

West and North Planning and Highways Committee

Tuesday 4 December 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

Councillors Peter Rippon (Chair), Trevor Bagshaw, Janet Bragg, Adam Hurst, Talib Hussain, Bob McCann, Roy Munn, Denise Reaney, 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 areas covered by this Board include Chapeltown, Crookes, Fulwood, Grenoside, Grimesthorpe, High Green, Hillsborough, Lodge Moor, Loxley, Oughtibridge, Parson Cross, Ranmoor, Stannington, Stocksbridge, Walkley and Worrall.

The Committee is responsible for planning applications, Tree Preservation Areas, 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, 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.

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.

**WEST AND NORTH PLANNING AND HIGHWAYS COMMITTEE AGENDA
4 DECEMBER 2012**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 3. Apologies for Absence from Members of the Committee**
- 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**
Minutes of the meeting held on Committee held on 13 November, 2012.
- 6. Sheffield Conservation Advisory Group**
Minutes of the meeting of the group held on 23 October, 2012.
- 7. Site Visit**
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 8. Objection To Tree Preservation Order 808/388: Land Between 2A Penistone Road and 51 Rojean Road**
Report of the Director of Development Services
- 9. Applications Under Various Acts/Regulations**
Report of the Director of Development Services
- 10. Enforcement Of Planning Control: Rear Of 7 Southey Hill**
Report of the Director of Development Services
- 11. Record of Planning Appeal Submissions and Decisions**
Report of the Director of Development Services

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

New standards arrangements were introduced by the Localism Act 2011. The new regime made changes to the way that members' interests are registered and declared.

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.

Under the Council's Code of Conduct, members must act in accordance with the Seven Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership), including the principle of honesty, which says that 'holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest'.

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.

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 DPs 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, and has been published on the Council's website as a downloadable document at [-http://councillors.sheffield.gov.uk/councillors/register-of-councillors-interests](http://councillors.sheffield.gov.uk/councillors/register-of-councillors-interests)

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 Lynne Bird, Director of Legal Services on 0114 2734018 or email lynne.bird@sheffield.gov.uk

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Agenda Item 5

SHEFFIELD CITY COUNCIL

West and North Planning and Highways Committee

Meeting held 13 November 2012

PRESENT: Councillors Peter Rippon (Chair), Janet Bragg, Adam Hurst, Talib Hussain, Bob McCann, Roy Munn, Denise Reaney, Garry Weatherall and Joyce Wright

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1. APOLOGIES FOR ABSENCE FROM MEMBERS OF THE COMMITTEE

1.1 An apology for absence was received from Councillor Trevor Bagshaw 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 public and press.

3. DECLARATIONS OF INTEREST

3.1 Councillor Garry Weatherall declared an interest as a Member of the Ecclesfield Parish Council, in relation to those applications that the Parish Council had considered, but indicated that he would participate in their determination if they were to be considered by this Committee as he had not pre-determined his views on applications during the meetings of the Parish Council.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the meeting of the Committee held on 23 October, 2012, were approved as a correct record.

5. SHEFFIELD CONSERVATION ADVISORY GROUP

5.1 The Committee noted, for information, the minutes of the meeting of the Sheffield Conservation Advisory Group held on 18 September, 2012.

6. SITE VISIT

6.1 **RESOLVED:** That a site visit be arranged for the morning of Tuesday 4th December 2012, in connection with any planning applications requiring a site visit by Members prior to the next meeting of the Committee.

7. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

7.1 **RESOLVED:** That (a) the applications now submitted for permission to develop land under the Town and Country Planning Act 1990 and the Regulations made thereunder and for consent under the Town and Country Planning (Control of

Advertisements) Regulations 1989, be decided, granted or refused as stated in the report to this Committee for this date in respect of Case No. 12/02082/CHU and other applications considered be amended as in the minutes of this meeting, and the requisite notices issued; the granting of any permission or consent shall not constitute approval, permission or consent by this Committee or the Council for any other purpose;

(b) in connection with the decision to grant, conditionally, an application for planning permission for the change of use of a ground floor to a coffee shop at Mr P's Self Service Fruit and Vegetables, 299 South Road, Walkley (Case No. 12/029202/FUL), additional conditions be attached in respect of (i) restricting the hours of use to 08:00 and 19:00 hours on Mondays to Saturdays and between 09:00 and 17:00 on Sundays and Public Holidays only, (ii) the fitting and playing of amplified sound and (iii) the fitting of externally mounted plant or equipment for heating, cooling or ventilation purposes and the fitting of internal grilles, ducts and vents for similar internal equipment, as detailed in a supplementary report circulated at the meeting; and

(c) in connection with the decision to refuse an application for planning permission for the retention of a wooden outbuilding to be used as a garden store/studio at 4 Mowson Hollow (Case No. 12/02729/FUL), authority be given to the Director of Development Services or Head of Planning to take all appropriate steps including, if necessary, enforcement action and the institution of legal proceedings, to secure the removal of the unauthorised outbuilding.

8. QUARTERLY OVERVIEW OF ENFORCEMENT ACTIVITY

- 8.1 The Committee received a report of the Director of Development Services providing a quarterly update of progress on the work being undertaken by the enforcement team.

9. QUARTERLY ENFORCEMENT UPDATE

- 9.1 The Committee received a report of the Director of Development Services outlining progress on enforcement actions authorised by the Committee, or under delegated powers, in the West and North area.
- 9.2 **RESOLVED:** That with regard to the Dial House Club, Far Lane/Ben Lane (Item 12, Page 11 of the report now submitted), the Directors of Legal and Planning Services be requested to submit a joint report to the meeting of the Committee to be held on 2 January, 2013, in respect of the enforcement of outstanding conditions attached to the development.

10. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 10.1 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.

11. DATE OF NEXT MEETING

- 11.1 It was noted that the next meeting of the Committee will be held on Monday 4th December 2012 at 2.00pm at the Town Hall.

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SHEFFIELD CONSERVATION ADVISORY GROUP

Meeting held 23rd October, 2012

PRESENT:	<u>Name</u>	<u>Organisation</u>
	Dr. Philip Booth (Chair)	Co-opted Member
	Mr. Tim Hale (Deputy Chair)	Sheffield Chamber of Commerce
	Prof. Clyde Binfield	20th Century Society
	Mr. Patrick Burns	Co-opted Member
	Mr. Howard Greaves	Hallamshire Historic Buildings Society
	Mr. Graham Hague	Victorian Society
	Mr. Stanley Jones	Hunter Archaeological Society
	Mr. Philip Moore	Sheffield Society of Architects

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1. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Mr. Lee Barron (Royal Institute of Chartered Surveyors), Mr. Rod Flint (Georgian Group), Mr. Bob Hawkins (Council for the Protection of Rural England), Dr. Malcolm Tait (University of Sheffield) and Dr. Alan Watson (Institution of Civil Engineers).

2. **MINUTES,**

The minutes of the meeting held on 18th September, 2012 were approved as a correct record and, arising therefrom, the Group (a) noted that:-

- (i) St John's Methodist Church, Sharrow Lane was not a listed building and was not situated within a conservation area;
- (ii) (A) the organ at the City Hall was a heritage asset,(B) it was in good condition and it was used regularly, and (C) although it had not been restored within the programme of restoration of the City Hall, it was maintained by a group of professional organists and (D) its estimated value was £1million;
- (iii) the Head of Planning would report to the next meeting on the unauthorised advertising hoardings at the TESCO site, facing the Wicker Arches;
- (iv) the auction of the Abbeydale Picture House would take place on 30th October next. The seats still in place would be part of the sale; and
- (iv) Mr. Hawkins would report, at the next meeting, on the significant changes which had been made to the roofs of crucible furnaces within the City, including the ones at Effingham Road and St. Philip's Road, and

(b) regretted the loss of St John's Methodist Church, Sharrow Lane, which was a characterful building in a distinct setting, with which it was very much of a piece.

3. **CHAIR'S REPORT**

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

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

The Group noted that the next meeting of the Sheffield Sustainable Development and Design Panel on 8th November, 2012, had been cancelled, due to a lack of business.

5. **NEW STREET LIGHTING**

Ian Kirby and James Tweddle gave a presentation on the Streets Ahead Project which would improve the City's roads, pavements and streetscene, particularly with reference to the impact of the Project on listed lighting structures and the street lighting within conservation areas.

The Group thanked Mr. Kirby and Mr. Tweddle for their presentation and expressed the opinion that, in general terms, the likely impact of the Project appeared to be positive. The Group accepted that the listed Webb Patent Sewer Gas Lamps within the City would not provide white light, but their light level would be adequate. The Group requested that information be provided, regarding the proposals for road surface treatment within the Project and that the effect of the Project on heritage assets and conservation areas, be made a regular item of business at its future meetings. The Group expressed regret that the cast iron lamps on Council estates, within the City, were not salvageable due to their condition.

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

The Head of Planning reported that :-

- (a)(i) English Heritage had carried out a survey of twenty metal trades buildings at risk, within the City;
 - (ii) a certain amount of funding was available, to enable the owners of properties at risk to carry out repairs;
 - (iii) the Kelham Island, Well Meadows and Sheffield General Cemetery Conservation Areas, were at risk; and
 - (iv) Mr. Bob Hawkins would provide up-to-date information on the these matters, at the next meeting;
- (b) a crucible furnace at 2 Topside, Grenoside had been added to the Statutory List; and
- (c) the mausoleum of the Bright family, at Rodside, Stannington, which had been demolished, was located within the Peak Park.

The Group noted the information.

7. **HERITAGE ASSETS**

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

- (a) **Demolition of the Edwardian Extension of the former Jessop Hospital for Women and the construction of a five storey plus basement building to provide up to 19,725 sq. m. of educational floorspace, plus landscaping and servicing on site of Jessop's Hospital For Women, Leavy Greave Road (Case Number: 12/02874/LBC &**

12/02873/FUL).

The Group deplored the proposal to demolish the Edwardian Building, which was not simply an extension to the Victorian building, but had been a building in its own right with a distinct contribution to the Hospital. Apart from its contribution as part of the historic hospital, the Edwardian wing made an important impact on the townscape of Brook Hill, which was all the more important because of the demolition of the 1930s St George's Wing. The Group considered the proposed replacement building to be unsatisfactory in both massing and detail in its relation to the setting of the Victorian wing of the hospital, which it would overwhelm, and the Grade II* St George's Church. The Group did not think that all the options, either for locating the new Engineering Building on another site, or for developing the site while retaining the Edwardian wing, had been properly explored. There appeared to be some inefficiencies in the use of space in the proposed building, which, if eliminated, could ensure the retention of the Edwardian wing. The Group also noted that since the beginning of the century, very few listed buildings had been demolished and none as important as the Jessop Edwardian wing. The Group requested the Chair to write to the Head of Planning, stating the Group's objections to the scheme and to request a meeting with John Mothersole, Chief Executive and Simon Green, Head of Place, Sheffield City Council.

(b) **Internal alterations including removal of internal walls and external repairs including the formation of 2 new entrances at former Head Post Office Fitzalan Square (Case Number: 12/02757/LBC)**

The Group welcomed the proposal to bring the building back into use and to repair it. The Group considered that the intended use was suitable, as it preserved the character of the building. The Group had no objection, in principle, to the scheme, provided that the development was in keeping with the original condition of the building, to the satisfaction of the Head of Planning.

8. MISCELLANEOUS ITEMS

Members of the Group reported on developments affecting Heritage Assets and Conservation Areas and the Group noted that:-

- (a) the Head of Planning would investigate and report on (i) the condition of the community monument at the Almshouses, close to Dore Station and (ii) an unauthorised door at one of the Almshouses; and
- (b) The Victorian Society had recently published 'Building Schools for Sheffield 1870-1914'.

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

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SHEFFIELD CITY COUNCIL West & North Planning and Highways Committee

Report of: Director of Development Services

Date: 4 DECEMBER 2012

Subject: TREE PRESERVATION ORDER NO. 808/388
LAND BETWEEN 2a PENISTONE ROAD AND 51
ROJEAN ROAD

Author of Report: Andrew Conwill 0114 273 4224

Summary:

TO REPORT AN OBJECTION TO TREE PRESERVATION ORDER NO. 808/388

Reasons for Recommendations

THE GROUNDS FOR OBJECTION ARE CONSIDERED INSUFFICIENT TO PREVENT
PROVISIONAL TREE PRESERVATION ORDER NO.808/388 BEING CONFIRMED

Recommendations:

THAT THE COMMITTEE CONFIRM THE ORDER WITHOUT MODIFICATION

Background Papers:

Category of Report: OPEN

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DEVELOPMENT SERVICES

REPORT TO WEST & NORTH
PLANNING & HIGHWAYS
COMMITTEE
4 DECEMBER 2012

TREE PRESERVATION ORDER NO. 808/388
LAND BETWEEN 2a PENISTONE ROAD AND 51 ROJEAN ROAD

1.0 PURPOSE

1.1 To report an objection to Tree Preservation Order No. 808/388.

2.0 SITE DESCRIPTION

2.1 The site of the order relates to a linear area of land between Penistone Road and Rojean Road that is allocated as an open space area in the adopted Sheffield Unitary Development Plan. An avenue of planted trees fronting Rojean Road together with a group of planted trees to the centre of the site are included in the order. Various trees of limited quality together with trees located on adopted highway land have been excluded.

3.0 BACKGROUND

- 3.1 Outline planning application 12/01009/OUT to erect a dwelling on land adjacent to 2a Penistone Road was received on 11 April 2012. The application was made by Mr R A Swift who with Margaret R Swift became the registered owners of the site and adjoining land on 28 June 2011.
- 3.2 To protect the visual amenity of the proposed development site and adjoining land between 2a Penistone Road and 51 Rojean Road provisional Tree Preservation Order No.808/388 was served on 28 June 2012.
- 3.3 Following the serving of the tree preservation order the applicant, who is the owner of the proposed development site and adjoining land included in the order, has withdrawn outline planning application 12/01009/OUT.
- 3.4 59 written representations objecting to outline planning application 12/01009/OUT were received together with a petition containing 261 signatures which objected to the proposals and requested a tree preservation order be served. 2 written representations which did not object to the outline planning application were received.

4.0 OBJECTIONS TO TREE PRESERVATION ORDER

4.1 An objection to the tree preservation order has been received from Mr B W Stancer, Tatlow Stancer Architects.

5.0 GROUNDS FOR OBJECTIONS AND OFFICER RESPONSE

5.1 *These trees were planted by the Council who trespassed on the land without the owners consent to do so.*

5.2 Trespass is the legal concept of intruding on another persons property that you don't have permission to be on. Officers have carried out searches and found that the Council planted trees T23 -30 as part of a highway improvement scheme. No reference can be found to the other trees being planted, although there is speculation that they formed part of landscape improvement works for The World Student Games. The Council accepts that it has maintained the land until late 2011 when it became aware that the land was privately registered. Until 11th April 2012 the Council have not had contact from previous owners of the land and, owing to this inactivity and silence, had an implied licence to enter the land which negates the need for specific consent to enter the land.

5.3 *The trees are of insufficient size and type to warrant such an order.*

5.4.1 The avenue of twenty two trees (T1 to T22) fronting Rojean Road comprises of seventeen early mature Norway maple trees and four early mature sycamore trees plus one younger replacement Acer species tree that are well established and of high amenity value to the locality. The trees are visually prominent when viewed from Penistone Road and are considered of suitable stature and species to be included in the order. The trees are in the first third of their life and will further enhance the locality as they grow and mature.

5.4.2 The group of eight trees (T23 to T30) to the centre of the site comprising of five mountain ash, two Norway maple and one silver birch tree are smaller in stature and as a group are considered suitable to be included in the order as they are an attractive feature of the site and contribute to the amenity of the locality.

5.5 *The order was made without consultation of the owner.*

5.6 The City Council as Local Planning Authority is not required to consult the owners of land prior to serving an order.

5.7 *The said trees form part of the proposals under a current planning application 12/01009/OUT for which there is an ongoing dialogue between the planning officer and consultants Tatlow Stancer. At no time was the order proposed or discussed under this process.*

- 5.8 It is accepted practice to serve an order without discussions to avoid the potential removal of trees before an order can be made.
- 6.0 EQUAL OPPORTUNITIES IMPLICATIONS
- 6.1 There are no equal opportunities implications.
- 7.0 ENVIRONMENTAL AND PROPERTY IMPLICATIONS
- 7.1 Preservation of the trees will ensure that their amenity value will continue to benefit the area and control can be exercised over their future management. Protection of the trees is consistent with the Council's policies to protect and enhance the City's green environment.
- 8.0 FINANCIAL IMPLICATIONS
- 8.1 There are no financial implications.
- 9.0 RECOMMENDATIONS
- 9.1 After due consideration it is recommended the Committee confirm the order without modification.

David Caulfield
Head of Planning

21 November 2012

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NOTES / REVISIONS:

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TREE SCHEDULE

TREES SPECIFIED INDIVIDUALLY (Encircled in black on the map)

- T1 Acer platanoides (Norway maple)
- T2 Acer species
- T3 Acer pseudoplatanus (Sycamore)
- T4 Acer pseudoplatanus
- T5 Acer pseudoplatanus
- T6 Acer platanoides
- T7 Acer platanoides
- T8 Acer platanoides
- T9 Acer pseudoplatanus
- T10 Acer platanoides
- T11 Acer platanoides
- T12 Acer platanoides
- T13 Acer platanoides
- T14 Acer platanoides
- T15 Acer platanoides
- T16 Acer platanoides
- T17 Acer platanoides
- T18 Acer platanoides
- T19 Acer platanoides
- T20 Acer platanoides
- T21 Acer platanoides
- T22 Acer platanoides
- T23 Sorbus aucuparia (Mountain ash)
- T24 Sorbus aucuparia
- T25 Sorbus aucuparia
- T26 Sorbus aucuparia
- T27 Sorbus aucuparia
- T28 Acer platanoides
- T29 Acer platanoides
- T30 Betula Pendula (Silver birch)

TREES SPECIFIED BY REFERENCE TO AN AREA
None

TREES SPECIFIED BY REFERENCE TO A GROUP
None

TREES SPECIFIED BY REFERENCE TO WOODLAND
None

INDIVIDUAL TREE EXCLUDED FROM TPO X

TREE POSITIONS APPROXIMATE FOR LOCATION PURPOSES ONLY

OS REFERENCE No. 33609377

SHEFFIELD CITY COUNCIL			
PLACE			
Director Les Sturch, MRTPI			
SCHEME:			
TREE PRESERVATION ORDER			
No. 808 /388			
TITLE:			
Land between 2a Penstone Road and 51 Rojean Road			
COMMITTEE:			
PLACE			
SCALE:			
1:500			
Dr:	To:	Ord:	Date:
AC			JUNE 2012
Mkno:			
Drawing No:			
A2 / REP / 808 / 388			
CAD FILE NAME:			



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**SHEFFIELD CITY COUNCIL
West and North Planning and
Highways Committee**

Report of: Director of Development Services

Date: 04/12/2012

Subject: Applications under various acts/regulations

Author of Report: John Williamson

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.
12/02429/FUL	Land Between 30 And 32 Chorley Drive Sheffield S10 3RR	

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SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To The NORTH & WEST Planning And Highways Committee
Date Of Meeting: 04/12/2012

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.

Case Number	12/02429/FUL
Application Type	Full Planning Application
Proposal	Erection of dwellinghouse with integral garage and associated landscaping
Location	Land Between 30 And 32 Chorley Drive Sheffield S10 3RR
Date Received	02/08/2012
Team	NORTH & WEST
Applicant/Agent	Paul Goudge Design
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 number 3931/1/12 Rev A
3931/2/12 Rev A

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 Before the development is commenced, full details of the footpath diversion works shall have been submitted to and approved in writing by the Local Planning Authority, including materials/construction details, any illumination, and temporary arrangements for pedestrians during construction

In the interests of highway and pedestrian safety and the amenities of the locality.

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

In order to ensure an appropriate quality of development.

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

In the interests of the visual amenities of the locality.

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

In the interests of the safety of road users.

- 7 The development shall not be used unless the car parking accommodation has been provided as indicated on the approved plan, surfaced and drained to the satisfaction of the Local Planning Authority, and thereafter retained/maintained for the sole purpose intended

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

- 8 The gradient of shared pedestrian/vehicular access shall not exceed 1:12 unless otherwise approved by the Local Planning Authority.

In the interests of the safety of road users.

- 9 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.

In the interests of the safety of road users.

- 10 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, or any Order revoking or re-enacting that Order, no enlargement, improvement or other alteration or extension of the dwellinghouse; which would otherwise be permitted by Class A to Part 1 of Schedule 2 to the Town & Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 shall be carried out without prior planning permission.

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

- 11 The windows on the side elevations of the dwellinghouse facing No.32 Chorley Drive and No.30 Chorley Drive shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of it shall at any time be glazed with clear glass without the prior approval of the Local Planning Authority.

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

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

In the interests of the visual amenities of the locality.

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

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

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

GE10 - Green Network

CS24 - Maximising the Use of Previously Development Land for New Housing
CS26 - Efficient Use of Housing Land and Accessibility

It is considered that the development would not have an adverse impact upon the character and appearance of the area and would not result in unacceptable levels of overlooking or overshadowing. The proposal is of a density appropriate for this part of the city and, in principle the diversion of the footpath raises no pedestrian or highway safety concerns.

The proposed development would accord with Unitary Development Plan Policy H10, H14, GE10 and GE15 as well as Core Strategy Policy CS24 and CS26

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 or by calling the planning officer, contact details are at the top of this notice.

Attention is drawn to the following directives:

1. As the proposed development will involve the closing/diversion of a footpath(s) you are advised to contact the City Solicitor and Head of Administration, Town Hall, Sheffield, S1 2HH, as soon as possible with a view to the necessary authority being obtained for the closure/diversion of the footpath(s) under Section 257 of the Town and country Planning Act 1990.
2. 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.

3. 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:

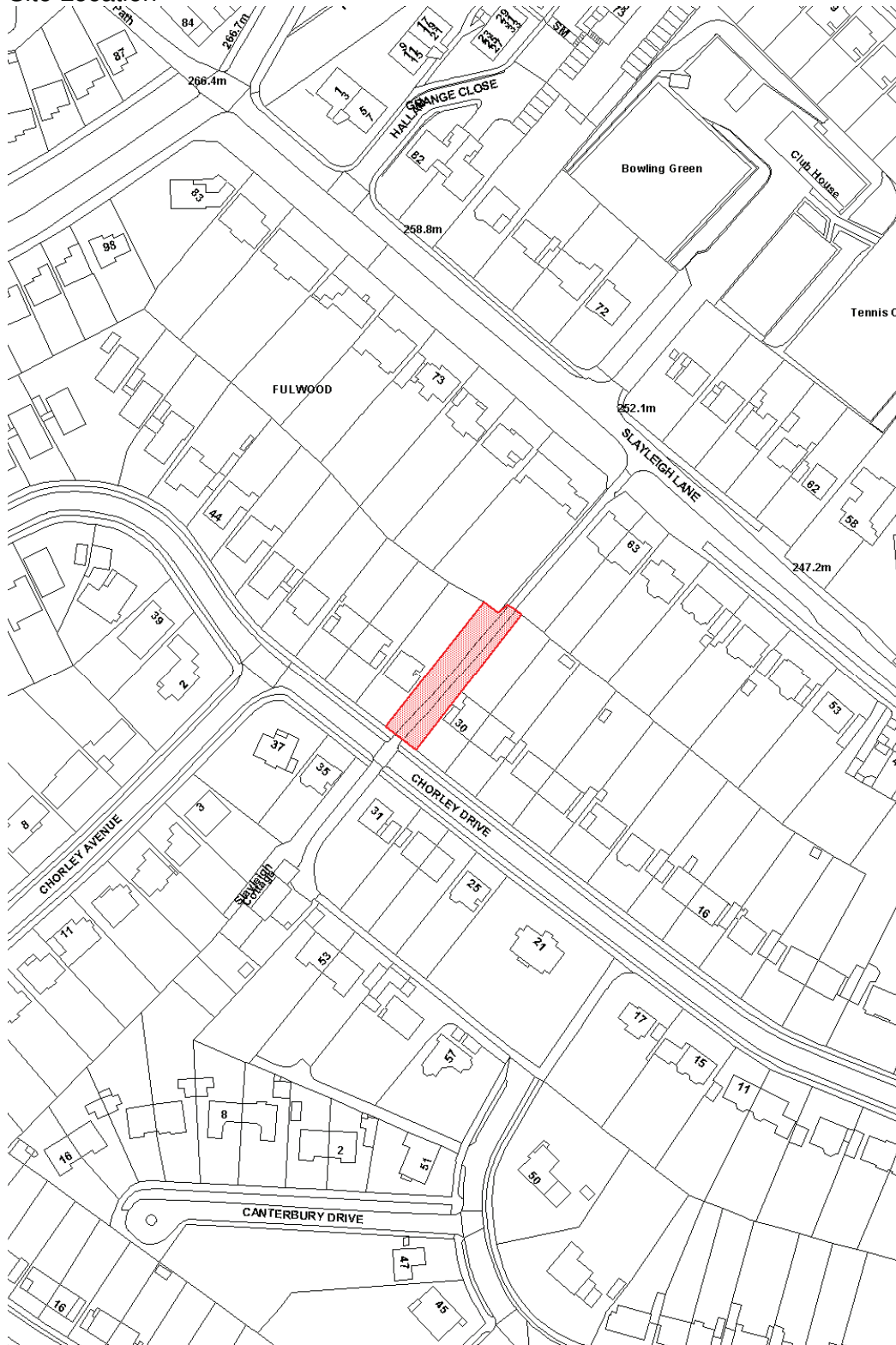
Development Services
Howden House
1 Union Street
Sheffield S1 2SH

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.

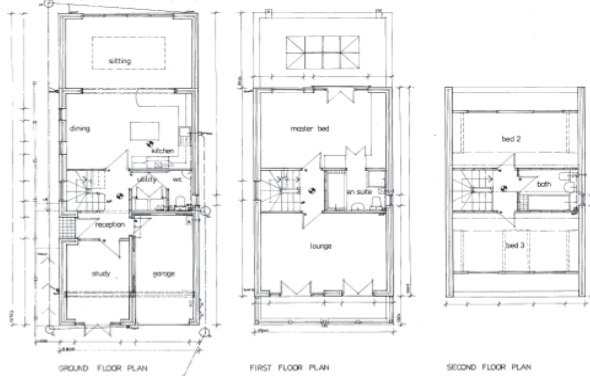
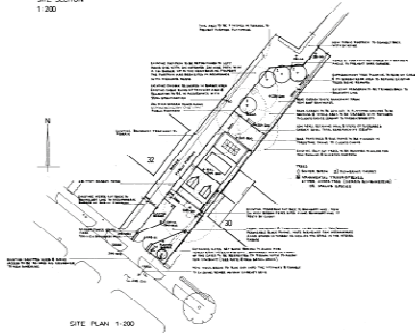
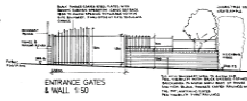
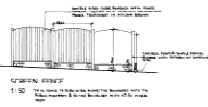
4. The applicant is advised that Sheffield City Council, as Highway Authority, require that drives/vehicular access points be designed to prevent loose gravel or chippings from being carried onto the footway or carriageway, and that they drain away from the footway or carriageway, to prevent damage or injury.
5. 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.
6. 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.
7. The proposed development lies within a coal mining area. In the circumstances applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.
8. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at www.sheffield.gov.uk/planning or apply online at www.planningportal.gov.uk. The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.

For Listed Building Consent and Conservation Area Consent applications an application for confirmation of compliance with planning conditions is still required but there is no fee.

Site Location



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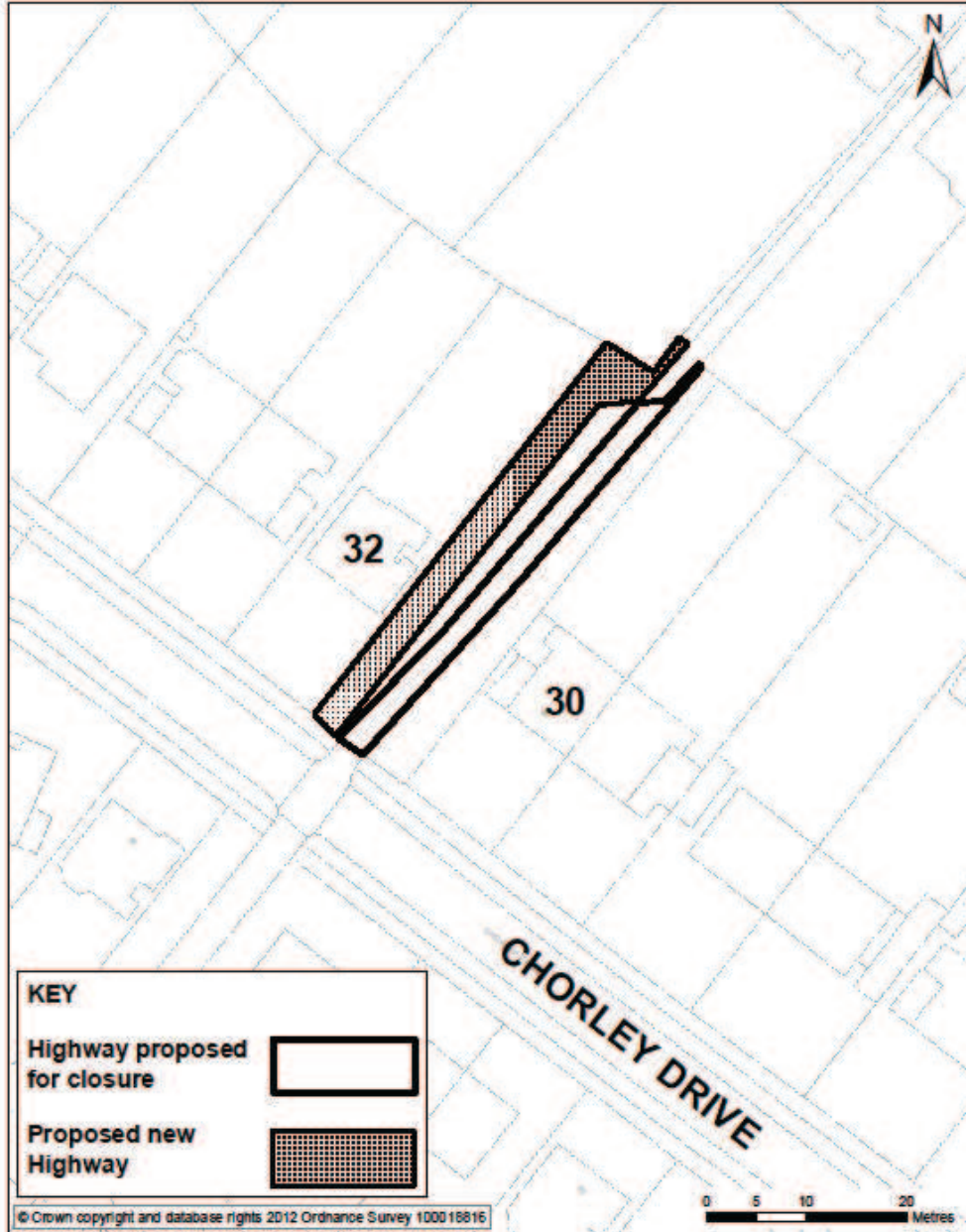
NOTES	
1.	Check all dimensions and levels before construction.
2.	Use the correct materials and finishes as specified in the schedule.
3.	Ensure all work is done in accordance with the relevant building codes and standards.
4.	Obtain all necessary permits and approvals before commencing work.
5.	Protect existing structures and services during construction.
6.	Ensure proper drainage and water management throughout the site.
7.	Use the correct safety procedures and wear appropriate PPE at all times.
8.	Keep the site tidy and free of debris at all times.
9.	Notify the relevant authorities of any changes to the approved plans.
10.	Ensure all work is completed within the agreed time frame.
11.	Provide a final inspection and handover to the client.
12.	Retain all drawings and records for a minimum of 10 years.
13.	Use the correct units and abbreviations as specified in the schedule.
14.	Ensure all work is done in accordance with the relevant building codes and standards.
15.	Obtain all necessary permits and approvals before commencing work.
16.	Protect existing structures and services during construction.
17.	Ensure proper drainage and water management throughout the site.
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26.	Obtain all necessary permits and approvals before commencing work.
27.	Protect existing structures and services during construction.
28.	Ensure proper drainage and water management throughout the site.
29.	Use the correct safety procedures and wear appropriate PPE at all times.
30.	Keep the site tidy and free of debris at all times.
31.	Notify the relevant authorities of any changes to the approved plans.
32.	Ensure all work is completed within the agreed time frame.
33.	Provide a final inspection and handover to the client.
34.	Retain all drawings and records for a minimum of 10 years.
35.	Use the correct units and abbreviations as specified in the schedule.
36.	Ensure all work is done in accordance with the relevant building codes and standards.
37.	Obtain all necessary permits and approvals before commencing work.
38.	Protect existing structures and services during construction.
39.	Ensure proper drainage and water management throughout the site.
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46.	Use the correct units and abbreviations as specified in the schedule.
47.	Ensure all work is done in accordance with the relevant building codes and standards.
48.	Obtain all necessary permits and approvals before commencing work.
49.	Protect existing structures and services during construction.
50.	Ensure proper drainage and water management throughout the site.



Highway Records
Development Services
Howden House
Union Street
Sheffield
S1 2SH

Drawing no.1
Town & Country Planning Act 1990
Section 257
Proposed diversion of footpath
between Chorley Drive and Slayleigh Lane.

Scale: 1:500



LOCATION AND PROPOSAL

The application relates to a piece of land between 30 and 32 Chorley Drive. The site has not been previously developed, being the site of a public footpath that connects Chorley Drive to the south with Slayleigh Lane to the north. The site contains several mature trees with beech hedges forming the boundaries with the neighbouring dwellings on either side (to the west is No.32, a detached dwellinghouse and to the east No.30 is a semidetached property).

Planning permission is sought to erect a detached dwellinghouse with an integral garage on the ground floor and accommodation within the roof space, lit by way of dormers on the front and rear elevations. An indicative street scene elevation has been provided which indicates that the dwellinghouse would be of a commensurate height to the properties on either side of the site. A small terrace / balcony would be created on the front elevation to take advantage of the southern aspect.

The existing footpath would be diverted along the side of the property, between the proposed dwellinghouse and No.32 Chorley Drive.

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area and is surrounded by residential properties.

RELEVANT PLANNING HISTORY

There is no relevant planning history relating to this site.

SUMMARY OF REPRESENTATIONS

8 emails and letters of representation have been received all objecting to the proposed development. This includes a letter from Cllr Janice Sidebottom and raises the following points:

The site is not wide enough to accommodate a public footpath and a dwellinghouse.

The proposed dwelling is narrow and this is emphasised by the three storey height of the proposed dwelling. As such the property would not be in keeping with the surrounding dwellings and would be contrary to UDP Policy H14, BE5 and Core Strategy Policy CS74.

The development would necessitate the removal of three trees and the replacement trees proposed would not compensate for the removal of the established trees.

The proposed boundary treatment to Chorley Drive is too high, would be out of keeping with the street and may pose highway safety concerns.

The development would introduce a 'dogs leg' into the right of way which at present is straight. This may have implications for personal safety.

The development would be contrary to Core Strategy Policy CS74 and CS31 which were introduced to provide greater control over high density developments within the south west of the city.

The remaining letters are from local residents and raise the following issues:

The proposed dwellinghouse, at three storeys, does not fit in with the surrounding properties and the high gates and fencing to the front elevation would worsen this. In these respects the development would not accord with the National Planning Policy Framework (NPPF) which calls for high quality design.

A bridleway crosses the narrow site and the development would appear cramped.

The addition of a 'dog leg' into the footway may result in accidents as people may not be able to see cyclists, joggers coming round the corner and the proposal may result in anti-social behaviour.

The site is a 'green buffer' and harbours a number of sizeable trees. Although overgrown it has created a haven for wildlife;

The upper floor windows and balcony would result in overlooking to neighbouring dwellings;

The development would result in overshadowing of windows in the side of No.30 Chorley Drive.

The site is a 'green lane' with vehicular access rights.

The development would result in increased surface water run off and the land, being clay would not be able to absorb this.

PLANNING ASSESSMENT

Principle of Development

The site is identified on the Unitary Development Plan Proposal Map as being within a Housing Area. UDP Policy H10 sets out that within such areas housing (use class C3) is the preferred use for redevelopment of the site, subject to meeting conditions set out in UDP Policy H14.

Policy H14 sets out that new development will be permitted provided that:

New dwellings are well designed and would be in scale and character with neighbouring buildings;

The site would not be overdeveloped or deprive residents of light, privacy or security or cause serious loss of existing garden space which would harm the character of the neighbourhood.

It would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

Core Strategy Policy CS24 - Maximising the Use of Previously Developed Land for New Housing prioritises the development of previously developed land, requiring that no more than 12% of dwelling completions should be on greenfield sites between 2004/05 and 2025/26. In the period up to 2025/26, housing on greenfield sites can only be developed in certain instances:

- b. on small sites within the existing urban areas and larger villages, where it can be justified on sustainability grounds; and
- d. in sustainably located larger sites within or adjoining the urban areas and larger villages, if annual monitoring shows that there is less than a 5-year supply of deliverable sites.

At present there is less than a 5-year supply of housing land and although the site is a Greenfield site this is no longer sufficient justification to warrant a refusal of the application. The site is within the existing urban area and therefore the proposal may comply with CS24 b and d.

The key point on either of these two conditions is that the site must be sustainable and sustainably located. Paragraph 14 of the NPPF (National Planning Policy Framework) sets out the presumption in favour of sustainable development. It is considered that the site is sustainably located within the built up area and enjoys access to the same facilities enjoyed by an existing community. There are main bus routes within close proximity of the site along Fulwood Road and the site is within walking distance of school, shops and other services. As such it is considered that the proposal does not conflict with policy CS24.

Core Strategy Policy CS26 – Efficient Use of Housing Land and Accessibility sets out that development will be required to make efficient use of land but the density of development should be in keeping with the character of the area. In areas such as this the site would be expected to be developed within the density range of 30 to 50 dwellings per hectare. The density of the proposed development (excluding the relocated footpath) would equate to approximately 28 dwellings per hectare and so the proposed development falls just below the required density level. However, in the interest of maintaining the character of the area, development with a single dwellings as proposed would seem to be appropriate. It is considered that attempting to meet the policy would harm the character of the area and would potentially overdevelop the site. The proposal as it stands is not deemed to be an overdevelopment of the site.

Highways Issues

At present a public footpath runs up the centre of the site which will need to be formally diverted, with the developer/applicant funding all legal costs and construction of a new path on a revised alignment (which would be adopted and maintained at public expense), thereby creating the space for the proposed dwelling. In principle there is no reason why the footpath cannot be diverted as indicated on the submitted application drawings. The footpath would be of

adequate width and it is considered that the bend in the footpath would not pose any pedestrian safety issues.

The mechanism for securing the diversion (re-routing) would be via Section 257 of The Town & Country Planning Act. The argument/reason for closure is to facilitate development. A perfectly acceptable alternative route will be constructed by the developer.

Accordingly, if Members are minded to approve this application they are also requested to confirm that:

No objections are raised to the proposed diversion of the Adopted Public Footpath linking Chorley Drive with Slayleigh Lane required to facilitate this development, as shown on Drawing no. 1 attached to this report, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services which may be affected.

Authority be given to the Director of Legal Services to take all necessary action to divert the footpath using the powers contained in Section 257 of the Town & Country Planning Act 1990 and, in the event of no objections being received or any objections received being resolved, for the Order to be made as an Unopposed Order.

The proposed dwellinghouse itself would have an integral garage of sufficient size to park a car as well as ample room to park a car clear of the highway on the drive in front of the property.

It is considered that the proposed development raises no highway safety concerns and in these respects accords with UDP Policy H14.

Design of Development

The proposed dwellinghouse would provide accommodation over three levels, with the upper floor being located within the roof. The development would follow the existing building line, being set back from the highway the same distance as the properties on either side.

The applicant has submitted an indicative street scene elevation showing the property to be of the same overall height as the properties on either side.

There is some variation in the street scene. To one side of the site is a detached dwellinghouse and to the other a semi-detached dwellings. These both have hipped roofs, however 4 doors up from the site is a dwellinghouse with a gable to the side (as proposed by this application) and next door to that a property with a front facing gable. There are also properties three door down from the proposed development with dormers on the front elevation.

The applicant wishes to have small balcony / terrace area on the front elevation of the property and has provided evidence of similar balconies within relatively close

proximity to the site, around the corner on Chorley Avenue as well as further to the south on Canterbury Crescent and Hallamshire Drive.

The property would be largely of red brick construction, with off-shots to the front and rear having a rendered finish. The roof tiles proposed would match those of the properties to either side. Again there is variation on the street scene with a mixture of brick, render and pebble dashed properties all in evidence.

Concerns have been raised as to the impact that the front boundary treatment would have upon the character and appearance of the area with most properties having a fairly open feel. The applicant has indicated that the front boundary would be a wall less than 1m in height with railings above. Higher fencing is proposed to the sides, and the gates would be set back from the highway. Plants, including a replacement tree are to be planted within the front garden and these would be visible through the railings. As such the property would retain a reasonably open feel whilst maintaining a degree of security. The front boundary treatments are thereby considered to be acceptable.

The proposed dwellinghouse does not seek to replicate what is on either side; however this in its own right is not a reason to refuse the application. As discussed above, elements of the design can be seen within the area. It is considered that the proposed development would not be injurious to the visual amenity of the area.

Tree Issues

The development would necessitate the removal of several trees that currently occupy the site and a tree report has been submitted in support of the application.

Although the trees in question do contribute to the green character of the neighbourhood, they are not deemed in their own right worthy of protection by way of a Tree Preservation Order (TPO). Replacement planting is proposed with a single tree to the front and 4 further trees within the rear garden.

It is considered that the removal of the trees would not significantly affect the character and appearance of the area and the development would not result in serious ecological damage. Replacement planting would assist in maintaining a green link for wildlife.

It is therefore considered that a refusal of the application on the grounds of being contrary to UDP Policy GE10 – Green Networks or GE15 - Trees and Woodlands cannot be justified.

Residential Amenity Issues

As already mentioned the proposed development would follow the existing building line to the front. As such there would be a distance of around 30m from the front elevation of the property and the proposed balcony / terrace to properties on the opposite side of Chorley Drive. This is considered to be adequate separation to ensure that unacceptable levels of overlooking do not occur. In addition the applicant has indicated that the balcony of the terrace would have an etched glass

finish which would ensure some privacy for users of the balcony, whilst reducing any perception of being overlooked (when people were to be sitting down on the balcony very little of them would be visible from the highway / across the road). It is considered that overlooking across the street would not be significantly greater than exists between properties at present.

The main bulk of the property would also be approximately in line with the properties to either side with a flat roofed single-storey off-shot projecting 3.6m beyond the main rear elevation. Upperfloor windows would therefore not result in any greater overlooking of neighbouring gardens / properties to the rear than currently exists along the street. The development would not breach the '45 degree rule' as set out in the Council's Supplementary Planning Guidance on Designing House Extensions and it is considered that the development would not give rise to unacceptable levels of overshadowing or loss of light to the windows to the rear of the properties on either side.

No. 30 Chorley Drive has a hall window on the side elevation on the ground floor as well as a bathroom and w.c. window on the upper floor. The garage to the side of No.30 would ensure that a gap is maintained and the proposed dwellinghouse is not to be built right up to the site boundary. The level of light entering these windows may be affected by the proposal (the light may actually be increased as the tall trees along the site boundary would be removed); however these are not classed as 'habitable room windows' and so the usual separation distance of 12m from a blank wall to a habitable room window is not applicable. The situation would no worse than elsewhere where it is quite usual to have non-habitable room windows on side elevations with only a drives width between properties.

It is considered that a refusal of the application on these grounds cannot be justified.

To the other side No.32 has a dormer on the side elevation that looks onto the application site. This appears to serve a room that has been created above the garage of this property. The view from this window would be affected by the proposed development; however it is considered that given the relative orientation of the dwellings the proposal would not give rise to unacceptable levels of overshadowing of this window. Whilst an objection has been received from the occupiers of this property, the grounds of overshadowing of this window have not been cited.

Windows are proposed on the side elevations of the new dwellinghouse; however these would serve staircases, bathrooms etc. These are not habitable rooms. To ensure that overlooking from these windows cannot occur it is recommended that a condition be attached to any consent requiring these windows to be obscure glazed.

RESPONSE TO REPRESENTATIONS (where necessary)

Issues raised in the representation have been dealt with in the main body of the report above.

Drainage issues would be covered by the Building Regulations; however the applicant has indicated that the front drive and forecourt would be paved using permeable block paving to reduce rainwater run off and the rear garden would be utilised to soak away surface water from the property.

SUMMARY AND RECOMMENDATION

Planning permission is sought for the erection of a dwellinghouse on a piece of land which is currently occupied by a public footpath. As such the footpath would need to be diverted.

It is considered that the development would not have an adverse impact upon the character and appearance of the area and would not result in unacceptable levels of overlooking or overshadowing. The proposal is of a density appropriate for this part of the city and, in principle the diversion of the footpath raises no pedestrian or highway safety concerns.

The proposed development would accord with UDP Policy H10, H14, GE10 and GE15 as well as Core Strategy Policy CS24 and CS26. It is thereby recommended that planning permission be granted with conditions.

If Members are minded to approve this application they are also requested to confirm that:

No objections are raised to the proposed diversion of the Adopted Public Footpath linking Chorley Drive with Slayleigh Lane required to facilitate this development, as shown on Drawing no. 1 attached to this report, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services which may be affected.

Authority be given to the Director of Legal Services to take all necessary action to divert the footpath using the powers contained in Section 257 of the Town & Country Planning Act 1990 and, in the event of no objections being received or any objections received being resolved, for the Order to be made as an Unopposed Order.

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SHEFFIELD CITY COUNCIL West and North Planning & Highways Committee

Report of: Director of Development Services

Date: 4 DECEMBER 2012

Subject:

UNAUTHORISED USE OF OUTBUILDING AS A VEHICLE REPAIR GARAGE AT THE REAR OF 7 SOUTHEY HILL.

Author of Report: K Mahmood 0114 2037758

Summary:

TO INFORM COMMITTEE MEMBERS OF A BREACH OF PLANNING CONTROL AND TO MAKE RECOMMENDATIONS ON ANY FURTHER ACTION REQUIRED

Reasons for Recommendations

THE GROUNDS FOR OBJECTION ARE CONSIDERED INSUFFICIENT TO PREVENT PROVISIONAL TREE PRESERVATION ORDER NO.808/388 BEING CONFIRMED

Recommendations:

That authority be given to the Head of Development Services or Head of Planning to:

- (a) Institute legal proceedings under section 171D of the Town and Country Planning Act, 1990 against the recipient of the Planning Contravention Notice served on the occupier on the 21 September 2012 and on the owners on the 27 September 2012 for failing to reply and,
 - (b) Take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the cessation of the unauthorised use of the property as a vehicle repair garage and require the removal of all vehicles, tools and equipment in connection with the unauthorised use from the property.
-

Background Papers:

Category of Report: OPEN

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DEVELOPMENT SERVICES

REPORT TO WEST & NORTH
PLANNING AND HIGHWAYS
AREA COMMITTEE
4 DECEMBER 2012

ENFORCEMENT REPORT

UNAUTHORISED USE OF OUTBUILDING AS A VEHICLE REPAIR GARAGE AT THE REAR OF 7 SOUTHEY HILL, S5.

1. PURPOSE OF REPORT

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

2. BACKGROUND

- 2.1 The building is a single storey brick built building located within the rear yard of number 7 Southey Hill. The building was previously used as bakery. The building is accessed between No. 5 and No. 7 Southey Hill along a narrow drive. The site lies within a Housing Area as designated in the Sheffield Unitary Development Plan (UDP). To the north and west of the property are residential properties and to the south and east of the property is a small shopping area.
- 2.2 Over the last few years a number of complaints have been received regarding the use of the property as car bodywork and repair garage. Previously when the property was investigated it was found that the property was being used as an unauthorised servicing and repair garage. After the threat of enforcement action the use was subsequently stopped.
- 2.3 A new complaint was received in July 2012 stating that the use of the property as a car repair garage had started again. A number of site visit were made and it was noticed that the property had a number of damaged vehicles parked within the building in various state of repair. Officers have not witnessed any painting taking place at the property.
- 2.4 The occupier of the property has said that he is not running a business from this property and only repairs cars for his own personal use. However, after further investigations it appears that the occupier of the building is advertising vehicles and parts for sale.
- 2.5 To establish facts a Planning Contravention Notice (Section 171C of the Town and Country Planning Act 1990) was served on 21 September 2012 to the occupier and 27 September 2012 to the owner

of the property. A Planning Contravention Notice is an information gathering notice requiring information about land ownership and details regarding the current use of the building and surrounding area. The Notice requires the recipient to respond within 21 days of the date of the Notice. To date, no reply has been received from the owner or the occupier regarding the Notice.

3. ASSESSMENT OF BREACH OF CONTROL

- 3.1 The property lies within a Housing Area as defined in the adopted UDP. The repair of vehicles is considered as a B2 General Industry Use.
- 3.2 Unitary Development Plan Policy H10 states that the use of the building for general industry in housing areas is unacceptable because such uses harm living conditions for people living nearby. They also attract frequent use of heavy vehicles in housing areas and are liable to cause noise, smells or air pollution.
- 3.3 The property is also adjacent to a Shopping Centre as designated within the UDP. General industry use is considered unacceptable within this area, as this type of use is not compatible with the Centre's shopping function and would harm the environment for people who shop or work nearby.
- 3.4 It is considered that the use of the building as a vehicle repair garage is an inappropriate use in a Housing Area. The use of tools, power equipment, movement of vehicles and other associated activities in close proximity to residential property could be a source of excessive noise and disturbance for the living conditions of the neighbouring residents.
- 3.5 As the building is set back from the road and footpath, this allows for an area for possible parking in front of the building and on the access drive which may result in vehicles being repaired outside. This may further increase the problem of noise and disturbance effecting residents. Furthermore the parking of vehicles on the access drive, and the parking of vehicles on the road and could be detrimental to highway and pedestrian safety.

4. REPRESENTATIONS

- 4.1 A number of complaints over the last few years have been received from a local resident regarding the use of the property as a vehicle repair garage. The complainant wanted to know whether planning permission has been granted for this use and also had concerns about the health and safety issues on neighbouring properties when painting and repairing vehicles was taking place.

5. ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 Section 171D of the Town and Country Planning Act, 1990 states: "if at any time after the end of the period of 21 days beginning with the day on which a Planning Contravention Notice has been served on any person, he has not complied with any requirement of the notice, he shall be guilty of an offence".
- 5.2 The information requested in the Notice is essential to ensure effective enforcement action. It is appropriate therefore that Committee considers authorising legal action against the recipient of the Notice for an offence under Section 171D of the Act.
- 5.3 The service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 enables the Local Planning Authority to issue Enforcement Notices where there has been breach of planning control. In this case the notice would require the cessation of the unauthorised use of the property as a vehicle repair garage and require the removal of all vehicles, tools and equipment in connection with the unauthorised use from the property. There is a right of appeal to the Planning Inspectorate against the service of an Enforcement Notice. However it is considered that the Council would be able to defend any such appeal.
- 5.4 A more severe course of action would be to issue a Stop Notice under Section 183 of the Town and Country Planning Act 1990 in conjunction with an Enforcement Notice. In this case it is considered not to be appropriate to serve a Stop Notice as it appears that the use is limited and has not intensified over the last few months. However, this can be kept under review so that if the use intensifies before the Enforcement Notice comes into effect, such a notice could be served to stop the use.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications arising from the recommendations of this report.

7. EQUAL OPPORTUNITY IMPLICATIONS

- 7.1 There are no equal opportunities implications arising from the recommendations of this report

8. RECOMMENDATIONS

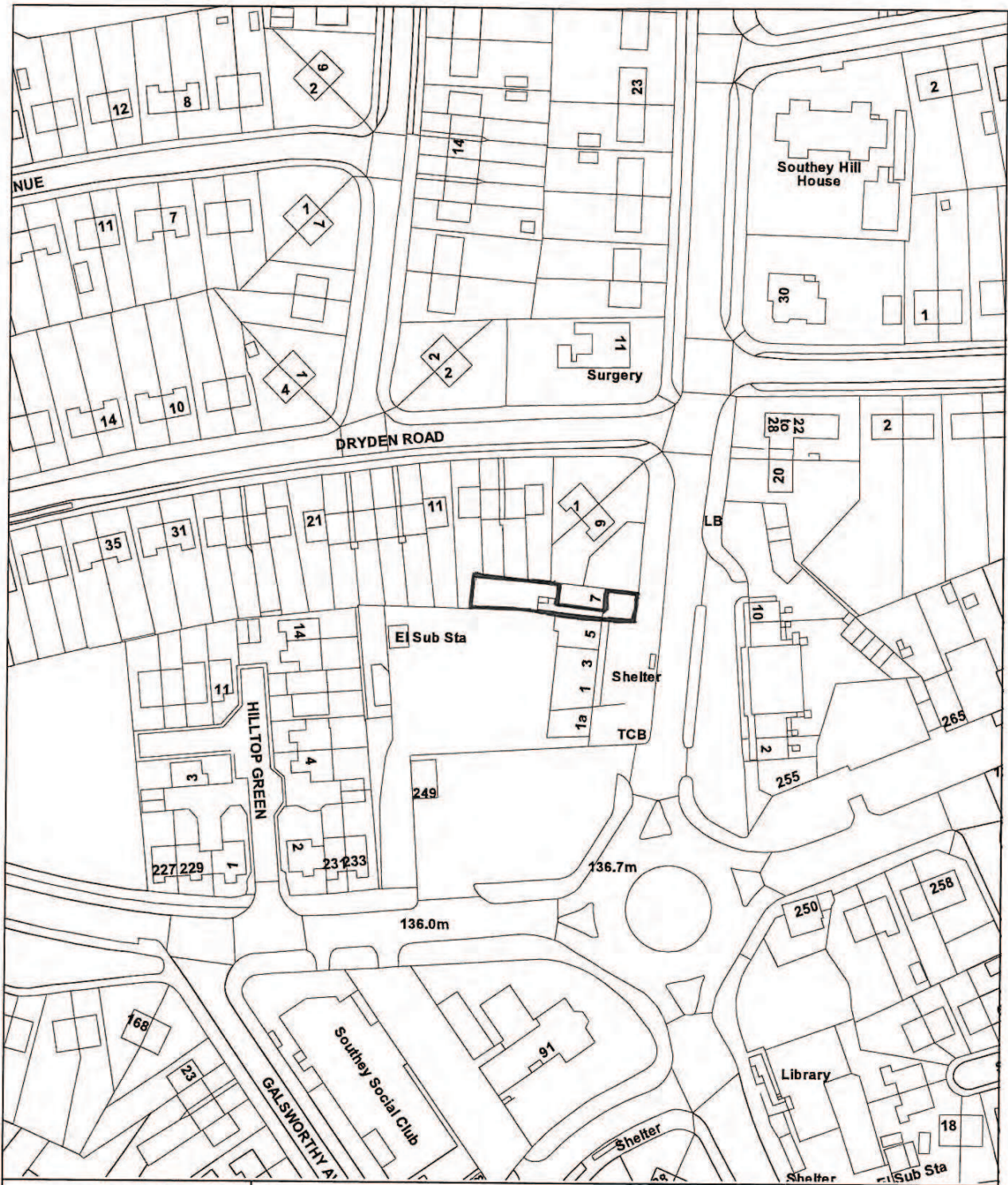
- 8.1 That authority be given to the Head of Development Services or Head of Planning to:
- 1) Institute legal proceedings under section 171D of the Town and Country Planning Act, 1990 against the recipient of the Planning Contravention Notice served on the occupier on the 21

September 2012 and on the owners on the 27 September 2012 for failing to reply and,

- 2) Take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the secession of the unauthorised use of the property as a vehicle repair garage and require the removal of all vehicles, tools and equipment in connection with the unauthorised use from the property.

D Caulfield
Head of Planning


21 November 2012




 Development Services,
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 SHEFFIELD
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Date: 20 October 2010

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SHEFFIELD CITY COUNCIL West & North Planning & Highways Committee

Report of: Director of Development Services

Date: 4 DECEMBER 2012

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Sue McGrail 0114 2734404

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

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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 APPEALS DECISIONS - DISMISSED

(i) An appeal has been dismissed by the Secretary of State against the decision of the City Council to refuse planning permission, under delegated powers, for the change of use from an electrical retail outlet to a fish & chip shop at 157 Spital Hill (Case No 11/02110/CHU).

Officer Comment:-

The main issue was considered to be the effect of the use on the vitality and viability of the Spital Hill District Centre. It was considered that the loss of an additional retail unit would further reduce the dominance of preferred uses and this would be contrary to development plan policy. Accordingly, the appeal was dismissed.

(ii) An appeal has been dismissed by the Secretary of State against the decision of the City Council to refuse planning permission, under delegated powers, for a two-storey rear and side extension and alterations to 3 dwellinghouses at 95 to 99 Darwin Lane (Case No 11/03701/FUL)

Officer Comment:-

The proposed extension would significantly reduce the already limited space at the side and rear of the terrace bringing development up to 1 metre from a retaining wall at the rear. The Inspector considered the prospect from kitchen and ground floor living areas would be unpleasantly dark and dismal, a perception that would be accentuated by the impression of incarceration behind a bleak, blank wall. The right of way at the rear would bring users closer to the rear windows of the other properties and curtail the limited amenity space available. The Inspector considered that this would be an overdevelopment of the site, detrimental to the locality and to the amenities of prospective occupants, contrary to Policy H14 of the UDP.

A claim for costs against the Council was made. In this, the Inspector concluded that the Council's decision was embedded in the relevant policies and guidance and was well founded. There was no unreasonable behaviour resulting in unnecessary expense and so the application for costs was refused.

3.0 RECOMMENDATIONS

That the report be noted

David Caulfield
Head of Planning

21 November 2012