

## DEVELOPMENT SERVICES

REPORT TO CITY CENTRE & EAST  
PLANNING AND HIGHWAYS  
AREA BOARD  
17.12.2012

### **ENFORCEMENT REPORT**

REPORT ON THE UNAUTHORISED USE OF A CAR PARK AT SITE OF  
RICHARDSONS CUTLERY WORKS, ALMA STREET, SHEFFIELD, S3 8SA

#### 1. PURPOSE OF THE REPORT

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

#### 2. BACKGROUND / LOCATION

- 2.1 The site is located within the Kelham Island Industrial Conservation Area.
- 2.2 Richardsons Cutlery Works was demolished following application 04/04634/FUL granted in 2006.
- 2.3 The current owners purchased the site in 2007. No development has taken place but application 11/02904/FULR was granted to keep the 2006 permission alive.
- 2.4 In the interim, permission was granted to use part of the land as a temporary car park 09/03422/CHU. The application originally sought permission to include the whole site however permission was restricted to the western portion of the site and granted for a temporary period until October 20<sup>th</sup> 2011 (see part A on the attached plan). The Planning Officer has made repeated requests for a planning application for the continued use of the car park but to no avail.
- 2.5 In March 2012, a complaint raised with planning enforcement, drew attention to the demolition of a boundary wall at Cotton Street which forms the Eastern Boundary of the Richardsons Site. This demolition created an ingress/egress to the eastern portion of land (Part B on the attached plans) which was at this time being levelled to provide further car parking spaces. Later that month, the entire site was in use as an unauthorised car park, providing more than twice as many car parking car spaces as the original car park.
- 2.6 No highways permission has been requested for the highway crossing at Cotton Street.

- 2.7 A letter to the owners, Bowesfield Investments Limited, sent March 2012 by planning enforcement, requested the restoration of the wall and the cessation of the use as a car park, or the submission of a planning application for the original car park. The letter advised that the extended area of car park would not be viewed favourably, case reference 12/00104/ENUD. No reply was received and a Conservation Area Enforcement Notice was served to require the reinstatement of the wall. This notice is currently the subject of an appeal.
- 2.8 In July 2012, a further letter requesting a planning application for the car park (12/00444/ENUD) was sent and the owners complied, submitting application 12/02490/CHU.
- 2.9 The application was refused on the 05<sup>th</sup> October 2012 as it was found to be contrary to UDP policies BE5, BE9, IB9, T21 and T23 as well as Core Strategy Policies CS 53, 57 and 60. It is considered that the proposal would encourage long-stay commuter car parking and failed to demonstrate that the proposal will be able to provide a safe, efficient and environmentally acceptable car park facility. It is also considered that there is an unacceptable access proposed onto Cotton Street.

### 3. ASSESSMENT OF BREACH OF CONTROL

- 3.1 Following the refusal of application 12/02490/CHU, the car park remains in operation. This action is part of the Council's continued efforts to maintain control over unauthorised city centre car parks. The application for the car park was refused based on the following policy issues
- 3.2 **It is the case that the principle of a car park (a sui-generic use) does not strictly accord with Policy IB5 of the UDP and must therefore be considered on its merits.**
- 3.3 The site is designated for General Industry within the Sheffield Adopted Unitary Development Plan (UDP). Policy IB5 of the UDP relates to development in General Industry Areas and advises that General Industry (Use Class B2) and Warehousing (Class B8) are the preferred uses. A number of other uses are also deemed acceptable, including small shops (Use Class A1), business (Use Class B1) uses, lorry parks and open space. Any other proposals must be considered on their merits. Furthermore, in considering the policy context for the site, it is relevant to take more recent policy work that has been undertaken, namely the St. Vincent's Action Plan and the Core Strategy document.
- 3.4 The St. Vincent's Action Plan provides a planning framework for the area and forms a material consideration in the determination of planning applications. The Action Plan identifies the site as forming part of a New Housing Opportunity Area, where housing uses are acceptable and can become the dominant use. Under this designation a temporary car park would be an acceptable use in a Housing Opportunity Area.

- 3.5 Officers recognise that the car park provides valuable income generation whilst the conditions for redevelopment of the site improve. In full consideration of the difficult economic climate, the problems identified with the application, on balance, outweighed the economic benefits of the car park.
- 3.6 **Long stay car parking provision is contrary to policies T21, T23 and Core Strategy policies CS 53, CS 57 and CS 60.**
- 3.7 Given the proposed size and the provision of long stay car parking it is considered that the car park cannot be supported on policy grounds. In essence, the use encourages long-stay commuter parking (over 6 hours) and encourages more car miles and potential traffic congestion at peak times. Therefore, the proposal is detrimental to the Council's aims to manage car parking in a manner to reduce long stay car parking and promote the use of sustainable transport methods such as public transport and park-and-ride facilities.
- 3.8 The following planning policies relate to parking and seek to reduce and/or not renew proposals for long stay car parking in the City Centre:
- Unitary Development Plan Policies: T21 (Car Parking) and T23 (Public Long-Stay Car Parking).
- 3.9 Policy T21, in summary, states that provision will be made for car parking where it would (a) meet the operational needs of businesses. In this case no evidence has been provided to demonstrate an operational; or(d) improve the environment or safety of streets, and; (e) meet the needs of people with disabilities. It also advises that levels of parking will be regulated to prevent excessive peak-hour congestion.
- 3.10 Policy T23, in summary, states that good quality, permanent long-stay car parking will be permitted in certain locations. It also states that no further temporary public long-stay parking will be permitted in the City Centre and temporary permissions will not be renewed. Finally, it states that a transfer of long-stay spaces to short-stay use will be promoted in the City Centre following the successful provision of good public transport initiatives.
- 3.11 - Core Strategy Policies: CS53 (Management of Demand for Travel), CS57 (Park-and-Ride and Car Parking in the City Centre), and CS60 (Transport in the City Centre).
- 3.12 These policies seek to reduce long stay parking in the City Centre and provide for 9,500 public short-stay parking spaces. They seek to encourage that additional long-stay parking to serve the City Centre will be provided through park and ride facilities outside the City Centre on strategic transport corridors, thus improving access for public transport.
- 3.13 **The Car park is contrary to Unitary Development Plan Policies; BE9 (Design for Vehicles), IB9 (Conditions on Development in Industry and**

**Business Areas), T21 (Car Parking) and T23 (Public Long-Stay Car Parking). -:**

- 3.14 In summary, these policies include requirements for development that is designed to an acceptable quality to ensure that it is safe, efficient and environmentally acceptable for the nature of use proposed. The car park fails to meet these policies based on issues relating to;
- 3.15 *Access Points* - The site uses access/egress points which lead onto Alma Street, Russell Street and Cotton Street. Of these access points only the Alma Street entrance has previously been deemed acceptable by the Council and this was previously granted under proposal 09/03422/CHU.
- 3.16 The Cotton Street access point offers particular concern to officers given that it is an unauthorised access that leads onto a very narrow one-way street. It is a historic street that forms part of the character of Kelham Island. It is considered that the creation of the access encourages difficult vehicle manoeuvres due to the restricted dimensions. For these reasons the access is considered unacceptable and detrimental to highway safety.
- 3.17 Finally, the creation of the access has been the result of the removal of the boundary wall along Cotton Street. This issue is currently the subject of enforcement action because of concerns about the impact of such removal on the historic character and appearance of the Conservation Area. Should the appeal under case 12/00104/ENUD be dismissed by the Planning Inspector then the boundary wall will have to be rebuilt and, therefore, the access would have to be removed.
- 3.18 *Quality of Development* - The existing facility comprises of an uneven and loose surfaced car park (predominantly crushed brick and rubble) with no marked out spaces or disabled car parking provision and only post and rail fencing. There is no landscaping to the site or night-time lighting which is necessary for safety/security reasons. Overall, the quality of car park accommodation is deemed to be unacceptable and detrimental to the character of the Conservation Area.
- 3.19 In addition to the above, it is advised that the previous application approved on part of the car park site in 2010 (Ref. 09/03422/CHU) was subject to a number of planning conditions, which required the provision of facilities to improve it. Although the Applicant agreed to such measures, including a disabled car parking, landscaping, lighting, and a management strategy, these have never been submitted to the Council for approval. Also, items identified on the approved plans such as the provision of only one site entrance (via Alma Street) were never complied with.

4 REPRESENTATIONS

- 4.1 There are no representations

## 5 ASSESSMENT OF ENFORCEMENT OPTIONS

Section 172 of the Town and Country Planning Act, 1990 enables the Local Planning Authority to issue enforcement notices where there has been a breach of planning control. In this case the notice would require the cessation of the unauthorised use of land as a car park.

- 5.1 The provision of section 183 of the Town and Country Planning Act enables the Planning Authority to serve a stop notice, when serving a copy of an enforcement notice or afterwards. In this case we do not feel it appropriate to serve a Stop Notice as the site has been in use for a length of time without causing excessive harm to the public and no further developments are underway on the site that may exacerbate the situation.

## 6 EQUAL OPPORTUNITIES

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

## 7 FINANCIAL IMPLICATIONS

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

## 8 RECOMMENDATION

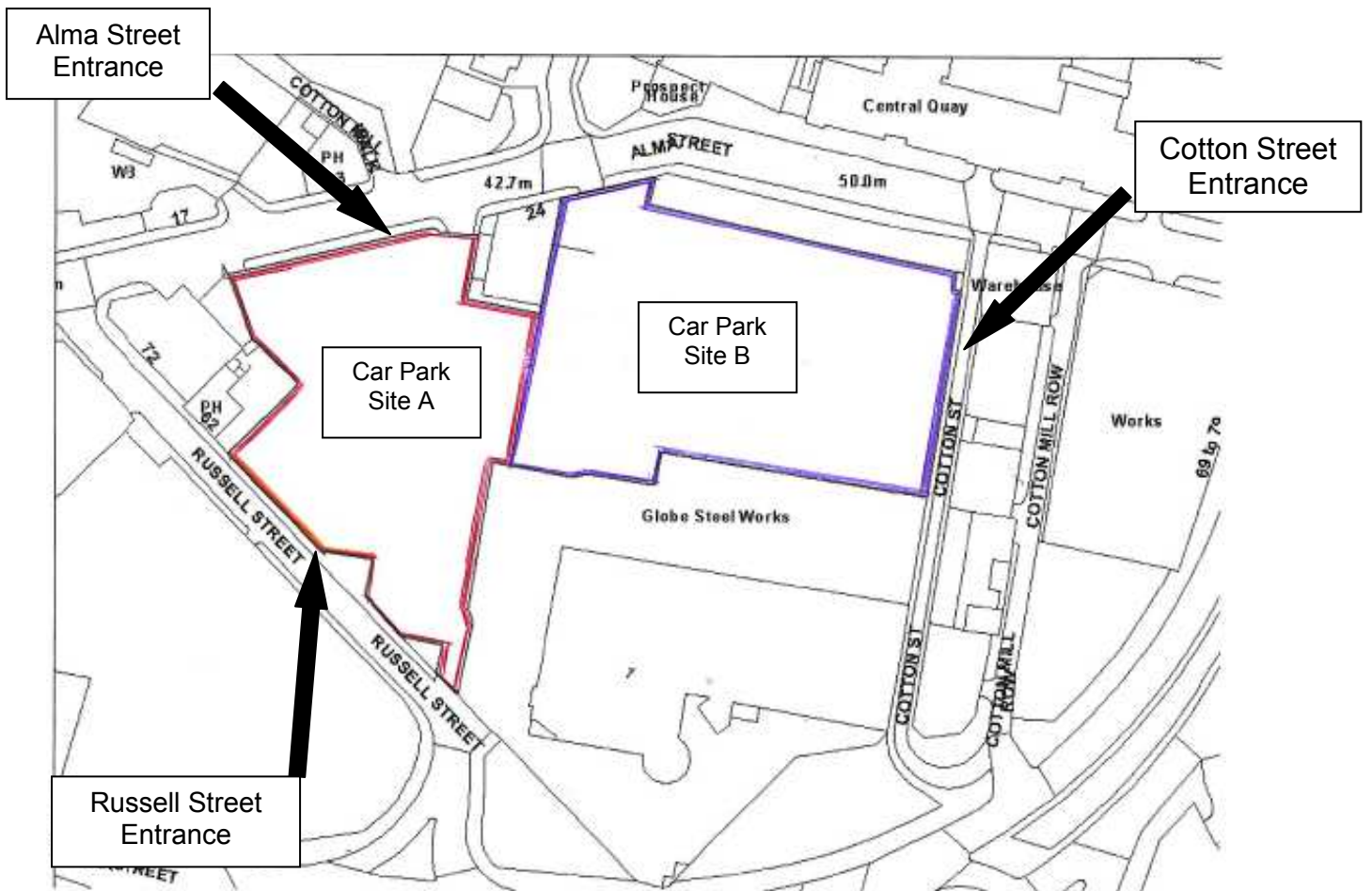
- 8.1 That the Director of Development Services or Head of Planning be authorised to take any appropriate action including if necessary, enforcement action and the institution of legal proceedings to secure The cessation of the unauthorised use of land for car parking. Land at Site of Richardsons Cutlery Works, Alma Street, Sheffield S3 8SA

Les Sturch  
Head of Planning

**Date: 29 November 2012**



# Site Location Plan



Site Photos

Russell Street



Alma Street





## Cotton Street



## Car Park Conditions



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