

## DEVELOPMENT SERVICES

REPORT TO PLANNING &  
HIGHWAYS COMMITTEE  
26 November 2013

### 1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

This report provides a schedule of all newly submitted planning appeals and decisions received, together with a brief summary of the Secretary of State's reasons for the decisions.

### 2.0 NEW APPEALS RECEIVED

(i) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for demolition of existing public house and erection of a convenience store (Use Class A1) and hot food takeaway (Use Class A5) at Site Of Old Cart And Horses Inn 2 Wortley Road High Green Sheffield S35 4LU (Case No 12/03543/FUL)

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for erection of a dwellinghouse (Amended plans received 18/07/2013 and 02/08/2013) at Curtilage Of 61 Armstead Road Beighton Sheffield S20 1ES (Case No 13/01909/FUL)

(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for Application under Sec 73 to remove condition 18 (provision of green/brown roofs) imposed by 09/00805/FUL (Erection of 8 dwellinghouses with garages and new access road) at Land At The Junction Of Stumperlowe Crescent Road And Storth Lane Stumperlowe Crescent Road Sheffield S10 3HW (Case No 13/00037/FUL)

### 3.0 APPEALS DECISIONS - DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse advertisement consent for 2 banner signs at Toys R Us Unit A Meadowhall Retail Park Attercliffe Common Sheffield S9 2YZ (Case No 13/01438/ADV) has been dismissed.

Officer Comment:-

The Inspector agreed that the store is highly visible from the main road due to its position. He considered that the quality of the pvc banner sign on the front elevation would have a makeshift appearance and detract from the quality of

the existing permanent signage and the one on the side elevation would have the same negative effect and would also relate poorly to the positioning of the permanent signage and amount to advertisement clutter. He concluded that the signs would detract from the ordered appearance of the existing retail unit and the overall setting of the Retail Park to the detriment of visual amenity.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for continued use of land as temporary car park (including agent's email dated 05.10.2012) at Bowesfield Investments Ltd Car Park On Site Of Richardsons Cutlery Works Alma Street Sheffield S3 8SA (Case No 12/02490/CHU) has been dismissed.

Officer Comment:-

The Inspector concluded that the permanent use of the land as a car park is contrary to development plan policies and the long-term and strategic objectives set out in the Core Strategy in relation to transport. Whilst understanding the appellant's desire to obtain income pending redevelopment he felt that this did not outweigh the harm caused to the Council's long-term transport objectives, the conflict of traffic manoeuvres on Cotton Street due its very limited width, the lack of any proper surfacing, signing and lining or street lighting (leading to personal safety issues) and the lack of warning notices that the site is in Flood Zone 2. The Inspector also noted that these items had been asked for through conditions on the temporary consent but had never been provided. On the basis of all of these concerns he considered that the continued use of the car park was unacceptable.

He ordered the cessation of the use of the car park by 11 November and the removal of all related equipment (pay and display machines etc) by 25 November.

#### 4.0 APPEALS DECISIONS - ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for single storey rear extension to dwellinghouse - the extension is 6m from the original rear of the dwellinghouse, the height is 4m and the eaves height is 3m at 11 Ferrars Close Sheffield S9 1WT (Case No 13/02055/HPN) has been allowed.

Officer Comment:-

The Inspector considered that the Council's Supplementary Planning Guidance on Designing House Extensions had limited weight in this case because of the temporary amendment to the General Permitted Development Order until 30 May 2016 to allow larger house extensions. He considered that the bulk of the side wall of the extension would be screened by an existing boundary fence (a point on which officers disagree given that the extension could be up to 4 metres high and the fence is only 1.8 metres high) and would not result in an overbearing effect, particularly given the orientation of the property (to the north of the adjoining semi) and the size

of the gardens. He concluded that it would not have an adverse impact on the occupiers of adjoining property.

## 5.0 APPEAL WITHDRAWN

(i) To report that an appeal against the decision of the City Council at its meeting of the 2 July 2013 to refuse planning permission for demolition of public house (Use Class A4) and erection of retail store (Use Class A1) with associated landscaping, car parking and servicing (In accordance with amended plans and elevations received 11.06.2013) at Bradway Hotel Bradway Road Sheffield S17 4QW (Case No 13/01343/FUL) has been withdrawn.

Officer Comment:-

This appeal was withdrawn after permission was granted for an alternative scheme, at the Planning Committee meeting of 15<sup>th</sup> October 2013.

## 6.0 APPEAL – ENFORCEMENT NOTICE

(i) To report that an appeal against an enforcement notice served in respect of the breach of planning control for the use of land from pasture land to domestic garden area at land adjacent to The Old Dairy 8 White Lane Gleadless Sheffield S12 3GB has been dismissed and the enforcement notice upheld, subject to a correction and variation.

Officer Comment:-

The Inspector noted that the site is in the adopted Green Belt and concluded that the change of use to domestic garden is inappropriate development as defined in the National Planning Policy Framework (NPPF) and the appellant did not provide any very special circumstances to justify a departure in this case. The site is readily visible from nearby properties and from agricultural land and its use erodes the rural character of the area. He concluded that the change of use reduces the openness of the Green Belt and detracts from its character and appearance, thereby conflicting with the aim of the Green Belt in safeguarding the countryside from encroachment, contrary to the NPPF and Core Strategy Policy CS71, as well as UDP saved Policy GE1.

He ordered that the use of the land cease and the land be reinstated to pasture land within 6 months of the decision.

(ii) To report that an appeal against an enforcement notice served in respect of the breach of planning control for the unauthorised use of land as a car park at site of Richardsons Cutlery Works Alma Street Sheffield has been dismissed and the enforcement notice upheld.

Officer Comment:-

See item 3.0 (ii) above

(iii) To report that an appeal against a conservation area enforcement notice served in respect of the contravention of conservation area control for the substantial demolition of the boundary wall to Cotton Street at site of Richardsons Cutlery Works Alma Street Sheffield has been dismissed and the conservation area subject to variation.

Officer Comment:-

The Inspector recognised that the appellant had not sought advice from the Council before proceeding to demolition and could not provide any documentary evidence as to the instability of the wall; neither did they seek alternatives to demolition, such as shoring up the wall or seeking a temporary road closure, or removing the minimum amount of wall necessary to prevent health and safety dangers to passers-by. On this basis it failed the statutory tests that should have been applied if works were urgently required.

On the characteristics of the conservation area, the Inspector noted that one of these was the street pattern of long, narrow streets often enclosed by workshops or walls, as is the case with Cotton Street. He considered the wall the subject of the appeal to be a substantial feature, being 2.5 metres high, extending to half the length of the street, contributing significantly to the street's character. He dismissed the appeal and ordered the wall to be rebuilt within 15 weeks of the decision.

## 7.0 RECOMMENDATIONS

That the report be noted

David Caulfield  
Head of Planning

*26 November 2013*