Use of Housing Land and Accessibility)
CS31 (Housing in the South West)
CS41 (Creating Mixed Communities)
CS63 (Responses to Climate Change)
CS64 (Climate Change, Resources and Sustainable Design of Developments)
CS65 (Renewable Energy and Carbon Reduction)
CS74 (Design Principles)

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

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

Principle of Proposed Development

Housing uses (Class C3) are the preferred land use in Housing Areas in accordance with UDP Policy H10 (Development in Housing Areas).

In land use terms, residential development is acceptable in principle and, whilst the current A3 use can also be acceptable in a Housing Areas, a housing use would be preferable.

The indicative layout, whilst now discounted in terms of precise numbers of units, shows a mix of flats and detached dwellings, offering variety and choice, and whilst the proposal must be tested against other policies in the UDP, SDF Core Strategy and the National Planning Policy Framework (NPPF) the principle of the development is considered acceptable.

Housing Supply considerations

The NPPF at paragraph 49 states:

Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 14 of the NPPF states that planning permission should be granted in such circumstances unless the adverse impacts of doing so clearly outweigh the benefits.

Core Strategy Policy CS22 mirrors the NPPF requirement that a 5 year supply of housing should be maintained at all times.

Currently the Local Planning Authority can demonstrate a 4.7 year supply of deliverable sites and the proposal would therefore help achieve the delivery of new homes to meet the needs of a growing population as outlined in the Council's Corporate Plan 2015-2018 and as required by the NPPF and Core Strategy Policy CS22.

Density considerations

The proposals (as initially received), would represent a density of approximately 47 units per hectare. The density range quoted in Core Strategy Policy CS26 (Efficient Use of Housing Land and Accessibility) suggests that 40-60 dwellings would be an appropriate density in this location and as such a scheme such as that indicated on the indicative plan would be acceptable in terms of density.

Policy CS26 does permit densities outside this quoted range where proposals achieve good design, reflect the character of the area or protect a sensitive area.

Policy CS31 'Housing in the South West' states:

In South-West Sheffield, priority will be given to safeguarding and enhancing its areas of character. The scale of new development will be largely defined by what can be accommodated at an appropriate density through infilling, windfall sites and development in district centres and other locations well served by public transport.

It continues:

In recent years there has been a tendency to increase the volume of housing here through higher densities, including the construction of apartments, but respecting

the character of the area means that the density of new developments should be in keeping with it. In many parts of the south-west, such as the Victorian suburbs and other areas with distinctive townscape, this will place significant limits on higher densities.

The indicative layout shows that a scheme within the specified density parameters can be achieved that would be compatible in the context of the surrounding area. However, it is considered that the mix of units or the number of units would need to be varied from the indicative plans in order to provide satisfactory provision of off-street car parking, private and communal external amenity space and appropriate space about dwellings.

Overall, the proposals give an indication that an efficient form of land use in the context of the area can be achieved.

Scale and massing

Whilst the plans received with the application are purely indicative the proposed development will clearly be in the two to three storey range. This is entirely in keeping with the context of the locality. Given the differences in land levels to neighbouring curtilages, due to both variations in natural ground level and historic quarrying in and around the site, care will need to be taken with regard to neighbouring residential amenity but this matter is dealt with elsewhere in this report.

Sustainability considerations

The NPPF sets out a commitment to achieving sustainable development. Developing sustainably includes supporting strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations and creating a high quality built environment. It also includes the improvement of biodiversity, using natural resources prudently, and mitigating and adapting to climate change.

A residential scheme at this location could offer several benefits which would contribute to achieving sustainable development.

The site is in a sustainable location, being previously developed land in an accessible location close to services and public transport on Ecclesall Road (approximately 400 metres) and Psalter Lane (approximately 300 metres). Core Strategy Policy CS23 (Locations for New Housing) places the main focus for new housing developments on suitable, sustainably located sites within the urban area with an emphasis on supporting urban regeneration and make efficient use of land and infrastructure and in this regard the proposals are considered appropriate.

Policy CS24 (Maximising the Use of Previously Developed Land for New Housing) gives priority to the development of previously developed sites and the proposal would achieve such an aim.

With such measures included in any reserved matters submissions, the proposals should be capable of meeting Core Strategy Policies CS63 (Responses to Climate Change), CS64 (Climate Change, Resources and Sustainable Design of Developments) and CS65 (Renewable Energy and Carbon Reduction).

The precise siting and design of buildings is a matter reserved for subsequent approval. Nonetheless there should be scope for introducing low carbon and renewable energy technology within the scheme and there is no reason to believe that dwellings cannot be designed to take advantage of technology to harness renewable sources.

There is also scope to reduce the impact of surface water run-off in the locality through the employment of Sustainable Urban Drainage Strategies and/or other attenuation works. Any scheme should, at the very least, result in an overall reduction in impermeable hard surfacing and an increase in both soft landscape and the use of porous/permeable hard surfacing.

A housing development will strengthen the character of the Housing Area and remove an acceptable, but less desirable, use. A mix of house types is proposed on the indicative plans and this is welcomed.

Amenity of Existing Occupants

Notwithstanding the points mentioned in 'Density considerations' with regard to the indicative plans it is considered that appropriate separation distances can be achieved to existing dwellings. Supplementary Planning Guidance requires a separation of 21 metres between main facing windows and suggests that this distance be increased if proposals lie at a higher level.

Whilst the three storey blocks (shown as nos.19-30 on the indicative plans) would be located at an elevation (existing ground level) significantly above the properties to the north (on the Bluecoats development) these achieve a 28 metre separation distance to the existing terraced houses. Should the detailed scheme achieve such separation significant overlooking, overbearing or overshadowing is highly unlikely and it would be difficult to base a robust refusal on inadequate separation distances.

The proposal would undoubtedly introduce traffic movements onto Chelsea Road and Chelsea Court but Baldwin's Omega already generates significant vehicle movements and these can often be concentrated in the late evenings when visitors/taxis etc. are travelling to and from the venue. It is not felt that a residential scheme such as that proposed would represent any greater disturbance than that already present, and in terms of night time noise and disturbance may actually represent an improvement in circumstances.

Amenity of future occupants

Overall, a development approaching the scale proposed on indicative plans is capable of being designed to meet criteria in UDP Policies H5 (Flats, bedsitters and shared housing), H14 (Conditions on Development in Housing Areas), H15

(Design of New Housing Developments), Core Strategy Policy CS74 (Design Principles) and Supplementary Planning Guidance and South Yorkshire Design guidance.

However, any reserved matters submission will need to provide improved areas of private external and community space. These requirements could be achieved either through a reduction of units or through a variation in the unit types.

Ecology and Landscape considerations

Policy GE11 (Nature Conservation and Development) requires development to respect and promote nature conservation.

Core Strategy Policy CS73 (The Strategic Green Network) seeks to enhance the Strategic Green Network where possible. Such network follows the rivers and streams of the main valleys, including the Sheaf.

UDP Policy BE6 (Landscape Design) requires good quality landscape design in new developments.

There are no protected trees or specific specimens of significant public amenity on the site. However, there are groups of lesser trees that provide a softening of the built environment. Without a defined layout it is not possible to determine exact losses but any reserved matters scheme should seek to either retain useful groupings or propose sufficient replacement planting.

Subject to the above the scheme could offer significant benefits in terms of providing opportunity to plant replacement trees of native species and in offering gardens and external amenity areas that could encourage biodiversity. The ability to grasp the opportunity will rely on achieving a detailed layout at reserved matters stage which contains good quality private and communal external amenity spaces with scope for appropriate planting.

Highway considerations

Access

The sole means of vehicular access serving the dwellings indicated on the main site is proposed to be taken from the existing vehicular access point on Chelsea Court. This is a long established access which has previously been subjected to use by domestic and commercial vehicles visiting the site. This entrance to the site has been assessed by Officers and is considered acceptable in terms of vehicle access/ egress and trip generation.

The current alternative access to the site is from Brincliffe Hill (and in turn onto Psalter Lane) and this is extremely poor in terms of visibility and carriageway width. The scheme proposes to limit the use of this access (for vehicular traffic) to emergency vehicles only and this is considered prudent.

Off street car parking

The indicative layout suggests a provision of two spaces per detached dwelling, and one space per flat with additional limited spaces for visitors.

This would equate to current UDP guidelines which require 2 spaces per detached house, one space per two bedroom flat with an additional 1 space per four flats for visitors.

The NPPF states that local planning authorities should consider the following factors in setting local parking standards:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles.

In this instance, the indicative level of provision appears satisfactory though exact details would be required at reserved matters stage.

Connectivity

It is anticipated that pedestrian and bicycle traffic will use the Brincliffe Hill route to reach Psalter Lane. As previously mentioned the junction between Brincliffe Hill and Psalter Lane is far from ideal in terms of highway safety and there is no pedestrian footway on Brincliffe Hill itself. However, this route is already used by residents of Brincliffe Hill and the level of traffic that would be present on this route should the bar to all but emergency vehicles be implemented would be less than existing with the restaurant in operation. As such this aspect is considered acceptable.

Overall, the proposals are capable of complying with UDP Policies IB9, H14 and BE9 (Design for Vehicles).

Drainage considerations

Surface water discharge should be reduced by a minimum of 30% on brownfield sites in accordance with Core Strategy Policy CS67. There is likely to be a significant reduction in hard surfacing compared to the existing development and permeable surfaces should assist greatly in the rate of discharge.

The employment of SUDS and/or attenuation tanks can provide technical solutions to ensure reduction in surface water run-off.

Overall, surface water discharge will need to be reduced in accordance with the relevant provisions in Policy CS67.

Land contamination considerations

A Ground Investigation Report has been submitted with the application proposal and Officers of the EPS have recommended intrusive ground investigation prior to any re-development. It is considered that these measures can be conditioned so as to be addressed at the reserved matters stage.

Archaeology considerations

Other than the semi-exposed quarry face on the west boundary (which is more of geological interest than historical) there is little to suggest that historic artefacts will be present below the existing buildings and infrastructure. The site was used as a sandstone quarry (for grindstones for cutlery working) in the late C19th century but historical maps reveal that cranes for haulage of stone may have been the only industrial structures on site.

No further archaeological investigation is therefore required as part of developing the site.

Air Quality considerations

It is not considered that the proposed use will result in any significantly harmful change in air quality. Pollutants and particulates are only likely to result from residents vehicular movements and as the site currently experiences similar traffic movements this is not felt to be a concern.

CIL and Planning Obligations

The Community Infrastructure Levy (CIL) is applicable to the application proposals with a levy of £30/sqm (Zone 3). The funds generated through CIL will be used in connection with strategic infrastructure needs.

Affordable Housing

Policy CS40 (Affordable Housing) within the Core Strategy states that developers of all new housing schemes will be required to contribute towards the provision of affordable housing where this is practical and financially viable.

The target within CS40 is between 30 & 40% of the units, but a more spatial approach to affordable housing provision is now adopted within the Community Infrastructure Levy and Planning Obligations Supplementary Planning Document (2015) (SPD). The SPD identifies affordable housing provision based on viability across a particular area. This site falls within the City Centre and West area and sites within this area have a target of 10% for affordable housing provision.

Given that the applicant is seeking outline consent it is not possible to determine if it would be financially viable to meet the 10% target at this stage. As such this matter will be conditioned and considered again at the reserved matters stage.

Response to representations

Matters relating to scale, massing, space about dwellings, drainage, landscape, access and parking have all been addressed in the main body of this report

Matters relating to slope/quarry face stability and subsidence are the realm of Building Regulations.

Any potential for vehicles to fall over the quarry face to the north would need to be addressed at detailed stage (the introduction of safety barriers being the potential solution)

The indicative plans show the quarry face on the west boundary as remaining accessible for study.

Inconsiderate parking of residents and visitors is unfortunate but planning control can only extend to ensuring adequate provision within any proposal in accordance with guidelines.

Construction traffic hours of operation and potential dust generation can be controlled by condition.

SUMMARY

This is an application seeking outline permission for residential development of a site which has been previously developed. Notwithstanding the indicative layout submitted with the application, the exact number and distribution of units is yet to be determined.

However, a detailed scheme along the lines of the indicative proposals should be capable of providing and maintaining adequate standards of residential amenity, an appropriate mix of housing and adequate provision for vehicles.

Affordable Housing can be secured through appropriate condition.

Overall, it is considered that a detailed scheme based on this outline proposal could achieve significant benefits in terms of housing provision, the re-use of previously developed land, securing sustainability policy aims and offer an opportunity to increase biodiversity.

RECOMMENDATION

Grant subject to conditions

Case Number	15/03567/FUL (Formerly PP-04515234)
Application Type	Full Planning Application
Proposal	Alterations to garages for use as community centre (Use Class D1)
Location	Garages To Side Of 127Bevercotes RoadSheffieldS5 6HB
Date Received	28/09/2015
Team	City Centre and East
Applicant/Agent	Plans For Extensions Ltd - Mr N Fieldhouse
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:

Elevations and floor plans received 12/11/15

Reason: In order to define the permission.

Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)

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

3. Large scale details, including materials and finishes, at a minimum of 1:20 of the infill window panels to the Bevercotes Road front elevation and lower ground floor rear elevation shall be approved in writing by the Local Planning Authority before that part of the development commences. Thereafter, the works shall be carried out in accordance with the approved details.

Reason: In order to ensure an appropriate quality of development

4. Before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable inclusive access and facilities for disabled people to enter the building(s) and within the curtilage of the site, shall have been submitted to and approved in writing by the Local Planning Authority and the community centre shall not be used unless such inclusive access and facilities have been provided in accordance with the approved plans. Thereafter such inclusive access and facilities shall be retained. (Reference should also be made to the Code of Practice BS8300).

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

5. Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient car parking accommodation within the site, including details of the proposed surfacing, layout and marking out of the car parking accommodation, shall have been submitted to and approved in writing by the Local Planning Authority. The community centre shall not be used unless such car parking accommodation has been provided in accordance with the approved plans and thereafter such car 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

6. No live music or amplified sound shall be played within the building unless a scheme of sound attenuation works has been installed and thereafter retained. Such scheme of works shall:
 - a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.
 - b) Be capable of restricting noise breakout from the building to the street to levels not exceeding the prevailing ambient noise level by more than 3dB when measured;
 - (i) as a 15 minute LAeq, and;
 - (ii) at any one third octave band centre frequency as an 15 minute LZeq.

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

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

7. The community centre shall not be used unless all redundant accesses on the Bevercotes Road frontage of the building have been permanently stopped up and reinstated to kerb and footway.

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

8. Before the development is commenced full details of the proposals to secure funding of the works and the Traffic Regulation Order as necessary to permit the proposed disabled parking bay on Bevercotes Road to the frontage of the site, and any associated restrictions or regulatory changes to the highway to ensure the efficient movement of vehicles along the highway in the immediate vicinity of the development, must be submitted to and approved by the Local Planning Authority. Thereafter the parking space shall be provided in accordance with the approved plans.

Reason: In the interests of facilitating disabled access

Other Compliance Conditions

9. Notwithstanding the terms of the Town and Country Planning (Use Classes) Order 1987, or any statutory instrument revoking and re-enacting that Order, the community centre shall be used solely for the use hereby permitted and shall not be used for any other purpose within Class D1.

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

10. The community centre shall be used for the above-mentioned purpose only between 10:00 hours and 22:00 hours on any day.

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

11. All refuse bins associated with the use shall be stored in the rear yard area and no bins shall be stored on the Bevercotes Road frontage.

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

12. No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof, including acoustic emissions data, have first been submitted to and approved in writing by the Local Planning Authority. Once installed such plant or equipment shall not be altered.

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

Attention is Drawn to the Following Directives:

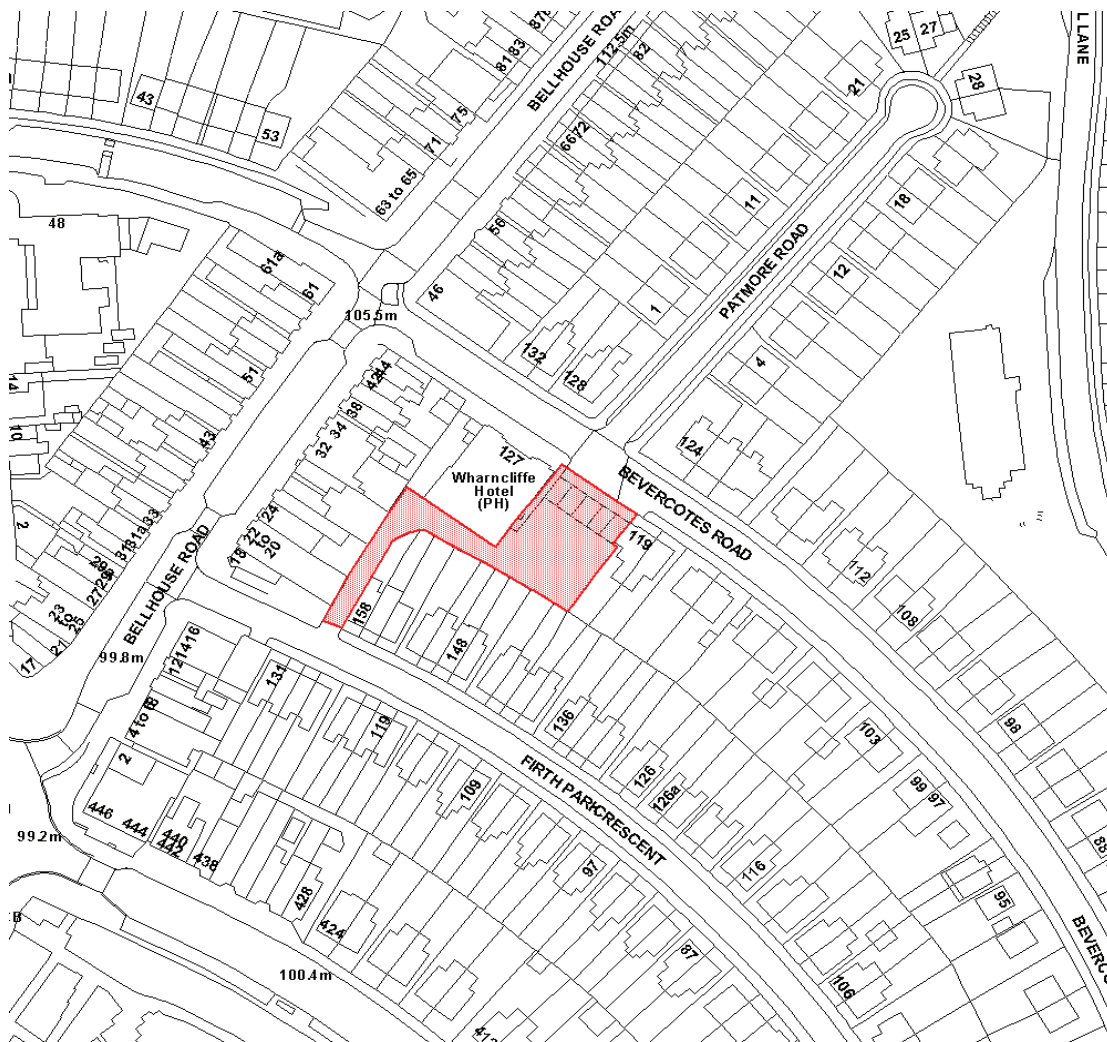
1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. The developer's attention is drawn to:
 - (i) Sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970, as amended; and
 - (ii) the code of Practice for Access of the Disabled to Buildings (British Standards Institution code of practice BS 8300) or any prescribed document replacing that code.

Section 4 sets requirements for access to, and facilities at, premises. Section 7 requires a notice or sign to be displayed, indicating that provision is made for the disabled.

If you require any further information please contact Brian Messider or Simon Ovendon on Sheffield 2734197.

3. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
4. The applicant is reminded that any external security measures such as roller shutters will require planning permission.
5. The applicant is advised that the erection of advertisements is governed by the Town and Country Planning Control of Advertisements Regulations. You are advised to contact the Local Planning Authority before erecting any signage on the building.

Site Location



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LOCATION AND PROPOSAL

The application relates to a two storey block of ten garages built into rising land with its main upper frontage facing onto Bevercotes Road. The five garages within the basement level are accessed from a private car park area to the rear of the building with driveway access onto Firth Park Crescent. The garages which are brick built with decorative stone detailing and a flat roof are currently vacant and in need of renovation.

The garage building which falls within an allocated Housing Area is located adjacent to the Firth Park District Shopping Centre and the former Wharnccliffe Hotel which is currently vacant and boarded up. Both Bevercotes Road and Firth Park Crescent are residential in character with a mix of semi-detached and terraced properties.

The application seeks approval to use the building as a community centre (Use Class D1)

RELEVANT PLANNING HISTORY

There is no relevant planning history

SUMMARY OF REPRESENTATIONS

29 letters of objection which raise concerns that

- The garages need demolishing and replacing with housing – not reused as a community centre. The site needs regenerating for a fresh start for all the community.
- There are several underused community centres within walking distance.
- The centre of Firth Park is already heavily congested with traffic. Parking in this residential area close to a busy road junction on a one way system is already excessive and the extra traffic generated by this proposal would make the situation worse. The existing side streets are already used as a shopper's car park with often inconsiderate parking. The garages should be available to use by local residents to ease parking pressures in the area.
- The adjacent roads are in a poor condition and increased usage will lead to further deterioration.
- The community centre will lead to disturbance of local residents due to long opening hours and noise pollution 365 days of the year. Local residents have previously had to put up with anti-social behaviour from people visiting the pub, fighting, shooting, theft and noise pollution. The proposed centre will bring additional disturbance to the area. There are also concerns that there will be unacceptable overlooking of neighbouring property.
- The proposal will not prevent the area to the rear of the garages being used for anti-social behaviour (Drugs etc). This area has always been used in this manner despite being next to a previously active pub and boxing gym.
- Many of the letters of support are from people who are not local to the area so are unlikely to use the proposed community centre.

- The letters question the proposed use of the building. The applicant previously tried to convert a pub on Sheffield Lane top into a mosque. There are concerns that the proposed centre would not be there for the whole community.

24 letters of support have also been received which state that the area needs a community centre as there are no local facilities for children or the elderly. The letters also suggest that the opening of a community centre will make the area safer.

PLANNING ASSESSMENT

Policy Issues

The National Planning Policy Framework (NPPF) states, in paragraph 70, that planning decisions should plan positively for the provision and use of community facilities and other local services to enhance the sustainability of communities and residential environments.

The application property is sited within a Housing Policy Area as defined by the UDP. Policy H10 'Development in Housing Areas list community facilities and institutions (Use Class D1) as an acceptable use subject to compliance with Policy H14 'Conditions on Development in Housing Areas'

This policy aims to ensure that development will not detract from the residential character of an area, cause dis-amenity for local residents or lead to excessive traffic levels.

Policy BE5 'Building Design and Siting' states that the refurbishment of good existing buildings will normally be encouraged and that their design should meet the needs of all users.

Proposed Use

The application proposes the conversion of the existing building to form a community centre run by local residents for use by local residents. The centre will, subject to the availability of volunteers, provide activities for the elderly, a homework club for children, a women's computer club and a forum for monthly interfaith meetings with prayer facilities available for both male and female users of the building. The applicant states that activities are intended for all residents of Firth Park regardless of religion or political affiliation.

The centre will be open 7 days a week and be available from around 10am to 10pm with reduced opening hours in winter months.

It is noted that many local residents indicate that existing community centres in the area are underused. The council must determine this application with regard to the planning policy for the area. The existence and level of patronage of other community centres in the area is not a material consideration in the determination of this application.

Design

The existing garages are sited with their main front elevation in line with neighbouring property on Bevercotes Road. The existing garage building, although in a state of disrepair, has a decorative front elevation with brick/stone detailing which is to be retained. The main external alteration to the building is the replacement of the existing garage doors on both elevations with glazed infill panels with the rear elevation being rendered to improve its appearance. The existing window openings on the upper rear elevation will be retained.

The external alterations to the building raise no concerns in respect of the visual amenities of the local area.

Internally the existing garage walls will be removed enabling the creation of a single space on both the upper and lower levels of the building. Toilet facilities and a kitchen will be provided on both floors with a new interconnecting staircase. Due to financial constraints no lift will be installed in the building but level access will be available to both floors from Bevercotes Road and the rear parking area together with facilities for disabled users. Full disabled access details will be conditioned for subsequent approval.

Amenity Issues

The closest residential property is located on Bevercotes Road to the east of the existing garages. This neighbouring property has internal levels which are elevated in relation to the upper floor of the proposed community centre and its garden level is supported by a high retaining wall which runs along the boundary with the application site. The garage to this property abuts the side wall of the existing building providing separation from the residential accommodation. Due to the respective levels of the two buildings the upper floor windows on the rear elevation of the community centre will not generate any overlooking of this neighbouring property. There is in addition good separation with properties on Firth Park Crescent to the rear with facing windows being in excess of 30 metres apart.

Although the building will potentially be in use for up to 12 hours a day, the uses which are proposed will not generate excessive noise levels which would be detrimental to the residential amenities of neighbouring occupiers. Conditions can be added to any subsequent approval preventing the use of amplified sound or live music and the addition of external plant to the building which could cause dis-amenity to neighbouring occupiers. A condition can also be added requiring the building to be retained as a community centre and not any other use within use class D1 which may cause amenity issues in the future.

The use of the building for a community centre will provide active frontages to both the front and rear elevations of the building. It is anticipated that with a greater use of the building and with surveillance over the existing secluded parking area to the rear that this will reduce levels of anti-social behaviour to the benefit of local residents.

Highway issues

The proposed community centre will primarily serve the local community and as such it is anticipated that a majority of users will come from the local area and will walk to the site. The site is however conveniently located for public transport access, with high frequency bus routes along Bellhouse Road.

Notwithstanding the above there is a large off road parking space to the rear of the building which can accommodate in excess of ten vehicles including at least two disabled spaces which give adequate levels of parking for the proposed community centre. Access to the parking area is from a private drive from Firth Park Crescent which also gives access to the rear of both the existing shops on Bellhouse Road and a gym within the basement of the former Wharnccliffe Public House.

A detailed parking layout will be conditioned for subsequent approval including surfacing details to ensure appropriate access to the building from the proposed disabled parking spaces. It is expected that any parking spaces will be clearly marked out prior to the building being brought into use.

No off road parking is proposed to the front of the building as it is set back less than 3m from the Bevercotes Road highway boundary. Although a dropped crossing currently runs along the full length of the frontage of the site any off road parking to the front of the community centre would fall short of current standards and would not be permitted. The reinstatement of the kerb would be a requirement of any future approval on the site. It is noted however that there are no parking restrictions to the front of the site and a change of use will potentially increase on street parking spaces in the area from when the building was in use as garaging. In order to ensure ease of access for disabled people to the upper floor of the building it is recommended that an appropriate disabled parking space be marked out to the front of the building on Bevercotes Road. This will require a Traffic Regulation Order to be made at the applicant's expense. A condition will be added to any subsequent approval.

SUMMARY AND RECOMMENDATION

The proposed use of the premises as a community centre (use class D1) is considered acceptable within this accessible area on the edge of this established residential area, adjacent to Firth Park District Shopping Centre. The uses proposed are unlikely to generate either amenity issues or traffic levels which would be detrimental to the existing residential character of the area. It is considered that the future use of the building can be controlled by condition to prevent conflict in the future.

In view of the above the proposed development is considered acceptable and complies with relevant policy such that approval is recommended subject to the listed conditions.

Case Number	15/03556/FUL (Formerly PP-04520858)
Application Type	Full Planning Application
Proposal	Erection of a detached dwelling to be used in conjunction with existing cattery business
Location	Myers Grove House Cats Hotel 100 Myers Grove Lane Sheffield S6 5JH
Date Received	27/09/2015
Team	West and North
Applicant/Agent	EDGE AD Ltd
Recommendation	Refuse

Refuse for the following reason(s):

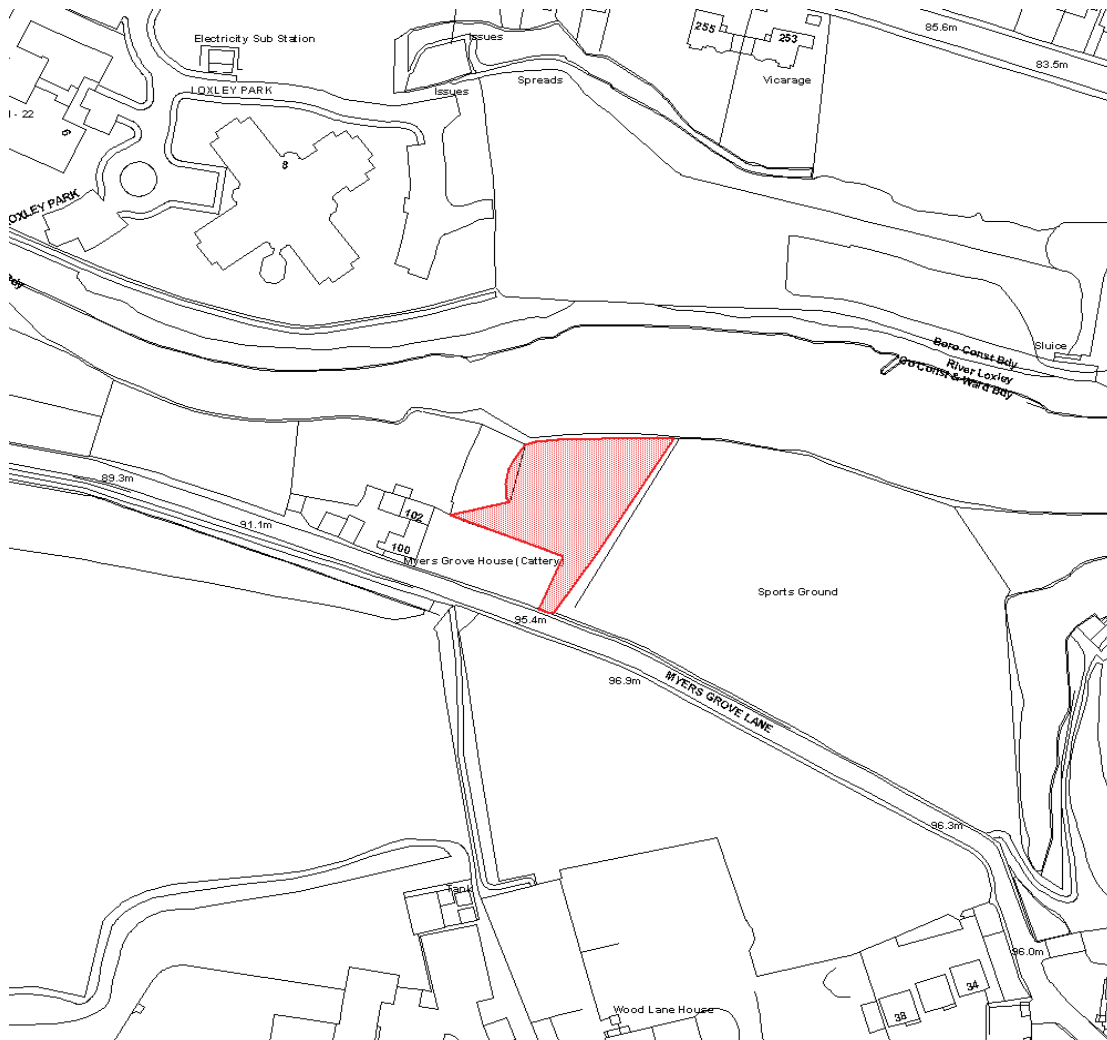
- 1 The Local Planning Authority considers that 'very special circumstances' have not been demonstrated to justify the erection of a dwellinghouse on this site within the Green Belt. In the absence of very special circumstances to justify a departure from the provisions of the adopted plan, the Local Planning Authority considers that the proposal is contrary to Policies GE1, GE3, and GE4 of the Unitary Development Plan, the aims of Core Strategy Policy CS71 and Government Guidance contained in the National Planning Policy Framework.
- 2 The proposed site comprises an area of land, which extends beyond the limits of existing development within the settlement. In the absence of an essential need, which in this case has not been demonstrated, the Local Planning Authority considers that the proposed development would be contrary to the provisions of Unitary Development Plan Policy GE5 and Core Strategy Policy CS71, which states that residential development within the confines of an existing settlement within the Green Belt will be limited to infill plots suitable only for a single dwelling and that development within the Green Belt should seek to re-use existing buildings.

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:

Drawing numbers:
2013/MGL/01 Rev P2
2013.MGL/02 Rev P2
2013.MGL/03 Rev P2
2013.MGL/04 Rev P2
2013.MGL/05 Rev P2
2013.MGL/06 Rev P2

Site Location



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LOCATION AND PROPOSAL

The application relates to an area of land set back from Myers Grove Lane, adjacent to a cattery business which is run from 100 Myers Grove Lane. The site is elevated considerably above the level of the adjacent river and is separated from the garden of No.100 by the undulating topography.

Planning permission is sought for the erection of a detached dwellinghouse on the site. This would be used in connection with the cattery business which already has planning consent, rather than No.100 as conditioned by the cattery planning permission.

The proposed dwellinghouse would be L shaped with accommodation over 2 levels, the upper floor being within the roof of the building and would be accessed

from Myers Grove Lane along a track that is currently used to serve the cattery business.

RELEVANT PLANNING HISTORY

Planning permission was granted for the erection of buildings to be used for the purpose of a cattery business under application reference 10/02243/FUL. This was granted consent by the Planning Committee in October 2010.

More recently planning permission has been sought (and refused) for the erection of a dwellinghouse upon the site (application 14/02001/FUL refers). The current application is a resubmission of this refused application.

Consent has also been sought (and refused) to separate the cattery business from the existing domestic accommodation (application 14/03602/FUL refers). This application has also been resubmitted and is being considered under application 15/03555/FUL.

SUMMARY OF REPRESENTATIONS

Two representations have been received.

Loxley Valley Protection Society have commented as follows: Notwithstanding the difficult personal circumstances of the applicant, as the application is the same as that which was refused last year and the planning circumstances remain the same as before, it is felt that refusal again is the only option.

The other representation also objects to the development. The letter sets out that the applicant has, once again, been unable to demonstrate any very special circumstances for a new build dwelling in the Green Belt, nor anything to warrant removal of the condition from the existing dwelling. Whilst acknowledging the somewhat difficult personal circumstances of the applicant, personal circumstances are not a planning consideration, and to grant these applications on those grounds would be to set an unwelcome precedent.

PLANNING ASSESSMENT

Policy

The site is identified on the Sheffield Unitary Development Plan (UDP) Proposals Map as being within the Green Belt. The site is also identified as being within a Flood Risk Area (although in actual fact the site is elevated at least 15m above the adjacent river).

UDP Policy GE1 – Development in the Green Belt sets out that in the Green Belt, development will not be permitted except in very special circumstances where it would lead to unrestricted growth of the built up area; contribute towards the merging of existing settlements; or lead to the encroachment of urban development into the countryside.

Policy GE3 – New Building in the Green Belt sets out that the construction of new buildings will not be permitted, except in very special circumstances, for purposes other than agriculture, forestry, essential facilities for outdoor sport or recreation, cemeteries and other uses which would comply with Policy GE1.

The Government's planning policy guidance on the Green Belt is contained in the National Planning Policy Framework (NPPF).

The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open (NPPF, paragraph 79) and that its purpose is to check unrestricted sprawl of large built-up areas, prevent towns merging, safeguard the countryside from encroachment, preserve the setting and special character of historic towns, and assist in urban regeneration by encouraging the recycling of urban land (paragraph 80, NPPF). Once defined local planning authorities should plan positively to enhance the beneficial use of the Green Belt including to retain and enhance landscapes, visual amenity and biodiversity (paragraph 81, NPPF).

The NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances (NPPF, paragraph 87). The NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (NPPF, paragraph 88).

The construction of new buildings in the Green Belt should be regarded as inappropriate except for, amongst others, buildings for agriculture and forestry, appropriate facilities for outdoor sport, recreation and cemeteries, extension or alteration of a building, replacement of a building providing the new building is in the same use and not materially larger than the one it replaces, limited infilling in villages and affordable housing for local community needs, and limited infilling or partial redevelopment of previously developed sites (brownfield land) (NPPF, paragraph 89).

The NPPF states that there is a presumption in favour of sustainable development (NPPF, paragraphs 11 to 16). The NPPF also states that housing should be located where it will enhance or maintain the vitality of rural communities, and that local planning authorities should avoid isolated homes in the countryside unless there are special circumstances such as essential need for a rural worker, optimal viable use of or enabling work to secure a heritage asset, re-use of redundant or disused buildings and lead to the enhancement to the immediate setting, or exceptional quality or innovation of design (NPPF, paragraph 55).

Also relevant is Core Strategy Policy CS71 - Protecting the Green Belt. This policy seeks to safeguard the countryside and other open land through the re-use of land and buildings rather than the expansion of the urban area or villages.

Principle of Development

The proposed dwellinghouse is not required in connection with an approved use within such a Green Belt location – i.e. it would not house an agricultural or forestry worker. The housing of a worker in the cattery business is not deemed to be complicit with UDP Policy GE3 (a cattery business could be sited within the confines of a settlement and it is not essential that such a business be located within the Green Belt). The proposed development by its very nature would therefore be deemed to be inappropriate.

As such very special circumstances would need to be demonstrated to justify the proposed development. As the applicants are already in ownership of a property that can and has been used in connection with the cattery business (No.100 Myers Grove Lane) it is hard to see how a further dwellinghouse in this location can be justified to support the existing business.

With the previous application (14/02001/FUL) the applicant supplied supporting information setting out that the cattery license requires someone to be on site 24 hours a day and the cats to be visited every 2 hours. The applicants were finding this difficult as there are some steep steps between the existing house and the cattery. In addition the cattery cannot be seen from the house.

In support of the application to remove Condition 6 (15/03556/FUL) the applicant has set out that the existing property No.100 Myers Grove Lane, has to be sold as part of a divorce settlement and so without the residential property the business cannot continue.

Neither of these reasons are considered to be very special circumstance to justify the erection of a new dwellinghouse within this Green Belt location.

The applicant is wishing to build a new house due to personal circumstances. Whilst sympathy can be felt for the applicant, personal financial matters are not a planning consideration and so can be attached little or no weight. There is a dwelling currently tied to the cattery business and to allow a further dwellinghouse could potentially set a precedent for similar developments within the Green Belt.

It is considered that the proposed development would contravene UDP Policy GE1 and GE3 and would contravene the guidance contained within the NPPF.

Impact Upon the Openness of the Green Belt

Policy GE5 – Housing Development in the Green Belt sets out that new houses will be permitted only where this would involve either infilling of a single plot within the confines of an existing village, group of buildings or substantially developed road frontage or the replacement of an existing house on the same site.

The site is not within the confines of a village and is not part of a substantially developed road frontage. Nor would the proposed dwellinghouse be built on the footprint of any existing structures. As such the proposed dwellinghouse would not accord with UDP Policy GE5 or Core Strategy Policy CS71.

UDP Policy GE4 - Development and the Green Belt Environment is also applicable. This policy sets out that the scale and character of any development which is permitted in the Green Belt should be in keeping with the area and, wherever possible, conserve and enhance the landscape and natural environment.

The proposed dwellinghouse would not replace another building or structure but it has been designed to sit as low as possible so as not to be visible from outside the site. The plot is well screened with high hedges and is set away from the road and so it is accepted that it would be hard to see the property from surrounding public land.

The property itself would be of stone construction with a slate roof and timber framed windows and so would fit in with the rural surroundings, however the proposed dwellinghouse is not considered to be of exceptional quality or of particularly innovative design to override the policy concerns.

Whilst it is accepted that development may not significantly impact upon the character and appearance of the wider area, the absence of harm does not weigh in favour of the development; it merely adds no weight against it. As such the substantial harm due to inappropriateness remains.

Flood Risk

The site is identified as being within Flood Zone 2 where there may be a medium risk of flooding. Given the raised nature of the site it is evident that flooding would not be an issue and the applicant has submitted a brief flood risk assessment to this effect. The site has not flooded before.

Amenity

In terms of the proposed dwellinghouse itself, based on the plans that have been submitted a property could be erected on this site that would not give rise to unacceptable levels of overlooking or overshadowing to No.100 and 102 Myers Grove Lane. There is ample space within the site to serve as outdoor amenity space and No.100 would also retain a large garden. As such the site would not appear overdeveloped.

Highways

The proposed development itself would raise no highway safety concerns. However, there is no footway on the side of the development proposal, so vehicles emerge straight into the carriageway. The existing gate posts/pillars at the entrance are quite substantial and so it is recommended that should planning permission be given, they be re-engineered or removed to enhance visibility.

SUMMARY AND RECOMMENDATION

Planning permission is sought for the erection of a dwellinghouse within the Green Belt to be used in conjunction with an existing cattery business. The dwellinghouse

would provide accommodation over two levels and would be of stone construction with a slate roof.

The applicant has previously put forward a case that a new dwelling is required in this location as they are finding it difficult to run the business from their existing dwellinghouse which is located 30m to the south west of the site of the proposed dwellinghouse. More recently the applicant has cited a need to sell the existing property (No.100 Myers Grove Road) as part of a divorce settlement and so a further property is required to enable the cattery business to operate.

It is considered that the reasons put forward do not constitute very special circumstances to justify a new home being built within this Green Belt location. The development would be contrary to UDP Policies GE1, GE3, GE4 and GE5 as well as Core Strategy Policy CS71 and guidance contained within the NPPF.

It is recommended that planning permission be refused.

Case Number	15/03555/FUL (Formerly PP-04520841)
Application Type	Full Planning Application
Proposal	Application to separate cattery business from domestic accommodation (Application to remove condition 6 of planning permission no. 10/02243/FUL) (Re-submission of 14/03602/FUL)
Location	100 Myers Grove LaneSheffieldS6 5JH
Date Received	28/09/2015
Team	West and North
Applicant/Agent	EDGE AD Ltd
Recommendation	Refuse

For the following reason(s):

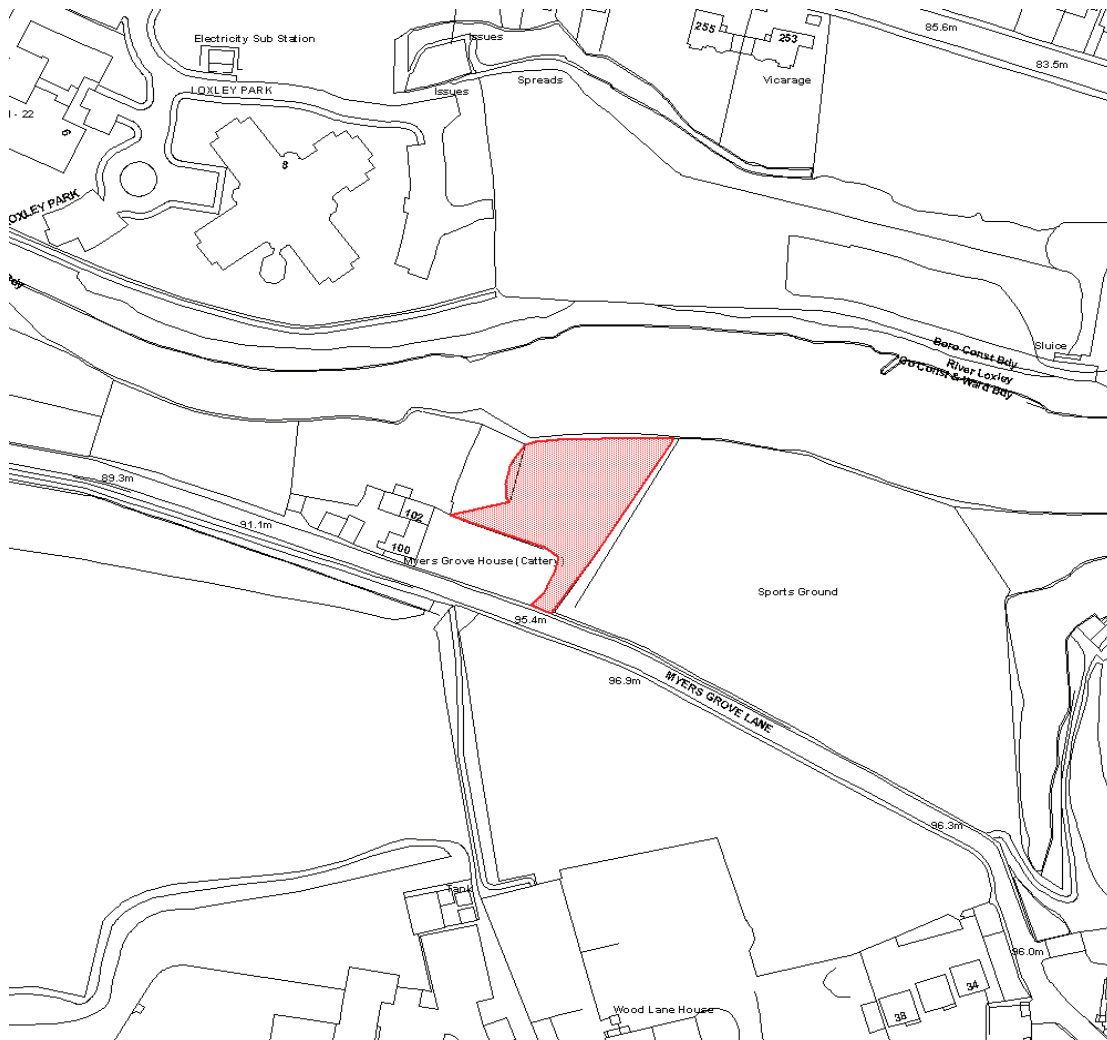
- 1 The proposed removal of Condition 6 of 10/02243/FUL would mean that the cattery business could be operated independently from the host property (No. 100 Myers Grove Lane). The condition was imposed such that the cattery business would not require additional development within the site and would remain ancillary to the dwelling.

The applicant has not demonstrated very special circumstances to justify a departure from the provisions of the adopted plan on this occasion, so the Local Planning Authority considers that the proposal is contrary to Policies GE1, GE3, and GE5, the aims of Core Strategy Policy CS71 and to Government Guidance contained in the National Planning Policy Framework.

Attention is drawn to the following directive(s):

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.

Site Location



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LOCATION AND PROPOSAL

The application relates to the Myers Grove House Cat Hotel off Myers Grove Lane. This was granted planning permission in October 2010 under application reference 10/02243/FUL and a condition was attached to the consent tying the business to the neighbouring dwellinghouse, 100 Myers Grove Lane.

Planning permission is sought to remove Condition 6 of application 10/02243/FUL. This was worded as follows: 'The cattery shall not be used, sold or let separately from the property at 100 Myers Grove Lane.' The reason for the condition was 'In the interests of defining the permission and protecting the character and appearance of the Green Belt'.

Removal of the Condition would then allow a further dwellinghouse to be erected which could be tied to the business (an application for a new dwelling is being considered by application 15/03556/FUL).

The site is within open countryside and is identified on the Unitary Development Plan Proposals Map as being within the Green Belt.

RELEVANT PLANNING HISTORY

Planning permission was granted for the erection of buildings to be used for the purpose of a cattery business under application reference 10/02243/FUL. This was granted consent by the Planning Committee in October 2010.

More recently planning permission was refused for the erection of a single dwellinghouse next to the cattery (application 14/02001/FUL refers). This was to be used in conjunction with a cattery business. The applicant put forward a case that a new dwelling would be required in this location as they were finding it difficult to run the business from their existing dwellinghouse, located 30m to the south west of the site of the proposed dwellinghouse.

The application was refused as it was considered that the reasons put forward did not constitute very special circumstances to justify a new home being built within the Green Belt.

Following on from that planning permission was sought for the removal of Condition 6 of the original planning consent (application 14/03602/FUL refers). The application currently being considered is a resubmission of this application.

An application for a new dwellinghouse has also been resubmitted (15/03556/FUL refers) and is to be considered by this Committee.

SUMMARY OF REPRESENTATIONS

Two representations have been received, one from the Loxley Valley Protection Society and one from a resident of Stannington. Loxley Valley Protection Society have asked for their previous comments to be applied. Although they can very much sympathise with the circumstances of the applicant, the planning situation/ necessity for linked residential accommodation to run the cattery (for the welfare of the animals), has not changed.

Comments submitted for the previous application (14/03602/FUL) were that removing the condition which makes the cattery business ancillary to the existing dwelling, will not remove the licensing condition of the cattery. This states, for the well-being of the animals someone has to be on site 24 hours a day, to be available for those animal's needs. This therefore requires the residential accommodation to be linked to the Cattery, as existing.

The other letter of representation objects to the proposal and sets out that the applicant has, once again, been unable to demonstrate any very special circumstances for a new build dwelling in the Green Belt, nor anything to warrant

removal of the condition from the existing dwelling. Whilst acknowledging the somewhat difficult personal circumstances of the applicant, these are not a planning consideration. To grant these applications on those grounds would be to set an unwelcome precedent.

PLANNING ASSESSMENT

Policy

The site is identified on the Sheffield Unitary Development Plan (UDP) Proposals Map as being within the Green Belt.

UDP Policy GE1 – Development in the Green Belt sets out that in the Green Belt, development will not be permitted except in very special circumstances where it would lead to unrestricted growth of the built up area; contribute towards the merging of existing settlements; or lead to the encroachment of urban development into the countryside.

Policy GE3 – New Building in the Green Belt sets out that the construction of new buildings will not be permitted, except in very special circumstances, for purposes other than agriculture, forestry, essential facilities for outdoor sport or recreation, cemeteries and other uses which would comply with Policy GE1.

Policy GE4 – Development and the Green Belt Environment sets out that the scale and character of any development which is permitted within the Green Belt should be in keeping with the area and wherever possible, conserve and enhance the landscape and natural environment.

The Government's planning policy guidance on the Green Belt is contained in the National Planning Policy Framework (NPPF).

The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open (NPPF, paragraph 79) and that its purpose is to check unrestricted sprawl of large built-up areas, prevent towns merging, safeguard the countryside from encroachment, preserve the setting and special character of historic towns, and assist in urban regeneration by encouraging the recycling of urban land (paragraph 80, NPPF). Once defined local planning authorities should plan positively to enhance the beneficial use of the Green Belt including to retain and enhance landscapes, visual amenity and biodiversity (paragraph 81, NPPF).

The NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances (NPPF, paragraph 87). The NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (NPPF, paragraph 88).

The construction of new buildings in the Green Belt should be regarded as inappropriate except for, amongst others, buildings for agriculture and forestry,

appropriate facilities for outdoor sport, recreation and cemeteries, extension or alteration of a building, replacement of a building providing the new building is in the same use and not materially larger than the one it replaces, limited infilling in villages and affordable housing for local community needs, and limited infilling or partial redevelopment of previously developed sites (brownfield land) (NPPF, paragraph 89).

The NPPF states that there is a presumption in favour of sustainable development (NPPF, paragraphs 11 to 16). The NPPF also states that housing should be located where it will enhance or maintain the vitality of rural communities, and that local planning authorities should avoid isolated homes in the countryside unless there are special circumstances such as essential need for a rural worker, optimal viable use of or enabling work to secure a heritage asset, re-use of redundant or disused buildings and lead to the enhancement to the immediate setting, or exceptional quality or innovation of design (NPPF, paragraph 55).

Also relevant is Core Strategy Policy CS71 - Protecting the Green Belt. This policy seeks to safeguard the countryside and other open land through the re-use of land and buildings rather than the expansion of the urban area or villages.

Principle of Development

When planning permission was granted for the cattery use it was felt that very special circumstances did exist to allow this development within the Green Belt. There are benefits in locating such a use away from residential properties due to the potential for noise and odours. The buildings proposed were relatively small and tucked into the corner of the site, well screened by existing trees and woodland.

When planning consent was given Condition 6 was attached. This set out that 'The cattery shall not be used, sold or let separately from the property at 100 Myers Grove Lane'. The reason for the condition was 'in the interests of defining the permission and protecting the character and appearance of the Green Belt'. The applicant is seeking to remove this condition but wishes to continue with the cattery business in this location, the aim being to receive consent for a new dwellinghouse which could then be tied to the business (see application 15/03556/FUL).

The applicant has submitted a supporting statement, setting out a case for the removal of the condition. This sets out that the host property (100 Myers Grove Lane) is being sold as part of a divorce settlement.

A residential presence is required on site for the cattery to function and so if planning permission is not given for the lifting of the condition and erection of a new dwellinghouse the business would have to close with the loss of three jobs. The cattery provides an essential local service to cat owners and at present has approximately 400 customers who regularly use the facility.

The sale of the host property as part of a divorce settlement is not a planning consideration and it is considered that allowing the removal of this condition would not be in the best interests of protecting the character and appearance of the Green Belt.

It is considered that the benefit of removal of this condition (potentially the retention of three jobs) would not outweigh the harm of allowing a new dwellinghouse within

this rural location. Indeed the dwellinghouse and cattery could be sold as a going concern which would have little impact upon employment numbers, or the provision of such a facility.

In addition there are other catteries within Sheffield and the surrounding area.

SUMMARY AND RECOMMENDATION

Planning permission is sought for the removal of a planning condition tying No.100 Myers Grove Lane to Myers Grove Cat Hotel, the reason being that 100 Myers Grove Lane is to be sold and a residential presence is required in order for the business to operate.

It is considered that the reason put forward for the removal of the condition does not represent very special circumstances.

The proposal would be contrary to UDP Policies GE1, GE3, and GE4 as well as the aims of Core Strategy Policy CS71 and guidance contained within the NPPF.

It is recommended that the application be refused.

Case Number	15/03543/REM (Formerly PP-04513623)
Application Type	Approval of Reserved Matters
Proposal	Erection of 58 dwellinghouses with associated car parking accommodation and landscaping works (Application to approve details in relation to appearance, landscaping, layout and scale - matters reserved by 13/04204/RG3)
Location	Site Of Abbeydale Grange School Hastings Road Sheffield S7 2GU
Date Received	24/09/2015
Team	South
Applicant/Agent	JVH Planning Ltd
Recommendation	Reserved Matters Approved Conditionally

Time Limit for Commencement of Development

Approved/Refused Plan(s)

- The development must be carried out in complete accordance with the following approved documents:
 - DRAINAGE LAYOUT / 38611/030 Rev B
 - EXTERNAL WORKS - SHEET 1 / 38611/020 Rev c
 - EXTERNAL WORKS - SHEET 2 / 38611/021 Rev C
 - EXTERNAL WORKS - SHEET 3 / 38611/022 Rev C
 - BOUNDARY TREATMENTS (1.1M HIGH BRICK WALL) / 4153 / 208.07
 - BOUNDARY TREATMENTS (1.1M POST AND RAIL) / 4153/208.08
 - BOUNDARY TREATMENTS (1.2M FEATURE GUARD RAILINGS)
 - BOUNDARY TREATMENTS (1.8M HIGH BRICK PIER AND PANEL WALL)
 - BOUNDARY TREATMENTS (1.8M HIGH SCREEN FENCE)
 - BOUNDARY TREATMENTS (0.6M HIGH BRICK WALL)
 - Materials Layout / 4153/235 Rev E
 - Email from Agent to Planning Officer dated 9/12/16 (12:04hrs)
 - Cotham Det - Brick and Ashlar - Pitched (Floor Plans and Elevations) / HAS/COM/001a
 - Cotham Det - Brick and Ashlar - Pitched (Floor Plans and Elevations) / HAS/COM/001 RevA
 - Cotham Det - Stone and Ashlar - Pitched / HAS/COM/001a
 - Cranford+ End - Brick - Pitched Roof / HAS/CRD/001 Rev A
 - Kempton End - Brick - Pitched Roof / HAS/KEN/001 Rev A

- Kirkham Det - Brick and Ashlar - Pitched (Floor Plans and Elevations Cont) / HAS/KIM/001a
- Kirkham Det - Stone and Ashlar - Pitched (Floor Plans and Elevations Cont) / HAS/KIM/001a
- Kirkham Det (Floor Plans) / HAS/KIM/001 REV A
- Ledbury Stone with Ashlar (Floor Plans & Elevations) / HAS/LEY/001 REV 5
- Pendlebury Det - Brick - Pitched (Floor Plans and Elevations) / HAS/PEY/001 Rev A
- Pendlebury Det - Brick - Pitched (Floor Plans and Elevations Cont.) / HAS/PEY/001a
- Stonebury End As Brick (Floor Plans and Elevations) / HAS/STY/001 REV A
- Stonebury End as Stone and Ashlar (Floor Plans and Elevations) / HAS/STY/001 REV A
- Norbury Det - Brick - Pitched Roof (Floor Plans and Elevations Cont) / HAS/NOY/001a
- Norbury Det - Brick - Pitched Roof (Floor Plans) / HAS/NOY/001 REV A
- Detached Single Garage Brick with Sedum Roof / HAS/500
- Detached Single Garage Stone with Sedum Roof / HAS/501
- Detached Double Garage Brick with Sedum Roof / HAS/502
- Detached Double Garage Stone with Sedum Roof / HAS/503
- Site Layout / 4153/201 Rev G
- Site Sections / 4153/202 Rev C
- Tree Protection Plan / L7129/01 Rev C
- Sedum Blanket System / SGS02 Rev A

Reason: In order to define the permission.

Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)

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

2. Details of all proposed external materials, and finishes, 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.

3. 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 and Stonework detailing
Entrance canopies
Roof Ridge & Valleys
Rainwater goods

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

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

4. Details of the proposed retaining wall structure, including samples when requested by the Local Planning Authority located parallel to Abbeydale Road, 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.

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

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

6. 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.

Other Compliance Conditions

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

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

8. The principal contractor for any phase of construction, demolition or associated landscaping works shall be responsible for the implementation of measures to monitor and control the generation and emission of dust, in accordance with the recommendations of Section 4 of the Local Planning Authority approved Air Quality Mitigation Statement (BWB rev.2; 29/09/2015); 'Construction Phase Mitigation Strategy'.

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

9. As per the e-mails sent by the Agent to the Planning Officer dated 20/1/16 (10:11 hrs) and 5/2/16 (11:01 hrs), all footpaths and open spaces shall be permanently accessible by members of the general public.

Reason: To ensure compliance with open space requirements.

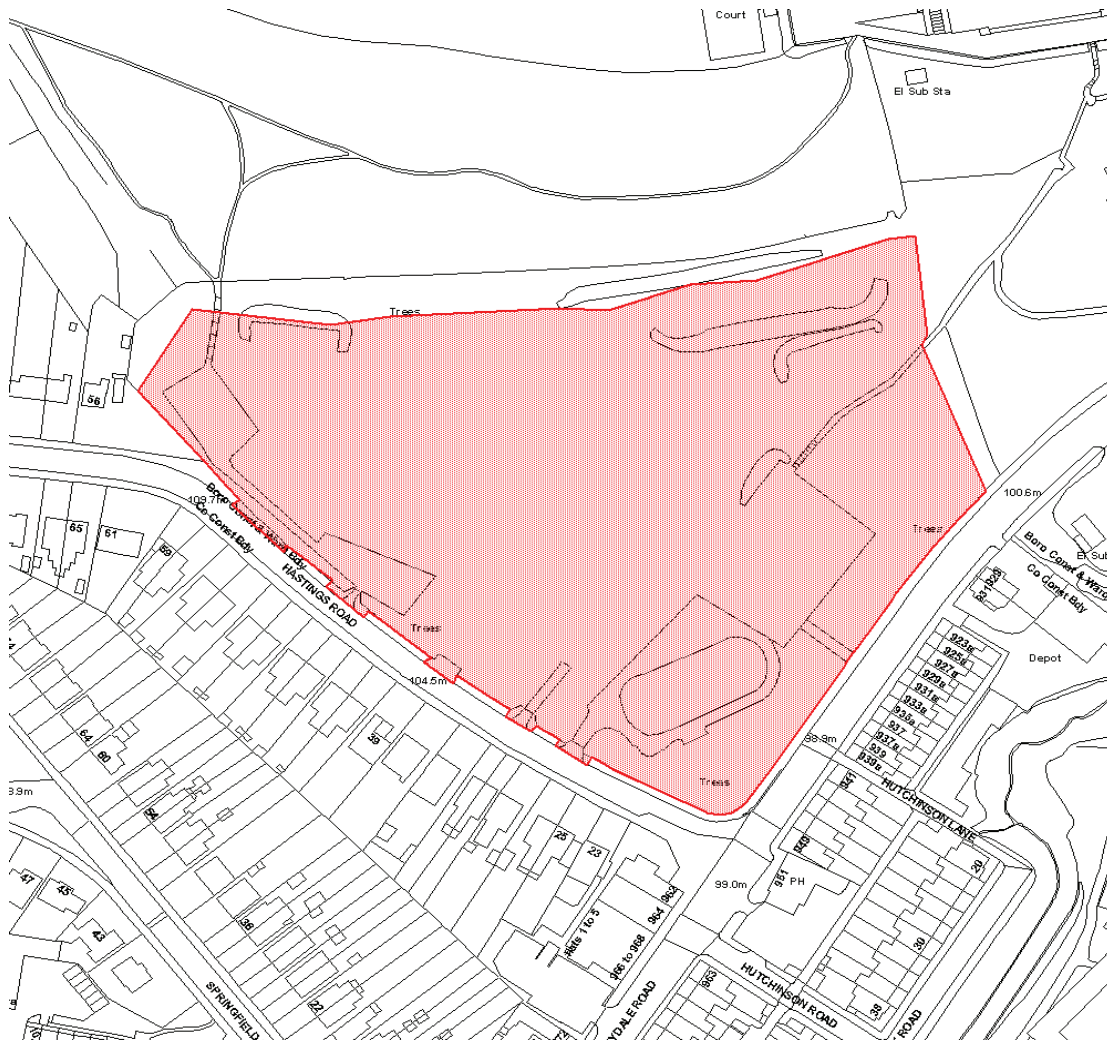
10. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking or re-enacting that Order, no enlargement, or extension of the approved dwellings which would otherwise be permitted by Class A to Part 1 of Schedule 2 to the Town & Country Planning (General Permitted Development) (England) Order 2015 shall be carried out without prior planning permission.

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

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. No tree shall be removed outside of the bird breeding season (beginning March to end August) unless it is confirmed by an ecologist that it does not provide a habitat for breeding birds. Additionally, no trees shall be removed before they have been confirmed by an Ecologist to not provide a bat roost.
3. The details submitted in relation to Conditions 13 and 14 of the outline approval (ref. 13/04204/RG3) shall include; (i) Details of access points to private drives from Hastings Road, (ii) Locations and details of dropped kerb pedestrian crossings and vehicle crossovers to plots, (iii) Details of entry treatments to shared surface streets, (iv) Details and locations of 'looped' footpath surfaces and gradients, external steps, resting places and seats, and (v) Details of Mobility Housing standard house types and on-plot external works.

Site Location



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LOCATION AND PROPOSAL

The application site is located to the north-east of Hastings Road and the north-west of Abbeydale Road, at the junction of these two roads.

The site is currently vacant having previously being occupied by the Abbeydale Grange School, which was demolished a number of years ago.

Outline consent was granted in 2014 for residential development of the site, with the only matter not reserved at that stage being 'Access'. The approved access points to the site were onto Hastings Road, modifying the main access to the school site which was broadly opposite to No. 27 Hastings Road and utilising existing accesses and providing another further along Hastings Road.

Permission is now being sought for approval of the matters reserved as part of the outline approval. These reserved matters are Layout, Scale, Landscaping, and Appearance.

The current submission includes a total of 58 dwellinghouses (11 units with 2 bedrooms, 12 units with 3 bedrooms, 27 units with 4 bedrooms and 8 units with 5 bedrooms). The proposed layout also includes open space provisions along its three sides; fronting onto Hastings Road, Abbeydale Road and alongside the woodland immediately adjacent to the woodland at the north of the site. Footpath access into and through the site to the woodland is also proposed.

RELEVANT PLANNING HISTORY

13/04204/RG3; Residential development with associated open space and landscaping. Approved - 12 March 2014

13/02404/CONRG3; Application seeking to discharge condition 12 of outline approval covering affordable housing provisions. This application is currently under consideration.

SUMMARY OF REPRESENTATIONS

Following neighbour notification, the placement of a number of site notices and the publication of a press advertisement; a total of 19 representations have been received, including representations sent on behalf of Carter Knowle and Millhouses Community Group. These can be summarised as follows:

- Current application fails to address and satisfy requirements of the overall plan for the whole Bannerdale-Abbeydale site, as set out in the 2013 Planning & Design Brief. Brief was designated a material consideration in determining application at the sites, to inform development proposals and so any decisions can be made in full understanding of the relevant policy and supporting documents.

Design / Layout Issues

- Use of site for housing is accepted.
- Excessive proposed density (34.5 dwelling per hectare), is out of character with area (25-28 dwellings per hectare) and contravenes Policy CS26.
- Development should be limited to footprint of previous buildings. Fewer houses would allow more green space.
- Character / architecture of the area will be undermined.
- Proposed dwellings are not in keeping with the character of the locality, which were built in Edwardian and Victorian periods. Local infill developments have incorporated wooden windows and doors. Scheme conflicts with UDP policy H14 a.
- Houses 1 and 2 are too dominant, and out of scale with surrounding houses which are semi-detached.
- Specified bricks would not be in keeping with character of locality's materials.

- Holt House estate has a significant history. Core Strategy places premium on development at such sites being dealt with sensitively and appropriately.

Landscaping

- Woodland at SE corner of the site was planted by community. Proposal shows a path running through trees, and should be re-routed. Large drainage pipes also coincide with this area.

Air Quality

- Impact on air quality from increased traffic, conflicting with Policy CS66 and H14 e.
- Air Quality Mitigation Statement does not satisfactorily deal with this issue, or meet the outline consent's relevant condition. It only relates to 50 houses rather than 58, representing a significant increase.
- Statement refers to outline planning application report, stating the development is expected to generate significantly less traffic than previous use/s. However, this assessment was based upon TRICS database, which uses generic data rather than details of the traffic actually generated by the Abbeydale Grange School which was actually available.
- Document is based on a misleading baseline using monitoring stations remote from site. Its conclusions ignore statements made as part of the outline planning application. Conclusions regarding local air quality are not considered to be correct as Carter Knowle and Millhouses Community Group data shows breaches of national standards in the area especially at certain local junctions.
- Statement also ignores Spring Wood as a sensitive ecological receptor (classed as Ancient Woodland and a Local Wildlife Site).
- Surrounding junctions/streets which would experience increase in vehicle movements would be those which already suffer from unacceptably poor air quality.
- Health impacts.
- Precautionary approach should be followed as per the 2011 Sainsbury's appeal decision.
- Harm should be addressed by reducing density of development and by an improved travel plan.
- Developer should fund upgrades to nearby bus shelter to provide real-time bus information.
- Proposed measures are welcomed (electric charging points in garages, layouts designed for low speeds and direct pedestrian / cycle routes) However, no cycle routes are proposed and there are a only small number of electric cars on the road.
- A contribution to local air quality monitoring should be required.
- CS66 requires action to be taken to improve air quality, and not to have a neutral impact.

Highways Issues

- Movements will be greater than existed in relation to the school (which were outside of peak hours and not all-year round).
- Existing / increased congestion on adjoining streets and junctions.
- An increase in traffic will have negative impact on air quality, noise, nuisance and health and safety issues.
- Objection to formation of a 4th access point along Hastings Road (only 1 having separate footpath access). Contravention of Core Strategy policies CS26, CS74 and CS66. Planning Brief specified there should be no more than 2 vehicular access points from Hastings Road.
- Additional on-street parking.
- Blocking access to Hastings Road properties.
- Further parking restrictions should be introduced on Hastings Road.
- Any removal of the 'left turn only' at end of Hastings Road would result in rat-running. Hastings Road should be made a cul-de-sac, as previously proposed.
- No evidence of a recent traffic audit being taken.
- Access onto Hastings Road is unacceptable, and should instead be directly onto Abbeydale Road.

Open Space Issues

- Loss of grassland and open space will lessen opportunity for outdoor recreation.
- Not clear that green space is protected under the proposed development / how it will be managed and maintained, or if it will be formally designated as open space. Not clear how Open Space on the whole site will become part of the new park.
- Outline consent requires a minimum of 10% of open space within the development, which should be separate from the 3 green buffers at the site's perimeters. Not clear where this is proposed. Outline report states that "6,695sqm of the overall site will be given over to open space...In addition to this, an additional 1,665sqm of open space will be created within the housing development, representing 10% of the development". Therefore, green open space within the development should be increased, to create a safe, informal play area for local children. Recreational street furniture and a 'trim trail' for children should also be provided.
- Landscape Assessment at outline stage stated landscape specifications would be drawn up in collaboration and with approval of Parks, Woodlands & Countryside Department (PWC). PWC officers support this concern, as they comment the proposal needs to be set in the context of the overarching plan for the Abbeydale-Bannerdale site/s including the establishment of a district park. Developer should more robustly consider the Open Spaces issues, with an outline of the Management Plan.
- Query what will happen to footpath routes to the woods, which are not referred to as being Public or Rights of Way within submission. Planning Brief required 2 public footpaths to be provided to Bannerdale Site and Springfield Close. Right of Way designation is essential to preserve public access in the future, as concessionary footpaths are vulnerable to changes of management etc.
- Footpaths should be a suitable material.

- Footpaths should avoid loss / damage to trees. General implications on trees.
- As site is adjacent to a Site of Special Scientific, and with more development at the Bannerdale site there should be a Developer / Community Forum, to deal with any problems during construction period and to ensure that plans are complied with.
- Retention of trees along Hastings Road and Abbeydale Road is welcomed, but Tree Preservation Orders should be placed on these, and others. The rare Dawn Redwood tree should be particularly protected.

Sustainability Issues

- Outline consent requires a minimum of 10% of energy requirements from renewable/low carbon sources. Developer should be made to provide solar panels and state how 10% total will be met.
- Street lighting should minimise light pollution and be sustainable.
- Outline approval requires green roofs to 80% of total roof area. Developer argues this isn't viable, so should be required to achieve other methods of protecting and enhancing biodiversity and dealing with drainage issues.

Drainage Issues

- Area experiences high surface water levels and run off. Additional information should be provided.
- The proposal of large pipes instead of sustainable drainage methods could accentuate run-off during heavy rains. Proposal would also damage existing trees, and should be placed further north.

Education Issues

- Given lack of school places in area, there is a concern that new homes will add pressure.

Affordable Housing

- Proposal does not satisfy Council policies on Affordable Housing. Planning Brief stated that up to 40% of the development should be provided as Affordable Housing. Different house types would allow for better compliance with this requirement.
- A separate application has been made to deal with the Affordable Housing condition. These documents are not visible to public and the Group have therefore not been able to make comments in this regard.

Procedural Issues

- Concern about noise and dust at site during construction works.
- Due to consultations / proposals for local school, planning and implementation of any building works on current site should be delayed.

PLANNING ASSESSMENT

The policies most relevant to the current submission are:

BE5 (Building Design and Siting)
GE10 (Green Network)
GE11 (Nature Conservation and Development)
GE15 (Trees and Woodland)
H7 (Mobility Housing)
H10 (Development in Housing Areas)
H14 (Conditions on Development in Housing Areas)
H15 (Design of New Housing Developments)
H16 (Open Space in New Housing Developments)
T8 (Pedestrian Routes)
T25 (Car Parking in Residential Areas)
CS24 (Maximising the Use of Previously Developed Land for New Housing)
CS26 (Efficient Use of Housing Land and Accessibility)
CS31 (Housing in the South West Area)
CS41 (Creating Mixed Communities)
CS64 (Climate Change, Resources and Sustainable Design of Developments)
CS65 (Renewable Energy and Carbon Reduction)
CS66 (Air Quality)
CS67 (Flood Risk Management)
CS74 (Design Principles)

The National Planning Policy Framework (NPPF) is also relevant, particularly and states that there is a presumption in favour of sustainable development.

Design and Character Issues

The outline consent reserved the issues of scale, layout and appearance, and therefore each of these are now subject to the current assessment.

UDP policy BE5 a) requires new development to complement the scale, form and architectural style of surrounding buildings.

Policy H14 of the UDP covers 'Conditions on Development in Housing Areas' and in part a) requires development to respect the local area.

The Core Strategy states in Policy CS31 'Housing in the South West Area' that the scale of new development will be accommodated at an appropriate density, and that priority will be given to safeguarding and enhancing its areas of character.

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 layout includes a total of 58 dwellinghouses, comprising a mix of terraced (maximum 3 dwellings), semi's and detached dwellings. This leads to a density of 35 dwellings per hectare (dph), which falls within the range set within the outline approval of 25 to 40 dph.

Concern has been expressed that 35 dph would exceed the density of housing within the locality, which was stated as being 28dph at the outline stage. It was not considered that it would have been reasonable to limit the density of the proposed development to 28dph within the outline approval. Policy CS26 aims to ensure that new housing makes efficient use of land, with the relevant range for such a site being 40-60 dph. It was however considered that a range below 40 to 60 dph would be appropriate in order to achieve good design on the site, and to best reflect the character of the area. As a result there would now not be any reason to resist the proposed density of 35 dph.

In coming to this view it should be considered that the publicly prominent dwellings within the site, such as those along Hastings Road and Abbeydale Road, are considered to have been appropriately designed to complement the character and appearance of those existing properties which they would immediately relate to. Overall, the house designs follow a contemporary style; incorporating larger windows, deep reveals, projecting canopies, gables, and elevational articulation. These are considered to combine to lead to appropriately designed dwellings; which relate well together providing a good design from within the development and from beyond its surroundings. It is therefore considered that it will relate well to the locality, satisfying the requirements of UDP policies BE5, H14 and CS74.

The proposed dwellings along Hastings Road would feature natural coursed stone, with natural coursed ashlar stone to feature gables, and roofs would be natural slate. A number of the properties would be 3 storeys in height which would match with a number of the existing properties on the opposite side of the road. They would be separated by the width of 2 driveways, whereas the existing Hastings Road properties opposite tend to be separated by walkways at their sides. On this basis the proposed housing onto Hastings Road would be considered to co-ordinate with the character of the properties to which they firstly relate. Therefore, this aspect of the proposal would be considered to comply with the characteristics of the locality.

The proposed properties onto Abbeydale Road would use a red brick and natural slate roof. Again, this would be in keeping with the character of the terraced housing on the opposite side of Abbeydale Road. The housing would be predominantly 2 storeys in height, and would also be separated by driveways and garages etc. The 3 storey units would be in closest proximity to the housing facing Hastings Road, which would also be 3 storey and therefore link well there.

On the basis of the above, it is not considered that the proposal would appear from the surrounding locality as being out of keeping or of an excessive density.

The layout within the body of the site uses the same material mix as those proposed for the dwellings facing Abbeydale Road. This material range would be considered to be acceptable.

Core Strategy Policy CS41 b) requires there to be a mix of housing types, including homes for larger households, especially families. The proposed scheme shows

11 units with 2 bedrooms, 12 units with 3 bedrooms, 27 units with 4 bedrooms and 8 units with 5 bedrooms. This is considered to represent a good mix of house types, in compliance with CS41 b).

The retaining structures necessary at the frontages of the housing facing Abbeydale Road would be reasonably substantial (dealing with a level difference of approximately 2-3metres). Since this retaining wall will face Abbeydale Road, its construction is of significance to the scheme's impacts upon the street scene, and it is therefore considered necessary to incorporate a condition requiring details of this to be agreed.

Overall, the scheme's design and layout would be considered to be acceptable, being appropriate within the character of the locality. Therefore, the relevant polices summarised above would be satisfied.

Highways Issues

The level of vehicular movement generated by the development was considered as part of the outline application as having an acceptable impact upon the local highway network and its key junctions, when compared to the movements which arose, or would have potentially arisen from the previous uses at the application site and the Bannerdale Centre site. Additionally, the proposal was concluded to lead to a reduction in vehicle movements when compared to the movements potentially arising from the previous uses. A total of 912 fewer daily movements were predicted from the Abbeydale and Bannerdale Centre sites if travel plan measures were followed.

5 more units are proposed within the current scheme than were used as the basis for the Hastings Road / Abbeydale Grange component of the Transport Assessment. Given the significant expected decrease in movements, the increase in unit numbers is not considered to be significant or to result in different conclusions.

As a result, the proposal would not be expected to lead to detrimental impacts upon the surrounding highway network.

The current proposed layout utilises the vehicle access points which were incorporated within the outline approval drawing. Two of these utilise / upgrade existing vehicular accesses to the school site, one involves the conversion of a pedestrian access to a vehicle access and one is a newly created vehicle access. The main access would serve the majority of the development, whilst the three remaining access points would serve 4/5 dwellings each. Landscaping at the house frontages would prevent 'rat-running' between the access points, preventing movements between the three secondary accesses. Whilst the Planning and Design Brief for the site stated there should be no more than two vehicular access points from Hastings Road, the outline approval considered some additional accesses to be acceptable given that the indicative layout drawing at that stage showed a similar arrangement to that currently proposed. Also, given that three of the four access points already exist as vehicle/pedestrian accesses it would not be

considered that the implications for the boundary wall along Hastings Road would be detrimental.

The respective access points would be capable of accommodating the level of vehicle movements which they would be expected to receive.

The parking provisions within the development include 2 spaces for the 2 bedroom houses (with the exception of 1 of these which has just 1 space), 2 spaces for the 3 bedroom units, 2 spaces for 11 of the 4 bedroom units and 3 spaces for the remaining 16 x 4 bedrooled units and 4 spaces for the 5 bedroom units. There are also a number of visitor parking spaces within lay-bys and parking bays through the layout.

The level of parking within the development is considered to be acceptable, and would be considered to avoid any significant parking being generated on the surrounding streets, such as Hastings Road.

Within the submitted representations comments have been made stating inadequate provisions are made for cycle path provision within and adjacent to the site, and the scheme doesn't meet policy or the Planning Brief in this regard. A cycle path through the site or the open space areas would not be necessary as an addition to the estate road format. A formalised cycle path through the open areas would need to be segregated from the footpath and be of substantial width. This would be considered to be overly formalised and reduce the value of the areas as open space.

Potential financial contributions toward the provision of a cycle lane on the main road was not considered appropriate at the outline stage, and it would therefore not be possible to secure it at this stage. There are no existing on-road cycle link routes in the immediate vicinity which could be connected to. It should be noted that the large majority of the housing include garages (either detached or integral), and safe cycle storage for these dwellings is therefore provided. This opportunity to securely store cycles would be considered to represent a significant benefit to the encouragement of cycling by occupants of the proposed dwellings.

The layout has been demonstrated to enable access and turning etc by refuse and delivery vehicles. In this respect the proposal would be considered to be acceptable.

Overall, the proposal would be considered to meet the requirements of UDP policy H14 d) which requires schemes to provide safe access to the highway network and appropriate off-street parking.

Air Quality Issues

Policy CS66 of the Core Strategy deals with Air Quality, and states; "Action to protect air quality will be taken in all areas of the city. Further action to improve air quality will be taken across the built up area, and particularly where residents in road corridors with high levels of traffic are directly exposed to levels of pollution above national targets."

The air quality (AQ) situation relating to the site was considered at the outline application stage. The Transport Assessment (TA) which was submitted with the application concluded that Sheffield was designated as an Air Quality Management Area, and that national air standards were breached in the area. It also concluded that the combined impacts of the residential developments at the Abbeydale Grange and Bannerdale Centre sites would involve less traffic flows than were associated with the combined historic uses.

As a result it was concluded that the impacts of the proposal on local air quality would be beneficial, and as a result Policy CS66 would be satisfied. In order to ensure that mitigation measures covered within the TA were carried out, an appropriate condition was included within the outline approval.

The relevant section of the TA stated that all properties with garages will have electric car charging points. The layout submitted with the current submission shows that 35 of the total 58 properties are provided with garages, and would incorporate charging points. In addition, the TA's Framework Travel Plan referred to personalised journey planning, resident packs including public transport maps and walking and cycling maps, layouts designed for low speeds, directional signage to Abbeydale Road and Carter Knowle Road bus stops and other destinations, cycle training and maintenance lessons, the development of a walking and cycling buddy scheme, and the promotion of car share databases and car clubs. These methods are proposed in the current submission's Air Quality Mitigation Statement.

The commitment to these measures would be considered to satisfy the requirements of Condition 24.

The site layout provides two footpath links to Abbeydale Road, and the bus-stop located adjacent to the site frontage. The Abbeydale Road route has buses operating at 10minute frequency/s. This would facilitate public transport usage by occupiers of the proposed development.

In addition to the previously submitted Framework Travel Plan, a detailed Travel Plan is required by condition, and this will require the agreement of clear objectives, monitoring and independent validation, followed by the further defining of targets and actions required to achieve objectives and transport mode splits. This would further enhance the contents of the Framework Travel Plan.

A Construction Phase Mitigation regime document is also incorporated within the Mitigation Statement. This would include the construction of the approved site layout so that machinery and dust causing activities are located remote from receptors, and the erection of solid screens around dusty activities on the site boundary that are at least as high as any stockpiles on the site. It is also proposed that any cutting, grinding or sawing equipment is fitted with dust suppression facilities such as water sprays or extraction. These measures are considered to be appropriate and can be required by condition to be implemented through the course of the construction process.

Given that the outline approval is the substantive approval, it would not now be reasonable to seek to secure payments to local, community based air quality monitoring facilities or to real-time data screens at the bus stop/s. As such it is not proposed to seek these requirements at this stage. In addition, the proposed methodologies as covered in the framework travel plan would be considered to significantly mitigate the proposal's impact upon local air quality circumstances compared to what it would otherwise potentially have been if the School and Bannerdale Centre remained.

On this basis the scheme would be considered to have an acceptable impact in air quality terms, meeting the requirements of Policy CS66 and the measures proposed in relation to Condition 24 are considered to be acceptable.

Neighbour Amenity Issues

The only dwellings potentially affected by the proposal would be those on the opposites of Hastings and Abbeydale Road/s, and the property located to the west of the site at the north of Hastings Road.

The dwellings on the opposite side of Hastings Road would be separated by over 30metres from the proposed dwelling, which would mean that there would not be any detrimental privacy or overbearing impacts. The dwelling on the northern side of Hastings Road to the west of the site, would be separated by approximately 30metres from the nearest proposed dwelling. Therefore, this arrangement would not be considered to lead to detrimental impacts.

The properties on the opposite side of Abbeydale Road would be separated from the development by over 40metres, and therefore whilst the proposed dwellings would be elevated, they would not be considered to lead to any detrimental impacts upon occupiers of these existing dwellings.

Some concerns have been expressed about noise and disturbance impacts arising from increased vehicular movements and activities. The increase in movements would not be considered to harm the amenities of neighbouring occupiers, given that the movements and activity levels would not be greater than would have arisen from the site when it included a school.

On this basis the proposal would be considered to meet the requirements of UDP policy H14 c) which requires sites to not have a detrimental impact upon the amenities of neighbouring occupiers.

Potential Occupants' Amenities

UDP policy H15 b) requires developments to provide adequate private gardens or communal open spaces. The South Yorkshire Residential Design Guide, (not adopted by Sheffield City Council, but considered best practice nonetheless) gives further input on this. It states 2 bedroom dwellings should be given gardens of at least 50sqm, with dwellings of 3 bedrooms or more providing at least 60sqm.

The range of house types included within the scheme would be considered to provide suitable internal living spaces, giving good natural lighting and opportunity for ventilation. The gardens to the dwellings would range from approximately 8metres in depth to 12metres. The garden areas provided to the majority of dwellings would meet the South Yorkshire Residential Design Guide in this respect, although a number of smaller gardens are included. The examples of shortfall are considered to be acceptable, as they facilitate the layout and would also provide a degree of choice for any potential occupiers of the development.

Overall, the proposed dwellings would be considered to provide adequate amenities for their potential occupiers. The proposal would therefore meet the requirements of UDP policy H15 b).

Landscaping Issues

UDP policy BE6 requires good landscaping design in new developments.

UDP policy GE15 requires developers to retain mature trees where possible, and to replace any trees which are lost.

The proposed layout has been drawn up having regard to the trees running at the site's Abbeydale and Hastings Road frontages.

The adaptation and formation of the accesses to Hastings Road would involve the removal of a number of trees. Four would be removed surrounding the main entrance to the site, to facilitate the necessary widening for access purposes. Additionally, a further 2 trees would be removed to provide the new access at the northern part of the site's Hastings Road frontage.

The trees along Hastings Road are an important part of the locality's character. The trees removed adjacent to the main access would be replaced by 2 new lime trees. In addition a further 3 new lime trees would be planted in gaps further along Hastings Road. The access locations have been selected to ensure that the removed trees are the poorer specimens within their vicinity/s. Since the significance of the Hastings Road trees is a result of their group presence, the proposed removal and replacement of trees would avoid a detrimental impact upon the street scene.

The proposed landscaping details through the site would include suitable species types and numbers, and hardsurfacing treatments. The open space areas would be formed in a way which avoided harmful impacts to existing trees. The planting in the open area space at the north of the site would be of suitable species types to enhance bio-diversity within the woodland. It would provide a narrow buffer at the rear boundaries to dwellings proposed along that portion of the site, without detracting from the purpose of the open space area.

On this basis, the proposal would be considered to meet the requirements of UDP policies BE6 and GE15.

Open Space & Footpath Issues

The proposed layout plan does not show any built development on the open areas at the site's 3 perimeters. These open areas are required by the outline consent to not be developed, and to be open space. This was necessary in order to facilitate the re-designation of land allocated as open space within the Bannerdale Centre site to land allocated for a housing use.

This re-designation resulted in the 'creation' of 6,965 sqm of open space at the application site, and the loss of 5,569 sqm at the Bannerdale site, constituting an additional 1,396 sqm of open space land overall.

UDP Policy H16 requires open space equalling 10% of the development area within the site, or a contribution towards its provision / enhancement of recreation space in the site's catchment area.

10% of the current site's development area would be 1,680sqm, which is 284sqm more than the additional 1,396sqm of open space created through the re-designation exercise. However, in the context of the overall open space provision on the site when the re-designation exercise is accounted for (6,965 sqm), the 284sqm shortfall is not significant.

Consequently, the current layout and landscaping proposals would meet the open space requirements of the outline permission.

UDP Policy T8 requires developments to provide links to nearby existing or proposed pedestrian routes.

The proposed layout shows the incorporation of a number of footpath links running through the site, and linking into existing footpaths through the adjacent woodland and to the Bannerdale Centre site.

Concern has been raised that these routes are not shown as being public. As a result confirmation has been provided by the Agent that the 3 routes will be Public Rights of Way (i- from northern Hastings Road entrance to NW corner of site, ii- from main Hastings Road access up to north eastern portion of site, and iii – from Abbeydale Road up to north-eastern portion of site.) The adoption of these routes will be dealt with separately by the Council's Public Rights of Ways section. The remaining footpaths within the site layout which run through the open areas, will be maintained by a management company (The Greenbelt Group) and will be publicly accessible. This is considered to be acceptable, and would enable the proposed paths to connect to the local public rights of way network, as well as other existing unadopted routes.

The link provided at the northern end of Hastings Road would be shared with vehicles. This is considered to be acceptable, as the access is used by 5 dwellings only. Pedestrian visits to these houses and to the open space facility would use this access and this would also be considered to be safe. Any users accessing the footpath would not need to use the shared surface driveway but would be able to immediately access the footpath or open space. There would therefore be no

basis to conclude that the use of the access by members of the public to access the footpath link would be unsafe.

Concern has been raised that the assessment of the application should be factored into the proposals and the overarching locality plan for the Abbeydale and Bannerdale sites. Notwithstanding this viewpoint, it should be noted that the outline approval does not give opportunity to delay the current assessment and the current reserved matters application is required to be assessed on its individual merits. Additionally, the scheme gives good linkages into the nearby park and woodland via its footpath provisions. It is therefore considered that the scheme makes acceptable provisions for its integration with the surrounding park and woodland, and any future improvements which may be made separately to these facilities.

Concern has been expressed that the layout plan shows a path running through the community planted trees at the SE corner of the site. This is referred to as an informal footpath link, and utilises an existing gate / opening onto Hastings Road. It will therefore not be a hardsurfaced route, but instead is shown to indicate that the current 'desire-line' footpath route will be retained.

The footpaths are shown to be an appropriate material which would allow water penetration and nourishment to the tree root networks.

Overall, the scheme would be considered to satisfy UDP Policy T8.

Sustainability Measures

The outline approval requires detail of how 10% of predicted energy needs of the development will be met from decentralised and renewable sources. Additionally, the dwellings would be required to be constructed to Level 3 of the Code for Sustainable Homes system. No details in relation to these elements are provided at this stage, as these details are not required until the commencement of development and occupation of dwellings respectively.

However, a good proportion of the units within the submitted layout have main roofslopes which are south / south-east / south-west facing. This orientation would facilitate the use of PV / solar panels which would be able to contribute towards the 10% of energy needs being met in such a manner.

The outline approval included a condition requiring the incorporation of green roofs in the detailed design, as per the Supplementary Planning Document "Climate Change and Design" document. The SPD identifies an 80% provision. An 80% provision was considered to not be viable in relation to traditional house types proposed as part of the current scheme. Therefore, in order to facilitate an acceptable design a lesser provision has been considered acceptable. This utilises the roofs of the 25 flat roof garages proposed in the scheme. This provision is considered to be acceptable and to meet the requirements of the document in this regard.

The development will therefore be expected to submit details at a later stage of how policies CS64 and CS65 will be met. Additionally, the proposals would meet the requirements of the Climate Change SPD document in regards to green roofs.

Access and Mobility Issues

The outline approval required submission of details in relation to access and mobility provisions prior to development commencing rather than at the current stage. However, in order to evidence that the proposed layout would be capable of meeting these requirements some work has been done at this stage. This has given sufficient reassurance that it will be possible to meet these requirements.

As such the scheme would therefore be considered to be capable of meeting the requirements of this condition and policy H7 of the UDP which requires a 25% proportion of new housing to be provided as mobility housing.

Ecology Issues

The outline approval includes a condition requiring a Landscape and Ecological Management Plan to be submitted before occupation.

Whilst further details will be required in relation to this issue, the landscape plan shows a woodland edge planting mix between the footpath and the woodland edge, which would represent a suitable habitat adjacent to the woodland.

The planting adjacent to the rear of the housing running across the rear boundaries of the housing at the north of the site would be low-lying and avoid the formation of an unwelcoming, corridor type environment for users.

The trees scheduled for removal were previously assessed as not having a bat roosting potential. There would therefore be no reason to resist the felling of the trees in question due to the potential for bat roosting.

On this basis the proposal would meet the requirements of UDP policy GE10, which requires developments to increase their wildlife and recreation value. GE11 would also be satisfied which requires developments to promote nature conservation.

Drainage

The outline approval had indicated a network of sustainable urban drainage measures, including swales. However, through the course of closer design work it became clear that it wasn't possible to incorporate these measures. This is because of the significant level differences across the site, which would necessitate substantial engineering operations and retaining walls across the site to provide SUDs methods of the nature initially proposed.

Despite the absence of the swale provisions within the proposal, sustainable drainage is provided within the layout in the form of large, sunken pipework in the private drive area located to the front of plots 44 to 48. This would avoid the area

of community planted woodland in the south eastern portion of the site, as well as other trees set towards the Abbeydale Road site frontage. This would enable a significant reduction of 30% below the site's discharge rate previously. On this basis the drainage proposal would be considered to be acceptable. Specific conditions requiring approval of specific matters were imposed at outline stage, and these will remain in place.

Affordable Housing

A number of comments have been submitted querying the affordable housing provisions within the scheme.

In this respect a condition was included in the outline consent which stated that 30% of the floor space of the overall development should be for affordable housing. However, this condition makes it clear this 30% requirement is subject to the overall viability of the scheme, which is a consistent approach across Sheffield and in line with national best practice.

At present there is a separate conditions application (Ref: 13/04204/CONRG3) being considered which seeks to reduce the level of affordable housing provision to a figure substantially below the 30% target.

As the aforementioned conditions application is linked to the approval of the outline consent, it does not therefore form a material consideration in the determination of this reserved matters application.

RESPONSE TO REPRESENTATIONS

Many of the points raised within representations have been addressed in the above assessment section.

In regards to the remaining items, the following feedback can be provided.

Additional School Proposal

A recent comprehensive public consultation exercise has been carried out by Sheffield City Council with respect to potential locations for a new secondary school within the locality. As a consequence a report is being presented to Cabinet on 17 February 2016 with a recommendation to erect a new school on the former Bannerdale car park area, with enhancements to the surrounding green space.

This recommendation reflected the majority of the feedback from the consultation, which pointed towards locating the new secondary school on the Bannerdale site, separated from the existing primary schools.

The school would have 900 secondary school places initially, alongside a post-16 offer. The design of the building would be flexible to allow for future expansion to 1200 11-16 places if required by future growth in numbers of pupils in the area. It would open in September 2018.

In addition, it is noted that the principle of this housing development was established at the outline stage and this issue is therefore not material to the approval of any reserved matters application.

Open Space Provision

Concerns have been raised within neighbour/community representations stating that the outline report was misleading, as it referred to the formation of an extra 1,665sqm of open space in addition to what is being identified on the submitted plans.

This additional space requirement actually related to the Bannerdale site, as it represented 10% of this site's developable area, in accordance with Policy H16 (discussed above).

This 1,665 sqm additional open space would therefore be the subject of any future applications at the Bannerdale site, rather than the current scheme.

Other Matters

- The current submission reflects the requirements of the outline approval, which drew upon the Planning and Design Brief for the site. The current scheme is considered to reflect the relevant requirements of the Brief.
- The historic Holt House estate will be sensitively dealt with by the proposal.
- It is commented that air monitoring stations are remote from the site, and Carter Knowle and Millhouses Group own data should instead be used. This overlooks the findings of the previously submitted TA which stated that the residential schemes would lead to less traffic movements than would have arisen from the sites as a result of their previous uses.
- The Sainsbury's appeal decision is not relevant as that concerned an extension to the supermarket, rather than a replacement development as in this case.
- There is no proposal to remove the 'left turn only' at end of Hastings Road.
- The formation of an access direct to Abbeydale Road was not considered as part of the outline application. It is considered that numerous negative implications would arise in this regard, such as safety concerns about a further access to Abbeydale Road, and the significant re-levelling works which this would necessitate.
- The adjacent Ancient Woodland is allocated as a Local Wildlife Site, but it is not a Site of Special Scientific Interest. The ecological impacts of the development have been considered as being acceptable in regards to the woodland.
- The scheme's impacts on trees have been considered as acceptable, and no concerns relating to a Dawn Redwood tree were raised.
- The establishment of a Developer / Community Forum would not be the responsibility of the Reserved Matters application. Instead it would need to be organised separately. Any development not in accordance with approved drawings would be the subject of enforcement investigation.
- The outline approval includes a condition requiring an agreement on securing secondary education provision to be completed prior to the

commencement of development. At the outline stage there was no requirement for provision towards primary education.

- Conditions restricting hours of working and a requirement for the Construction Phase Mitigation Strategy to be implemented is incorporated with the recommendation.

SUMMARY AND RECOMMENDATION

The application seeks the approval of reserved matters following the previous granting of outline approval for the residential development of the former site of the Abbeydale Grange school.

The submitted layout includes a total of 58 dwellinghouses (11 units with 2 bedrooms, 12 units with 3 bedrooms, 27 units with 4 bedrooms and 8 units with 5 bedrooms). Vehicular access is provided from a total of 4 access points along Hastings Road, as per the outline approval.

The proposed layout also includes open space provisions along its three sides; fronting onto Hastings Road, Abbeydale Road and alongside the woodland immediately adjacent to the site at the north of the site. Footpath access into and through the site to the woodland is also proposed.

The proposed density of 35 dph is within the density range set as part of the outline approval, and the scheme's design and layout is considered to be compatible with the character of the locality.

The vehicle movements generated by the proposal would be considered to have an acceptable impact upon the local highway network. The layout would include appropriate on-plot parking for the proposed dwellings, to avoid the generation of parking on the surrounding streets.

The scheme would have an acceptable impact in air quality terms as a result of the reduction in vehicle movements.

The scheme would retain open space provisions at its three perimeters, and these would represent areas of a proportionate scale and quality in the context of the development. The scheme would therefore meet the relevant requirements in open space terms.

Overall, the proposal would comply with the quoted policies, and it is therefore recommended that the reserved matters submission is approved subject to appropriate conditions.



SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Director of Regeneration & Development Services

Date: 23 February 2016

Subject: Enforcement Report
198-200 Crookes Valley Road

Author of Report: Fiona Sinclair

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

Reasons for Recommendations:

To remedy the breach of Planning Control

Recommendations:

That the Director of Regeneration & Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of unauthorised sign at 198-200 Crookes Valley 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

ERECTION OF UNAUTHORISED SIGN AT 198-200 CROOKES VALLEY ROAD S10 1BA

1. PURPOSE OF REPORT

- 1.1 To inform committee members of a breach of the Advertising Regulations and to make recommendations on any further action required.

2. BACKGROUND

- 2.1 198-200 Crookes Valley Road is a Grade II listed building, and a former Methodist church that has been converted into student accommodation, for which planning permission was granted in 2011.
- 2.3 A complaint, from a member of the public was received concerning a large advertisement board that has been fixed to the Crookes Valley Road elevation of this property
- 2.4 Correspondence was entered into with the owners of the property, on 21 July 2015, informing them that, because this property is a Grade II listed building that advertisement and listed building consent are required for a development of this nature. It also explained that because the sign was not in keeping with the character of the building, it was unlikely that advertisement and listed building consent would be granted.
- 2.5 A representative, acting on behalf of the property owner, responded to this letter to confirm the sign would be removed, within the 28 day time period specified in the letter. However, a recent visit to site revealed that the advertisement has yet to be removed.

3 ASSESSMENT OF BREACH OF CONTROL

- 3.1 The property is a grade II listed building that is located within a Housing Area as defined within the UDP.
- 3.2 Unitary Development Plan Policy BE13 (v) Advertisements, states that the design of all signs and advertisements will relate in scale and design to their surroundings.
- 3.3 Unitary Development Plan Policy BE15 'Areas and Buildings of Special Architectural or Historic Interest' states that buildings and areas of architectural or historic interest which are an important part of Sheffield's heritage will be preserved or enhanced. Development which would harm the character, or appearance, of Listed Buildings, Conservation Areas or Areas of Special Character will not be permitted.
- 3.5 The sign is considered to be visually intrusive and crudely sited. It does not respect the character of the property to which it is attached, from a point of view of its size and design, and the fact it obscures the building's architectural details; including window details and buttresses+. Therefore it is considered not to preserve or enhance the original characteristics of the building and contrary to policies BE13 and BE15 of the UDP.
- 3.6 The photographs, below show the property in question and demonstrate the negative impact it has on the property's appearance.

Photograph 1



Photograph 2



4. REPRESENTATIONS.

- 4.1 A complaint was received from a member of the public; who considered it to be visually intrusive and inappropriate.

5. ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 Section 171C of the Town and Country Planning Act provides for the service of a Planning Contravention Notice. The notice requires information about the breach of planning control and property ownership. It also gives an opportunity for the recipient to meet with officers to make representations. Such a meeting could be used to encourage regularisation by retrospective application and/or discussions about possible remedies where harm has resulted from the breach. In this case it is clear that the sign is in breach of planning control and as such it is not considered that the serving of a PCN would be of any value.
- 5.2 It is an offence to display without consent a sign that requires express consent under the Town and Country Planning (Control of Advertisements) Regulations 1992. A prosecution can be brought under Section 224(3) of The Town and Country Planning Act 1990.
- 5.3. It is also an offence to carry out works to a listed building, which affects its character, under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and Section 38 of the Act provides for the service of a listed building enforcement notice. In this case such a notice would require the removal of the sign and making good the harm

caused by the unauthorised development. There is a right to appeal, to the Planning Inspectorate, against the serving of a listed building enforcement notice; however, it is considered that the Council would be able to successfully defend any such appeal.

6 EQUAL OPPORTUNITIES

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

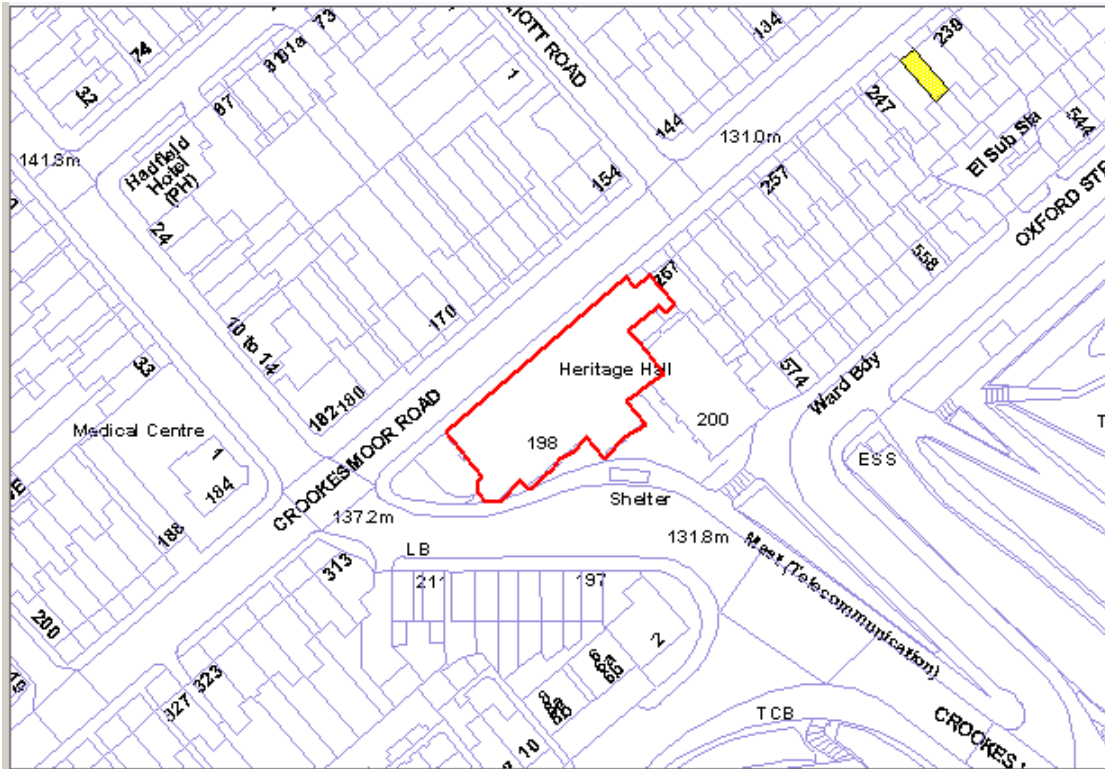
7 FINANCIAL IMPLICATIONS

- 7.1 There are no additional financial implications expected as a result of this report.

8.0 RECOMMENDATIONS

- 8.1 That the Director of Regeneration & Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised sign at 198-200 Crookes Valley Road.
- 8.2 The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Site Plan



Maria Duffy
Head of Planning Service

11/02/2016

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SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Director of Development Services

Date: 23 February 2016

Subject: Enforcement Report, 3 Nether Edge Road

Author of Report: Lee Brook

Summary: The purpose of this report is to inform members of a breach of planning control and to 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 proceedings to secure the removal of the forecourt structure.

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

UNAUTHORISED ERECTION OF A FORECOURT CANOPY, 3 NETHER EDGE ROAD

1. PURPOSE OF THE REPORT

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

2. BACKGROUND

- 2.1 The Planning Service received complaints about a new forecourt canopy being erected that potentially caused a safety hazard & highlighting safety issues and the design of the structure being out of keeping and visually harmful to the conservation area.
- 2.2 The initial visit confirmed that the structure is development that requires a planning application. It is mostly a timber structure, consisting of a raised timber floor, posts and roof frame with plastic panels serving as the roof covering. One of the complaints was that steps, (made of timber), had been incorporated into the structure, making it potentially difficult for elderly customers.
- 2.3 The owner was advised in writing that the forecourt structure is unauthorised and that a planning permission to retain it would be unlikely to receive support from officers. The owner did contact officers and an application for this structure, amongst other things such as a change of use for the property was discussed. However an application has not been submitted. A follow up letter was sent and the owner has now passed the matter on to her new tenant. The tenant, only occupying the property since the end of November, has contacted officers and is cooperating to try to find a solution. This contact was made quickly following the reminder letter, when this report was already prepared. No firm plan has been submitted yet but discussion is at the initial contact stage. The forecourt structure was erected before the current tenant occupied the property.
- 2.4 It is worth acknowledging that prior to this canopy structure being erected there were two smaller canvas canopies attached to the front of the shop. These were immune from enforcement action having been present for many years. They had become shabby and rather ugly and

the removal of these was a benefit to the visual appearance of the property. Underneath the former canopies there was a portable table / stall, which had fruit, vegetables etc displayed on it. The assessment of the unauthorised replacement structure follows.

3. ASSESSMENT OF THE BREACHES OF CONTROL

- 3.1 This property and the surrounding area is within the Nether Edge Conservation Area. Relevant local policy documents are the National Planning Policy Framework, the Sheffield Unitary Development Plan, (UDP) and the Sheffield Plan Core Strategy. The site is designated within the adopted Sheffield Unitary Development Plan, ('UDP'), as small local shopping centre and is within an Area of Special Character. The development is assessed in relation to the specific relevant policies that follow.
- 3.2 The National Planning Policy Framework requires sustainable development to go ahead. Policies specific here, include the requirement for good design and for conservation of, and enhancement of the historic environment.
- 3.3 UDP policy BE5 requires that good design and the use of good quality materials will be expected in all new buildings, with Policy CS74 of the adopted Core Strategy reiterating that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city. Policy S10 mirrors BE5 and requires, amongst other things, that development be well designed and of a scale and nature appropriate to the site and comply with Policies for the Built environment.
- 3.4 The site is within the Nether Edge Conservation Area and an Area of Special Character, therefore this development needs to be assessed against policy BE16 whereby "permission will only be given for proposals which would preserve or enhance the character or appearance of the Conservation Area", and policy BE17, that requires a high standard of design and traditional materials for alterations to building and policy BE15, which states that "Development which would harm the character or appearance of Listed Buildings, Conservation Areas or Areas of Special Character will not be permitted."
- 3.5 Policy BE7 of the UDP concerns Design of Buildings used by the Public and requires that new development provides for people with disabilities safe and easy access and that access should be improved as opportunities arise to enable equality of access to all users. Prior to this development, two (original) stone steps provided access to the shop with a hand rail and grab handle to either side. The new timber structure provides shallow steps from the pedestrian pavement edge to the level deck floor. The deck is level with the shop threshold. The recommendation in this report is for the removal of the current

structure. Any proposed replacement / alternative structure will need to be assessed against access policies.

- 3.6 The forecourt structure or canopy as it could be called serves as a display area for perishable goods displayed on shelves and tables. This concept is acceptable in principle and is not out of keeping with a shopping area. However this structure is considered to be inappropriate owing its ramshackle design and appearance. Green timber posts form the frame of the structure, which is largely open sided with a sloping roof consisting of green timber rafters covered with a simple transparent plastic sheeting to form a roof. Part of the structure has a black plastic gutter at the front of the roof with a black plastic downpipe. The structure is fastened to the front elevation of the shop and has a timber deck floor, (up to about 30cm above original ground), with timber steps. The deck creates a level forecourt area. Photos are included at the end of the report. Since that photo was taken the deck has been screened by flower boxes to hide the 30cm gap between the ground and the deck and hand rails have been added to stepped part of the structure.
- 3.7 The shop itself is identified as a building of historic interest, (as are all but one of the other surrounding buildings in the immediate area), in the character assessment of Nether Edge Conservation Area and it has retained this original character. Any proposed forecourt canopy should be designed in keeping with this character. This particular structure is prominent and cuts across architectural features on the front of property, adversely impacting on its character. The development is considered to be contrary to development plan and national policies stated above and harmful to the visual amenities of the area.
- 3.8 A planning application for a forecourt canopy at 9 Nether Edge Road in 2015 resulted in a good quality scheme, with a simple structure which re-uses old iron gas lamp columns of and has low side panels of painted iron and decorative end panels to support the glass roof. This has not been built yet but is just one example of what can be achieved to respect the conservation setting. In principle a different design could be acceptable in this case, provided the design is of high quality.

4. REPRESENTATIONS

- 4.1 Two complaints have been received. One was concerned solely with access issues, linked to safety for elderly people crossing the new timber steps. The other complaint referred to the negative visual impact of the structure on the area.

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 suspected breach 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 any person/s with an interest in the land are known and regularisation of the development is not the course of action 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 structure.

6. EQUAL OPPORTUNITIES

- 6.1 There are equal opportunity benefits arising from this report. In co-operation with the business owner an improved access design could be achieved if the structure is replaced, subject to planning permission.

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 secure the removal of the forecourt structure.
- 8.2 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.

PHOTO & PLAN



PHOTOGRAPHS



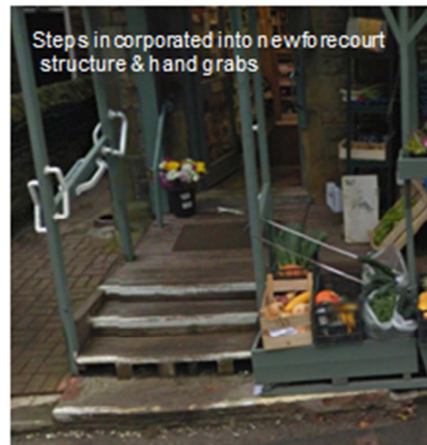
Current unauthorised structure described in this report



Previous unauthorised canopies, now removed.



Existing stone steps / hand rail / grab



Steps incorporated into new structure & hand rails

Maria Duffy
Interim Head of Planning

23 February 2016

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 23 February 2016

Subject: Quarterly overview of enforcement activity

Author of Report: Khalid Mahmood

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

Reasons for Recommendations:

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

Recommendations:

That members note the report.

Background Papers:

Category of Report: OPEN

REGENERATION & DEVELOPMENT SERVICES

REPORT TO PLANNING AND HIGHWAYS COMMITTEE

23 FEBRUARY 2016

QUARTERLEY OVERVIEW OF ENFORCEMENT ACTIVITY

1. PURPOSE OF THE REPORT

- 1.1 This is the quarterly report to inform members of the work being undertaken by the Planning Enforcement Team. The period covered runs from 1st October 2015 to 31th December 2015.

2. ACTIVITY DURING THE QUARTER

- 2.1 Resources from the Stuck Sites Programme has enabled the taking of direct action to tackle neglected sites and heritage buildings at risk, where there is the chance to kick start housing or residential development. Lion Works at Spital Hill which is a Grade II Listed Building has recently undergone such works at a cost of £240,000 restoration of the roof and supporting structures. Lion Works has the potential to realise between 30 and 45 residential dwellings, which the owners have previously submitted a pre-application enquiry for. The Planning Department are now working with the owner and their representatives towards the submission of a full planning application. The full cost of the work, which began in April 2015 and was completed in September 2015, is subject to a land charge. Land charges are recoverable upon sale of the land or development. Should it be necessary, the property can now also be considered for the Enforced Sale Procedure (ESP) so that all the debts can be recovered. The Planning Department has a successful record in recovering costs from ESP action.

- 2.2 Officers have recently successfully defended 10 Discontinuance Notice appeals in relation to a number of long standing advertisement hoardings that had been erected in the Wincobank area. All the hoardings have now been removed.

3. SCALE OF INVESTIGATIONS, INCLUDING MONITORING AND ENFORCEMENT

- 3.1 A total of 96 enforcement complaints were received, out of these 58% were concerned with unauthorised development and use, and 29% were failure to comply with planning conditions or approved plans. The percentage of cases involving Section 215 untidy land/buildings was

4%, unauthorised advertisements including hoardings were 7% and all other complaints were 2%.

3.2 The number of cases resolved within the target of 6 months was 66% of all the cases closed in the period. The 60% Service target for cases closed within 6 months has been exceeded. 46 cases have been closed in this quarter of which almost 55% have been remedied or made acceptable.

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

Year 1 st January 2014 – 31 st December 2014	Year 1 st January 2015 – 31 st December 2015
605	561

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

4 WILLINGNESS TO TAKE STRONG ACTION

4.1 The table below shows the number of formal Notices served and prosecutions carried out within this period and the previous three quarters as well as the years 2014 and 2015 to show trends: -

Notice type	Year 1 st Jan 2014 to 31 st Dec 2014	Year 1 st Jan 2015 to 31 st Dec 2015	Quarter 4 1 st Jan – 31 st Mar 2015	Quarter 1 1 st Apr – 30 th Jun 2015	Quarter 2 1 st Jul – 30 th Sep 2014	Quarter 3 1 st Oct – 31 st Dec 2015
Breach of Conditions	15	15	2	6	3	4
Discontinuance (adverts)	11	0	0	0	0	0
Enforcement	23	15	4	6	2	3
Stop	0	0	0	0	0	0
Temporary Stop	2	2	0	2	0	0
Section 215 (untidy land)	8	7	4	1	1	1
Section 225 (signs)	41	25	5	5	13	2
Total Notices Served	100	64	15	20	19	10
Prosecutions	13	14	1	2	4	7

4.2 The number of formal Notices that have been served in the last 12 months has decreased, mainly due to not as many S225 notices served in relation to illegal signs. The number of Enforcement Notices, Breach of Condition Notices served and Prosecutions in the last quarter has increased.

5. CONCLUSION

- 5.1 The six month service target has been exceeded, the number of Notices served has remained consistent and number of prosecutions has increased.
- 5.2 Through the recent Place budget cuts the planning enforcement team have lost one member of staff, therefore reducing fulltime officers to 6. This will inevitably lead to cut enforcement service by making more no further action decisions on least harmful cases as efficiently as possible and minimising pro-active enforcement work.
6. RECOMMENDATION
- 6.1 It is recommended that Members note the report.



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 23 February 2016

Subject: Enforcement Report

Author of Report: Khalid Mahmood

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

Reasons for Recommendations:

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

Recommendations:

That members note the current progress on actions

Background Papers:

Category of Report: OPEN

QUARTERLY UPDATE ON LIVE ENFORCEMENT CASES IN SOUTH AREA

Report abbreviations

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

ITEMS IN BOLD TYPE INDICATE CHANGES SINCE LAST REPORT

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
1.	Broomhill Property Shop, 319 Glossop Road, S10	A fascia sign has been erected on a listed building without consent	10/11/2015	08/02/2016 – A letter to be sent asking to remove the signage with a reasonable time period.
2.	3 Crescent Road, S7	An erection of a tree house	22/12/2015	08/02/2016 – Planning application (15/03806/FUL) has been refused and letter to be sent that an EN will be served if the tree house is not removed.
3.	259 Abbeydale Road, S7	Unauthorised erection of digital signage		08/02/2016 – A letter to be sent asking to remove signage or submit an

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				application for an alternative more acceptable sign.
4.	183 – 187 Abbeydale Road	Unauthorised canopy	19/01/2016	08/02/2016 – EN to be served
5.	16 Moor Oaks Road	Unauthorised replacement of windows	01/12/2015	08/02/2016 – EN has been served on 01/02/2016 and takes effect on 04/03/2016 and needs compliance by 04/09/2016
6.	30 Stainton Road, S11	A rear dormer balcony	01/12/2015	08/02/2016 – An EN has been served on 14/01/2016 and takes effect on 22/02/2016 and needs compliance by 16/05/2016.
7.	Bennett Grange, Haarison Lane, S10	Untidy land	12/03/2015	08/02/2016 – S215 Notice has been served on 16/03/2015, the compliance period has been extended until 31/03/2016. Most of the work has been done - Monitor Site
8.	24 Park Lane, S10	Condition 9 relating to landscaping	23/04/2015	08/02/2016 - Reminder letter to be sent and if no response then the matter to be reported for prosecution. 13/07/2015 – BCN has been served on 30/04/2015 and needs to be complied by 27/05/2015 – BCN has not been complied with. File to be prepared for prosecution.
9.	352 Sharrow Lane	Unauthorised replacement of	29/05/2015	08/02/2016 - Appeal has been lodged

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
		windows		with Planning Inspector. 13/07/2015 – EN has been served on 29/06/2015 and needs to be complied with by 16/11/2015.
10.	215 -219 Fulwood Road, S10	Unauthorised roller shutter	03/03/2015	08/02/2016 – The roller shutter has been removed – NFA. 22/10/2015 – Site visit to be done to check if EN has been complied with – if not the matter to be reported for prosecution. 13/07/2015 – EN has been served on 09/04/2015, takes effect 11/05/2015 and compliance by 31/08/2015.
11.	166 Abbeydale Road, S7	Unauthorised canopy	03/03/2015	08/02/2016 – File with litigation waiting for a court date. 21/10/2015 – EN has not been complied with - Prosecution file being prepared. 13/07/2015 – EN has been served on 09/04/2015 and takes effect on 11/05/2015 and compliance by 31/08/2015. 22/05/2015 – EN has been served on the 09/04/2015, comes into effect on the 11/05/2015 unless an appeal is made (16 week compliance period).
12.	13 College Street, S10 2PH	Unauthorised replacement of roof tiles within an Article 4 Area	11/04/2014	08/02/2016 - Prosecution file being prepared for litigation. 20/01/2015 – The time period for compliance has expired and reminder letter to be sent.
13.	Vestry Hall	Untidy Grade 2 Listed building	16/10/2014	08/01/2016 – The works are in two parts

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
	80 Crookesmoor Road Sheffield S6 3FR			1st part should have been completed by 31/01/2016 and 2nd part by 31/03/2016 – no work has been done yet to comply and the matter is to be reported for prosecution. 22/10/2015 – It has been agreed in Court that the works will be done by 01/2016. 13/07/2015 – Appeal has been lodged and is due in Court on the 11 August for full hearing. 19/01/2015 – A S215 Notice has been served on the 16/10/2014. An appeal has been made. Statements being done for hearing in Court.
14.	245 Ecclesall Road Sheffield S11 8JE	Breach of Condition 3 relating to premises opening beyond permitted hours and condition 6 relating to amplified sound	25/10/2014	08/02/2016 – A new BCN to be served on new owners. 22/10/2015 – TSN was served which was breached a prosecution file is being prepared for litigation. 13/07/2015 – Found guilty and fined a total of £150, surcharge £20, costs £150 and (Criminal Court Charge) of £150 – total £470. 22/04/2015 – Due in Court on the 21/05/2015. 19/01/2015 – A BCN has been served, the Notice is not being complied with. Witness statements being done for prosecution.

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
15.	140-142 Abbeydale Road, S7 1FF	Unauthorised canopy	16/09/2014	<p>08/02/2016 – The canopy has been removed – NFA 22/10/2015 – Full hearing at the Magistrates Court on 5/11/2015. 13/07/2015 – File being prepared for prosecution. 22/04/2015 – The EN has not been complied with reminder letter to be sent if no response the matter will be reported for prosecution. 16/01/2015 – EN has been served on 30/10/2014 and needs to be complied with by 19/03/2015.</p>
16.	44 Grange Crescent, Nether Edge, S11 8AY	Unauthorised replacement of windows, roof tiles, guttering, door and repainting of headers, sills and architectural feature	07/02/2011	<p>08/02/2016 – No work has been carried out, In discussion with owner to agree an alternative time period given the financial situation of the owner.</p> <p>22/10/2015 – A letter has been sent giving a deadline of 19/02/2016 to carry out works. 13/07/2015 – Fined £200, £150 Costs and £20 Surcharge. Letter to be sent giving new deadline to comply with Notice. 22/04/2015 – Due in Court for 2nd prosecution in June 2015. 16/01/2015 – Witness statement being prepared for prosecution. 14/10/14 – EN has not been complied with and a final letter to be sent in the next few days and if the EN is not</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>complied with then the matter will be reported for 2nd prosecution. 09/07/13 – letter has been sent asking to comply with EN before 01/09/13. 25/01/13 – prosecuted 19/12/12 pleaded guilty and was fined £30 and £15 costs. Letter to be sent asking to comply with notice.</p>
17.	166, 223-225, 234, 235, 243-245 and 280 Abbeydale road, S7	Illegal Signs	16/09/2014	<p>08/02/2016 – Serving 330 Notice on new occupiers and prosecution file being prepared for 223-225 Abbeydale Road.</p> <p>22/10/2015 – No 280 has been prosecuted and fined £420 in total and the signs have been removed. 13/07/2015 – Property no 280 due in Court in August 2015 and with regards to other properties officers are trying to identify the owners before reporting to prosecution. 16/01/2015 – Occupier details being identified before the matter is reported for prosecution.</p> <p>14/10/2014 - Writing to owners/occupiers to advice of pending prosecution - locating up to date contact details for each property.</p>
18.	31 Moor Oaks Road, S10 1BX	Unauthorised replacement front door and frame	26/08/2014	<p>08/02/2016 – Final letter to be sent before the matter is reported for</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>prosecution. 22/10/2015 – Replacement door details have been agreed, if no progress made to replace door then the matter will be reported for prosecution. 22/04/2015 – Appeal has been dismissed within compliance period. 16/01/2015 – EN has been served on 14/11/2014 came into effect on the 12/12/2014 and needs to be complied with by 06/03/2015. The appeal against the planning application has been dismissed. – Monitor. 14/10/2014 – EN with legal, due to be served shortly</p>
19.	9 & 11 Moor Oaks Road, S10 1BX	Unauthorised replacement front doors and frames	26/08/2014	<p>08/02/2016 – The Notice has been complied with – NFA. 22/10/2015 – Details have been approved for alternative and assurances have been given that it will be replaced soon - Monitor. 13/07/2015 – Prosecution file to be prepared. 22/04/2015 – Planning application appeal has been dismissed, within compliance period. 16/01/2015 – EN has been served. An appeal has been made. 14/10/2014 – 2 EN's with legal, due to be served shortly</p>
20.	20 Glen Road, S7 1RA	Unauthorised replacement driveway	15/07/2014	<p>08/02/2016 – the 2 owners were prosecuted and fined £50, £316 costs</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>and £20 surcharge each. The work has also been done – NFA. 22/10/2015 – Assurances have been given that the works will be done before court date of 26/11/2015. 13/07/2015 – Prosecution file being prepared for prosecution. 22/04/2015 – The owner has assured officers that work will be done in the next few weeks. 16/01/2015 – It has been agreed that works will be carried out by the end of March 2015. 14/10/2014 EN served 23/09/14 takes effect 23/10/14 -</p>
21.	12 & 14 Crookes Road, S10 1GR	Unauthorised replacement roof tiles, fascia and guttering	28/01/2014	<p>08/02/2016 – The EN has been complied with – NFA.22/10/2015 – The property has been sold and new owners have submitted application (15/03128/FUL) for new windows and will replace the roof at the same time as work starts on the windows. 13/07/2015 – EN to be served. 22/04/2015 – 16/01/2015 – The owner is not making sufficient progress to carry out the works required, therefore an EN is being prepared and will be served asap. 14/10/2014 Roof replacement underway 23/07/2014 - Works underway – agreed</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				not to serve EN as committed to resolve the issue.
22.	261, 269 & 271-273 Fulwood Road, S10	Unauthorised replacement windows	17/12/2013	<p>08/02/2016 – Prosecution took place on 04/02/2016. The owner did not attend and case was adjourned until 3/03/2016 for the Court to write to him that if he doesn't attend a warrant will be issued.</p> <p>22/10/2015 – File with legal for prosecution. 13/07/2015 - Appeal has been dismissed still within compliance period. 16/01/2015 – the appeal has been dismissed on 21/01/2015 - 6 Month compliance period. . 06/03/14 - Appealed EN. Appealed refusal 13/02/2014 EN served, appealed under same grounds. Application refused with authority to serve EN</p>
23.	95 Brunswick Street, S10 2FL	Non-compliance with planning conditions	14/03/2014	<p>08/02/2016 – The conditions application has been approved, a letter to be sent asking for confirmation when the works will be done.</p> <p>22/10/2015 - Application has been submitted (15/01608/FUL) pending consideration. 22/04/2015 – The works in relation to the light well has been carried out – a new application to be submitted to</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				vary condition with regards to the landscaping scheme. 16/01/2015 – Work is being carried out to comply with the Notice - Monitor. 22/07/2014 A BCN has been served 16/04/2014 28 days compliance period – a variation of condition application (14/00980/FUL) has been submitted and subsequently approved. Work has started on site.
24.	Land Between 1 To 3 and No 5 And 7 Dover Road S11 8RH	Erection of an Unauthorised wall	11/03/2014	08/02/2016 – Condition application has been submitted and is pending consideration (15/01006/COND1) – Monitor. 22/10/2015 – New scheme has been approved (15/01006/FUL) – Scheme not implemented yet – Monitor progress, if no progress made then matter reported for prosecution. 13/07/2015 Still within compliance period (until October 2015) 22/04/2015 – Appeal has been dismissed still within compliance period. 16/01/2015 - Awaiting Planning Inspector decision. 18/07/2014 – Appeal Statements submitted. 1/06/2014 Appeal Lodged. 09.04.2014 – EN served with 6 month compliance period.

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
21	263 Cemetery Road, S11 8FS	Unauthorised replacement of windows to the front and side of 263 Cemetery Road, S11, facing Grange Crescent Road and Cemetery Road, the erection of a new soil pipe facing Cemetery Road, a new down pipe adjacent to the bay window facing Grange Crescent Road, the replacement of guttering and the erection of roof felt on the ground floor bay windows.	05/11/2013	08/02/2016 - Advice from litigation is that as the company is registered in Isle of Man it is outside of the jurisdiction of the Court and prosecution is not possible. A letter to be sent threatening direct action as an alternative to prosecution. 22/04/2015 – Due in Court on the 21/05/2015. 16/01/2015 – Witness statement being prepared for prosecution. 16/06/2014 – Notice has not been complied with, a reminder letter has been sent to the person in control of the property. 14/10/14 – the Notice is still within compliance period. 22/07/14 – The company is not registered in the UK and would be difficult to prosecute if they did not comply with the notice as the notice. Letter to be sent to Companies house informing them that the company is not registered in the UK. 07/04/14 – EN has been served 02/04/14 compliance period 6 months.
22	79 Barber Road, S10	Unauthorised front dormer	17/12/2012	08/02/2016 –The existing dormer window has been replaced with on as per planning permission 13/03920/FUL.

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>NFA. 22/10/2015 – EN was served on 01/03/2015 needed to be complied by 26/07/2013 the EN has not been complied with and is due in Court on the 5/11/2015.</p>
24	Swanky Franks 722A Chesterfield Road	Non-compliance with a planning condition to clad an extraction flue	13/02/2012	<p>08/02/2016 - Reserve BCN to all directors. 22/04/2015 – S330 Notice has not been replied to and the matter to be reported for prosecution for non-compliance of S330 Notice. 16/01/2015 – Letter and S330 Notice has been sent to all Directors. 14/10/2014 – List of all Directors now obtained, new BCN's to be served on all of them. -</p>
25	204 Chippinghouse Road, Nether Edge, S7 1DR	Unauthorised replacement of windows and door within an Article 4 area	13/08/2012	<p>08/02/2016 – the old door is to be put back before end February and a time period is to be agreed for the window. 22/10/2015 – The builder is in the process of getting the window replaced and the old door that was removed is to be put back. 16/01/2015 – A reminder letter to be sent asking to replace the ground floor window and door to fully comply with the Notice. 14/10/14 – 1st floor windows have been replaced as agreed. A further 6 month from April agreed before the ground</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				floor windows and door is replaced. 14/01/14 – The upstairs windows have been manufactured and ready to be installed. 06/11/13 – In discussions with owner and joiner for suitable replacement windows. 12/07/13 – EN was served (21/09/12) and took effect on 26/10/12 – 9 month compliance period (26/07/13). No work commenced on site as yet.
26	7 Greenfield Drive, S8 7SL	Unauthorised signage on display	26/09/2011	08/02/2016 – To be reported for prosecution. 22/04/2015 – A letter to be sent asking to remove sign within 21 days, if not removed then report for prosecution. 16/01/2015 – The Section 330 Notice has not been returned a reminder letter to be sent. 14/10/2014 – Letter and S330 notice to be served.
27	Ball Inn, Mansfield Road, S12 2AG	Unauthorised Hoarding	21/06/2010	08/02/2016 - Low priority but DN to be served. 22/04/2015 – S330 Notice has been served awaiting response. 16/01/2015 – Letter and S330 Notice to be served.
29	Norfolk Arms Public House, Ringinglow Village, S11 7TS	Unauthorised fume extraction and Lighting Columns.	19/05/2008 & 21/09/2009	08/02/2016 – A joint site visit to be carried out with Planning and enforcement officer to assess current

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>situation before prosecution file is prepared. 22/10/2015 – Final warning letter to be sent before file passed to litigation. 13/07/2015 – New photographs to be taken and then statement to be done for prosecution. 14/10/2014 –Reminder letter to be sent asking him to comply with notice within 28 days. If no response then prosecution file to be prepared.</p>

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 23 February 2016

Subject: Enforcement Report

Author of Report: Khalid Mahmood

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

Reasons for Recommendations:

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

Recommendations:

That members note the current progress on actions

Background Papers:

Category of Report: OPEN

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

Report abbreviations

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

ITEMS IN BOLD TYPE INDICATE CHANGES SINCE LAST REPORT

NO	SITE	BREACH	DATE OF BOARD RESOLUTION/ DELEGATED AUTHORITY	CURRENT SITUATION
1.	43 Moorthorpe Rise, S20	Encroachment of garden into buffer strip	22/12/2015	08/02/2016 – EN has been served on 20/01/2016 and took effect on the 20/01/2016 and needs to be complied with by 22/04/2016.
2.	86 Jenkin Avenue, S9	Untidy and overgrown garden	12/10/2015	08/02/2016 – S215 Notice has been served 12/10/2015 and has not been complied with – Direct action to be taken in conjunction with Private Sector Housing.

3.	Former South Yorkshire Police Station, Rotherham Road North, S20	Erection of a fence	19/01/2016	08/02/2016 – land Registry search being carried out before EN is served.
4.	261 Staniforth Road, S9	Erection of Marque	BCN authorised 19/10/2015 and EN authorised on 01/12/2015	08/02/2016 – EN has been served on 22/12/2015 and took effect on 26/01/2016 compliance by 17/05/2016. BCN has been served on 27/10/2015 and took effect on 27/10/2015 and should have been complied with by 08/12/2015 – the occupier has been in discussions with the officers an action plan to be submitted on how and when work will be carried out to comply with BCN and EN.
5.	34 Leebrook Avenue, S20	Encroachment of garden into green belt	20/10/2015	08/02/2016 – EN has been served on the 17/11/2015, took effect on the 21/12/2015 with a compliance period of 28 days. Most of the work has started to comply with Notice – Monitor.
6.	2A Woodhouse Road, S12	Signs	18/08/2015	08/02/2015 – Owner has been prosecuted – 6 month conditional discharge – letter has been sent to remove the signage work still has not been done a 2nd prosecution being prepared. 20/10/2015 – The signs have not been removed, statements have been done and file is with litigation.
7.	138 West Street, S1	Fascia signs	29/09/2015	08/02/2015 – the signage has not been removed within the time period given, a prosecution file being prepared. 20/10/2015 – Letter has been sent asking to remove sign.

8.	55 Bawtry Road S9	External wall insulation	24/06/2014	08/02/2016 – An extension of time has been given to resolve the issue until 01/02/2016, No work has been done – chasing progress, if no progress then that matter will be reported for prosecution. 20/10/2015 – Within compliance period. 08/07/2015 - An EN has been served on 25/06/2015 comes into effect on 27/07/2015 unless appeal is made and needs to be complied by 27/11/2015.
9.	24 Dundas Road, S9	External wall insulation	24/06/2014	08/02/2015 – The EN has not been complied reminder letter to be sent. 20/10/2015 – Within compliance period. 08/07/2015 – An EN has been served on 25/06/2015 comes into effect on 27/07/2015 unless appeal is made and needs to be complied by 27/11/2015.
10.	38 Hatherley Road S9	External wall insulation	24/06/2014	08/02/2016 – Work has been carried out to make the development PD – NFA 20/10/2015 – Work underway to comply with EN. 08/07/2015 – An EN has been served on 25/06/2015 comes into effect on 27/07/2015 unless appeal is made and needs to be complied by 27/11/2015.
11.	40 Hatherley Road, S9	External wall insulation	24/06/2014	08/02/2016 – Work has been carried out to make the development PD – NFA 20/10/2015 – Works underway to comply with EN. 08/07/2015 – An EN has been served on 25/06/2015 comes into effect on 27/07/2015 unless appeal is made and needs to be complied by 27/11/2015.

12.	1 Blackmore Street, S4	Re-roofing of a listed building	16/06/2015	08/02/2016 – Appeal is being considered by the Planning Inspectorate. 20/10/2015 – EN has been served and an appeal has been made. 08/07/2015 – Details have been sent to legal and admin to serve an EN
13.	751 Attercliffe Road, S9 3RF	Untidy property	31/03/2015	08/02/2016 - Notice has not been complied with – quotes to be obtained for works in default. 20/04/2015 – A S215 Notice has been served, still within compliance period (01/05/2015).
14.	8 Delves Place, S12 2AG	Untidy Land	25/03/2015	08/02/2016 – Legal advice is that it is not in the public interest to prosecute given that the work has been carried out under direct action. A land charge has also been put on the property so that the money can be recovered when the property is sold - NFA. 20/10/2015 – Direct action has been carried out to comply with the Notice. A prosecution file has also been prepared and sent to legal. 08/07/2015 – Some work has been done but not enough to comply with Notice – Costs to be obtained for works to be carried out in default. 20/04/2015 – A S215 Notice has been served, still within compliance period (27/04/2015).

15.	20 Dovercourt Road, S2 1UA	Untidy front and rear garden	20/11/2014	08/02/2016 – Letter has been sent asking to comply with Notice – work has not been carried out 2nd prosecution file being prepared. 20/10/2015 – Successful prosecution conditional discharge £100 costs and £15 surcharge. A letter has been sent asking to comply with Notice within 28 days from 19/10/2015. 08/07/2015 – Witness statements have been done and sent to litigation. 20/04/2015 – The Notice has not been complied a prosecution file is being prepared. 19/01/2015 – A S215 Notice has been served and needs to be complied with by 14/12/2014. A reminder letter to be sent.
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16.	33 Pavilion Way, S5 6ED	Unauthorised single storey side and rear extension	09/12/2014	<p>08/02/2016 – Serious defects with extension have made it impossible to comply with building regulations, therefore PP cannot be implemented. Alternative extension now PD and has building regulation approval. The existing extension to be demolished in the next few weeks. 20/10/2015 – Work has not started yet reminder letter to be sent. 08/07/2015 – Appeal against the planning application has been allowed conditionally – Condition requires plastic to be replaced by brickwork within 6 months – Deadline 16/10/2015 - Monitor 20/04/2015 – The planning application was refused on 17/03/2015 and an appeal has been lodged on the 01/04/2015. 19/01/2015 – Application (15/00183/FUL) has been submitted on 15/01/2015 for retention and alterations to design and materials, and is in the process of being logged on the system.</p>
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17.	11 Advertisement Hoardings in Wincobank Area	Unauthorised Advertisement Hoardings	22/04/14	<p>08/02/2016 – 10 appeals have been won by the Council and lost 1. 10 Hoardings have now been removed. However, some of the sites have support posts and electric supply box which have not been removed. A further letter has been sent asking to remove these items – Monitor.</p> <p>20/10/2015 – Awaiting outcome of appeals. 20/04/2015 – Appeals have been lodged against all 11 DN's statements being done. 16/01/2015 – DN have been served on 09/12/2014 and come into effect on the 03/02/2015. 09/10/14 – Discontinuance Notice (DN) being prepared by Legal Services for 8 Hoardings – no response has been received regarding S330 Notice for 3 of the hoardings – the non-return of S330 will be reported for prosecution. 08/07/14 - A letter and S330 Notice to be sent.</p>
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18.	42 Dundas Road, Tinsley, S9 1SY	Unauthorised external flue	15/10/13	<p>08/02/2016 – Awaiting Police to execute the warrant. A letter has gone to the Police by the City Solicitor requesting that the outstanding warrant is pursued.</p> <p>20/10/2015 – The owner did not attend court again and a warrant has been issued for owner’s arrest. 08/07/2015 – The owner did not attend Court the case was adjourned to 13/08/2015. 20/05/2015 – Due in Court on the 21/05/2015.</p> <p>16/01/2015 – legal to be instructed to prosecute and witness statement to be done. 09/10/14 – The flue has been removed the external fan still needs to be removed. A reminder letter to be sent. 08/07/04/14 – letter sent warning legal action to be taken unless EN complied with. 07/04/14 - EN has been served 3/01/14 comes into effect 07/02/14 and required compliance by 02/05/14. 05/11/13 – Application (13/02291/FUL) has been refused with enforcement action. A letter has been sent to the owner requesting the removal within 14 days. If flue not removed within the next few days then EN will be served.</p>
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19.	35-39 Southend Road, S2 5FS (Former Windsor Hotel Public House)	Unauthorised formation of self contained flats at first floor level	04/02/13 (for BCN 24/09/2015)	<p>08/02/2016 – Condition discharge (13/00207/COND1) application is Invalid chasing outstanding information.</p> <p>20/10/2015 – BCN has been served on 24/09/2015 and a condition discharge application (13/00207/COND1) has been submitted which is pending consideration.</p> <p>08/07/2015 – BCN is to be served in the next few days. 16/01/2015 – Reminder letter has been sent and no details received. A BCN to be served. 09/10/14 – Two outstanding issues reminder letter to be sent. 08/07/14 – Most of the issues have been resolved. Joint visit between Private Sector Housing and Planning to check remaining few issues. 07/04/14 – A BCN to be prepared and served. 09/01/14 – Work is progressing positively to comply with conditions. 03/07/13 – Planning permission has been granted and work is being carried out to comply with conditions. 12/04/13 – PCN has been served asking for further information regarding the first floor flats. 12/02/13 – New planning application (13/00207/FUL) has been submitted with alternative proposal and is currently Invalid. Letter has been sent asking for further information to validate application.</p>
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20.	484 Staniforth Road, Darnall, S9 3FW	Unauthorised roof extension	25/01/2010	<p>08/02/2016 – prosecution file with litigation waiting for court date.</p> <p>20/10/2015 – 2nd prosecution statements being done. 20/04/2015 – No response received from the owners after the reminder letter had been sent the matter will now be reported to litigation for prosecution. 16/01/2015 – A reminder letter has been sent to the owner to establish if he has enough funds to start works to comply with Notice. 08/07/14 – Quotations being requested for possible direct action by SCC. 04/04/13 – No solution offered by the owner, the lending bank (mortgage) contacted but not able to assist in resolution. 11/02/13 – In discussions with owners (including mortgage provider) to find a resolution. 29/10/12 – The owner has said that he cannot afford to carry out the works required in EN. Meeting has been arranged with owner to discuss a plan of action. 02/07/12 – Letter sent on 11/05/12 reminding the owners that work needs to be carried out before 10/12. 02/04/12 – Monitor site until 10/12 for compliance. 13/01/12 – The owner cannot afford to carry out the works, extra 12 months given to comply with EN – check 10/12. 11/10/11 – Letter sent to owner giving 2 months to comply with EN or 2nd prosecution will begin. Work not started yet. Trying to arrange site meeting with owner to clarify what is required. 08/07/11- Fined £200+100 costs, reminder to be sent to comply with EN. 20/01/2011</p>
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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 23 February 2016

Subject: Enforcement Report

Author of Report: Khalid Mahmood

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

Reasons for Recommendations:

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

Recommendations:

That members note the current progress on actions

Background Papers:

Category of Report: OPEN

QUARTERLY UPDATE ON LIVE ENFORCEMENT CASES IN WEST AND NORTH AREA

Report abbreviations

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

ITEMS IN BOLD TYPE INDICATE CHANGES SINCE LAST REPORT

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
1.	Niagara Grounds, Niagara Road, S6	Breach of condition 3 & 4 relating to the removal of the marquee and the reinstatement of grass	26/11/2015	09/02/2016 – A BCN has been served on the 26/11/2015 and has not been complied with. The marquee has been removed but grass not reinstated. A letter to be sent reminding to comply with condition 4.
2.	2A Stanley Road, S35	Unauthorised container	10/11/2015	09/02/2016 – EN has been served

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
				02/12/2015 took effect in 06/01/2016 and needs compliance by 30/03/2016.
3.	5 Carlisle Street East, S4	Breach of Condition relating to disable ramp regarding planning permission 11/01969/CHU.	07/05/2015	09/02/2016 – BCN has been served and an application 15/01844/NMA has been submitted to amend the original planning permission – pending consideration.
4.	1 Priory Road, Ecclesfield, S35	Non illuminated Fascia sign at front of building	28/06/2015	09/02/2016 – An application for alternative signage has been granted and the signage has been changed- NFA 26/10/2015 – Prosecution statement has been done and file has been passed to legal.
5.	51-53 Malinda Street, S3	Unauthorised part demolition of Listed Building	24/04/2015	09/02/2016 – The new owners are working proactively to resolve the issue. No further works has been carried out in site – NFA. 26/10/2015 – The owner was prosecuted for unauthorised works to a listed building and was subsequently fined £2,300, costs £150

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
				and Surcharge £230 TSN was also served which was complied with. The property has been sold and new owners are working with the Council to resolve the unacceptable works.
6.	Apartments 1-19 The Hub, 2 Bedford Street / Cross Bedford Street	Failure to comply with conditions 17, 18, 19 of PP 12/00204/FUL erection of a 6 storey development of 19 student apartments comprising 80 bedrooms.	09/11/2012	09/02/2016 – Further details have been submitted by developer 26/10/2015 – Discussions taking place between developer and Planning Officer to comply with Conditions. BCN served on 4 th July 2015.
7.	110 Bolsover Road, S5	Unauthorised external wall insulation added to front and rear walls of house in breach of the materials condition in the planning permission under PD.	11/12/14	09/02/2016 – Difficulties in identifying the owners address details so that a summons can be served – further investigations being carried out. 26/10/2015 – File with legal awaiting court date. 09/07/15 - Legal proceedings being prepared & should be underway by next update – for failure to comply with BCN. BCN served 29/1/15.
8.	523 Loxley Road, S6	Unauthorised Car Port erected	09/12/14	09/02/2016- Planning Inspector site visit

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
		at rear of house, which includes a balcony roof.		was carried out in November 2015 awaiting decision. 26/10/2015 – Awaiting outcome of appeal. Appeal lodged against EN, process underway. EN served 19/2/15. It requires removal of canopy & balcony by 15/5/15.
9.	209 Stannington Road, S6	Unauthorised Front Extension to House	09/12/14	09/02/2016 – 6 month conditional discharge given in Court. A letter to be sent asking to comply with EN. 26/10/2015 – 1 st hearing on the 26/11/2015. EN not complied with, legal proceedings being prepared at 09/07/15. EN served 16/1/15. It requires removal of white plastic extension from the front of house by 11/5/15.
10.	Land, Rear of Former Middlewood Tavern, Middlewood Road North	Unauthorised Excavation Works.	09/12/14	09/02/2016 - Planning application (15/03455/FUL) has been submitted. Pending consideration.
11.	Oak Lodge Farm, Thompson Hill, S35	Unauthorised siting of 2 caravans and 4 metal	01/04/14	09/02/2016 – Letter has been sent to previous owner of property asking to

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
		containers		<p>confirm when the use began. 26/10/2015 – The residential caravan has been on site for over 4 years, no further action can be taken against it. Advice from legal is that 'The breach of planning control here is the unauthorised change of use of the land from agricultural to residential' Therefore we have 10 years to take enforcement action. Because of a lack of satisfactory evidence to show what structures/caravans or otherwise - have permanently been sited on the land throughout the last 10 years or more - makes it impractical to pursue this matter further. However, 3 unauthorised containers and a 2nd caravan has been removed from the land following the serving of the EN therefore it is recommended for NFA. July '15 - Meeting arranged between Officers from Legal and Planning to discuss last remaining issue of 'caravan A' with respect to all available evidence on that point. Other matters resolved. 16/1/15– The Council withdrew the EN & it's interest in the Public Inquiry</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
				<p>due legal advice (from Council's Barrister). This is due to significant steps taken by the owner /appellant to remedy the issues covered by the EN. Step included removal of Two containers (containers 1 & 3) & one of the caravans (caravan B). The decision is also due to the late submission of evidence on behalf of the appellant (a few days before the Inquiry) in relation to residential caravans (caravan B was already removed but A remains).</p> <p>29/1/15 – Noted by officers on site that container 3 removed from land & container 4 has now been relocated to a position between two existing farm buildings, removing planning objections to it (on visual grounds).</p> <p>The only issue remaining is residential caravan A.</p> <p>21/4/15 - Legal advice being taken in relation to caravan A</p> <p>Appeal lodged & Public Inquiry to be held 20/1/15. EN served 16/4/14, requires removal of 2 caravans & 4 containers.</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
12.	492 Barnsley Road	Unauthorised Change of Use from A1 to A5 and erection of external flue without planning permission	11/03/2014	<p>09/02/2016 – The flue has been relocated to an acceptable location. However, the use and the flue still need to be regularised. Reminder letter to be sent to validate the application.</p> <p>Application submitted for change of use & flue, ref: 14/02077/FUL Preparations being made for service of EN to remove flue and negotiations needed to find alternative method of venting fumes away without causing visual harm.</p>
13.	Aldi, 82 The Common, S35	Non-compliance with conditions of PP 13/00498/FUL for erection of a food store, regarding (condition43) delivery of goods / times, (c25) carry out landscaping scheme, (c28) target emission reductions for store construction, (c31) environmental measures	16/01/2014 (delegated)	<p>09/02/2016 – Part of the landscaping has been carried out – if no further progress made then the matter will be reported for prosecution. 26/10/2015 – The matter to be reported for prosecution.</p> <p>Correspondence ongoing with Aldi management in July to resolve remaining landscape issue. Any further delay will result in Council starting legal proceedings.</p> <p>20/4/15 – Landscaping not completed so</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
		concerning delivery vehicles, electric charge points, cycle racks etc, (c.53) Forecourt improvements adj the mill & wood management		owners contacted & told to finish. All details for conditions approved. Only outstanding issue is the implementation of approved landscape scheme by end of current planting season. BCN served 17/1/14 requiring details for specified conditions (see breach) in 28 days. Delivery time condition no.43 now being complied with. The other details are being considered under new discharge of conditions application 14/00605/COND
14.	Lion Works, Handley Street, S4	Derelict listed building causing visual harm to both the area and the building itself.	04/10/2013 (delegated)	09/02/2016 – All has been completed - NFA. 26/10/2015 - Phase 2 works started and are almost completed. 20/4/15. Works completed under phase 1 to remove most of the eyesore problems of the site. Phase 2 to begin next financial year in 2015 to restore structural integrity of the roof. 24/03/14-Works underway & progressing. S215N served 4/10/13. Took effect 1/11/13, requiring renovation work including making building weather proof. Compliance required by 21/2/14.

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
15.	290-308 Pitsmoor Road	(1) Use of Ground floor for retail shop, 1 st & 2 nd floors as HIMO, (11/00050/FUL refused) (2) Canopy to front of Shop refused PP	19/4/2011	<p>09/02/2016 – Application for signage (16/00262/ADV), condition discharge application (11/01912/COND1) and variation of condition application (16/00271/FUL) have been submitted pending consideration. 26/10/2015 – Reminder letter to be sent if no response BCN to be served. Little progress due to other high priority work. Progress expected by next update. 06/01/15 – Conditions in breach identified, contacting new owner to address before next quarterly update, for any outstanding conditions, such as boundary treatment, surfacing works etc. (1) EN proposed regarding discharge of conditions of 11/00050/FUL as agent pulled out and no sign of progress. 31/10/12. Officers talking with agent regarding discharge of conditions before application submitted for same. 31/7/12. Discharge of conditions application being prepared for this PP.</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
				<p>(1) New application 11/01912/FUL to improve the scheme taking account of reasons for refusal of HMO/Shop, (amendment to refusal of broadly similar scheme ref.11/00050/FUL), was granted conditionally 11/8/11. Shop & HMO has PP (2) 11/03370/ granted 3/1/12, implementation will supersede the EN. EN not complied with at 30/12/12. Holding back from prosecution for time being due to new application 11/03370 for alternative canopy to the one built. EN served 8/6/11, took effect 13/7/11.</p>
16.	Youth Club Building, Burgoyne Road, S6	Non payment of planning obligation monies £10,897.40 in relation to 05/00551/FUL. Change of use taken place and flats now occupied	25/01/2011	<p>09/02/2016 – Briefing notes being prepared by legal on what action to be taken. 26/10/2015 - Ongoing litigation case to pursue original owner who signed the s106. Legally the new owner cannot be sued. Solicitors are examining ownership to decide who to pursue for the money. 06/04/11 Developer Mr Dempsey still owns the site. Case with litigation & prosecution</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
				to be considered.
17.	Parker's Yard, Stannington Road, S6	Unauthorised use as self storage & metals recycling facility. 09/02757/CHU refused PP.	10/06/2010	<p>09/02/2016 – new application (14/02426/CHU) under consideration / decision pending. 14/02426/CHU submitted to retain previously refused use setting out case that it is operating without nuisance. Deadline set, of the same period given in the EN to cease the use at Parker's Yard due to lack of alternative plan from Carwood Commodities. Proposed that 16 wks be given from date of cttee if approved by Members. At Jan 2014, the lease is still being actively negotiated for the Pearson Forge Site, but it remains unsigned due to difficulties on the seller's part. The business is overcoming problems with bank & with the vendor for the due to the economic climate but progress is being pushed by the company, albeit slowly due to increasing demands being asked of them. The company is determined to resolve this.</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
				<p>18/7/12, still delayed by solicitors, expecting contract sign for Pearson Forge soon. 1/3/12, Land contamination survey completed awaiting results of analysis,(takes 6wks= approx 10/4/12). Owner reports on 28/3/12 there shouldn't be further obstacles if analysis shows the land is ok. Business owner continues to update officers with progress reports. Work on site now likely to be later, March, due to owners Bank requiring more info on structural stability of site buildings & land contamination. Relocation - the legal process begun & discharge planning conditions also taking place now. Initial estimate is Dec'11 for work to start at Pearson Forge. Alternative site that would be suitable for relocation identified & 11/01953/CHU granted 13/9/11 for former Pearson Forge at Livesey St. Appeal against EN was dismissed 14/3/11; new compliance period ends 2/7/11. EN served requiring uses to stop by 20/4/11. Appeal against refusal of 09/02757/CHU</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
18.	Dial House Club, Far Lane/Ben Lane, S6	Non-compliance with conditions attached to PP04/04797/FUL, Cond 2-materials for external surfaces, C3-design details for new apartment building, C4-landscaping for grounds, C6-highway access & finishes to frontage, C8-pedestrian access to new bowling green, C9-new pavilion details, C10-bowling green maintenance.	15/12/2009 (delegated authority)	dismissed. 09/02/2016 – Conditions applications have been determined site visit to be done to check if work has been carried out in accordance with what has been approved. 26/10/2015 – In discussions with Planning Officer to Resolve issues regarding bowling green. 26/09/2015 - Applications under consideration, decision pending. Discharge of Conditions applications, 13/00599/COND & 13/00606/COND under consideration likely to come to committee in Feb/March. Development nearly complete. PP being implemented at 26/9/11, BCN now complied with. Meeting inc developer, officers & Members was held in Dec10 & promise to start work along agreed lines made to start Jan'11. Discharge of conditions agreed in principle with applicant at meeting 6/8/10 subject to approval of application. BCN served 21/12/09. Condition details required by

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
				29/3/10.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 23 February 2016

Subject: APPLICATION SEEKING REVIEW OF AFFORDABLE HOUSING OBLIGATION UNDER S106BA OF THE TOWN AND COUNTRY PLANNING ACT

Author of Report: Trevor Sullivan

Summary:

Position Statement on an application submitted under s106BA of the Town and Country Planning Act seeking review of a planning obligation attached to a previous planning permission.

Reasons for Recommendations

In order for the Council, as Local Planning Authority, to provide the applicant with a determination on the application.

Recommendations:

It is recommended that this report is noted pending a further report providing a recommendation on the application.

Background Papers:

Category of Report: OPEN

UPDATE ON APPLICATION 16/00341/MDPO – APPLICATION TO MODIFY SECTION 106 AGREEMENT FOR PLANNING PERMISSION 15/00122/FUL AT DYSON REFRACTORIES LTD, GRIFFS FIRECLAY WORKS, STOPES ROAD, SHEFFIELD

Members will recall that at 20th October 2015 Planning and Highways Committee, they resolved to grant permission subject to the signing of a legal agreement for the erection of 88 houses at the former Dysons Site at Griffs Works Stannington. This legal agreement was to secure the provision of £1,856,641.35 towards the provision of affordable housing within the North West Affordable Housing Market Area.

Whilst members resolved to grant permission on 20th October, the subsequent issuing of a decision was delayed due to the applicant seeking to negotiate the wording of the legal agreement, and during this period a third party request was also submitted to the Secretary of State for the application to be called in. (This request for call in was rejected.) The final version of the legal agreement was completed by the Council's legal services team on the 11th January 2016 and the planning permission issued on the same day.

Despite the legal agreement only being agreed as recently as the 11th January 2016, and the decision being issued immediately after this, members are advised that on the 21st January the applicant submitted an application under section 106BA of the Town and Country Planning Act to review the planning obligation for affordable housing, on the grounds that the provision of this contribution would make the scheme unviable. The provision to make this application exists in legislation, but it is also noted that the intention of this provision was to help unlock 'stuck sites' where legal agreements had been completed in more profitable times and to help facilitate development.

Officers consider it important that members are aware of this unexpected turn of events in the application process, as the provision of an affordable housing contribution was clearly a material consideration for members in the determination of the application. It is also relevant to note that without this contribution being offered officers would have recommended the refusal of planning permission as the recommendation was an on balance one in which the benefits of the affordable housing contribution weighed significantly in favour. The District Valuer considered the development to be viable and therefore without the contribution the application would have been contrary to affordable housing policy. The legislation suggests that the Committee will be legally constrained in its consideration of the new s106BA application and unable to reconsider the original balance of considerations that led to the original approval, and only able to consider the new viability case. If the case is not credible that is not a problem, but if it has any merit, it will put the Committee in a difficult position. This will be reported on in full in due course.

It does appear that the legal provisions in respect of s106BA are not being used by Avant Homes for the purpose initially intended, i.e. this is not a long term stalled development site, and that this means that the Committee and local community have ended up being misled about the benefits of the original housing proposal, which is very regrettable.

As part of the consideration of the application, your officers have informed the applicant of the current position and the applicant has responded as follows;

'Avant Homes were dismayed to note officer disappointment with the approach that has been taken with the S106BA application. We have worked very closely with officers and built up a good working relationship over the last year or so to arrive at a scheme which in design terms is of the highest order and which has better sustainability features than any other comparable development in Sheffield. We very much hope that this positive approach can be maintained going forward as we strive to deliver new houses on the site.

We have been very open with officers at every stage in expressing the view that the scheme cannot viably support an affordable housing contribution. We have been absolutely transparent and consistent in this. From our own development appraisals and the specialist work carried out by our valuation advisor we remain convinced that this is the case. This is not a situation where we have sought to present one position prior to determination and a different one following the grant of planning permission. The grant of planning permission is helpful in establishing the principle of development on the site even if the economics undermine its deliverability and that is why we are pleased to secure it.

All of that said again, with the inclusion of any affordable housing element whatsoever this scheme is unviable and will not come forward.

We sought to advance our viability case through the determination period in the manner invited by local policy. We had some difficulty in that process in conducting what we felt to be a fair and balanced negotiation with the District Valuer who disagreed with our viability assessment and we explained those concerns to officers. In these circumstances the current S106BA application should not be seen as "playing the system" but rather as a house builder respectfully asking for a fresh set of eyes at the District Valuer's office to "take a second look" and advise the Council accordingly.

Avant remain committed to the Griffs Works site and securing its regeneration. It is very clearly in need of regeneration and we hope that we can continue to work with the Council in achieving that whatever the outcome of the S106BA application.'

The Council is currently considering this application, as it is obligated to do so. We await advice from the District Valuer, in respect of the viability of the development proposal. This advice and subsequent officer recommendation will be presented to members at a forthcoming committee. It is important to note however, that s106BA only permits members to consider matters of financial viability and members will not be able to re-consider the principle of the application and development proposal.

RECOMMENDATION:

That this report is noted pending a further report providing a recommendation on the application.



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 23 February 2016

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 23rd February 2016

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 Erection of 4 dwellinghouses and garages (amended plans received 24.07.2015) at South Yorkshire Police Rotherham Road Halfway Sheffield S20 8GL (Case No 15/02390/FUL)
(ii) An appeal has been submitted to the Secretary of State against the decision of the Council at its meeting of 26 th May 2015 to refuse planning consent for erection of two semi-detached dwellinghouses at Land To The Rear Of 328 Bole Hill Road Sheffield S6 5DF (Case No 14/02959/OUT)
(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for Erection of 4 bedroomed detached dwellinghouse at Land Between 2 Parsley Hay Gardens And 17 Parsley Hay Close Parsley Hay Gardens Sheffield S13 8NN (Case No 15/00387/FUL)
(iv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for Widening of existing vehicular access from 3.6m to 10m (Re-submission of 15/01195/FUL) at Abbey Veterinary Group 90 Wortley Road High Green Sheffield S35 4LU (Case No 15/02709/FUL)
(v) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for Single-storey front, side and rear extensions to dwellinghouse (Resubmission of approved application 15/02933/FUL) at 36 Rosemary Road Sheffield S20 1AR (Case No 15/03557/FUL)
(vi) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for alterations and extension to outbuilding to form an annexe for a dependent relative (re-submission of 14/02542/FUL) at 2 Bank Farm Bank Lane Sheffield S36 3SS (Case No 15/02972/FUL)

(vii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for two-storey side extension, incorporating full gable end and including demolition of existing garage and alterations to roof to create additional living accommodation including dormers to rear of dwellinghouse (Re-submission of 15/00939/FUL) at 22 Hallam Grange Rise Sheffield S10 4BG (Case No 15/03798/FUL)

3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the delegated decision of the Council to refuse planning consent for alterations to roof including raised ridge height and dormer to rear of dwellinghouse at 149 Lowedges Crescent Sheffield S8 7LH (Case No 15/02440/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the key issue as being the effect of the proposal on the character and appearance of the area.

She noted the terrace of properties had a regularly staggered roofline with the ridge of each dwelling set up or down from its neighbour, and all properties contained chimneys which provide uniformity and rhythm.

She felt raising the ridge height to the same as the adjoining property the increase in roof pitch and loss of the chimney would adversely impact on the existing rhythm and uniformity of the terrace.

In addition, the proposed dormer, spanning the entire width of the roof, and visible from a rear would dominate the roof and be an incongruous addition to it, with dormers not being a common feature within the wider estate.

In conclusion she felt the works would adversely affect the character and appearance of the area contrary to policy H14 of the UDP, and did not feel the benefits of additional living accommodation and use of matching materials outweighed that harm.

4.0 RECOMMENDATIONS

That the report be noted

Maria Duffy
Acting Head of Planning

23 February 2016

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