

# City Centre, South and East Planning and Highways Committee

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**Monday 21 May 2012 at 2.00 pm**

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

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

## **Membership**

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Councillors Alan Law (Chair), Ibrar Hussain (Deputy Chair), Ian Auckland, Brian Holmes, Bob Johnson, Peter Price, Nikki Sharpe, Janice Sidebottom, Diana Stimley and Steve Wilson

## **Substitute Members**

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

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## **PUBLIC ACCESS TO THE MEETING**

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The areas covered by the City Centre, South and East Planning and Highways Committee, include Arbourthorne, Beauchief, Birley, Dore, Ecclesall, Gleadless, Graves Park, Greenhill, Nether Edge and Totley.

The Committee is responsible for planning applications, Tree Preservation Orders, enforcement action and some highway, footpath, road safety and traffic management issues. It is also responsible for determination of City Centre planning, development of transport matters and strategic development projects affecting the City as a whole.

A copy of the agenda and reports is available on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk). You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday, or you can ring on telephone no. 2734552. You may not be allowed to see some reports because they contain confidential information. These items are usually marked \* on the agenda.

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

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

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## **FACILITIES**

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

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

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**CITY CENTRE, SOUTH AND EAST PLANNING AND HIGHWAYS COMMITTEE  
AGENDA  
21 MAY 2012**

**Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence from Members of the Committee**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public.
- 4. Declarations of Interest**  
Members to declare any interests they have in the business to be considered at the meeting.
- 5. Minutes of Previous Meeting**  
To approve the minutes of the meeting of the Committee held on 30 April 2012.
- 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. Proposed Cycle Track Conversion Order Linking Rotherham Road, James Walton Drive and Old Lane, Halfway**  
Report of the Director of Development Services
- 8. Applications Under Various Acts/Regulations**  
Report of the Director of Development Services
- 9. Enforcement of Planning Control: 44 Ashland Road**  
Report of the Director of Development Services
- 10. Record of Planning Appeal Submissions and Decisions**  
Report of the Director of Development Services.

**The next meeting of the City Centre, South and East Planning and Highways Committee will be held on Monday 11<sup>th</sup> June, 2012, at 2 pm, at the Town Hall.**

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**ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS**

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You will have a **personal interest** in a matter if it relates to an interest that you have already registered on the Register of Interests; relates to an interest that should be registered but you have not yet done so; or affects your well-being or financial

position or that of members of your family or your close associates, to a greater extent than it would affect the majority of people in the ward affected by the decision.

The definition of family is very wide and includes a partner, step-relations, and in-laws. A “close associate” is someone whom a reasonable member of the public might think you would be prepared to favour or disadvantage.

**If you have a personal interest you must:** declare the existence and nature of the interest at the beginning of the meeting, before it is discussed or as soon as it becomes apparent to you; but you can remain in the meeting, speak and vote on the matter unless the personal interest is also prejudicial.

However, in certain circumstances you may have an **exemption** which means that you might not have to declare your interest.

- You will have an exemption where your interest arises solely from your membership of or position of control/management in a body to which you have been appointed or nominated by the authority; and/or a body exercising functions of a public nature (e.g. another local authority).

In these exceptional cases, provided that you do not have a **prejudicial interest** you only need to declare your interest if you intend to speak on the matter.

- You will have an exemption if your personal interest is simply having received a gift or hospitality over £25 which you registered more than 3 years ago.

### **When will a personal interest also be prejudicial?**

Your personal interest will also be prejudicial if a member of the public who knows the relevant facts would reasonably think the personal interest is so significant that it is likely to prejudice your judgement of the public interest; and

- i. either the matter affects your financial position or the financial position of any person or body through whom you have a personal interest. For example, an application for grant funding to a body on your register of interests or a contract between the authority and that body; or
- ii. the matter relates to the determining of any approval, consent, licence, permission or registration that affects you or any relevant person or body with which you have a personal interest. For example, considering a planning or licensing application made by you or a body on your register of interests.

**Exemptions:** You will not have a prejudicial interest if the matter relates to:

- i. the Council’s housing functions – if you hold a lease or tenancy with the Council, provided that the matter under consideration is not your own lease or tenancy;
- ii. school meals, transport or travel expenses – if you are the parent or guardian of a child of school age, provided that the matter under consideration is not the school the child attends;
- iii. statutory sick pay;
- iv. Members’ allowances;

- v. ceremonial honours for Members; or
- vi. setting the Council Tax.

**If you have a prejudicial interest, you must:**

- (a) Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you.
- (b) Leave the room unless members of the public are allowed to make representations, give evidence or answer questions about the matter. If that is the case, you can also attend to make representations, give evidence or answer questions about the matter.
- (c) Once you have finished making representations, answering questions etc., you must leave the room. You cannot stay in the room whilst the matter is being discussed neither can you remain in the public gallery to observe the vote on the matter. In addition, you must not seek to improperly influence a decision about the matter.

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**FURTHER INFORMATION**

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If at all possible, you should try to identify any potential interest you may have before the meeting so that you and the person you ask for advice can fully consider all the circumstances before reaching a conclusion on what action you should take.

Advice can be obtained from Lynne Bird, Director of Legal Services on 0114 2734018 or email [lynne.bird@sheffield.gov.uk](mailto:lynne.bird@sheffield.gov.uk)

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## CITY CENTRE, SOUTH AND EAST PLANNING AND HIGHWAYS COMMITTEE

### Meeting held 30th April 2012

PRESENT: Councillors Alan Law (Chair), Ian Auckland, Brian Holmes, Ibrar Hussain, Bob Johnson, Peter Price, Nikki Sharpe, Janice Sidebottom, Diana Stimely and Steve Wilson.

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#### 1. **WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Chair welcomed members of the public to the meeting and the basic housekeeping and fire safety arrangements were outlined.

#### 2. **EXCLUSION OF PRESS AND PUBLIC**

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

#### 3. **APOLOGIES FOR ABSENCE**

3.1 There were no apologies for absence.

#### 4. **COUNCILLOR BRIAN HOLMES**

4.1 The Chair informed the Committee that this would be the last meeting attended by Councillor Brian Holmes as he was standing down at the municipal elections to be held on 3 May 2012. On behalf of the Committee, the Chair thanked Councillor Holmes for his hard work serving on this Committee and a number of other Committees over the years and wished him well for the future.

#### 5. **DECLARATIONS OF INTEREST**

5.1 Councillor Ian Auckland declared a personal interest in an application for planning permission for the demolition of dwellinghouse and erection of 9 2 bed apartments in a single block, with associated car parking and landscaping at 23 Meadow Head (Case No. 10/00745/FUL) as he had made representations in relation to the original application submitted. Councillor Auckland declared that he would approach the current application with an open mind and consider his decision from all the evidence available at the meeting.

#### 6. **MINUTES OF LAST MEETING**

6.1 The minutes of the meeting of the Committee held on 10<sup>th</sup> April, 2012 were approved as a correct record.

#### 7. **SITE VISIT**

- 7.1 **RESOLVED:** That the Director of Development Services, in liaison with the Chair, be authorised to make arrangements for a site visit on Thursday 17<sup>th</sup> May, 2012 in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee, subject to approval from the new Chair of the Committee to be appointed at the annual meeting of the Council to be held on 16 May 2012.

## 8. **CONFIRMATION OF EUROPA LINK LOCAL DEVELOPMENT ORDER**

- 8.1 The Director of Development Services submitted a report advising Members that the Europa Link Local Development Order (LDO) had now been adopted following a formal public consultation exercise which was approved by the Cabinet Member responsible for Planning, under the Leader's Scheme of Delegation. The results of the consultation exercise were analysed and assessed and reported back to the Cabinet Member who resolved to submit the LDO to the Secretary of State who subsequently decided not to intervene and left the Council free to adopt the document.

- 7.2 **RESOLVED:** That the Committee notes the report and the content of the adopted Europa Link LDO.

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

**RESOLVED:** That (a) the applications now submitted for permission to develop land under the Town and Country Planning Act 1990 and the Regulations made thereunder and for consent under the Town and Country Planning (Control of Advertisements) Regulations 1989, be decided, 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) subject to the inclusion of an amendment to condition 5 in relation to highway improvements at Meadowhead to include alterations to road markings to enable a right turn facility into the site, as outlined in a supplementary report circulated at the meeting, an application for planning permission for the demolition of dwellinghouse and erection of 9 2-bed apartments in a single block with associated car parking and landscaping at 23 Meadow Head (Case No. 10/00745/FUL) be granted, conditionally;

(c) following consideration of additional information, a revised recommendation and, subject to additional conditions that: 1) 'Notwithstanding the indicative layout (as detailed in drawing no HAX-11-035 Rev 5) and the description of the proposed development, construction of any accommodation on the eastern side of the River Sheaf shall not commence unless it can be demonstrated, in accordance with details that shall first have been submitted to and approved by the Local Planning Authority, that the development was flood resistant and resilient, including safe access and escape routes', 2) 'Before any demolition or construction work is commenced, and as part of the application for approval of reserved matters, full details of the proposed flood protection wall shown on the indicative plans shall have been submitted to and approved in writing by



the Local Planning Authority. Such flood wall should be erected in accordance with the approved details and thereafter retained', as outlined in a supplementary report circulated at the meeting, the Committee determined that it would be minded to grant an application for planning permission for the demolition of existing buildings and erection of residential and live/work development comprising 17 dwellinghouses, 3 apartments and 5 live/work units with associated landscaping, riverside walk and car parking with all matters other than access reserved at 67 Coniston Road (Case No. 11/02890/OUT) subject to referral to the Secretary of State in the event that the objection from the Environment Agency is not withdrawn before 4<sup>th</sup> May 2012, and in the event of the Environment Agency objection being withdrawn before this date, planning permission be granted, conditionally; and

(d) subject to the inclusion of additional wording to condition 6 to read 'East Bank Road – Traffic Regulation Order to protect visibility at the new junction with East Bank Road', as outlined in a supplementary report circulated at the meeting, an application for planning permission for the erection of 116 dwellinghouses, provision of associated highway works, car parking accommodation and landscaping works at land at Park Spring Drive and East Bank Road, (Case No. 12/00205/FUL) be granted, conditionally, subject to legal agreement.

## 10. **QUARTERLY PLANNING ENFORCEMENT UPDATE**

### 10.1 Quarterly Overview of Enforcement Activity

The Committee noted for information a report of the Director of Development Services providing a quarterly update of progress on the work being undertaken by the enforcement team.

### 10.2 Quarterly Enforcement Update in the City Centre, South and East Area

The Committee noted for information a report of the Director of Development Services outlining progress on enforcement actions authorised by the Committee, or under delegated powers, in the City Centre, South and East area.

## 11. **RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS**

11.1 The Committee received and noted a report of the Director of Development Services detailing (a) 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.

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# Agenda Item 7

DIRECTOR OF DEVELOPMENT SERVICES

REPORT TO CITY CENTRE, SOUTH  
& EAST PLANNING AND HIGHWAYS COMMITTEE

21 May 2012

## PROPOSED CYCLE TRACK CONVERSION ORDER FOR FOOTPATH LINKING ROTHERHAM ROAD, JAMES WALTON DRIVE AND OLD LANE, HALFWAY.

### 1.0 PURPOSE

- 1.1 To seek authority to process the Cycle Track Conversion Order required to convert the footpath linking Rotherham Road, James Walton Drive and Old Lane to a shared foot/cycle path and to implement the widened path if and when the Order is confirmed.

### 2.0 BACKGROUND

- 2.1 The Halfway–Killamarsh Multi-user Path is a collaborative project between Sheffield City Council, Derbyshire County Council and Sustrans that has been developed over the past five years and aims to improve safety and travel opportunities for pedestrians and cyclists between the two locations. The route, when complete, will connect to the Supertram, benefitting users from both Sheffield and Derbyshire.
- 2.2 Part of the project – near Killamarsh – has recently been completed with the installation of two new foot/cycle bridges over a railway and river. The entire route extending from Killamarsh to Halfway Tram Stop, shown on the plan at Appendix A, mainly utilises a new off-road alignment.
- 2.3 Part of the alignment of the next phase of the route will run from Old Lane (in the Halfway Industrial Estate) to James Walton Drive, before the route turns into James Walton Drive itself.
- 2.4 It is proposed to upgrade the footpath, as part of the Halfway–Killamarsh Path scheme, to enable cyclists to avoid the hazardous conditions that they would otherwise encounter by joining Station Road, which is the only available alternative route. The Halfway–Killamarsh Path has a significant Big Lottery Fund contribution, which necessitates a complete route to Halfway Tram Stop.
- 2.5 It is also proposed to upgrade a similar section of footpath from James Walton Drive to Rotherham Road to create a further cycle link to Oxclose and beyond.

### 3.0 PROPOSALS

- 3.1 The current footpath between Old Lane and James Walton Drive is 2 metres wide with a tarmac surface and lighting columns. It is moderately-well used by pedestrians at present.
- 3.2 In 2010 the Council adopted a 4 metre-wide strip covering the 2 metre-wide footpath and 1 metre-wide verge on each side.
- 3.3 To enable the Halfway–Killamarsh Path, and hence cyclists, to utilise this footpath, officers propose that a Cycle Track Conversion Order is made and the path is widened to 3 metres. The existing footpath would be widened by 1 metre into the verge, mainly on the north-east side of the path to allow the existing lighting columns on the south-west side of the path to remain in situ, although there may be deviations to this alignment within the verge on the south-west to keep clear of a ditch and metal art feature.
- 3.4 3 metres is generally the target width for a shared foot/cycle route. A segregated footpath/cycle way requires at least 2 metre wide path for each user. Whilst segregation between pedestrians and cyclists is desirable if high flows of both users are expected and if width is available, is not possible to get sufficient width to provide segregation of users on the footpath link between Old Lane and James Walton Drive or for most of the Halfway–Killamarsh Path.
- 3.5 A 3 metre-wide shared foot/cycle path is consistent with the majority of the off-road cycle network throughout the City, for example, on the Trans Pennine Trail and National Cycle Network and the rest of the Halfway–Killamarsh Path.
- 3.6 Whilst upgrading the section of footpath from Old Lane to James Walton Drive, it is also proposed to upgrade a similar section of footpath from James Walton Drive to Rotherham Road. This will facilitate cycle connections from the main Halfway–Killamarsh Path to an existing shared footway route that runs along the east side of Rotherham Road. This, in turn, will enable journeys between Oxclose/ Beighton Hollow and Holbrook and Killamarsh, as well as providing a cycle link to a future potential crossing of Rotherham Road.
- 3.7 The plan at Appendix B shows the extent of the proposed upgraded footpath between Points A and D, shown by a dashed line on the plan.
- 3.8 There are existing A-frames anti-motorcycle barriers at Points A, B, C & D (shown on the plan at Appendix B). It is proposed to modify one or more of these barriers (subject to costs) to the more recent ‘K-barrier’ design, which is friendlier to disabled users and cyclists.

### 4.0 CONSULTATIONS

- 4.1 Consultations will be carried out with Statutory Undertakers and the Emergency Services as part of the Order-making process and detail design. Other necessary statutory bodies will be consulted through the making of the Order.

- 4.2 Residents and businesses adjacent to the footpath at the road interfaces are being consulted on the proposed upgrade of the footpath. Any significant comments that are received will be reported to the Committee.
- 5.0 LEGAL IMPLICATIONS
- 5.1 Legal Services has been consulted and advised that an Order under the Cycle Tracks Act 1984 shall be required to convert the footpath to a shared footpath/cycle track.
- 6.0 EQUAL OPPORTUNITY IMPLICATIONS
- 6.1 Equal Opportunities Implications are addressed in an Equality Impact Assessment made for the wider Halfway-Killamarsh Path. This assessment indicates that the project will: -
- Enable people with mobility and sensory disabilities to travel independently between Halfway and Killamarsh, and link into major bus and tram networks;
  - Promote social inclusion and strengthen community relationships;
  - Require specific consideration at detail design stage on the interaction between various users, the needs of disabled people, and vulnerable people at night.
- 6.2 The Council's Access Officer and the Joint Committee on Mobility of Blind and Partially Sighted People prefer segregation of pedestrians and cyclists. The Department for Transport Local Transport Note 2/04 sets out the Department's recommendation for various types of joint pedestrian and cycle routes. For reasons described in Paragraph 3.4 of this report, in our view it conforms to the advice given in Local Transport Note 2/04.
- 7.0 ENVIRONMENTAL IMPLICATIONS
- 7.1 Formally creating a section of cycle route is aimed at promoting more cycling. This will help to encourage travellers to choose this more environmentally friendly alternative form of transport. Walkers will also benefit from the wider improvements being made during the construction of the Halfway-Killamarsh Path. There are no adverse environmental implications of the Order.
- 8.0 FINANCIAL IMPLICATIONS
- 8.1 The Halfway-Killamarsh scheme is fully funded through the South Yorkshire Local Transport Plan, Derbyshire Local Transport Plan and Big Lottery Fund.
- 8.2 There are minor costs associated with the advertising of the Order and potentially in resolving any objections and/or referring the Order to the Secretary of State. These costs will be met wholly by the scheme budget.
- 9.0 CONCLUSION

9.1 Formal creation of the shared foot/cycle path will benefit the travelling public and has no detrimental effects on the surrounding highway network. A Cycle Track Conversion Order is essential to complete the strategic Halfway-Killamarsh Path.

## 10.0 RECOMMENDATIONS

10.1 Authorise Legal Services to:

- a. take all necessary action under the powers contained within Section 3 of the Cycle Tracks Act 1984 to make a Cycle Track Conversion Order for the footpath shown in Appendix B, subject to satisfactory arrangements being made with Statutory Undertakers;
- b. confirm the Order as an unopposed Order, in the event of no objections being received or any objections received being resolved;
- c. submit the order to the Secretary of State for confirmation if there are one or more sustained objections.

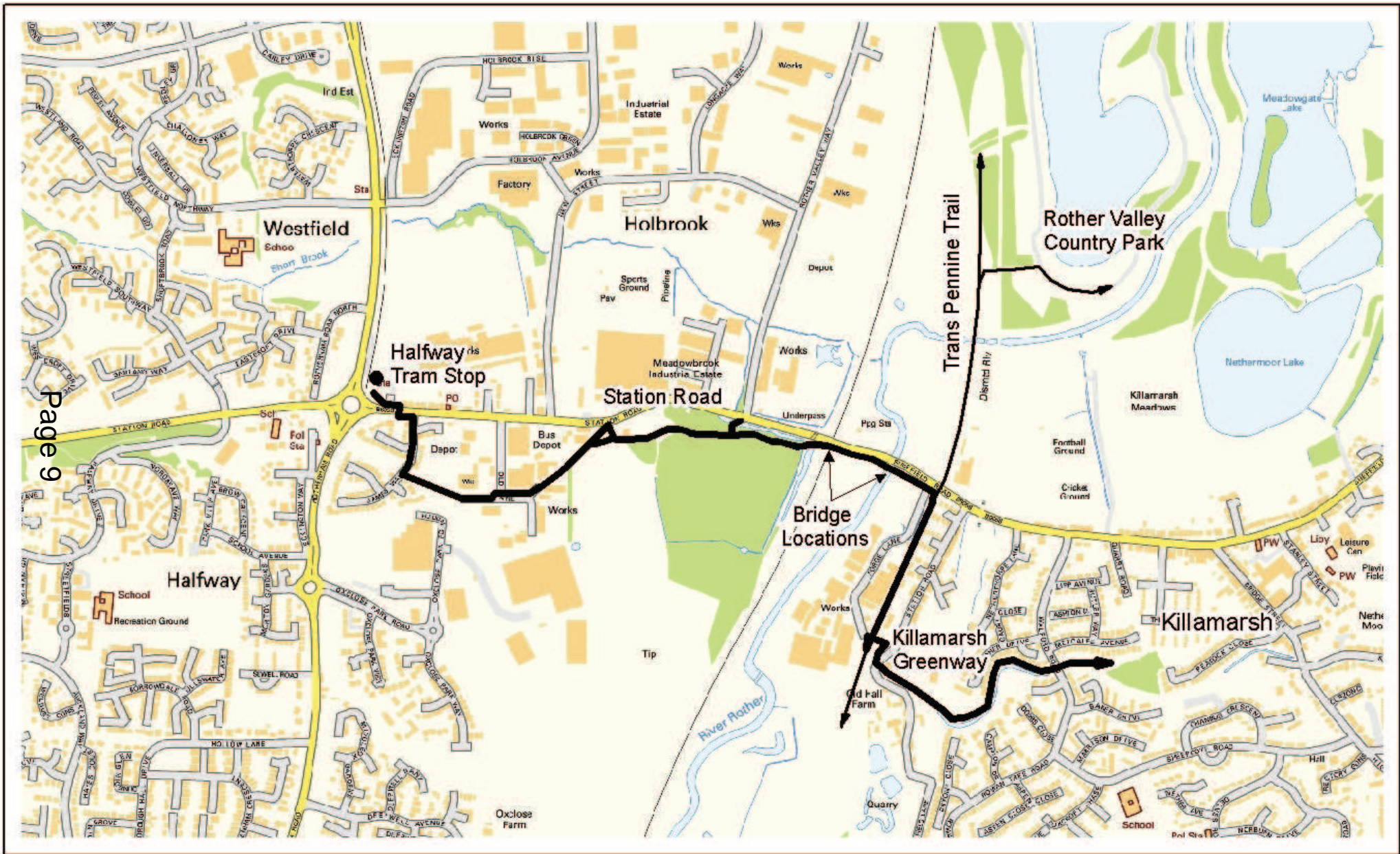
John Bann  
Head of Transport & Highways

21<sup>st</sup> May 2012

### Appendices

- Appendix A: Halfway–Killamarsh Multi-user Path – Location Plan
- Appendix B: Footpath to be upgraded to shared foot/cycle path

# Appendix A: Halfway-Killamarsh Multi-user Path - Location Plan



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# Appendix B: Footpath to be upgraded to shared foot/cycle path



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# Agenda Item 8

Application No.	Location	Page No.
11/03524/OUT (Formerly PP-01682343)	Curtilage Of 35 Greenhill Main Road And Meadowhead Avenue Sheffield S8 7RB	5

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REPORT TO CITY CENTRE SOUTH AND EAST PLANNING DATE 21/05/2012  
AND HIGHWAYS COMMITTEE

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REPORT OF DIRECTOR OF DEVELOPMENT SERVICES ITEM

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SUBJECT APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

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SUMMARY

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RECOMMENDATIONS

SEE RECOMMENDATIONS HEREIN

THE BACKGROUND PAPERS ARE IN THE FILES IN RESPECT OF THE PLANNING  
APPLICATIONS NUMBERED.

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FINANCIAL IMPLICATIONS N/A

PARAGRAPHS

CLEARED BY

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BACKGROUND PAPERS

CONTACT POINT FOR  
ACCESS

Chris Heeley

TEL  
NO:

0114 2736329

AREA(S) AFFECTED

**CATEGORY OF  
REPORT**

OPEN

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Application No.	Location	Page No.
11/03524/OUT (Formerly PP-01682343)	Curtilage Of 35 Greenhill Main Road And Meadowhead Avenue Sheffield S8 7RB	5





SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning  
To The CITY CENTRE AND EAST Planning And Highways Committee  
Date Of Meeting: 21/05/2012

LIST OF PLANNING APPLICATIONS FOR DECISION OR INFORMATION

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

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Case Number	11/03524/OUT (Formerly PP-01682343)
Application Type	Outline Planning Application
Proposal	Erection of detached dwellinghouse and garage
Location	Curtilage Of 35 Greenhill Main Road And Meadowhead Avenue Sheffield S8 7RB
Date Received	07/11/2011
Team	CITY CENTRE AND EAST
Applicant/Agent	Coda Studios Ltd
Recommendation	Grant Conditionally

Subject to:

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

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

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

Drawing 1874-001 dated 27.04.12.  
Drawing 1874-002 dated 07.11.11.  
Drawing 1874-003 dated 07.11.11.  
Drawing 1874-004 dated 07.11.11.  
Drawing 1874-005 dated 07.11.11.

Drawing 1874-006 dated 07.11.11.  
Drawing 1874-007Rev.A dated 27.04.12.  
Drawing 1874-008 dated 27.04.12.  
Tree Impact Assessment Plan dated 07.11.11.

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 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) Access, (b) Appearance, (c) Landscaping, (d) Layout and (e) Scale (matters reserved by the permission) shall have been obtained from the Local Planning Authority.

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.

- 4 The development shall not be commenced unless and until full particulars and plans thereof shall have been submitted to the Local Planning Authority and planning approval in respect thereof including details of all reserved matters (matters reserved by this permission) shall have been obtained from the Local Planning Authority.

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

- 5 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.

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

- 6 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.

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

- 7 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 shall have been submitted to and approved in writing by the Local Planning Authority and the dwelling 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.

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

- 8 The design of the dwelling shall include a sprinkler system.

In order to ensure the safety of occupants in the event of a fire.

- 9 No development shall commence until full details of measures to protect the existing (variable: trees, shrubs, hedge/s) to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2005 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development unless otherwise approved.

In the interests of the visual amenities of the locality.

Attention is drawn to the following justifications:

1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below:

H10 - Development in Housing Areas  
H14 - Conditions on Development in Housing Areas  
BE16 - Development in Conservation Areas  
BE19 - Development affecting Listed Buildings  
GE11- Nature Conservation and Development  
GE15 - Trees and Woodland  
CS31 - Housing in the South West Area  
CS51- Transport Priorities  
CS53 - Management of Demand for Travel  
CS64 - Climate Change, Resources and Sustainable Design of Developments  
CS74 - Design Principles  
National Planning Policy Framework.

Overall it is considered that the development complies with the relevant policies and proposals, and would not give rise to any unacceptable consequences to the environment, community or other public interests of acknowledged importance.

This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report at [www.sheffield.gov.uk/planningonline](http://www.sheffield.gov.uk/planningonline) or by calling the planning officer, contact details are at the top of this notice.

Attention is drawn to the following directives:

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

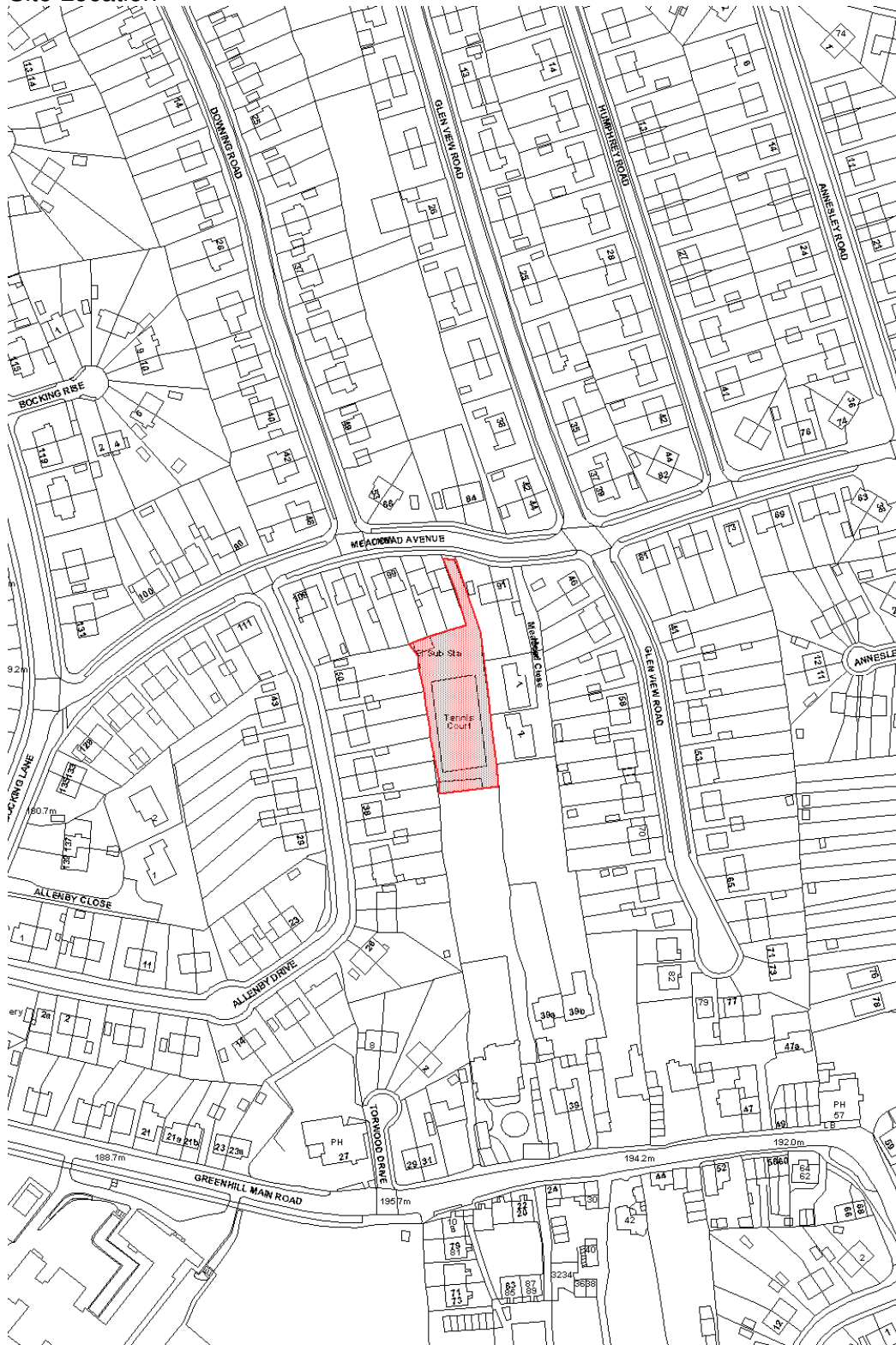
This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980, and dealt with by:

Development Services  
Howden House  
1 Union Street  
Sheffield S1 2SH

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

2. The Council is responsible for allocating house numbers and road names to both new developments and conversions of existing buildings. Developers must therefore contact the Council's Street Naming and Numbering Officer on (0114) 2736127 to obtain official addresses for their properties as soon as construction works commence.
3. 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.

Site Location



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## LOCATION AND PROPOSAL

This application relates to the rear section of the garden of 35, Greenhill Main Road and seeks outline planning permission for a single dwelling, associated double garage garden and access taken from Meadowhead Avenue.

35, Greenhill Main Road, entitled The Manor, is a Grade 2 Listed building that lies within the Greenhill Conservation Area and the house has a long back garden that falls from the higher ground upon which the house sits, running between existing housing either side until the end which borders rear gardens associated with Meadowhead Avenue. An access track runs from the end of the garden to Meadowhead Avenue and this currently serves the electricity sub station at the rear of 99, Meadowhead Avenue.

The garden is approximately 140 metres long from the rear of The Manor to the back gardens of 95 to 99, Meadowhead Avenue. The width varies from 20 to 25 metres wide. The application site, very broadly, covers the former tennis court which has a tarmac surface and the grassed areas around it. There is mature planting in the form of trees and hedgerows along the north, west and south boundaries of the application site. Along the east edge is a more formal, lower hedge. The site is 90 metres from the rear of The Manor.

All neighbouring development is residential. To the north and west is established two storey semi detached housing with gardens varying in depth between 13 and 23 metres. To the east is backland development in the form of two bungalows located at the rear of 91 and 93, Meadowhead Avenue which are served by Meadowhead Close. Both lie about 6 metres away from the edge of the application site.

The application is outline with all matters reserved but a detailed indicative proposal, as amended, has been submitted in support of the application. Access is

taken via the existing single width access track from Meadowhead Avenue. This would lead to a turning area that would also serve the double garage. The house would be sited in the southern part of the site with garden areas to the north and south but there would be space either side to the east and west which would vary between 4.5 and 7 metres.

The house as demonstrated on the indicative plans would be of a modern, contemporary design. The central ridge running north to south would rise to 2 storeys but the roof would drop from this resulting in an eaves height of between 2.1 and 3.4 metres along each side. All principle windows would face north and south and external materials would be a mix of brick, render and timber cladding. Existing landscaping would be supplemented to provide additional screening.

#### RELEVANT PLANNING HISTORY

82/01171/OUT. Outline application for a single dwelling and garage refused 23.03.1983. The access was considered to be unacceptable particularly for fire service vehicles.

#### SUMMARY OF REPRESENTATIONS

12 individual letters of objection have been received from residents which set out the following comments.

The access runs between two houses and cannot be widened. This will limit traffic and emergency service access.

Meadowhead Avenue suffers from heavy on street parking and access into the site will be difficult.

There would be a danger to pedestrians because of limited visibility caused by existing houses.

The earlier refusal was because of a sub standard access. This has not changed so this application should be refused as well.

If the property was sublet on a room only basis then there would be more cars.

There would be disruption to neighbours, particularly during building works.

The design of the house would not be in keeping with the surrounding area as there are no other dormer bungalows nor any other timber clad buildings.

This will increase the carbon footprint of Greenhill.

Loss of privacy and light particularly to the east and west because of low level hedges.

There is a danger of roof extensions making it higher.

A smaller bungalow on the site would be more appropriate.

This is an unacceptable proposal that would have a detrimental impact on the Greenhill Conservation Area and Listed building.

The loss of trees is unacceptable and there would be a loss of open space in a built up area.

Detrimental impact on wildlife because of loss of vegetation.

The loss of tree T13 will reveal dead foliage and the location of the garage will harm the roots of the adjoining oak tree.

The Design and Access Statement says that there has been community consultation but this has not happened.

There are electric cables beneath the access road.

There would be a detrimental impact on drainage in the area because there are springs in the vicinity of the Manor House.

The loss of the security gates at the entrance from Meadowhead Avenue would affect security of the sub station.

25 standard letters have also been received from local residents which repeat many points already set out above. However, there are a number of additional comments.

The development would have an overbearing nature.

The Fire Service rejected the previous application because of the inadequate access.

No information has been provided about the sustainable drainage system.

Councillor Clive Skelton objects to the application.

Impact on the visual amenity of the area.

Site access is not acceptable.

Severe impact on wildlife.

Impact on trees.

Meg Munn MP has also expressed her concerns.

This would be built in the grounds of a Listed building and would also impact on the Greenhill Conservation Area.

The access is via a narrow grassed track from Meadowhead Avenue which is unsuitable for construction and large delivery vehicles.

Emergency vehicles would find it difficult to access the site.



## PLANNING ASSESSMENT

### Land Use Policy.

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

Government planning guidance in the form of the National Planning Policy Framework (NPPF) says, in paragraph 48, that Local Planning Authorities (LPA) should make allowance for windfall housing sites in the five year supply but this should not include residential gardens. The NPPF goes on to say in paragraph 53 that Local Planning Authorities should consider setting out policies to resist inappropriate development of residential gardens, for example where they would cause harm to the local area.

There is, therefore, a presumption against inappropriate development in private gardens so to establish whether or not this proposal is 'inappropriate' the application needs to be set against all relevant policy criteria and material considerations.

The NPPF also re-affirms previous national policy advice by excluding private residential gardens from the definition of previously developed land.

Core Strategy policy CS24 gives priority for the development of new housing on previously developed land and states that no more than 12% of dwellings should be constructed on greenfield land in the period up to 2025/26. It also states that such development should only occur on small sites within urban areas, where it can be justified on sustainability grounds. The current house completion database shows that 5.4% of new houses have been built on Greenfield sites so the proposal would be well within the 12% threshold.

The site is small within an existing urban area and sustainably located in that it is within 270 metres of a local shopping centre which includes a convenience foodstore, restaurants, post office and other shops. A number of bus services are available from stops within the centre and along Bocking Lane which is 220 metres away from the site. Buses run at about every 15 minutes in each direction. In this context, the development of this small Greenfield site for new housing complies with the aims of policy CS24.

### Layout, Design and External Appearance.

The application is outline with all matters reserved but the applicant has submitted a detailed layout and design which gives a clear indication on how the proposal would develop.

UDP policy H14 and Core Strategy policy CS74 expect good quality design in keeping with the scale and character of the surrounding area.

Core Strategy policy CS31 deals with housing in the south west area and this says that priority will be given to safeguarding and enhancing its areas of character. Although the application site lies in south Sheffield it does not lie within the area covered by this policy. The policy defines 'south west' as between the Manchester Road and Abbeydale Road corridors.

The indicative layout shows the house sited centrally in the southern part of the application site. Access would be via the existing access track taken from Meadowhead Avenue and the double garage would be sited in the north part of the site, served by the turning area/driveway. There is ample space to provide garden space; 15 metres deep on the south side and 9 metres deep to the north. There is also space at the sides of the house and for screen planting to supplement existing trees and hedges and a planted strip would keep the electricity sub station separate from the house and garden. The application site can accommodate a house of the footprint shown indicatively.

With respect to the design and external appearance, the indicative drawings show a modern dormer bungalow with double height glazing at the north and south sides, the external treatment being brick, render and wooden cladding. The roof space would accommodate much of the bedroom space and this means that the shallow pitched roof has a low eaves height from one to one and a half storeys high.

The indicative design is different to any of the existing housing development around the site. There is a mix of house types in terms of scale, design and materials along Greenhill Main Road but these are all 90 metres or further away at a higher level and they do not relate closely to the proposal. To the north, west and east of the site are semi detached houses that front on to Meadowhead Avenue, Glen View Road and Allenby Drive which are all two storeys high of a similar brick design. Although having a larger footprint than these houses, the indicative proposal would not be out of scale with neighbouring houses, particularly as it would be of a reduced height.

It is important to consider the impact on the character of the area. Core Strategy policy CS74 requires development to enhance distinctive features and the size and openness of the gardens behind houses in this locality do fall into the distinctive category. The proposal would be located within a site that lies between two bungalows, which are backland development, and the gardens of more established housing. Also, the application site is currently a disused tennis court with trees around. It is not the case that the development, as indicated, would be unduly prominent because of the scale and massing, the screening and the remaining extensive areas of open gardens. There would be a change with the introduction of this new house but this change would not alter the distinctive openness to such a degree as to merit resisting the application on this issue.

A single storey brick double garage would be built in the north of the site. This would be a plain and standard design which would be acceptable in matching brick to the house.

There are two bungalows that are next to the application site to the east which are of a different design to the predominant semi detached houses. It is important to note that these and the proposal are and would not be visible from the roads around them, not even through gaps between the semi detached houses because of level changes.

The indicative design of the proposal is of good quality, meets the design policy criteria and is considered to be acceptable. It is not the case that it would be unacceptable simply because it would be different to existing development. However, any permission is agreeing to the principle of the development and subsequent reserved matters submissions could result in revised details of external design.

Sustainability.

As described above, the development is considered to be in a reasonably sustainable location being within an existing urban area and close to local facilities.

Core Strategy policy CS64 says that all new buildings must be designed to reduce emissions of greenhouse gases, making best use of solar energy, passive heating and cooling, natural light and natural ventilation. They should also be designed to use resources sustainably. This includes minimising water consumption, maximising water recycling, minimising waste and other means.

The Design and Access Statement supporting the application says that the design would be sustainable but nothing specific has been set out as this is an outline proposal aimed at establishing the principle of the development only. This matter will be addressed in detail during the Reserved Matters stage.

Impact on the amenities of existing residents.

UDP policy H14 says that new development in housing areas should not cause harm to the amenities of existing residents.

Core Strategy policy CS74 requires new development to contribute to the creation of successful neighbourhoods.

It is important that the proposal would not result in a loss of privacy to neighbours nor result in a development having an overbearing nature which would be to the detriment of neighbours' amenities. It is considered that the properties most likely to be affected by this proposal are the two bungalows to the immediate east of the site and 36 to 50 (even) Allenby Drive.

The applicant has provided sections through the site which demonstrates the relationship of the indicative proposal with these houses.

The cross section which includes the proposal, 42, Allenby Drive, 60, Glen View Road and 2, Meadow Head Close shows that the eaves and ridge lines of the indicative proposal would be very similar to the bungalow at 2, Meadow Head Close. A more detailed section taken through 42, Allenby Drive, the proposal and

2, Meadow head Close shows that the ridge proposals height would be the same as the eaves height of 44, Allenby Drive and confirms that the ridge would be the same as the adjoining bungalow.

The proposal, as indicated, would not have principal windows facing the houses and those that do face would be screened by existing and proposed planting. Consequently, there would be no loss of privacy affecting existing residents. Also, given the restricted height of the proposal, it has been demonstrated that the proposal would not have an overbearing impact.

Impact on the Setting and Character of the Listed Building and Greenhill Conservation Area.

UDP policies BE16 and BE19 deal with development affecting the character and setting of Conservation Areas and Listed Buildings respectively and both say that new development shall preserve or enhance such areas and buildings.

Core Strategy policy CS74 seeks to ensure that the distinctive heritage of Sheffield is preserved.

The edge of the application site is about 60 metres away from the boundary of the Conservation Area, which runs along the edge of the sloping garden immediately associated with The Manor. The Listed building is 90 metres away from the site and 105 metres away from the proposed building.

Given the distances involved, the level changes and the screening that would be provided for the proposal, it is considered that there would be no adverse impact on the Conservation Area and Listed Building.

Access, Parking and Transport.

UDP policy H14 requires new development to have adequate on site parking and safe access for vehicles and pedestrians.

Core Strategy policies CS51 and CS53 deal with transport priorities and management of travel demand, respectively. Both seek to ensure that access and parking arrangements are safe and adequate.

With respect to parking provision, the indicative proposal shows a double garage with additional parking available on hard surfaces, which is acceptable.

The existing access from between 93 and 95, Meadowhead Avenue would be retained. This is a single track that runs between the houses and gardens for 25 metres before opening out within the wider site. The visibility at either side of the access is restricted by hedges and fences either side and it would not be possible to widen this because of the ownership. The access arrangement does not allow for clear visibility in each direction but given existing traffic levels and the fact that this would only serve a single dwelling and the electricity sub station, it is considered to be acceptable.

It is noted that the access arrangements for the two bungalows is very similar. Meadow Head Close is a single track access road serving both bungalows that runs as a single track for 50 metres before widening which is twice the length of the proposal. Also, there are very similar restrictions to visibility in both directions at the junction with Meadow Head Avenue.

Concerns were raised early in the consideration of this application by the Fire Service about the distance the house would be from the road and the attendant problems of having an acceptable access to a water supply in the event of a fire. However, this has been resolved by the inclusion of a sprinkler system being incorporated into the design of the house and the Fire Service have confirmed that this is an acceptable solution.

An earlier outline planning application, 82/01171/OUT, was refused because of issues relating to fire service access and the access not being acceptable. The fire service have confirmed that the application is, from their point of view, acceptable and your officers are satisfied that, according to modern standards, the proposed access is safe. It is noted that a very similar access arrangement twice as long serving two dwellings has been accepted very close to the application site.

Trees and Landscaping.

UDP policy GE15 seeks to retain mature trees and where these are lost, replacements should be provided as part of development.

Core Strategy policy CS74 requires new development to take advantage of woodlands and natural features.

A Tree Survey has been submitted in support of the application which shows that all trees and planting around the edges of the site will be retained apart from a semi mature cypress tree which is in poor condition located next to the hedgerow at the north end of the site. This would be replaced by a similar tree as part of further additional planting around the site of the proposed house.

There is no planting within the central area of the site as this is a hard surfaced tennis court.

The original scheme showed the double garage sited close to the edge of the site which would have had a detrimental impact on the roots of an oak tree. The amended layout shows the garage moved away from the boundary, thus ensuring the roots will not be affected.

It is considered that the impact on trees and hedges and the proposed enhancement to planting is acceptable.

Impact on Wildlife.

UDP policy GE11 says that the natural environment will be protected and enhanced and new development should reduce potentially harmful impacts on nature.

Core Strategy policy CS74 seeks to ensure that attractive neighbourhoods are created.

An Ecological Survey has been submitted in support of the application. This concluded that, as the bulk of the development area is tarmac and the existing trees and hedges will, with one exception, remain, it is unlikely that there would be a harmful impact on the bio-diversity of the area. There is no evidence of any protected species on the site.

## RESPONSE TO REPRESENTATIONS

Many of the issues raised by local residents and interested parties have received a response in the report already, but some comments are required.

If the house was sublet on the basis of an occupier in each of the four bedrooms then this would require an application for a change of use to a house in multiple occupation. The increase in cars on the site would then be assessed as part of this application.

It is acknowledged that the developer did not undertake community consultation took place prior to the submission of the application.

With respect to drainage details, this would be dealt with as part of a detailed Reserved matters application.

## SUMMARY AND RECOMMENDATION

This outline planning application seeks to establish the principle of a single dwelling on land at the rear of 35, Greenhill Main Road, a Listed building known as the Manor. The site was last used as a tennis court and is enclosed by trees and planting. Access would be taken from a single track access which leads to Meadow Head Avenue.

The application is outline with all matters reserved but a detailed indicative layout and design has been submitted which shows a dormer bungalow sited on the hard surface area with all planting except one tree being retained with additional planting to provide screening. The design and external appearance would be of good quality, being a modern, contemporary scheme with brick, render and wood cladding, the latter material complementing the trees.

There would be no harm to the amenities of existing occupiers and the access, although not ideal, would be acceptable. The impact on trees, planting and wildlife would also be acceptable and there would be no impact on the character and setting of the Greenhill Conservation Area or the Listed building.

It is considered that the indicative proposal would be acceptable and complies with all policy criteria set out in this report.

The NPPF says that inappropriate development in residential gardens should be resisted. This proposal does not conflict with policy criteria and is, therefore, considered to be appropriate at this location and, accordingly, there is no conflict with NPPF guidance.

This application is, therefore, considered to be acceptable and is recommended for conditional approval.

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**REPORT TO CITY CENTRE SOUTH &  
EAST AREA PLANNING & HIGHWAYS  
COMMITTEE**

**DATE** 21 MAY 2012

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**REPORT OF** DIRECTOR OF DEVELOPMENT SERVICES

**ITEM**

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**SUBJECT** 44 ASHLAND ROAD, SHEFFIELD, SHEFFIELD, S7 1RJ.

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**SUMMARY**

TO INFORM MEMBERS OF THE SITUATION AT THE ABOVE ADDRESS AND MAKE RECOMMENDATIONS ON THE APPROPRIATE FORM OF ACTION.

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**RECOMMENDATIONS**

THAT THE AREA COMMITTEE AUTHORISES THE CITY SOLICITOR TO TAKE ALL NECESSARY STEPS, INCLUDING ENFORCEMENT ACTION AND IF NECESSARY THE INSTITUTION OF LEGAL PROCEEDINGS, TO SECURE THE REMOVAL OF THE REAR DORMER WINDOW

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**FINANCIAL IMPLICATIONS**

**NO**

**PARAGRAPHS**

**CLEARED BY**

Catherine Rodgers

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**BACKGROUND PAPERS**

**CONTACT POINT FOR ACCESS**

STEWART GREENSLADE

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0114 203 7894

**AREA(S) AFFECTED**

**CATEGORY OF  
REPORT**

**OPEN**

## DEVELOPMENT SERVICES

REPORT TO CITY CENTRE SOUTH  
AND EAST PLANNING AND  
HIGHWAYS COMMITTEE  
21 MAY 2012

### ENFORCEMENT REPORT

#### UNAUTHORISED LAYING OF HARDSTANDING AND FAILURE TO PLANT TREES AS REPLACEMENTS FOR PREVIOUSLY REMOVED TREES AT 44 ASHLAND ROAD, S7 1RJ.

##### 1. PURPOSE OF REPORT

The purpose of this report is to inform Committee Members of a breach of planning control and the non-provision of replacement trees as required by a previous consent allowing the removal of trees at the property.

##### 2. BACKGROUND AND LOCATION

2.1 44 Ashland Road is a traditional stone built property. It is located to the north-west of Ashland Road, within the Nether Edge Conservation Area. It is covered by the Article 4(2) designation which was applied to many properties in the area in February 2006, and is identified as a Building of Historic Interest within the Nether Edge Conservation Area Appraisal. This has the effect of removing certain permitted development rights from property owners, including the laying of hardstanding forward of dwellings' front elevations. The laying of hardstanding was carried out after the Nether Edge Conservation Area Article 4(2) came into effect.

2.2 A complaint was received in September 2011, regarding the laying of hardstanding adjacent to the property. A subsequent site visit was carried out, and it was seen that concrete had been laid to the north-east of the dwelling from the back of the footpath, down past the side of the dwellinghouse beyond its rear elevation and around to the rear of the dwellinghouse  
Consent is required for the portion of this hardsurfacing which lies in the zone between the dwellings' front elevation and the back edge of the footpath. In this case, this covers an area of approximately 2metres in depth.

2.3 Two letters were sent to the owner informing them that there are no permitted development rights to lay concrete in the zone between the dwellings' front elevation and the back of the footpath, and since the

new surfacing in this zone was laid without planning permission it was unauthorised. The owner was advised that a planning permission to retain the surfacing was unlikely to be considered to be acceptable, and therefore natural stone setts should instead be laid in the area in question.

In researching the case, it was also noted that a consent to remove trees (granted under 09/01610/TCA) had included a condition requiring the planting of four heavy standard size replacement trees. Whilst the trees had been removed, no replacement trees have been provided and the requirement to do so was therefore pointed out within the correspondence sent to the property owners.

- 2.4 These items of correspondence were followed by a meeting at the site with the property owners, where these issues were discussed. Further to this an e-mail and additional written correspondence was sent to the owners re-iterating the required action having considered the points raised during the meeting. This included the suggestion that as an alternative to reclaimed stone sets, Marshalls Tegula Priora Setts could be used.

### 3 ASSESSMENT OF THE BREACHES OF CONTROL

- 3.1 The previous driveway appears from archive photographs to have been narrower in width than the area covered by the newly laid surfacing.
- 3.2 Unitary Development Plan Policy BE16 'Development in Conservation Areas' states that in Conservation Areas permission will only be given for proposals which contain sufficient information to enable their impact on the areas to be judged acceptable and which would preserve or enhance the character or appearance of the Conservation Area.
- 3.3 Unitary Development Plan Policy BE5 'Building Design and Siting' states that good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions.
- 3.4 Unitary Development Plan Policy BE17 'Design and Materials in Areas of Special Architectural or Historic Interest' requires a high standard of design using traditional materials.
- 3.5 The Nether Edge Conservation Area Appraisal, refers to the creation of driveways using non-traditional paving materials as being of serious concern, along with the loss and poor maintenance of original boundary walls. The cumulative impact of these actions has seriously eroded the original character of the area.
- 3.6 The Appraisal recommended that in order to prevent further, small scale, incremental erosion of the character of the Conservation Area, an Article 4 Direction could be imposed, removing Permitted Development rights for such works. An Article 4(2) Direction was

imposed in February 2006, following consultation with local residents and property owners.

- 3.7 It is considered that the concrete hardsurfacing is of unsatisfactory appearance due to it being an inappropriate and non-traditional material. The substantial area covered also acts to exacerbate its impacts within the street scene and on the character of the area. It is therefore considered that the surfacing fails to preserve or enhance the character of the Nether Edge Conservation Area. As a result, the works are contrary to the aims of the policies BE5, BE16 and BE17 of the Unitary Development Plan.
- 3.8 The below photograph shows the concrete hardsurfacing in question and demonstrates that the unauthorised works are not appropriate for the property and their appearance is deemed not to be in keeping with the character of the conservation area.

Photo of Concrete Hardsurfacing



- 3.9 The use of concrete surfacing is a non-traditional material within the curtilage of a house of this age and style, and within the Conservation Area as a whole. The stark colour, its uniformity, and the non-

fragmented nature of the surface (rather than individual stone pieces for example) lead to its inappropriate appearance.

- 3.10 The property owners have stated that the surface was previously a degraded concrete, and consider the new surfacing to represent an improvement in visual terms.
- 3.11 The Enforcement Notice would require the replacement of the portion of concrete surfacing lying to the front of the dwelling to be replaced with a more suitable alternative. Whilst this would leave a substantial area of the concrete shown in the above photograph in-situ, it would provide an appropriate surface material in the foreground. This would be considered to represent a substantial improvement to the appearance of the dwelling's curtilage within the street scene and would cover the area of most prominence to those passing-by. It is also the only area over which the local planning authority has the power to act under the Article 4 designation. An appropriate surface would, as mentioned above, be either reclaimed natural stone setts or Marshalls Tegula Priora Setts. Such surfacing would be appropriate to the character of the dwelling and the conservation area.

- 3.12 Turning to the issue of the non replacement of trees, as required by the previously granted consent to remove trees (09/01610/TCA).

Unitary Development Plan Policy GE15 'Trees and Woodlands' states that developers will be required to retain mature trees, wherever possible and replace any trees which are lost.

- 3.13 The Nether Edge Conservation Area Appraisal states in particular reference to the portion of the Conservation Area in which Ashland Road is located, that the area is rich in greenery from the many large residential gardens. The Conservation Area Appraisal in assessment of the Landscape Setting issues, refers to the main threat to the established landscape of the area coming from the potential loss of trees. It is stated that the loss of trees would radically alter the appearance of the area, although any change is likely to be gradual and unnoticeable over the short term. It is commented that where a tree is removed a replacement of the same species is generally required, and that this is important to the continuity of the area because non-forest species are typically of different scale, form and appearance. The Appraisal states that without the rigorous application of this approach the visual and historic character of the conservation area will be compromised.

- 3.14 Consent was granted for the removal of a total of 10 trees, at least four of which were either affected by decay or causing structural damage to a boundary wall. For this reason the consent was subject to the requirement to replant four heavy standard size trees. The trees have

been removed, and no replacement trees have been provided. The hardsurfacing referred to above acts to limit the scope to plant replacement trees, however, it is considered that there remains potential within the site to plant suitable replacement trees.

- 3.15 The owners have expressed concern about replanting trees given the previous impacts upon the boundary wall caused by trees, and have offered to provide fruit trees. Fruit trees are not considered to be an appropriate replacement tree for the removed trees, as they are non-forest species which do not grow to be sufficiently significant in size to constitute suitable replacements.
- 3.16 Silver birch trees have been suggested to the property owners as a suitable tree species. This is because they would be able to be planted in the area to the rear of the dwellinghouse, in reasonably close proximity to the house without resulting in damage to the trees or the building.  
No response has been received from the property owners regarding this suggestion.
- 3.17 In order to require that four appropriate replacement trees are planted, it would be necessary to issue a Tree Replacement Notice upon the property owners, which would specify details of the tree type, number and location/s.
- 3.18 This course of action is considered to be necessary in order to address the impacts upon the character of the conservation area caused by the removal of the trees and the failure to plant appropriate replacements. The planting of appropriate forest type species, i.e. silver birch trees, would be considered to compensate for the impacts on the visual and historic character of the conservation area.

#### 4 REPRESENTATIONS

- 4.1 Two complaints have been received about the operations at the site. These refer to the laying of the concrete hardsurfacing at the property, recent amendments to legislation designed to help prevent flooding, the removal of several large trees, the construction of a retaining wall and the resulting poor visual appearance.

#### 5 ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 Regularisation of the existing hardstanding through the submission of a planning application and acceptance of the failure to provide replacement trees is not being recommended.
- 5.2 Planning permission was granted for the construction of a retaining wall under planning application reference 11/01590/FUL, and as such no further action is recommended in relation to this issue.

5.2 Section 172 of the Act provides for the service of an enforcement notice (EN) where there has been a breach of planning control. In this case such a notice would require remedial measures to be carried out to deal with the breach. This would involve the laying of an appropriate surface in place of the concrete, in the zone to the front of the dwellinghouse with an appropriate surface material. There is a right of appeal to the Planning Inspectorate against the Enforcement Notice. It is considered, however, that the Council would be able to successfully defend any such appeal.

5.3 Section 213 of the Act provides for the service of a Tree Replacement Notice, which would require the planting of four suitable replacement trees. There is the right of appeal against the notice, however, it is considered that the Council would be able to successfully defend such an appeal.

## 6 EQUAL OPPORTUNITIES

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

## 7 FINANCIAL IMPLICATIONS

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

## 8 RECOMMENDATION

8.1 That the Director of Development Services or Head of Planning be authorised to take all necessary steps, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised concrete hardstanding between the back edge of the footpath and a position level with the front elevation of the dwelling, and replacement with a suitable alternative, and to require the planting of four suitable replacement trees within the curtilage of Num. 44 Ashland Road.

D Caulfield  
Head of Planning

21 May 2012

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**REPORT TO CITY CENTRE, SOUTH &  
EAST PLANNING AND HIGHWAYS  
COMMITTEE**

**DATE** 21 MAY 2010

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**REPORT OF** DIRECTOR OF DEVELOPMENT SERVICES

**ITEM**

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**SUBJECT** RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

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**SUMMARY**

LIST OF ALL NEWLY SUBMITTED PLANNING APPEALS AND DECISIONS RECEIVED, TOGETHER WITH BRIEF SUMMARY OF INSPECTOR'S REASONS FOR DECISION

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**RECOMMENDATIONS**

TO NOTE

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**FINANCIAL IMPLICATIONS**

NO

**PARAGRAPHS**

**CLEARED BY**

N/A

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**BACKGROUND PAPERS**

**CONTACT POINT FOR ACCESS**

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**AREA(S) AFFECTED**

**CATEGORY OF  
REPORT**

OPEN

## DEVELOPMENT SERVICES

REPORT TO CITY CENTRE,  
SOUTH & EAST PLANNING &  
HIGHWAYS COMMITTEE  
21 MAY 2012

### 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

An appeal has been submitted to the Secretary of State against the decision of the City Council to refuse planning permission, under delegated authority, for:-

- i) the erection of a garage to the front of a dwellinghouse at 64 Rundle Road, Sharrow (Case No 11/03650/FUL); and
- ii) a two-storey side extension, single-storey front extension, including a porch and detached garage to a dwellinghouse at 72 to 74 Birkendale Road (Case No 12/00215/FUL)

### 3.0 APPEALS DECISIONS - DISMISSED

To note that appeals against Enforcement Notices served by the City Council in respect of a breach of planning control at 11 and 13 Raven Road, Nether Edge have been dismissed.

Officer Comment:-

This was in effect one appeal relating to two different dwellings in the same ownership. The dwellings fall within the Nether Edge Conservation Area, and have had Permitted Development rights removed through the Article 4(2) Direction.

Unauthorised works had taken place at both properties involving replacement roof materials (using artificial slate), painting of the stonework (houses and boundary walls), replacement bargeboards to dormer window, and the erection of a door at the passageway entrance.

An enforcement notice required all unauthorised works to be removed.

The appellant claimed with a ground (d) appeal that the works had taken place more than 4 years prior to the service of the notice, making them

immune from enforcement action, but provided no proof. The Inspector noted the Council's photographic evidence contradicted this claim and dismissed this aspect of the appellants appeal.

The second element of the appeal was the deemed application for planning permission. The Inspector noted the Article 4 Direction existed to prevent minor changes to buildings eroding the character of the area. He considered the painting of the stonework, although in stone colour. had removed the patina and variation in the colour of the weathered stone; the artificial slates were obviously so, again despite their colour; and the replacement barge boards lacked the ornamentation of the originals and detract from the appearance of the building. He considered these alterations harmful and therefore concluded to allow the appeal would be to make the Article 4 direction pointless.

The Inspector also dismissed the applicants appeal on ground (f) where the applicant had claimed the steps specified in the notice were excessive.

#### 4.0 RECOMMENDATIONS

That the report be noted

David Caulfield  
Head of Planning

9 May 2012

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