

# Planning and Highways Committee

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**Tuesday 11 June 2013 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), Trevor Bagshaw, David Baker, Janet Bragg, Tony Downing (Deputy Chair), Jayne Dunn, Ibrar Hussain, Bob Johnson, Bob McCann, Peter Price, Peter Rippon, 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.

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## **PUBLIC ACCESS TO THE MEETING**

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The Planning and Highways Committee is responsible for planning applications, Tree Preservation Orders, enforcement action and some highway, footpath, road safety and traffic management issues.

A copy of the agenda and reports is available on the Council's website at [www.sheffield.gov.uk](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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**PLANNING AND HIGHWAYS COMMITTEE AGENDA  
11 JUNE 2013**

**Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public.
- 4. Declarations of Interest**  
Members to declare any interests they have in the business to be considered at the meeting.
- 5. Minutes of Previous Meeting**  
Minutes of the meetings of the Committee held on 15 and 21 May 2013.
- 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 Diversion of Public Footpath between Chorley Drive and Slayleigh Lane, Fulwood**  
Report of the Director of Development Services.
- 8. Variation of Planning Obligations in respect of land at Alsing Road, Blackburn Meadows**  
Report of the Director of Development Services.
- 9. Applications Under Various Acts/Regulations**  
Report of the Director of Development Services.
- 10. Record of Planning Appeal Submissions and Decisions**  
Report of the Director of Development Services.
- 11. Date of Next Meeting**  
The next meeting of the Committee will be held on 2 July 2013.

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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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](mailto:lynne.bird@sheffield.gov.uk)

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## SHEFFIELD CITY COUNCIL

### Planning and Highways Committee

#### Meeting held 15 May 2013

**PRESENT:** Councillors Alan Law (Chair), David Baker, Janet Bragg, Tony Downing, Jayne Dunn, Ibrar Hussain, Bob Johnson, Peter Price, Peter Rippon (Deputy Chair), Garry Weatherall and Joyce Wright

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#### **1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor Bob McCann.

#### **2. APPOINTMENT OF CHAIR AND DEPUTY CHAIR**

2.1 **RESOLVED:** That Councillor Alan Law be appointed Chair and Councillor Peter Rippon be appointed Deputy Chair of the Planning and Highways Committee.

#### **3. DAY AND TIME OF MEETINGS**

3.1 **RESOLVED:** That meetings of the Committee be held on Tuesday 21st May 2013 and every three weeks thereafter at 2.00pm.

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**SHEFFIELD CITY COUNCIL**

**Planning and Highways Committee**

**Meeting held 21 May 2013**

**PRESENT:** Councillors Alan Law (Chair), Trevor Bagshaw, David Baker, Janet Bragg, Tony Downing, Jayne Dunn, Ibrar Hussain, Bob Johnson, Peter Price, Peter Rippon, Garry Weatherall and Joyce Wright

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**1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor Bob McCann 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 There were no declarations of interest.

**4. SITE VISIT**

4.1 **RESOLVED:** That the Director of Development Services, in liaison with the Chair, be authorised to make arrangements for a site visit on Thursday 6 June 2013, in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

**5. PLANNING AND DESIGN BRIEF - FORMER ABBEYDALE GRANGE SCHOOL, BANNERDALE CENTRE AND PARK SITES**

5.1 The Director of Development Services submitted a report informing Members about the outcome of public consultation on the draft Planning Brief in respect of the former Abbeydale Grange School, Bannerdale Centre and Park Sites and seeking formal adoption of the final version of the Brief as a material consideration in determining planning applications for the site.

5.2 Representatives of the Friends of Springwood Park and the Carterknowle and Millhouses Community Group attended the meeting to make representations to the Committee in respect of the Planning Brief.

5.3 **RESOLVED:** That the Committee:-

(a) approves and adopts the Brief as a material consideration in determining planning applications within the former Abbeydale Grange School,

Bannerdale Centre and Park Sites;

- (b) approves the Brief to inform development proposals for the site; and
- (c) extends its thanks to Councillor Leigh Bramall, Cabinet Member for Business, Skills and Development for referring the Planning Brief at an important site for the City to this Committee for endorsement.

## **6. ARTICLE 4(1) DIRECTION, NEWFIELD LANE, DORE**

- 6.1 The Director of Development Services submitted a report informing Members of the confirmation of an Article 4(1) Direction in respect of 20 Newfield Lane and its implications.
- 6.2 The report stated that the owner of 20 Newfield Lane submitted an application in respect of a substantial outbuilding within the extensive garden area to the side of the dwelling in April 2012. The application sought to establish that the outbuilding fell within Class E to Part 1 of Schedule 2 to the General Permitted Development Order (GPDO). There was significant local opposition to the proposal.
- 6.3 The application provided evidence of a significant threat to the open character of the Green Belt and the Area of High Landscape Value. In recognition of this, and of the significant level of public opposition to the proposed outbuilding, officers considered that all forms of future development in this prominent Green Belt location adjacent to open countryside and fronting the west side of Newfield Lane, which was not substantially developed, should be subject to an application for planning permission. Members agreed that it was appropriate to exercise powers set out within the Town and Country Planning (General Permitted Order) 1995 (as amended) to make an Article 4(1) Direction to remove permitted development rights from this property, in the public interest.
- 6.4 The Direction came into force on 10<sup>th</sup> September 2012 and was reported to Members on 15<sup>th</sup> October 2012. The Direction did not prevent the works that would otherwise be permitted development from taking place, but instead it required that planning permission be first obtained.
- 6.5 The Article 4(1) Direction was confirmed on 8 March 2013. No objections were received during the formal consultation process although the owners of the subject property had confirmed that their lack of objection was made without prejudice to any future applications, appeals and legal proceedings made by them in respect of the development of the land in which they have an interest, at or adjacent to the subject site. The representation explained that the caveat included any action which may be taken to establish rights relating to development commenced prior to the service of the Direction.
- 6.6 **RESOLVED:** That confirmation of the previously served Article 4(1) Direction at 20 Newfield Lane, Dore removing permitted development rights from the property, as set out in the report, be noted.

## **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 Nos. 12/03919/FUL, 12/03920/LBC, 13/00938/FUL and 13/01248/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;
- 7.2 (b) following consideration of an amended description and additional information and, subject to an amendment to condition 2 and additional conditions, as contained within a supplementary report circulated at the meeting, an application for planning permission for the erection of 2 x 4 storey blocks of student accommodation (providing 40 bedspaces in 6 cluster flats) and provision of associated disabled car parking spaces, bike/refuse storage and landscape works at Norfolk Park Student Residence, 200 Norfolk Park Road (Case No. 11/02455/FUL) be granted, conditionally, subject to legal agreement;
- (c) following consideration of representations made at the meeting from the agent to the applicant, speaking against the recommendation to refuse and, notwithstanding the officer's recommendation, consideration of an application for planning permission for the erection of a dwellinghouse at the curtilage of Wadsley Lodge, 1 Laird Road be deferred pending further negotiation with the applicant in respect of materials for the development;
- (d) following consideration of (i) additional information and an additional representation and, subject to amendments to various conditions and additional conditions, as outlined in a supplementary report circulated at the meeting, and (ii) a representation at the meeting from the applicant speaking in favour of the development, applications for planning permission for the erection of a mixed-use development incorporating educational facilities and associated functions (Class B1/D1), 53 student cluster flats containing 287 bedspaces and facilities together with associated works including access and ancillary facilities (Phase 10; conversion and refurbishment of former St. Lukes School Building for office use (Phase 2). Site at 29 to 65 Garden Street (Case No. 13/00576/FUL) be granted, conditionally, subject to legal agreement; and for Conservation Area Consent for the demolition of modern extensions attached to 29-31 Garden Street (former St. Luke's School Building) (Case No.13/00577/CAC) be granted conditionally; and
- (e) subject to amendments to various conditions and additional conditions, as outlined in a supplementary report circulated at the meeting, and an amendment to condition 4 requiring an information board to be erected following the development, an application for planning permission for the erection of 88 dwellings with associated car parking accommodation and landscaping works at land between Wybourn House Road, Maltravers Place, Cricket Inn Road and Cricket Inn Crescent (Case No. 13/00638/FUL) be granted, conditionally, subject to legal agreement.

**8. ENFORCEMENT OF PLANNING CONTROL: 5 CLIFFE FARM DRIVE**

- 8.1 The Director of Development Services submitted a report informing Members of a breach of planning control in relation to the unauthorised use of a residential property as a base for a dog boarding/dog crèche business at 5 Cliffe Farm Drive.
- 8.2 The report stated that Planning Enforcement had received complaints from a number of sources in April 2012 with regard to the use of 5 Cliffe Farm Drive as the base for a dog boarding business. These complaints also mentioned that the owner of the property was operating a dog crèche and dog walking business from the property.
- 8.3 It was clear on receipt of these concerns that the animal warden service needed to be involved and as such regular joint site visits had been made throughout this investigation.
- 8.4 The premises were visited by a planning officer and enforcement officer to see what activity was actually taking place at the premises. The owner was advised at this initial meeting that the use of residential premises for this kind of business would be unacceptable and that any planning application, should it be made, would not be supported.
- 8.5 It was shortly after this initial meeting that the owner of the business advised officers that he was looking for alternative premises and that he would try and move the business away from his home.
- 8.6 In October 2012 the owner applied to change the use of a disused industrial building on Little London Road in the south area of Sheffield. This application was to convert the building into a dog day care centre where people can have their dogs looked after during the working day. Alongside this there was also a boarding element which would allow dogs to be kennelled for overnight stays.
- 8.7 After lengthy discussions and a number of amendments the application was granted permission conditionally on the 7<sup>th</sup> December 2012. Work commenced on site quickly after this, however the owner has encountered some difficulties in obtaining the appropriate license for the premises.
- 8.8 Further complaints were received about the number of dogs at the premises in Cliffe Farm Drive and a Temporary Stop Notice was served in January 2013 in an attempt to limit the number of dogs at the premises to 3. This was the number that officers considered not to be unduly excessive for a normal family household to own, and at a level that could be undertaken without the need for planning permission.
- 8.9 The Temporary Stop Notice was served on 4<sup>th</sup> January 2013 and lasted for 28 days. When the premises were visited during this time, excessive numbers of dogs were not witnessed and no reports were received. It was therefore considered at this stage that the notice was being complied with. In addition to Planning Enforcement action, the number of dogs the owner was permitted to house through

his licence issued by the Licensing Service was reduced to 3 dogs, from the 6 that had previously been the case.

8.10 More recently however, reports had been received that more than 3 dogs were being looked after at the premises and when a joint visit with the Animal Warden took place it was found that there were at least 6 dogs in the property. There was no response from the owner to officer's attempts to gain access to the property, in order to verify this for certain.

8.11 Complaints were received from local residents on Cliffe Farm Drive, and on Greystones Road concerned with a business being run from residential premises and its impact on neighbours, particularly with regard to noise and disturbance, from up to 18 dogs being housed or cared for at any one time, through both day and night. They also raised safety concerns as on a number of occasions dogs had escaped from the property and entered neighbouring gardens.

8.12 Further comments within the complaints referred to the distress and tension this caused for residents, and the reduction in property values and/or increase in the number of neighbouring properties for sale that had occurred as a result.

8.13 **RESOLVED:** That:-

(a) the Director of Development Services or Head of Planning be authorised to take any appropriate action including, if necessary enforcement action and the institution of legal proceedings to secure the cessation of the use of 5 Cliffe Farm Drive as a base for a Dog Boarding/Dog crèche business for more than 3 dogs at any one time; and

(b) delegated authority be given to the Head of Planning, in consultation with the Chair of the Planning and Highways Committee, to vary the action authorised to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

## **9. ENFORCEMENT OF PLANNING CONTROL: WHIRLOW ELMS CHASE**

9.1 The Director of Development Services submitted a report informing Members of a breach of planning control in relation to the unauthorised retention of buildings and use of land and building as a builder's store and compound, Whirlow Elms Chase.

9.2 The report stated that planning approval was granted in 2008 for 5 dwelling houses and garages, reference 07/04759/FUL. Subsequent to this there have been 2 more applications relating to the substitution of house types. These have included amendments to the design of the houses such as the addition of solar panels and conservatories.

9.3 During these planning applications there were a number of representations received. These covered a variety of issues such as increase of traffic in area and the impact/disturbance caused by the development on the nearby protected species.

9.4 The area that was the subject of the report was previously occupied by the school caretaker's house and was shown on all approved plans as a reclaimed landscaped area. Demolition of the caretaker's house was an important consideration in the assessment of an acceptable level of built form on the site, taking into account the impact of the development upon the Green Belt, and ensuring its open character was maintained. None of the plans on any application showed this area as anything but an open landscaped area. Indeed, the demolition of the former building was detailed in the following condition:-

"No dwelling house shall be occupied prior to demolition of the former caretaker's dwelling house."

9.5 The houses were completed and were occupied. The development was completed apart from the area which was the subject of the report, which was required to be landscaped. The failure to demolish this was therefore a breach of condition 15 of 11/01022/FUL.

9.6 The developer has maintained that he has complied with the wording of the appropriate planning condition. He has claimed that the boiler house did not form part of the caretaker's house and therefore as such did not need to be demolished.

9.7 It was officer opinion that as the boiler house was attached to the house that occupied the site then the condition covered all aspects of the building and therefore this would have led to the site being left as indicated on the approved plan.

9.8 The developer attended the meeting to make representations against the recommendation to enforce and submitted a variance of condition application. Also in attendance was a member of the public speaking in favour of the recommendation on behalf of local residents.

9.9 **RESOLVED:** That:-

(a) the Director of Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the complete demolition of remaining caretaker's house buildings, the cessation of the land as a builder's store and compound and full implementation of the landscaping proposals for the site; and

(b) delegated authority be given to the Head of Planning, in consultation with the Chair of the Planning and Highways Committee, to vary the action authorised to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

## 10. APPOINTMENT OF DEPUTY CHAIR

10. **RESOLVED:** That Councillor Tony Downing be appointed as Deputy Chair of the Committee in place of Councillor Peter Rippon for the 2013/14 municipal year.



**11. DATE OF NEXT MEETING**

11.1 It was noted that the next meeting of the Committee will be held on 11 June 2013.

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## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Director of Development Services

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**Date:** 11 June 2013

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**Subject:** PROPOSED DIVERSION OF PUBLIC FOOTPATH  
BETWEEN CHORLEY DRIVE AND SLAYLEIGH  
LANE, FULWOOD

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**Author of Report:** Richard Day 0114 273 6301

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**Summary:** To seek authority to submit the City of Sheffield (Public Path between Chorley Drive and Slayleigh Lane) Diversion Order 2013 to the Secretary of State for Environment, Food and Rural Affairs for confirmation in the light of an objection having been received.

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**Reasons for Recommendations:** The only justification for diverting the path is that it is necessary to do so in order to enable the development to be carried out in accordance with the planning permission. The objection, despite being wide-ranging and covering issues already considered through the planning process, does not argue against that central justification.

**Recommendations:** The Director of Legal Services submits the City of Sheffield (Public Path between Chorley Drive and Slayleigh Lane) Diversion Order 2013 to the Secretary of State for confirmation.

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**Background Papers:**

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**Category of Report:** \*Open/Closed \*(delete as appropriate)

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PROPOSED DIVERSION OF PUBLIC FOOTPATH BETWEEN CHORLEY DRIVE  
AND SLAYLEIGH LANE, FULWOOD

1. PURPOSE

- 1.1 To seek authority to submit the City of Sheffield (Public Path between Chorley Drive and Slayleigh Lane) Diversion Order 2013 to the Secretary of State for Environment, Food and Rural Affairs for confirmation in the light of an objection having been received.

2. BACKGROUND

- 2.1 Following authority obtained along with planning consent 12/02429/FUL at the West & North Planning & Highways Committee on 4<sup>th</sup> December 2012, the City Council made an Order on 19<sup>th</sup> March 2013, under Section 257 of the Town & Country Planning Act 1990, for diversion of part of the public footpath which runs between Chorley Drive and Slayleigh Lane, Fulwood, as shown on the Order plan, a copy of which is included at Appendix A to this Report. (Appendix B to this Report is a context plan showing the wider location within Sheffield of the path in question). The justification for the proposed diversion (indeed, the only justification there can ever be to use this particular power) is that it is necessary in order to enable the development to be carried out in accordance with the planning permission.
- 2.2 Following the publication of the Order, the Director of Legal Services received an objection from a solicitor acting for a resident of one of the houses adjoining the development site.
- 2.3 The contents of the objection are summarised in Appendix C to this Report, along with Officers' views in response.

3. LEGAL IMPLICATIONS

- 3.1 If objections are made to Town & Country Planning Act Section 257 Orders, then in order to progress the matter, the Order has to be submitted to the Secretary of State for confirmation, which process includes his consideration of those objections.
- 3.2 There is no absolute requirement that any Order which is opposed (as in the present case) must be sent to the Secretary of State. Therefore, if an authority feels that, as a result of new information raised in an objection, it can no

longer support the Order, then a formal resolution by that authority not to proceed is all that is required to bring the procedure to an end. The City Council has taken similar action to this in the past. This would be the outcome here if Committee chooses not to approve this Report – the Order would be cancelled, and the development would not be able to go ahead, despite its planning consent.

#### 4 HIGHWAY IMPLICATIONS

- 4.1 The highways issues around the proposed footpath diversion (and the proposed development in general), were described in the planning report approved by the West & North Committee on the 4<sup>th</sup> December 2012. The proposal has not altered since that date, and indeed the development has now got planning consent, hence it is still recommended that the footpath should be diverted.

#### 5. CONSULTATIONS

- 5.1 The usual action in the face of an objection to a footpath diversion proposal would be to facilitate a negotiation between the applicant and the objector on the details of the matter. But in this case officers believe that there is little prospect of any negotiation on details which might lead to withdrawal of the objection, as the main thrust of the objection appears to be against the principle of the footpath diversion (and, indeed, of the development as a whole).
- 5.2 Officers have, however, written back to the objector, pointing out their view that the objection does not appear relate to the one central reason being used to justify the Order, and explaining the process from this point onwards if the objection is not withdrawn. At the time of submitting this report, the objection has not been withdrawn. Committee will be informed verbally at the meeting if there is any change or update to this.

#### 6. EQUAL OPPORTUNITY IMPLICATIONS

- 6.1 No particular equal opportunity implications arise from the proposals in this report.

#### 7. ENVIRONMENTAL IMPLICATIONS

- 7.1 No particular environmental implications arise from the proposals in this report.

#### 8. FINANCIAL IMPLICATIONS

8.1 All costs associated with the diversion of the footpath, including any costs arising out of the Secretary of State's requirements for confirmation of the Order, will be met by the applicant, therefore the effect on the existing Revenue Budget is considered to be neutral.

## 9. CONCLUSION

9.1 In summary, and bearing in mind that the only justification for diverting the path is that it is necessary to do so in order to enable the development to be carried out in accordance with the planning permission, Officers' view is that the objection, despite being wide-ranging, does not argue in any way against that sole justification, and is therefore unlikely to persuade a Planning Inspector (appointed by the Secretary of State) to reject the Order. Members may also wish to note that the objector does not state that he himself uses the path and will be inconvenienced by the diversion, and that the Council has not received any other objections to the Order.

9.2 On the basis that the objection, whilst revisiting a number of issues considered during the planning process, makes no case that the only justification for the diversion (that it is necessary in order to enable the development to be carried out in accordance with planning permission) is considered to be invalid, it is proposed that the Order be submitted to the Secretary of State for confirmation.

## 10. RECOMMENDATION

10.1 The Director of Legal Services submits the City of Sheffield (Public Path between Chorley Drive and Slayleigh Lane) Diversion Order 2013 to the Secretary of State for confirmation.

Steve Robinson  
Head of Highways Maintenance  
Development Services

11 June 2013

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PUBLIC PATH DIVERSION ORDER

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 257

CITY OF SHEFFIELD  
( PUBLIC PATH BETWEEN CHORLEY DRIVE AND SLAYLEIGH  
LANE )  
DIVERSION ORDER 2013

This Order is made by Sheffield City Council (hereinafter referred to as 'the Council') under Section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to divert the footpath to which this Order relates in order to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990, namely the erection of a dwellinghouse with integral garage and associated landscaping

**BY THIS ORDER:**

1. The footpath over the land shown by a bold black line on the attached Map and described in Part 1 of the Schedule to this Order ('the Schedule') shall be diverted as provided below.
2. There shall be created to the reasonable satisfaction of the Council an alternative highway for use as a replacement for the said footpath as provided in Part 2 of the Schedule and shown by bold black dashes on the attached Map.
3. The diversion of the footpath shall have effect on the date on which the Proper Officer, Development Services, of the Council certifies that the terms of Article 2 above have been complied with.
3. Where immediately before the date on which the footpath is diverted there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

SCHEDULE

PART 1

**Description of site of existing path or way**

That part of an adopted public footpath which runs between Slayleigh Lane and Chorley Drive commencing at a point marked A on the Order Map, point A being 62 metres from the south western end of the centreline of Slayleigh Lane, and

extending for a distance of 47 metres to point B on the Order Map, point B being at the point where the footpath meets Chorley Drive, having a width of 3 metres.

**PART 2**

**Description of site of alternative highway**

An irregular shaped area of new public footpath commencing at point A on the Order Map 6 metres in length and having a varying width from 2.5 metres to 5.5 metres from point A to C on the Order Map and continuing for a distance of 42 metres to point D on the Order Map, having a width of 3 metres.

DATED this 19th March,, 2013

EXECUTED as a DEED )  
By The Sheffield City Council )  
Whose Common Seal )  
was hereunto affixed in the )  
presence of:- )



Duly Authorised Signatory



13/167/718

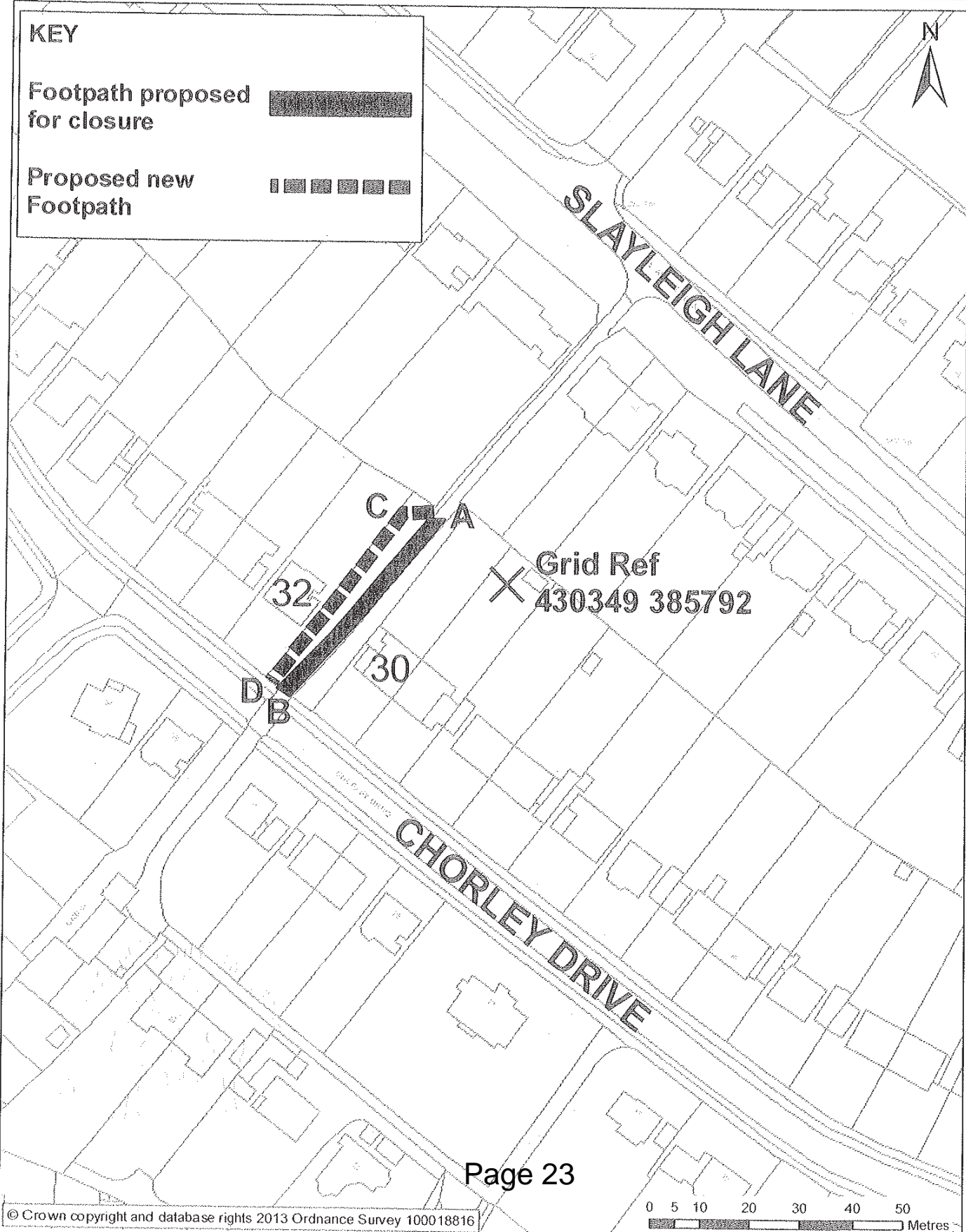


KEY

Footpath proposed  
for closure



Proposed new  
Footpath



EXECUTED as a Deed by  
The Sheffield City Council whose  
Common Seal was hereunto  
affixed in the presence of:-



Duly Authorised Signatory

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13/167/118





Town & Country Planning Act 1990 Section 257  
Proposed diversion of footpath  
between Chorley Drive and Slayleigh Lane,  
Fulwood, Sheffield S10  
Ref.: BM/HR/3946





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PROPOSED DIVERSION OF PUBLIC FOOTPATH BETWEEN CHORLEY DRIVE AND SLAYLEIGH LANE, FULWOOD  
SUMMARY OF OBJECTION FROM THE RESIDENT OF A PROPERTY ADJOINING THE SITE

VIEWS EXPRESSED	OFFICER OPINION
1. A full copy of the Order was not enclosed with the formal Notice which was delivered to the property.	We would usually include a copy of the Order, although in this case we did not, however a notice was delivered by hand to the objector, which gives details of where the order can be seen or purchased. Notices and plans were also placed at each end of the footpath, therefore we do not consider that the objector was prejudiced.
2. The Order was not displayed on the Council's website for the full consultation period.	Correct. This was an oversight, for which Officers have apologised to the objector. However, placing of Orders on the website is not a statutory requirement; Officers believe that all the statutory requirements, including newspaper advertising and the posting of notices on site, were complied with.
3. A copy of the Order was not available for viewing at Town Hall Reception when the objector visited on 24 <sup>th</sup> April.	There was a slight delay in finding the Order. Although unfortunate, this delay was actually minimal, but the objector chose to return later in the day to view the Order, rather than waiting for it there and then. So Officers' view is that there was no substantive material delay in the objector being able to view the Order, nor would there have been had any other interested parties asked for it.
4. The supporting information delivered with the Notice was inadequate to be in accordance with recommended good practice.	In general, the information provided was more than adequate to clearly explain the proposal, even to a reader who may have been previously unfamiliar with the matter. In this specific case, the objector was abundantly clear as to what was being proposed, having previously made detailed representations during the planning consent process.
5. The Order map is misleading in that the point marked "A" does not seem to correctly denote the proper location of the commencement of the new footpath, and thus the Order map does not give proper and thorough enough detail.	This is the plan reproduced with the Order in Appendix A to this report. Officers believe it is clear and meets all requirements, and cannot understand how it can be misunderstood.
6. There is a discrepancy between the description of the width of the new path in the Order and that shown on the site layout plan in the planning application.	The "border" along the north west side of the new footpath (as shown on the approved planning site layout plan) is to be included in the Adopted Highway and will be maintained accordingly by the Highway Authority as a Highway grass verge. It is therefore correct for it to be considered and described in the Order as part of the overall width of the new path. So there is no discrepancy.
7. The "border" on the site layout plan is not shown on the Order plan.	Correct. The Order plan is not a construction finishes drawing. It has to simply show the current route and the proposed new route, not details such as verges, etc.
8. Confusion between the Order plan and the plan used in the planning report to help describe the requirement for the diversion order.	There is no substantive material difference between the two. The proposal in the Order and notices is quite clear, and is certainly of no greater extent than that which the West & North Planning Committee

VIEWS EXPRESSED	OFFICER OPINION
	gave authority to make. The matter has no bearing on the central issue of whether it is now necessary to divert the footpath in order to enable the development to be carried out in accordance with the planning permission.
<p>9. a. Confusion between the planning site layout plan and the plan used in the planning report to help describe the requirement for the diversion order.</p> <p>9. b. The planning site layout plan also shows a “border” which is not shown elsewhere.</p>	<p>The proposal in the Order and notices is quite clear, and certainly of no greater extent than that which West &amp; North Planning Committee gave authority to make. The matter has no bearing on the central issue of whether it is now necessary to divert the footpath in order to enable the development to be carried out in accordance with the planning permission.</p> <p>The “border” along the north west side of the new footpath (as shown on the approved planning site layout plan) is to be included in the Adopted Highway and will be maintained accordingly by the Highway Authority’s maintenance contractor as a Highway grass verge. It is therefore correct for it to be considered and described in the Order as part of the overall width of the new path.</p>
<p>10. The footpaths are described as “Footpaths” in the Order plan but as “Highway” in the plan used in the planning report to help describe the requirement for the diversion order.</p>	<p>Both are correct. The plan used in the planning report was clearly not an Order plan (as there was no authority to make an Order at that stage). The terminology used in it was perfectly adequate and acceptable for Members to reach an informed decision to give authority to make an Order.</p>
<p>11. The presence of the “border” means that the new footpath will be narrower than described in the Order.</p>	<p>The “border” along the north west side of the new footpath (as shown on the approved planning site layout plan) is to be included in the Adopted Highway and will be maintained accordingly by the Highway Authority’s maintenance contractor as a Highway grass verge. It is therefore correct for it to be considered and described in the Order as part of the overall width of the new path.</p>
<p>12. The triangular area in the northern corner of the site (in the angle of the boundaries of 32 Chorley Drive and 67 Slayleigh Lane) is shown as being included in the new Highway on the plan used in the planning report to help describe the requirement for the diversion order, but is not specifically shown on the Order plan.</p>	<p>Correct. The Order plan is not a construction finishes drawing. It has to simply show the current route and the proposed new route, not details such as verges, etc. However, as the objector notes elsewhere, the Order does refer to the width going up to 5.5m on this section of the new route, which takes into account the inclusion of the triangular area in the new Adopted Highway.</p>
<p>13. Section 257 of the Act gives the Council discretion as to whether to make such an Order – SCC is not forced to make the Order, just because the development has obtained planning consent.</p>	<p>Correct. The words “if...satisfied” in the Act do indeed give the Council discretion in its decisions on such Orders. It is believed that this is included in the Act as a safeguard in a two-tier local government system where a district council is the Local Planning Authority but a County Council is the Local Highway Authority – the Highway Authority may not agree with the Planning Authority’s assessment of Highway issues. However, Sheffield City Council is a unitary authority and, as such, tries</p>



VIEWS EXPRESSED	OFFICER OPINION
	to take a holistic approach to dealing with the Highways aspects of planning applications as an integral part of the planning consent process. Indeed the objector had, and took, full opportunity to raise his concerns during the planning process for this development, and those concerns were duly noted and considered by officers, and by the West & North Planning & Highways Committee, in how they reached their decisions at that time.
14. The existence of the “elbow/dogs leg” at the northern end of the new footpath (as opposed to the current availability of an end-to-end view along the whole path) could result in anti-social behaviour, and could cause safety concerns of collisions between users due to reduced visibility.	These issues were raised, and then considered and noted by officers, and by the West & North Planning & Highways Committee, in how they reached their decisions during the planning process. Furthermore, the Police have been consulted on the diversion, and have responded to say they have no issues with it. Also, the Ramblers Association, and the Peak & Northern Footpaths Society, which monitor and campaign on such issues, were both served notice and have not objected.
15. The triangular area in the northern corner of the site (in the angle of the boundaries of 32 Chorley Drive and 67 Slayleigh Lane) is likely to attract fly-tipping. How will the Council be able to guarantee that the area will remain uncluttered by rubbish, particularly if it does not form part of the new public footpath?	At the moment, this part of the site is private land and not included in the Highway, therefore removal of any rubbish or fly-tipping is the responsibility of the landowner. In the new layout, it would be part of the Adopted Highway. The Council’s Highway Maintenance Contract (“Streets Ahead”) stipulates that fly-tipping on the Adopted Highway must be removed by the contractor within one working day of being reported. As part of the Adopted Highway, the land would also be subject to regular street cleansing. So it is likely that litter and fly-tipping will pose less of an issue than it may have done to date.
16. The current footpath has, in effect, a ‘green buffer’ either side, giving a rural feel, whereas the new path will add an unwelcome urban dimension to the area.	This is a planning issue. The development, as a whole, has been through the planning application process and obtained planning permission. The matter now to be decided is whether it is necessary to divert the path in order to enable the development to be carried out in accordance with the planning permission.
17.a. The new arrangement of hedge/verge/footpath along the north-western side of the site will be a new maintenance liability on the Council of questionable appropriateness in the current time of economic austerity.  17.b. The new arrangement, if not adequately maintained, risks accumulating rubbish in the border area, and making the new footpath hazardous if weeds or grass are allowed to grow out from the border over the footpath.	This is a planning issue. The development, as a whole, has been through the planning application process and obtained planning permission. The matter now to be decided is whether it is necessary to divert the path in order to enable the development to be carried out in accordance with the planning permission. (However, any costs relating to accrual of the new highway into the Highway Maintenance contract as a result of any increase in maintenance liability will be passed on to the developer as part of the Highway Adoption process). The “border” along the north west side of the new footpath would be included in the Adopted Highway, and thus maintained accordingly by the Highway Authority as a Highway grass verge, including grass cutting and litter picking. Any maintenance issues arising between the

VIEWS EXPRESSED	OFFICER OPINION
	contractor's routine visits will be able to be reported to Customer Services for action as appropriate.
<p>18. Objector believes the path is a 'green lane', and that re-aligning it will have the effect of curtailing long established vehicular rights. Notes that Councillor Janice Sidebottom raised this general issue in her 19<sup>th</sup> September 2012 submission to the planning process for the development.</p>	<p>The term "green lane" has no formal status in law. Furthermore, for some years it has not been physically possible to drive along it, and there has been a sign at the Slayleigh Lane end reading "not a public road". Yet no record can be found on file of any complaints from any members of the public who felt that they had the right to drive along it but were being prevented from doing so by the actions of either the Council or the landowner.</p>
<p>19. Is the Council satisfied that the existing access way is in fact a public footpath and does not have any other recognised designation such as would lawfully entitle members of the public to utilise the same for vehicles?</p>	<p>Yes. Officers looked into this matter when the both the objector and Councillor Sidebottom raised the question during the planning process, and were able to find no records indicating any public rights other than public <i>pedestrian</i> rights. (It is fully accepted that, in the past, there would have been <i>private</i> vehicular access rights to Slayleigh Cottages, but it is understood that even these were extinguished by agreement between the relevant property owners some years ago).</p>
<p>20. There is currently a problem with surface water run-off from the land on which the footpath is situated onto the objector's property. This is likely to be increased by the diversion of the footpath, in conjunction with the construction of the development.</p>	<p>This is a planning issue. However, if surface water run off from the Highway onto private property is currently a problem, it should be reported to the Council's Customer Services, as the Streets Ahead Highway maintenance contractor has a duty to address it. The proposed diversion would take the path <u>further away</u> from the property in question, so Officers cannot understand how this will worsen the problem. However, now it has been raised, the new path can be constructed with cognisance of this concern if the development goes ahead.</p>
<p>21. Questions whether the Council has considered the terms of the Equality Act 2010 in its decision-making process to date. In particular, whether the needs/requirements of visually impaired people and those using wheelchairs have been considered, for example raising the concern of collisions with cyclists at the "elbow/dogs leg".</p>	<p>In particular, as with the current route, the new path would not have steps, and would continue to be a level route. The wider issues around the "elbow/dogs leg" were raised, and then considered and noted by officers, and by the West &amp; North Planning &amp; Highways Committee, in how they reached their decisions during the planning process. The Ramblers Association, and the Peak &amp; Northern District Footpath Society, which monitor and campaign on such issues, have been consulted on this diversion, and have not objected to it. This is a footpath, and cyclists should not be using it. Officers have found no record of complaints about cyclists using this path.</p>



## SHEFFIELD CITY COUNCIL

### West and North

### Planning & Highways

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**Report of:** Director of Regeneration & Development Services

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**Date:** 11 June 2013

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**Subject:** Variation of Planning Obligations in respect of land at  
Alsing Road, Blackburn Meadows

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**Author of Report:** Carolyn Forster (273 5424) and  
David Budd (273 5089)

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#### **Summary:**

A report seeking authority to enter into a deed of variation to effect the deletion of an unnecessary and unworkable planning obligation in an agreement made pursuant to section 106 of the Town and Country Planning Act 1990.

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#### **Reasons for Recommendations:**

The agreement containing the planning obligations was entered into pursuant to section 106 of the Town and Country Planning Act 1990 on 23<sup>rd</sup> September 2008. The planning obligation listed in clause 1.7 of Schedule 2 of that agreement is unnecessary and unworkable. Authority is sought to enter into a deed of variation to effect its deletion.

Clause 1.7 of Schedule 2 requires that in designing the Tinsley Link road, Sheffield City Council provide an alternate access to the E-ON site in addition to the existing main access off Alsing Road. In the time that has elapsed since 2008, Sheffield City Council have held extensive discussions with E-ON in relation to the Tinsley Link generally and both parties have agreed that neither wishes to propose such an additional access. Furthermore such an access is not practical from an engineering perspective, due to topographical and flood risk issues. Consequently E-ON have now issued a deed of variation to remove the clause governing this design requirement.

**Recommendations:**

1. To authorise the deletion of clause 1.7 of schedule 2 contained within the section 106 agreement by entering into a deed of variation of planning obligations as attached to this report or in a substantially similar form.
  2. To authorise Legal Services to take all steps necessary to effect the variation to the section 106 agreement, including applying the authority's common seal to the deed of variation of planning obligations.
- 

**Background Papers:**

1. Existing agreement – 'Deed of Planning Obligations made under section 106 of the Town and Country Planning Act 1990 in respect of land at Alsing Road Blackburn Meadow Tinsley Sheffield S9 1HF', dated 23<sup>rd</sup> September 2008.
  2. Proposed variation agreement – 'Deed of Variation of Planning Obligations made under section 106A of the Town and Country Planning Act 1990 in respect of land at Alsing Road Blackburn Meadows Tinsley Sheffield S9 1HF', undated.
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**Category of Report:** OPEN

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## **DIRECTOR OF REGENERATION & DEVELOPMENT SERVICES**

### **REPORT TO WEST AND NORTH PLANNING AND HIGHWAYS AREA COMMITTEE 11 JUNE 2013**

#### **VARIATION OF PLANNING OBLIGATIONS IN RESPECT OF LAND AT ALSING ROAD, BLACKBURN MEADOWS**

##### **1. PURPOSE**

- 1.1 A report seeking authority to enter into a deed of variation to effect the deletion of an unnecessary and unworkable planning obligation in an agreement made pursuant to section 106 of the Town and Country Planning Act 1990.

##### **2. BACKGROUND**

- 2.1 The Council as local planning authority and the parties E.ON UK PLC and E.ON Climate & Renewables UK Ltd entered into an agreement pursuant to section 106 of the Town and Country Planning Act 1990, dated 23 September 1990. The agreement is attached to this report.
- 2.2 Planning permission reference 08/01225/OUT was granted by the Council for the construction of a bio-mass fired renewable energy plant with associated flood management works, landscaping and improvements to an existing access.

##### **3. LEGAL IMPLICATIONS**

- 3.1 A planning obligation may be discharged or modified by agreement between the local authority and the land owner in accordance with section 106A or the Town and Country Planning Act 1990, or be discharged or modified in accordance with a unilateral procedure in accordance with sections 106A and 106B of the same Act.
- 3.2 The section 106A and 106B procedure can only be used where at least 5 years has elapsed since the planning obligation was entered into. Therefore the only way to vary the planning obligation is by agreement between the local planning authority and the land owner. This can only be done by way of a deed of variation to be legally binding.
- 3.3 A local authority can only vary a planning obligation where it no longer serves any useful purpose. "Useful purpose" is construed with regard to planning criteria so that if the only remaining purpose is to fulfil some non-planning objective it will usually be reasonable to agree to the discharge or modification.

#### **4. HIGHWAY IMPLICATIONS**

- 4.1 An alternative access to the E.ON site will no longer be imposed as a planning condition. The main access to the E.ON site will be unaffected. The Council's highway engineers agree that the additional access is not practical from an engineering perspective, due to topographical and flood risk issues.

#### **5. EQUAL OPPORTUNITIES IMPLICATIONS**

- 5.1 There are no equal opportunities implications.

#### **6. ENVIRONMENTAL IMPLICATIONS**

- 6.1 An alternative access that is no longer required will not be imposed, saving the impact of development.

#### **7. FINANCIAL IMPLICATIONS**

- 7.1 There are no financial implications.

#### **8. RECOMMENDATIONS**

- 8.1 To authorise the deletion of clause 1.7 of schedule 2 contained within the section 106 agreement by entering into a deed of variation of planning obligations as attached to this report or in a substantially similar form.
- 8.2 To authorise Legal Services to take all steps necessary to effect the variation to the section 106 agreement, including applying the authority's common seal to the deed of variation of planning obligations.

**Les Sturch**  
**Director of Regeneration & Development Services**

**11 June 2013**

DATED 23rd September 2008

Sheffield City Council (1)  
E.ON UK PLC (2)  
E.ON Climate & Renewables UK Ltd (3)

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**DEED OF PLANNING OBLIGATIONS**

made under section 106 of the Town and Country  
Planning Act 1990 in respect of land at Alsing Road  
Blackburn Meadows Tinsley Sheffield S9 1HF

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THIS DEED is made the

23rd

day of

September 2008

**BETWEEN**

- (1) Sheffield City Council of Town Hall Pinstone Street Sheffield South Yorkshire S1 2HH  
("Council")
- and
- (2) E.ON UK PLC (Company Number: 02366970) whose registered office is at Westwood Way Westwood Business Park Westwood Coventry CV4 8LG  
("Owner")
- (3) E.ON Climate & Renewables UK Ltd (Company Number: 03758404) whose registered office is at Westwood Way Westwood Business Park Westwood Coventry CV4 8LG  
("Developer")

**IT IS AGREED THAT:**

**1 DEFINITIONS**

Unless the context states otherwise, in this Agreement the following terms shall have the defined meanings:

- 1.1 "1990 Act" means the Town and Country Planning Act 1990 (as amended).
- 1.2 "Application" means the outline application made to the Council for planning permission for the Development and given the reference number 08/01225/OUT.
- 1.3 "Commencement of Commercial Operations" means the date on which the Development is fully operational as a commercial enterprise and production of electricity for export to the National Grid commences and all pre-operational testing has been satisfactorily completed.
- 1.4 "Commencement of the Development" means the date that a material operation, as defined in Section 56(4) of the 1990 Act, is undertaken on the Development but for the purpose of this Deed does not include any operations relating to demolition, site preparation, site investigation, surveys, erection of fencing and hoardings, diversion of any services or archaeological investigations.
- 1.5 "Community Fund" means the fund to be established by the Council to promote and/or deliver community projects through community led initiatives for

- the benefit of the community as directed by the Council within the Darnall ward of Sheffield City Council in accordance with the constitution to be established in accordance with Schedule 1, 1.1.
- 1.6 "Contributions" means the contributions specified in Schedule 1.
- 1.7 "Development" mean a biomass-fired renewable energy plant with associated flood management works, landscaping and improvements to an existing access as more particularly described in the Application.
- 1.8 "Fixed Link" means the proposed highways to be constructed between Meadowhall Way and Sheffield Road as promoted by the Council as part of a wider highways/public transport corridor improvement.
- 1.9 "Index" means the All Items Index of Retail Prices issued by the Office for National Statistics from time to time.
- 1.10 "Land" means the land edged red on the plan annexed hereto bearing reference number P2001838 and registered at the Land Registry under Title Number SYK534837.
- 1.11 "Megawatts Per Hour Net" means the generated electricity output from the Development per hour minus all auxiliary power consumptions as measured at the fiscal meter prior to distribution to the Distribution Network Operator ("DNO") or National Grid ("NG").
- 1.12 "Owner" means the Owner and the Developer and the Developer shall be able to perform any of the obligations in place of the Owner.
- 1.13 "Permitted Development Rights" means development granted planning permission by the Town and Country Planning (General Permitted Development) Order 1995 as amended from time to time.
- 1.14 "Planning Obligations" means the obligations created by Clause 6 and set out in Schedule 1 and 2.
- 1.15 "Planning Permission" means a planning permission to be issued by the Council for the Development and includes any approval of reserved matters and any variation or modification to the planning permission that occurs after the Council has issued the planning permission.

## **2 INTERPRETATION**

In this Deed:

- 2.1 Words in the singular include the plural and vice versa;
- 2.2 A reference to a gender includes a reference to all other genders;
- 2.3 A reference to a person includes companies and all other legal entities;
- 2.4 Unless stated otherwise, a reference to a clause, schedule or paragraph are references to the clauses, schedules and paragraphs of this Deed;
- 2.5 The headings and table of contents in this Deed are for convenience only and shall not affect its interpretation.
- 2.6 Unless this Deed states otherwise, any reference to a statute, statutory instrument or other legislative provision includes any amendment, extension or re-enactment of it for the time being in force.
- 2.7 Unless this Deed states otherwise, references to any party shall include that party's successors in title except for any right of repayment contained in this Deed, which shall apply only to the named party.

## **3 LAND OWNERSHIP**

- 3.1 The Owner owns the Freehold interest in the Land.

## **4 ENABLING POWERS**

- 4.1 This Deed is made under section 106 of the 1990 Act, section 111 of the Local Government Act 1972 and all other enabling powers.
- 4.2 The obligations of the Owner in Schedule 1 are planning obligations for the purpose of section 106 of the 1990 Act and are enforceable by the Council as a local planning authority for the part of the district in which the Land is situated.

## **5 COMMENCEMENT OF DEVELOPMENT**

- 5.1 The obligations in Clause 6 and Schedules 1 and 2 of this Deed shall not come into effect unless:
  - (a) The Council grants planning permission for the Application; and
  - (b) Commencement of the Development.

## **6 OBLIGATIONS**

- 6.1 The Owner agrees with the Council to observe and perform the obligations or activities specified in Schedule 1.
- 6.2 The Council agrees with the Owner to observe and perform the obligations or activities specified in Schedule 2.

**7 PAYMENT OF COUNCIL'S COSTS**

7.1 The Owner shall pay the Council's reasonable and properly incurred legal costs in negotiating and executing this Deed up to a maximum of £1,000 (One Thousand Pounds).

**8 THIRD PARTY RIGHTS**

8.1 The Owner and the Council agree that a person who is not a party to this Deed has no right under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this Deed.

**9 RELEASE FROM LIABILITY**

9.1 Except for any breach that occurs before a person parts with their interest in the Land, no person shall be liable for a breach of any covenant, agreement or obligation created by this Deed after he shall have parted with all interest in the Land or the part of the Land in respect of which a breach occurs.

**10 SATISFACTION OF THE OBLIGATIONS**

10.1 The Planning Obligations created by Clause 6 and Schedule 1 shall be registered by the Council as a local land charge but the Council shall cancel the charge if either:

- (a) All parties to this Deed comply with the Planning Obligations set out in this Deed;  
or
- (b) This Deed ceases to have effect under the provisions of clause 12.

10.2 Upon the written request of any person with an interest in the Land the Council shall, after any of the Planning Obligations have been performed or otherwise discharged, issue written confirmation of that fact and shall enter a note on the local land charges register confirming the performance or discharge.

10.3 The Council shall upon the written request of any person with an interest in the Land after any of the Planning Obligations have been performed or otherwise discharged execute a Deed of Release (or partial release) from the relevant provisions of the Deed and procure that a note of the Deed of Release shall be entered on the local land charges register.

**11 DISPUTE RESOLUTION**

11.1 Any dispute or difference arising between the Council and the Owner with regard to their respective rights and obligations arising out of or connected with this Deed shall be referred by the Council or, the Owner to the decision of a single arbitrator to be agreed by the parties.

11.2 If the parties are unable to agree to an arbitrator under clause 11.1 then any party may apply to the President for the time being of the Royal Institute of Chartered Surveyors and the President shall appoint an arbitrator.

11.3 A reference under clause 11.1 or 11.2 shall be deemed to be a submission to arbitration within the meaning of the Arbitration Act 1996 or any subsequent amending or replacing legislation.

11.4 The provisions of this clause shall not apply to Schedules 1 and 2 hereof.

## 12 TERMINATION OF THE DEED

12.1 If the planning permission granted by the Council for the Application expires, is revoked or is quashed in any legal proceedings before the Commencement of the Development, then this Deed shall terminate and cease to have effect and the Council shall immediately remove any entry relating to this Deed from the register of Local Land Charges.

12.2 If the granting of the Planning Permission is the subject of any judicial review proceedings (including application for permission to apply for judicial review) then from the date that the Council is aware of such proceedings:

- (a) The Council shall forthwith notify the Owner (and any other person it has reasonable grounds to believe may have an interest in any part of the Land) of such proceedings; and
- (b) The requirement to comply or to comply further with the Planning Obligations shall be suspended temporarily until the final disposal of the legal proceedings at which time, if the Planning Permission or the Deed has not been quashed, the requirement to comply or to comply further with the Planning Obligations (as may be varied by order of the court) shall recommence and any time-limits for compliance with the Planning Obligations set out in this Deed shall be extended by the period of the suspension under this clause.

## 13 NOTICE

13.1 Any notice given under this Deed shall be in writing and shall be delivered personally or sent by pre-paid first class recorded delivery post or facsimile transmission.

13.2 The address for service of any such notice shall be as set out at the start of this Deed.

13.3 Any Notice under this Deed shall be deemed to have been served as follows:

- (a) If personally delivered at the time of delivery;
- (b) If by post at the expiration of 48 hours after the envelope containing the same was delivered into the custody of the postal authority within the United Kingdom; or
- (c) If sent by tested facsimile transmission at the time of successful transmission;

13.4 In proving service it shall be sufficient to prove that personal delivery was made and a receipt obtained or that the envelope containing the notice was:

- (a) Properly addressed and delivered into the custody of the postal authority in a pre-paid first class recorded delivery envelope and a receipt was obtained; or
- (b) That the telex or facsimile was successfully transmitted on a tested line and acknowledged in writing as having been received by the addressee as the case may be.

**14 REASONABLENESS**

14.1 Where the Council or the Owner (acting by their officers or otherwise) are requested to give their approval, agreement, confirmation or consent under this Deed they shall not unreasonably refuse or withhold that approval, agreement, confirmation or consent and the Council and the Owner will use reasonable endeavours to give their approval agreement confirmation or consent within 28 days of receiving a written request.

**15 ALTERNATIVE PLANNING PERMISSIONS**

15.1 Nothing in this Deed shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission, excluding the Planning Permission, granted, whether or not on an appeal, after the date of this Deed.

**16 WAIVER**

16.1 No Waiver (whether express or implied) by the Council (or the Owner) of any breach or default in performing or observing any of the covenants terms or conditions of the Deed shall constitute a continuing waiver and no such waiver shall prevent the Council (or the Owner) from enforcing any of the relevant covenants terms or conditions or for acting upon any subsequent breach or default.

**17 INDEXATION**

17.1 All sums referred to in the First Schedule shall be increased by an amount equivalent to the increase in the Index from the date of Commencement of Development until the date on which such sums are payable.

**IN WITNESS** the parties have sealed and signed this Deed and delivered it on date set out above.



## SCHEDULE 1

### The Owner's Obligations

#### The Community Fund

- 1.1 Within 90 days of Commencement of Commercial Operations the Owner shall assist (where requested to do so) the Council to set up the Community Fund with any such person as the Council shall designate the purpose of which will be to oversee the allocation of funds paid in to it by the Owner pursuant to the obligations set out in Clause 1.5 of this Deed.
- 1.2 On or before 1 April following the date of Commencement of Commercial Operations the Owner shall pay a sum of £0.127 (Twelve and seven tenths pence) per Megawatts Per Hour Net electricity produced at the Development in the preceding 12 month period using figures recorded from the fiscal meter at the Development prior to distribution to the DNO or NG to the Community Fund ("the Annual Sum") subject to a maximum of £25,000 per annum.
- 1.3 Every 12 months on the anniversary of the date of the payment of the first Annual Sum the Owner shall pay the Annual Sum to the Community Fund provided that the obligation to pay the Annual Sum shall cease following the decommissioning of the Development and/or the permanent cessation of commercial operation of the Development whichever is the sooner.

#### The Fixed Link

- 1.4 The Owner shall pay to the Council following the Commencement of Development and upon a written demand from the Council for the same the sum of £75,000 (Seventy Five Thousand Pounds) for utilisation in the construction of the Fixed Link ("the Fixed Link Contribution").
- 1.5 In the event that the Council do not issue a written demand for the Fixed Link Contribution in accordance with Schedule 1, Paragraph 1.4 the Owner shall pay the Fixed Link Contribution to the Council on the Commencement of Commercial Operations.

#### Air Pollution Reduction Initiatives

- 1.6 Prior to the Commencement of Commercial Operations the Owner shall pay the sum of £10,000 (Ten Thousand Pounds) to the Council for use in any air pollution reduction initiatives in the Darnall ward of the city of Sheffield ("the Initial Air Pollution Reduction Contribution").
- 1.7 Every 12 months on the anniversary of the date of the payment of the Initial Air Pollution Reduction Contribution the Owner shall pay the sum of £5,000 (Five Thousand Pounds) to the Council for use in any air pollution reduction initiatives in the Darnall Ward of the city of Sheffield ("the Air Pollution Reduction Contribution") for a period of three years in totality.

## SCHEDULE 2

### The Council's Obligations

- 1.1 The Council shall establish the Community Fund within 90 days of the Commencement of Commercial Operations.
- 1.2 The Council together with any such person as the Owner may in its absolute discretion designate shall establish a constitution for the Community Fund setting out the basis on which monies may be paid out of the Community Fund.
- 1.3 The Community Fund shall administer the distribution of the funds paid in accordance with the provisions of this Schedule and will be composed of at least two administrators from the Council such administrators to be subject to the approval of the Owner (such approval not to be unreasonably withheld or delayed) and the Owner retains the right to participate in the decision making process of any application received by the Community Fund at its own discretion.
- 1.4 The Council shall acknowledge in writing receipt of any sum paid pursuant to Schedule 1 within 14 days of such payment being received.
- 1.5 The Council shall advise the Owner not less than 28 days before the due date for payment of the increase in any Contribution every year in accordance with Clause 17 (Indexation) of this Deed.
- 1.6 The Council shall hold the Fixed Link Contribution in an interest bearing account and in the event that construction of the Fixed Link has not been completed within the period of 10 years from the date of payment of the Fixed Link Contribution and adopted as highway maintainable at public expense the Council shall return the Fixed Link Contribution together with any interest accrued thereon to the Owner within 14 days.
- 1.7 The Council agree to incorporate into any proposal for the Fixed Link an alternative access to the permanent access of the Development whether or not the Owner requests it but for the avoidance of doubt nothing in this Agreement requires the Council to make any contribution towards the cost of any such permanent access.
- 1.8 The Council shall hold the Initial Air Pollution Reduction Contribution and the subsequent 3 Air Pollution Reduction Contributions in an interest bearing account and in the event that on the expiration of 3 years from the date of payment of the final instalment of the Air Pollution Reduction Contribution under Paragraph 1.7 of Schedule 1 any sums remain unspent the remainder of any sums held therein shall be returned to the Owner together with any interest accrued thereon within 14 days.
- 1.9 The Council shall accept the performance of any of the Owner's obligations by the Developer as if the Owner had performed the obligations or obligations itself.



**e-on**

BLACKBURN MEADOWS PARTNERSHIP SHALL HAVE SOLE RESPONSIBILITY FOR ANY USE  
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DRAWING SHOULD BE APPROVED BY THE DESIGNER.  
NOTES

*PP201638*  
*Hinalstark*

*[Signature]*  
*i. kairdyk*

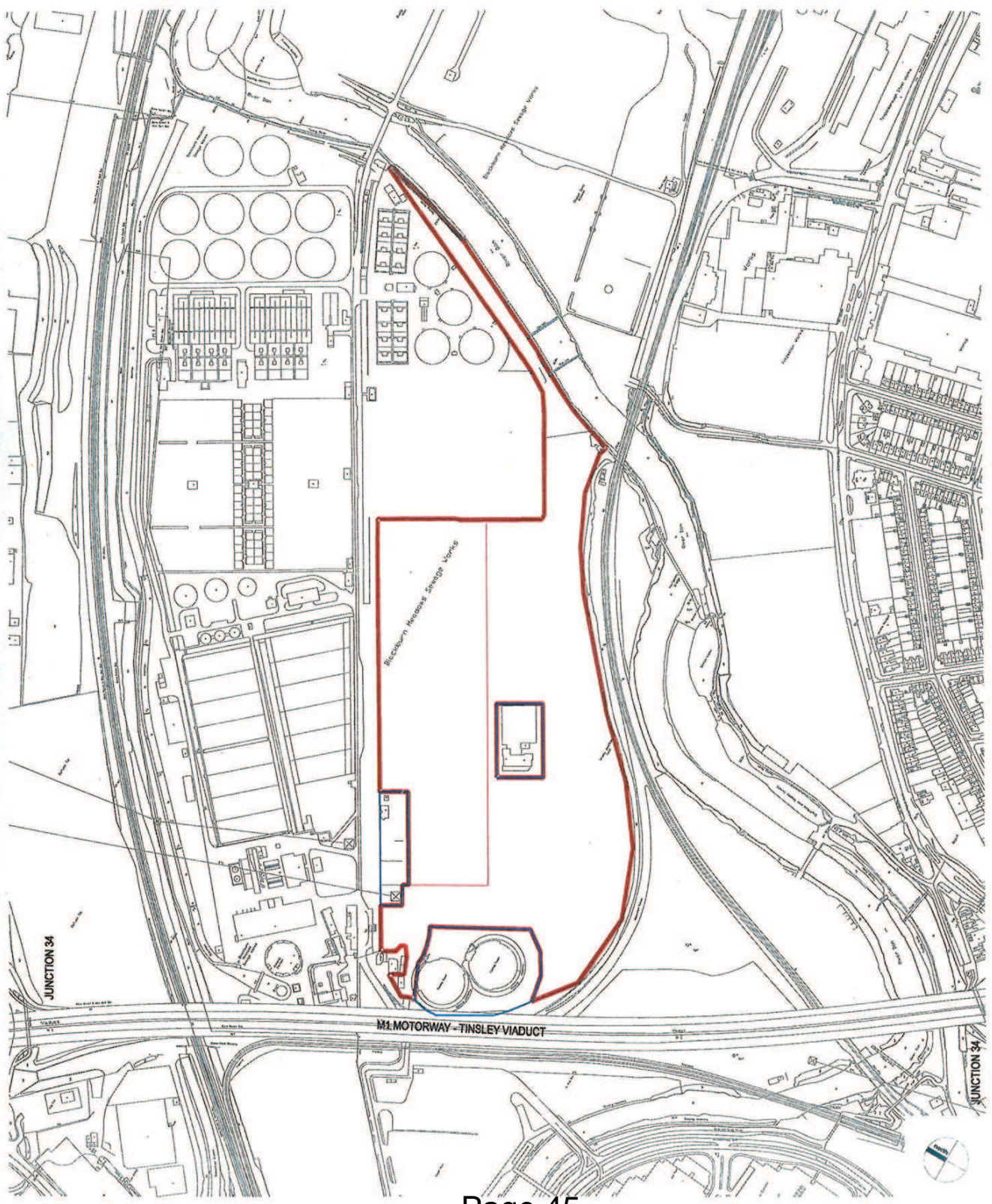
FIRST ISSUE  
DATE: 12/25/00

- APPLICATION BOUNDARY
- ADDITIONAL E ON OWNED LAND
- PLANT BOUNDARY



Building Design Partnership  
Architects, Designers & Engineers  
33 Canine St  
Sheffield, S1 4FY  
Tel: +44 (0)114 278 1661  
Fax: +44 (0)114 278 1670  
www.bdp.co.uk

BLACKBURN MEADOWS BIOMASS POWER STATION
P2001638
SITE PLAN
SCALE 1:2500
DATE 06/03/08
(C) A002





The **COMMON SEAL** of **SHEFFIELD CITY COUNCIL** was affixed to this Deed, which was delivered when dated, in the presence of:



**Assistant Chief Executive  
Legal and Governance**



**Authorised Signatory**

Signature :  
Name :

**SIGNED** and delivered as a deed by **E.ON UK PLC** acting by two directors or by one director and the secretary:

**Director**  
Signature :  
Name :



**Director/Secretary**  
Signature :  
Name :



**SIGNED** and delivered as a deed by **E.ON CLIMATE & RENEWABLES UK LTD** acting by two directors or by one director and the secretary:

**Director**  
Signature :  
Name :



**D. FARRIER**

**Director/Secretary**  
Signature :  
Name :

*I. Fairdough*  
*Ian Fairdough*

DATED \_\_\_\_\_ 2013

SHEFFIELD CITY COUNCIL (1)

E.ON UK PLC (2)

E.ON CLIMATE & RENEWABLES UK LTD (3)

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**DEED OF VARIATION OF PLANNING OBLIGATIONS**  
made under section 106A of the Town and Country  
Planning Act 1990 in respect of land at Alsing Road  
Blackburn Meadows Tinsley Sheffield S9 1HF

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**SQUIRE SANDERS (UK) LLP**

2 Park Lane  
Leeds  
LS3 1ES  
United Kingdom  
DX 26441 Leeds

Office: +44 (0)113 284 7000  
Fax: +44 (0)113 284 7001

Reference RH2.POW.140-26

## CONTENTS

1	DEFINITIONS	2
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3	ENABLING POWERS	3
4	COMMENCEMENT OF DEED	3
5	AMENDMENT OF OBLIGATIONS	3

THIS DEED is made the

day of

2012

**BETWEEN**

(1) **Sheffield City Council** of Town Hall Pinstone Street Sheffield South Yorkshire S1 2HH

("Council")

and

(2) **E.ON UK PLC** (Co Reg No 02366970) whose registered office is at Westwood Way Westwood Business Park Westwood Coventry CV4 8LG

("Owner")

and

(3) **E.ON Climate & Renewables UK Ltd** (Co Reg No 03758404) whose registered office is at registered office is at Westwood Way Westwood Business Park Westwood Coventry CV4 8LG

("Developer")

**INTRODUCTION**

- A. The Parties hereto entered into an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 dated 23 September 2008 ("the First Agreement").
- B. Planning permission reference 08/01225/OUT was granted by the Council for the construction of a bio-mass fired renewable energy plant with associated flood management works, landscaping and improvements to an existing access ("the First Planning Permission")
- C. The Owner and the Developer and the Council and other parties have entered into the Tinsley Link Agreement dated 28 February 2013 which records at Clause 4.2 that the Owner and the Developer and the Council agree that this Deed shall be entered into to confirm that the Owner and the Developer agree with the Council to remove Paragraph 1.7 of Schedule 2 to the First Agreement.
- D. This Agreement is made pursuant to Section 106A of the Town and Country Planning Act 1990 (as amended).
- E. Without prejudice to the terms of the other covenants contained in the First Agreement the parties hereto have agreed to vary the terms of the First Agreement as hereinafter provided:

**THIS DEED WITNESSES THAT:**

**1 DEFINITIONS**

Unless the context states otherwise, in this Deed the following terms shall have the defined meanings and all other terms shall have the defined meanings as set out in the First Agreement unless stated to the contrary:

## **2 INTERPRETATION**

In this Deed:

- 2.1 Words in the singular include the plural and vice versa;
- 2.2 A reference to a gender includes a reference to all other genders;
- 2.3 A reference to a person includes companies and all other legal entities;
- 2.4 Unless stated otherwise, a reference to a clause, schedule or paragraph in a schedule are references to the clauses, schedules and paragraphs of this Deed;
- 2.5 The headings and table of contents in this Deed are for convenience only and shall not affect its interpretation.
- 2.6 Unless this Deed states otherwise, any reference to a statute, statutory instrument or other legislative provision includes any amendment, extension or re-enactment of it for the time being in force.
- 2.7 Unless this Deed states otherwise, references to any party shall include that party's successors in title except for any right of repayment contained in this Deed, which shall apply only to the named party.

## **3 ENABLING POWERS**

- 3.1 This Deed is made under section 106A of the 1990 Act, section 111 of the Local Government Act 1972 and all other enabling powers.

## **4 COMMENCEMENT OF DEED**

- 4.1 This Deed shall come into effect upon the date hereto.
- 4.2 This Deed is supplemental to and varies the terms of the First Agreement.
- 4.3 All the obligations as contained in the First Agreement shall continue to apply after this Deed takes effect save as varied in accordance with Clause 5 below.

## **5 AMENDMENT OF OBLIGATIONS**

- 5.1 Paragraph 1.7 to Schedule 2 of the First Agreement shall be of no effect.

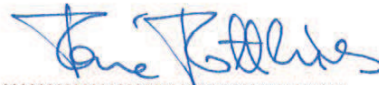
**IN WITNESS** the parties have sealed and signed this Deed and delivered it on date set out above.

The COMMON SEAL of SHEFFIELD CITY COUNCIL was affixed to this deed, which was delivered when dated, in the presence of:

**Authorised Signatory**

Signature :  
Name :

Signed as a deed by E.ON UK PLC acting by a director in the presence of:



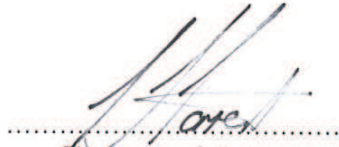
Signature of director  
Director



signature of witness

NAME, ADDRESS AND OCCUPATION OF WITNESS DEBORAH GANDLEY, 2 DESTWOOD WAY, DESTWOOD BUSINESS PARK, COVENTRY, CV4 8LG, SOLICITOR

Signed as a deed by E.ON CLIMATE & RENEWABLES UK LTD acting by a director in the presence of:



Signature of director  
Director



signature of witness

NAME, ADDRESS AND OCCUPATION OF WITNESS DEBORAH GANDLEY, 1, DESTWOOD WAY, DESTWOOD BUSINESS PARK, COVENTRY, CV4 8LG, SOLICITOR

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**SHEFFIELD CITY COUNCIL  
Planning and Highways Committee**

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**Report of:** Director of Development Services

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**Date:** 11/06/2013

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**Subject:** Applications under various acts/regulations

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**Author of Report:** Lucy Bond and Chris Heeley and John Williamson 2734218

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**Summary:**

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**Reasons for Recommendations**  
(Reports should include a statement of the reasons for the decisions proposed)

**Recommendations:**

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**Background Papers:**

---

**Category of Report:** OPEN

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Application No.	Location	Page No.
13/01043/FUL (Formerly PP-02551911)	193 - 195 Main Road Darnall Sheffield S9 5HP	53
13/00720/FUL (Formerly PP-02452322)	Land South Of Queen Elizabeth Court And Queen Anne Court Raeburn Place Sheffield S14 1SH	66
13/00207/FUL (Formerly PP-02421233)	Windsor Hotel 35 - 39 Southend Road Sheffield S2 5FS	92
13/00199/FUL	Curtilage Of Wadsley Lodge 1 Laird Road Sheffield S6 4BS	106
12/03338/FUL	Portobello House 3 Portobello Street Sheffield S1 4ND	116



SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning  
To the Planning and Highways Committee  
Date Of Meeting: 11/06/2013

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	13/01043/FUL (Formerly PP-02551911)
Application Type	Full Planning Application
Proposal	Use of building for A2 (Financial and Professional) purposes
Location	193 - 195 Main Road Darnall Sheffield S9 5HP
Date Received	28/03/2013
Team	City Centre and East
Applicant/Agent	Signet Planning
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:

plan reference number 2013/05/04

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 The building shall not be occupied for use class A2 purposes unless a scheme of sound attenuation works has been installed. Such scheme of works shall be designed to protect the upper floor from noise and vibration arising from commercial activity. Before the scheme of sound attenuation works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority. The approved scheme of works shall be installed in full prior to use commencing and shall thereafter be retained and maintained.

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

- 4 Before the use of the building is commenced, a scheme of sound attenuation works shall have been installed and thereafter retained. Such a scheme of works shall:

- a) Be capable of restricting noise breakout from the Use Class A2 to the street to levels not exceeding:
- i) the background (LA90) noise levels by more than 3 dB(A) when measured as a 15 minute Laeq,
  - ii) any octave band centre frequency by more than 3dB when measured as a 15 minute Leq,
  - iii) Be capable of restricting noise breakout from the Use Class A2 to the flats above to levels complying with the following:  
Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours),  
Living Rooms: Noise Rating Curve NR35 (0700 to 2300 hours),

(Noise Rating Curves should be measured as a 15 minute linear Leq at the octave band centre frequencies 31.5 kHz to 8 kHz).

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

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

- 5 The ground floor of the building shall be used for the above-mentioned purpose only between 0800 hours and 2200 hours Mondays to Saturdays and Between 0900 and 2100 hours on Sundays and Bank Holidays.

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

- 6 No deliveries to the building shall be carried out between 2300 to 0800 hours Sundays to Fridays and 2100 hours and 0900 hours on Saturdays and Public Holidays.

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

- 7 No movement, sorting or removal of waste bottles, materials or other articles, nor movement of skips or bins shall be carried on outside the building within the site of the development between 2200 hours and 0800 hours Sundays to Fridays and between 2100 hours and 0900 hours on Saturdays and the day before Public Holidays.

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

- 8 The building shall not be used for the above-mentioned purpose unless a suitable receptacle for the disposal of litter has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

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:

S7 - Development in District and Local Shopping Centres  
S10 - Conditions on Development in Shopping Areas  
CS34 - District Centres  
CS35 - Darnall District Centre

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

The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

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. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section

60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0800 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from the Environmental Protection Service, 2-10 Carbrook Hall Road, Sheffield, S9 2DB: Tel - 0114 2734651.

2. Plant and equipment shall be designed to ensure noise levels do not exceed 10dBA (LA90) below background noise levels when measured at the site boundary.
3. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document Guidance Notes for the Reduction of Obtrusive Light (GN01: 2011). This is to prevent obtrusive light causing disamenity to neighbours. The Guidance Notes are available for download from the Institution of Lighting Professionals' website, or telephone (01788) 576492
4. The floor separation between the first floor and second floor should be subject to a scheme of sound insulation works. The scheme should be based upon the details contained in the Building Regulations 2000, Approved Document E; Resistance to the passage of sound; Section 4; Wall treatment 1.
5. 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](http://www.sheffield.gov.uk/planning) or apply online at [www.planningportal.gov.uk](http://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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## LOCATION AND PROPOSAL

The application site is located in the Darnall District Shopping Centre as defined in the adopted Sheffield Unitary Development Plan (UDP) and comprises of the ground floor of an attractive brick built two storey building with feature dormer windows. The property forms part of a terrace of retail and commercial uses which wrap around the corner of Main Road and Staniforth Road.

Planning permission is sought to change the use of the retail unit from Class A1 (shops) to Class A2 (financial and professional services). The application has been submitted on behalf of Paddy Power and the submitted drawings and application forms indicate that it is intended to use the premises as a betting Shop which falls with use Class A2.

## RELEVANT PLANNING HISTORY

13/01041/FUL - Provision of a new shop front including installation of a roller shutter - Granted Conditionally.

13/01042/ADV - One internally illuminated fascia sign and one internally illuminated projecting sign - Granted Conditionally.

13/01120/FUL - Installation of 3 satellite dishes and 3 air conditioning units to rear of building - Granted Conditionally.

## SUMMARY OF REPRESENTATIONS

48 letters of representation and two petitions have been received. One petition includes 691 signatures and the other 17 signatures. Two representations support the proposed development and 46 representations as well as the signed petition's object to the proposal.

In objection to the development comments have been received from Councillors Harry Harpham, Mary Lee and Mazher Iqbal and the Darnall Action Group.

The issues raised are summarised as follows:

In support

The development will create jobs.

In objection

Objection by Councillors Harry Harpham, Mary Lee and Mazher Iqbal

Over saturation of betting shops in the area and another book maker is not needed.

The area already experiences a large amount of anti social behaviour and the book makers will add to this causing disruption for the residents and the police.

Darnall is a deprived area and opening another store of this nature may encourage people who struggle with addictions to spend their money on gambling rather than other living expenses.

#### Objection by Darnall Action Group

There is already a concentration of betting shops and financial institutions in Darnall as well as 4 banks, 5 accountants/estate agencies.

Betting shop owners are targeting the poorest communities.

Fixed Odd Betting Terminals/gambling machines will be located in the betting shop.

People loiter outside betting shops.

Noise pollution from crowds gathering in the premises during big sporting events.

Increase in litter.

#### General Comments

Gambling is not a family orientated activity and betting shops are connected with anti-social behaviour. Recent media reports demonstrate this.

Betting shops are having a direct effect on exacerbating poverty and deprivation in an already deprived area.

Links between gambling and excessive drinking and their overall affect on family poverty are proven.

Increase in gambling and drinking is increasing youth crime in Darnall.

The existing betting shops attract loitering and anti social behaviour such as drinking and noise nuisance from people gathering outside the premises.

Addictive behaviours such as gambling are a precursor to criminal behaviour.

Concern that people will gather outside the premises and obstruct the pavement, which inconveniences and causes harassment to shoppers and passers-by.

The premise is located directly outside a very busy pedestrian crossing and therefore is a risk to public safety.

Approving the change of use would set a precedent which could lead to a proliferation of non retail uses which would change the character of the area.

Approval of this application could well lead to a fourth betting shop in the district all of which are within 50-100 metres of each other. This is considered excessive and disproportionate in a small District Shopping Centre.

Darnall needs uses and facilities that will benefit the local community and economy.

Officers of the Council have already accepted the principle of the use of the premises as a betting shop as noted by the applicant on the planning application forms.

Darnall has been neglected by the Local authority for many years.

The applicant simplifies the categorisation of uses in the area to retail and non retail uses, with food and drink uses included in the categorisation of retail preferred uses.

Concentration of betting shops affects the character of the area.

Increase in litter in the area.

## PLANNING ASSESSMENT

### Land use and Dominance Issues

The application is located within the area designated as the 'District Shopping Centre' in the Council's adopted Unitary Development Plan (UDP).

Members are reminded that the main consideration in the determination of this planning application is the proposed change from an A1 use to an A2 use. Moral issues surrounding a betting office or the clientele it is perceived to attract can hold no weight in the decision as they are not material planning considerations. The main planning policy consideration here is whether the approval of this change of use will continue to achieve a balance of shops and appropriate uses in the District Shopping Centre or whether it will create a harmful concentration of non-retail use in the Shopping Centre which would have a significant effect on the vitality, viability or character of the centre.

UDP Policy S7: 'Development in District and Local Shopping Centres' identifies preferred, acceptable and unacceptable uses in the policy shopping centre. Retail uses (A1) are identified as preferred uses, however offices used by the public (A2) are acceptable along with a number of other uses including food and drink uses (A3, A4 and A5), housing uses (C3), Business (B1) and Leisure and recreation uses (D2).

UDP Policy S10: 'Conditions on Development in Shopping Areas' part a) seeks to ensure that the change of use of a premises will not lead to a concentration of uses which would prejudice the dominance of preferred uses in the area (The area in this case is Darnall District Shopping Centre) or affect its principal role as a

shopping centre. Appendix 1 of the UDP defines 'dominance' as 'usually meaning that non-preferred uses do not occupy more than half of the area.'

Core Strategy Policy CS 34: 'District Centres' identifies that district centres will be encouraged to provide for everyday needs with a range of retail, leisure and community facilities as well as specific shops or services in response to the market in a particular area. The policy also identifies that Darnall will be improved and where possible expanded.

Core Strategy Policy CS 35: 'Darnall District Centre' seeks to promote the regeneration, renewal and expansion of the District Centre to provide a wider range of retail and other services.

The UDP proposals map District Centre boundary includes properties and land to the east of Greenland Road as far as the Junction with Waverley Road. To the north the boundary extends along Main Road to include the land between Greenland Road and Irving Street, and to the south and west it encompasses the properties fronting Staniforth Road and part of the new housing development at Acres Hill Road.

The Sheffield Local Plan proposals maps, which although not as yet adopted indicates that the proposed District Centre boundary is proposed to be substantially reduced from its current extent by removing the land to the east of Greenland Road completely from the District Centre as well as reducing the extent of the District Centre boundary along Staniforth Road as the Acres Hill Road site has been developed to a large extent for housing.

For the purposes of considering the dominance of preferred retail (A1) uses in the Shopping Centre the Shopping Centre boundary shown in the UDP proposals map has been used with the exception of the land at the western end of the centre which forms the Acres Hill Road residential development. This area has been discounted as it is substantially built out as residential houses and as such does not clearly any longer form part of the Shopping Centre.

Currently 54% of units in the District Centre are in preferred retail (A1) use, taking account of the proposed change of use which will lead to the loss of a further retail (A1) unit, retail uses will still comprise 53% of the units in the District Shopping Centre and as such preferred retail (A1) uses remain dominant in accordance with Policies S7 and S10 of the UDP.

It is acknowledged that there are a number of non retail uses in the Shopping Centre including three betting shops and an amusement arcade. However non A1 retail uses contribute to a varied retail office in the District Centre and it is not the planning system's role to prevent competition between specific operators or uses.

As demonstrated above the application proposal would not result in such a percentage shift as to threaten the dominance of A1 retail units in the District Centre nor undermine its main retail function. There remains an acceptable mix of retail and other uses in the centre. Furthermore, members should be aware that from the 30th May 2013 the applicant could change the use of the existing

premises to an A2 betting shop for a temporary period of two years without requiring the permission of the Local Planning Authority as a result of the Government's recent changes to Part 4 Class D of the General Permitted Development order 1995.

The application site is currently an empty retail unit following the closure of the health and beauty store several months ago. The closure of this preferred A1 retail use is unfortunate but this appears to be a reality of the current economic situation. The unit is available to let and there is no guarantee that a new retail proposal will be found at this location. It is argued that the application proposal will at least bring the unit back into an active use with an A2 use that is deemed to be acceptable in the Shopping Area as defined by UDP policy S7. Furthermore, it is considered that it could be reasonably demonstrated that the use will enhance the existing vitality and viability of the centre, by filling an empty unit with a use that provides a service to customers, a day and evening economy (until 2200 hours at the latest) and attracting a reasonable number of customers who may combine a visit to the premises with other shopping activities in the District Centre (link trips).

The separate planning application (ref: 13/01041/FUL) for a new shop front demonstrate that a substantially glazed shop frontage will be provided. This design approach is welcomed and will allow the shop to continue to engage with the surroundings and maintain some of the attributes of a retail premises through the incorporation of a display window. The unit although located at the junction of two roads, the ground floor forms part of a terrace of properties in this busy District Centre and therefore, it is not considered that the proposed change of use would deter shoppers from walking past or using other parts of the centre to the detriment of its wider vitality and viability.

Notwithstanding the above, a condition has been added to the application for a shop front which removes the right to display vinyl stickers that can be stuck to the shop window to ensure that permeability and views through the glass are maintained.

Taking account of this information, the impact of the change of use of the premises on the vitality and viability of the District Shopping Centre is not considered to be so significant to refuse the application on land-use policy grounds. The proposed change of use of the premises does not affect the dominance of preferred (A1) retail uses in the centre and it is considered that the proposal will not individually or cumulatively prejudice the primary role of the District Centre as a shopping area. The proposal is considered to be acceptable in terms of UDP Policies S7, S10 (a) and CS 34 and 35.

#### Amenity Issues

Policy S10: Conditions on Development in Shopping Areas, part (b), seeks to ensure that new development or change of use applications will only be acceptable if they do not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions, including air pollution and noise.



The application site is located in the District Centre where there are a number of active uses including food and drink uses which operate until late in the evening. There are residential uses in the District Centre, the closest of which are located on Britannia Road and opposite the site above existing commercial premises; however the occupiers of these properties cannot expect the same level of amenity as properties in established residential areas. In addition there are considered to be relatively high background noise levels as a result of vehicle traffic (cars and buses) moving through the area.

The proposal is not considered to generate any significant noise or disturbance from its operation or from customers coming and going from the premises, any live sound from sporting events can be contained within the building by appropriate insulation and noise attenuation. The applicant has not stated any proposed hours of operation on the application forms, however taking account of the above it is not considered unreasonable to allow the use to operate between 0800 hours and 2200 hours Monday to Saturday and 0900 to 2100 hours on Sundays and Bank Holidays, which is consistent with other similar uses in the locality.

Subject the above condition being attached, it is concluded that the proposal will not detrimentally affect the living conditions of adjoining properties and, therefore, complies with Policy S10.

#### Highways Issues

The application site is located in a busy established District Shopping Area and as such it is highly accessible by various means of transport. Given the nature of the use it is not considered to be a significant vehicle trip generator in itself as trips to the premises are likely to be linked with visits to other shops and premises in the centre. The site is also located in close proximity to housing areas to the west which can easily access the site on foot.

Concerns have been raised in relation to customers of the proposed use blocking the footway outside of the premises and associated dangers this may create for pedestrians crossing Main Road. There is no evidence to suggest that the proposed use would attract large groups to congregate outside of the premises. However, regardless of the above the footway outside the application site is relatively wide approximately 4 metres at its widest point. As such should a customer or a group of customers stand outside the premises there is more than adequate room for pedestrians to safely walk past the site on the pavement without obstruction. Moreover outside part of the shop a barrier separates the footway from the carriageway providing pedestrians with further protection from vehicles using the road. There is also a signalised crossing outside of the premises which will also assist anyone in safely crossing Main Road. In light of the above the proposal is considered acceptable from a highways perspective.

#### RESPONSE TO REPRESENTATIONS

The objections received in relation to this application proposal are noted. It is considered that planning issues raised have been addressed in the main body of this report.

The applicants agents comments contained in the application form confirm that A2 uses are considered acceptable uses in the policy area as confirmed by Policy S7 and in no way confirms the view of the Local Planning Authority

There is no evidence to suggest that the proposed use will increase littering in the area.

Issues of anti-social behaviour generated by the use are a Licensing and Policing issue and not a material planning consideration, neither are moral or social objections to the principle of the use.

Any vacant uses in the District Centre have been considered as part of the dominance test based on their previous known use and have not been automatically assumed to be retail (A1) uses.

A litter bin will be conditioned to be provided to reduce the perceived spread of litter from the premises.

#### SUMMARY AND RECOMMENDATION

The main consideration for this application is the proposed change of use from A1 use to A2 use. Moral issues relating to gambling and associated behaviour are not material planning considerations.

The application site is located in the Darnall District Shopping Area. The preferred use in this area is A1 (Shops) but it is accepted that other uses are acceptable, including A2 (Financial and Professional Services), as long as they would not have a significant effect on the dominance of shops. The proposed change of use would not affect the dominance of preferred A1 retail uses, with 53% of units in the District Centre remaining in preferred A1 use. The proposed use is therefore considered acceptable in principle in accordance with policies S7 and S10 of the UDP.

The proposed unit is currently empty and a separate planning application for a new shop front demonstrates that a display window will be provided and as such the property will retain an active frontage. For the reasons given in the assessment of this application, it is not considered that the impact on the area's vitality, viability, character and retail function are so significant to warrant the refusal of this application.

Despite the presence of residential accommodation in the vicinity, the operation of the unit as an A2 betting office is not considered to give rise to any noise and disturbance issues in this location where there are already high background noise levels and established late night uses, as such the hours of use do not raise any amenity concerns.

The proposal is not considered to give rise to any highways issues. It is also the case that the recent government changes to the General Permitted Development Order, introduced on the 30th May 2013, mean that this unit could



change to a betting shop for a period of 2 years without the need for planning permission.

For the reasons given above, it is concluded that the development complies with the relevant policies and proposals in the Unitary Development Plan and Core Strategy and would not give rise to any unacceptable consequences to the environment, community or other public interests of acknowledged importance.

The application is therefore considered to be acceptable and it is recommended that planning permission is granted conditionally for the proposed change of use.

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Case Number 13/00720/FUL (Formerly PP-02452322)

Application Type Full Planning Application

Proposal Erection of 20 dwellinghouses

Location Land South Of Queen Elizabeth Court And Queen  
Anne Court  
Raeburn Place  
Sheffield  
S14 1SH

Date Received 05/03/2013

Team South

Applicant/Agent West And Machell Architects

Recommendation Granted Conditionally subject to the completion of a  
Legal Agreement

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 Numbers:-

2672 (3) 023 C - received on the 30th of May 2013.  
2672 (3) 027 B - received on the 30th of May 2013.  
2672 (3) 031 A - received on the 30th of May 2013.  
2672-P (1) 07 - received on the 28th of May 2013.  
2672-P (1) 01 G - received on the 28th of May 2013.  
2672-P (4) 004 B - received on the 24th of May 2013.  
2672-P (4) 003 B - received on the 24th of May 2013.  
2672 (3) 024 C - received on the 24th of May 2013.  
2672 (3) 021 C - received on the 24th of May 2013.  
2672 (3) 022 C - received on the 24th of May 2013.  
2672-P (5) 001 - received on the 17th of May 2013.  
2672-P (5) 002 - received on the 17th of May 2013.  
2672-P (2) 012 A - received on the 9th of May 2013.  
2672-P (2) 015 - received on the 9th of May 2013.  
2672-P (2) 016 - received on the 9th of May 2013.

2672-P (2) 017 - received on the 9th of May 2013.  
2672-P (3) 013 A - received on the 9th of May 2013.  
2672-P (3) 012 A - received on the 9th of May 2013.  
2672-P (3) 011 A - received on the 9th of May 2013.  
2672-P (1) 06 - received on the 9th of May 2013.  
2672 (3) 025 A - received on the 28th of March 2013.  
2672 (3) 032 - received on the 28th of March 2013.  
2672 (3) 028 - received on the 28th of March 2013.  
2672 (3) 029 - received on the 28th of March 2013.

The Affordable Housing Statement - received on the 15th of March 2013.

The Extended Phase 1 Habitat Survey - JCA Ref: 11013a/KS - received on the 14th of March 2013.

The HRS Noise Assessment Report - Reference 115579-AC-1v1 - dated 8th of March 2013 - received on the 14th of March 2013.

The Design & Access Statement - received on the 5th of March 2013.

The Sustainability Statement - received on the 18th of March 2013.

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how the following will be provided:

a minimum of 10% of the predicted energy needs of the of the completed development being obtained from decentralised and renewable or low carbon energy.

Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources or additional energy efficiency measures shall have been installed before any part of the development is occupied and a post-installation report shall have been submitted to an approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS65.

- 4 The dwellings hereby approved shall be constructed to achieve a minimum standard of Code Level for Sustainable Homes Level 3 and before any dwelling is occupied (or within an alternative timescale to be agreed) the relevant certification, demonstrating that Code Level 3 has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.

In the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS64.

- 5 The dwellings shall not be used unless the car parking accommodation as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

- 6 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.

- 7 No development shall commence until the improvements (which expression shall include traffic control, pedestrian and cycle safety measures) to the highways listed below have either;  
a) been carried out; or  
b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the dwellings are brought into use.

Highway Improvements:

Alteration to the junction of Raeburn Road/Raeburn Place  
Raeburn Road (alterations shown in principle on Drawing 2672-P(1)01G

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

- 8 Prior to the improvement works indicated in the preceding condition being carried out, full details of these improvement works shall have been submitted to and approved in writing by the Local Planning Authority.

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

- 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 highway safety and the amenities of the locality.

- 10 Before the development commences full details of contractor parking / construction vehicle parking and turning areas shall be submitted to and approved in writing by the Local Planning Authority.

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

- 11 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.

- 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 Unless otherwise indicated on the approved plans no tree, shrub or hedge shall be removed or pruned without the prior written approval of the Local Planning Authority.

In the interests of the visual amenities of the locality.

- 14 No development shall commence until full details of measures to protect the existing trees 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.

- 15 No development shall commence until a Landscape and Ecological Management Plan, including short, medium and long term aims and

objectives, management responsibilities and maintenance schedules for all distinct areas, has been submitted to and approved in writing by the Local Planning Authority. The Landscape and Ecological Management Plan shall thereafter be implemented as approved.

In the interests of biodiversity.

- 16 Before construction works commence full details of the proposed facing, roofing and paving materials shall have been submitted to and approved in writing by the Local Planning Authority.

In the interests of the visual amenities of the locality.

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, Part 1 (Classes A to H inclusive), Part 2 (Class A), or any Order revoking or re-enacting that Order, no extensions, porches, garages, ancillary curtilage buildings, swimming pools, enclosures, fences, walls or alterations which materially affect the external appearance of the dwellings shall be constructed without prior planning permission being obtained from the Local Planning Authority.

To ensure that the traditional architectural character of the development is retained and there is no visual intrusion which would be detrimental to the amenities of the locality.

- 18 Details of a suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority and the dwellings shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

In the interests of the visual amenities of the locality.

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

To ensure satisfactory drainage arrangements.

- 20 No piped discharge of surface water from the application site shall take place until surface water drainage works including off-site works have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

To ensure satisfactory drainage arrangements.

- 21 No development shall commence until details of the implementation, adoption, maintenance and management of the sustainable drainage system have been submitted to and approved in writing by the Local

Planning Authority. The system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation, and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

In the interests of sustainable development.

- 22 Unless otherwise authorised in writing by the Local Planning Authority, surface water discharge from the completed development site shall be restricted to a maximum flow rate of 5 litres per second. Before the use of the development is commenced, a validation test to demonstrate that the necessary equipment has been installed and that the above flow rate has been achieved shall have been carried out and the results submitted to and approved in writing by the Local Planning Authority.

In order to mitigate against the risk of flooding.

- 23 Before any hard surfaced areas are constructed, full details of all those hard surfaced areas within the site shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall provide for the use of porous materials, or for surface water to run off from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse. Thereafter the hard surfacing shall be implemented in accordance with approved details.

In order to control surface water run off from the site and mitigate against the risk of flooding.

- 24 Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, full final details of the access and facilities for people with disabilities throughout the site (including the final layout of the mobility units) shall have been submitted to and approved in writing by the Local Planning Authority and the mobility units shall not be used unless such access and facilities have been provided in accordance with the approved plans, and thereafter such access and facilities shall be retained.

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

- 25 Unless otherwise agreed in writing by the Local Planning Authority, the developer must carry out the development in accordance with the recommendations identified in the - Extended Phase 1 Habitat Survey - by JCA Limited 2013 (reference 11013a/KS).

In order to ensure that there are adequate mitigation measures in place to support the ecology of the local area.

- 26 Prior to the first dwelling on site being occupied, or an alternative timescale to be agreed in writing by the Local Planning Authority, details of the position and design of 5 bat boxes and 5 bird boxes to be provided around the site shall have been submitted to and approved in writing. Thereafter, the provision of these boxes shall be carried out in accordance with the approved details.

In the interests of the ecological amenity of the area.

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:

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.

BE5 - Building Design & Siting

BE6 - Landscape Design

GE11 - Nature Conservation & Development

GE12 - Sites of Special Scientific Interest & Local Nature Reserves

GE15 - Trees & Woodland

H7 - Mobility Housing

CF5 - Community Benefits

H15 - Design of New Housing Developments

H16 - Open Space

CS22 - Scale of the Requirement for New Housing

CS23 - Locations for New Housing

CS24- Maximising the Use of Previously Developed Land for Housing

CS25 - Priorities for Releasing Land for New Housing

CS26 - Efficient Use of Housing Land & Accessibility

CS40 - Affordable Housing

CS45 - Quality & Accessibility of Open Space

CS46 - Quantity of Open Space

CS54 - Pedestrian Routes

CS64 - Climate Change, Resources & Sustainable Design of Developments

CS65 - Renewable Energy & Carbon Reduction

CS67 - Flood Risk

CS74 - Design Principles

The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

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. As the proposed development will involve the closing/diversion of a highway(s) you are advised to contact the Principal Engineer of Highway Information and Orders, Development Services, Howden House, 1 Union Street, Sheffield, S1 2SH, as soon as possible.
2. 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.

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

You should apply for a consent to: -

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

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

4. You are required as part of this development, to carry out works within the public highway: As part of the requirements of the New Roads and Street Works Act 1991 (Section 54), 3rd edition of the Code of Practice 2007, you must give at least three months written notice to the Council, informing us of the date and extent of works you propose to undertake.

The notice should be sent to:-

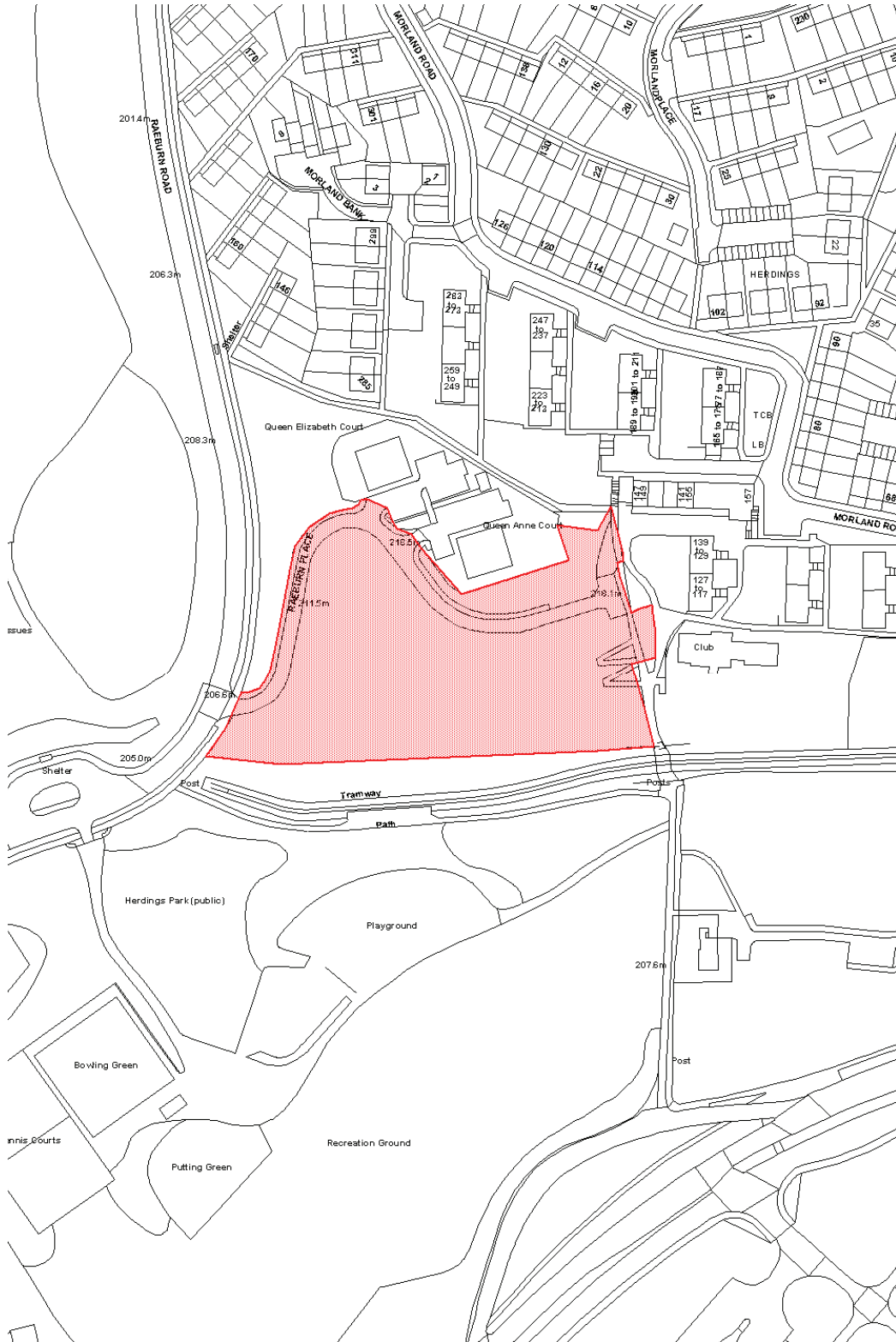
Sheffield City Council  
2-10 Carbrook Hall Road  
Sheffield  
S9 2DB

For the attention of Mr P Vickers

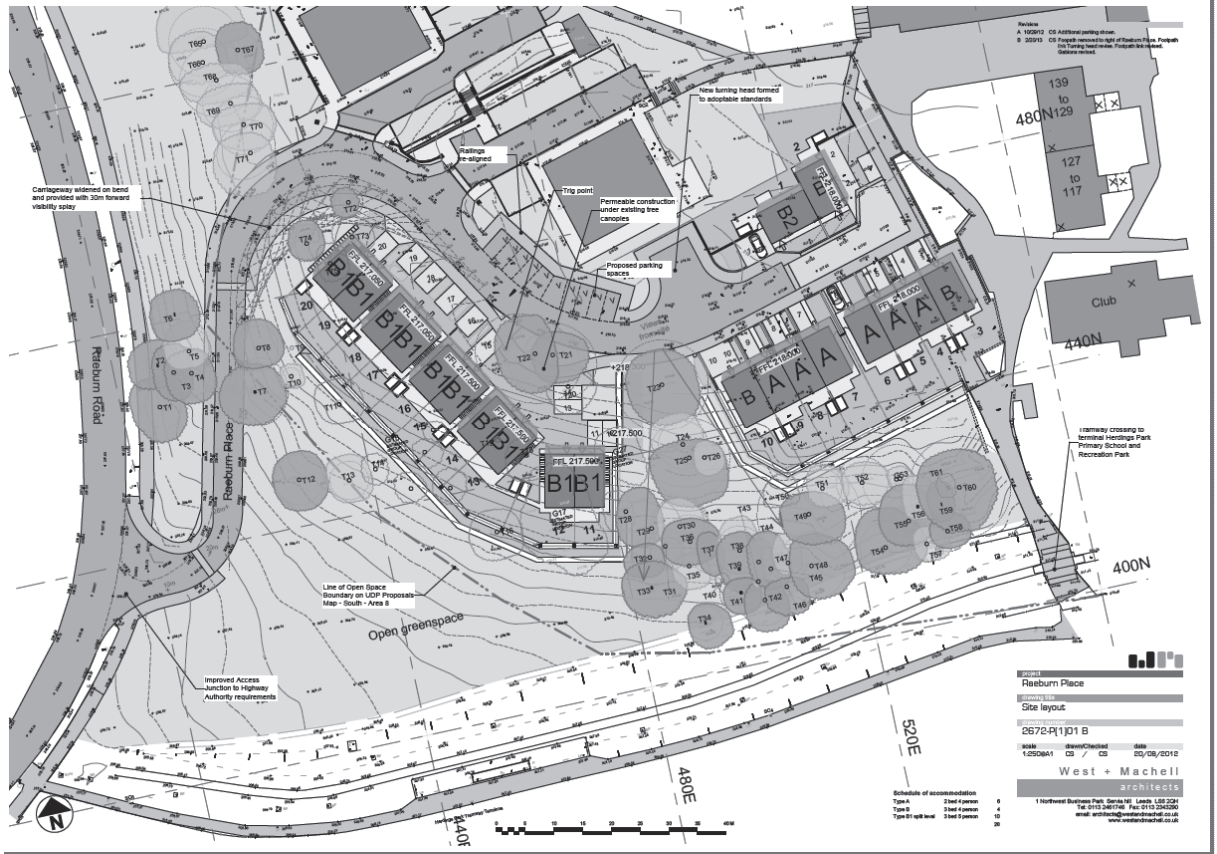
Please note failure to give the appropriate notice may lead to a fixed penalty notice being issued and any works on the highway being suspended.

5. 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](mailto: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.
6. 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.

# Site Location



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## LOCATION AND PROPOSAL

Planning permission is sought to construct a modern residential development comprising of 20no. two and three bedroom dwellings (14 units with 3 bedrooms and 6 units with 2 bedrooms) with associated highway works, car parking and landscaping works.

The application site is located on land to the south of Queen Elizabeth Court and Queen Anne Court (two multi-storey residential tower blocks) on Raeburn Place at the edge of the Gleadless Valley area of Sheffield.

The site is currently vacant, having previously been occupied by Council housing stock (a multi-storey residential tower block), which was demolished a number of years ago because it was deteriorating. The site is currently owned by "Places for People", a social housing provider - who intend to invest in the site and construct the proposed development, with grant funding from The Homes and Communities Agency to help regenerate the site/area as well as helping to meet the City's housing need.

The site currently has the appearance of open grassland with several clusters of trees of varying species dispersed across the site. The site slopes down from north to south towards a Supertram link/destination stop, with further open space beyond.

To the direct north of the site are the existing two residential tower blocks and further beyond there are a mixture of two-storey houses and three-storey maisonette-type flats. To the east of the site there are more three-storey maisonette type flats. One of the maisonette blocks incorporates a parade of shops at ground floor level. Because of its elevated position, the site is quite visible from the south and west.

The Applicant, "Places for People", already owns the two multi-storey residential tower blocks that immediately adjoin the site (Queen Elizabeth Court and Queen Anne Court) and has already been working with residents and the Council to try and upgrade/regenerate the area.

## RELEVANT PLANNING HISTORY

Previous planning applications relating to the site include:-

86/01539/FUL - Application for use of land as a site storage compound and the erection of a 3 metre high perimeter fence. This application was conditionally approved in September 1986.

96/01294/OUT - An outline application for residential development. This application was withdrawn in June 1999.

97/00408/FUL - An application for the erection of 26 dwellings with a new access road. This application was also withdrawn in June 1999.

02/01338/FUL - Application for the construction of new footpaths and provision of landscaping works. This application was conditionally approved in October 2002.

07/00506/FUL - An application for the erection of 13 no. 2-bedroom dwellings and 25 no. 3-bedroom dwellings, and laying-out of associated highways. This application was withdrawn in May 2007.

## SUMMARY OF REPRESENTATIONS

In accordance with statutory requirements, this application has been advertised by site notices, press advert and neighbour notification letters.

In response to the application publicity, one representation has been received in relation to the proposed development. The representation was submitted by the Sheffield Wildlife Trust and is an objection to the proposal. The reason stated for the objection is that part of the development is located on land identified as being within the "Gleadless Valley Local Nature Reserve" and as such, the Sheffield Wildlife Trust are obliged to object.

Additionally, the Applicant has advised that prior to the application being submitted, they had undertaken three separate consultation events within the local community at two different locations. Two of the consultation events were held in the community centre building to the immediate east of the site (on the 3rd and 25th of July 2012), both of these events were attended by approximately 20 residents on

each occasion. The third consultation event was held on the 8th of November 2012 at Valley Park Community Primary School. Prior to the event taking place at the school, approximately 400 letters were sent out to surrounding residential properties and the event was advertised within the school and at local amenities and shops. Despite the wider publicity, the event at the school was attended by approximately 10 residents. The applicant has confirmed that all of the comments received at each of the three events were positive and in support of the development.

## PLANNING ASSESSMENT

### National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) sets out the Government's revised planning policies for England and how these are expected to be applied. The key goal of the NPPF is the pursuit of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life. The following assessment will have due regard to these overarching principles.

Based on policies set out in the NPPF (paragraphs 49 and 50), seek to give a presumption in favour of new sustainable housing developments and also, seek to deliver a wide choice of high quality homes including (as in this case) the provision of affordable housing stock.

Paragraph 56 of the NPPF places significant weight on the importance of securing high quality design in the built environment. This paragraph goes on to say that "Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

### Land Use Policy Issues

The relevant approved local policy documents are the adopted Unitary Development Plan (UDP, 1998) and the Sheffield Development Framework - Core Strategy (SDF), adopted in March 2009. The SDF Core Strategy is the more up-to-date document and provides the overall spatial strategy for the SDF over the period 2009 to 2026.

The UDP designates the land within the application site as predominantly being a Housing Policy Area with a small section of the site being allocated as Open Space - comprising predominantly grassed areas on a slope and several clusters of trees.

The latest Sheffield Development Framework (SDF) emerging pre-submission proposals map (April 2013) now identifies a much larger area of the site as being within Open Space and, the site is now also identified as being within a Local Nature Reserve (an extension of the Gleadless Valley Local Nature Reserve). The applicant has raised objections to the new allocations for the site and therefore little weight can be given to the SDF emerging proposals and allocations for the site. The procedure for declaring the site as a Local Nature Reserve was carried out incorrectly (on the basis that the owner of the land was not consulted or made



aware of the proposed Local Nature Reserve declaration). A process for de-declaration of the Local Nature Reserve is currently in motion and it is envisaged that the de-declaration will be undertaken as a formality within the next few months. In spite of this error, the City Ecology Unit has undertaken an assessment of the ecological features of the site and the findings are reported below under the heading of "Ecology Issues". Furthermore, because of the partial open space allocation of the site, it has been necessary to carry out an open space assessment for the site, the findings are also reported below under the heading of "Open Space Issues". The principle however, of adding new housing onto designated housing land is considered to fully comply with UDP Policy H10, which relates to 'Development in Housing Areas' and identifies housing as the 'Preferred' Use.

Policies CS22 'Scale of the Requirement for New Housing', CS23 'Locations for New Housing', CS24 'Maximising the Use of Previously Developed Land for Housing', and Policy CS25 'Priorities for Releasing Land for New Housing' all promote new residential development in Sheffield - at appropriate and sustainable locations - in order to assist the delivery of suitable sites for housing within the City over future years.

This application will provide new housing which will assist the current 5-year supply of deliverable sites (as required by Policy CS22), and it will provide affordable development in the urban area. Thus, supporting regeneration and making efficient use of land as required by Policies CS23, 24 and 25.

#### Density Issues

Core Strategy Policy CS26 'Efficient Use of Housing Land and Accessibility' states that housing development will be required to make efficient use of land but accepts that the density of new developments should be in keeping with the character of the area and support the development of sustainable, balanced communities.

The site is situated in close proximity to high frequency bus routes (at Raeburn Road) and a Supertram stop at the base of the sloping grassed open space area (approximately 30 metres away). Therefore, Policy CS26 recommends a density range for new housing in this area of between 40 to 60 dwellings per hectare. Based on the overall red line boundary of the site, the proposed development achieves approximately 20 dwellings per hectare, however at least half of the site within the red line boundary is being retained as an area of Open Space (open grassland and woodland clusters). It's also noted that the area generally already has high density levels with the multi-storey residential tower blocks and the maisonette type flats in close proximity and therefore, in an attempt to create a balanced and wider-mix of housing types in the immediate area, officers feel that in this instance, it is acceptable to accept the significantly lower density level. Unlike the existing flats in the immediate area, these new dwellings will all have individual garden spaces and designated off-street car parking spaces and therefore, will appeal to a broader section of the population that might wish to live in the area.

Therefore, it is concluded that the proposed shortfall in density provision does not conflict with the aspirations of Policy CS26.

## Open Space Issues

Given that part of the site is located on land identified in the Sheffield Unitary Development Plan as being Open Space, it has been necessary to assess the proposal against relevant open space policies. The open space assessment shows that, overall, there is sufficient open space in the local area (11.08ha/1000). However, within this there is a high proportion of informal open space, and an under provision of formal open space. Although not included within the Open Space Audit, the site appears to be informal open space, therefore its loss would not be contrary to Policy CS47 (a) that seeks to avoid a quantitative shortage of informal or formal open space in the local area. As the space is surplus for its current function, its loss is acceptable under part (f) if either a proposed replacement would remedy a deficiency in another type of open space, or it could not fulfil other unsatisfied open space needs. The unsatisfied needs in this area comprise outdoor sport, however, this site would not be suitable for outdoor sport provision due to its topography. Therefore it can be deemed that the site cannot fulfil unsatisfied open space needs. It is considered therefore, that the partial loss of the open space in the context of the development can be justified and would not conflict with relevant UDP Policy LR5 'Development in Open Space Areas' nor Core Strategy Policy CS47 'Safeguarding Open Space'.

UDP Policy H16 'Open Space in New Housing Developments' requires that the Applicant makes an appropriate contribution towards the provision or enhancement of public space on or within the vicinity of the application site. In this instance, the applicant has agreed to make a financial contribution towards open space provision or enhancement in the area.

Core Strategy Policy CS 45 'Quality and Accessibility of Open Space' states that safeguarding and improvement of open space will take priority over creation of new areas.

In terms of an appropriate financial contribution, it is expected that the scheme will provide £29,334.40 towards the provision or enhancement of recreation space in the catchment area of the site. This contribution will be secured through the use of a Section 106 legal agreement.

## Design Issues

UDP Policy BE5 'Building Design and Siting' expects good overall design and the use of high quality materials. Original architecture is encouraged, but new development should also complement the scale, form and architectural style of surrounding buildings.

Core Strategy Policy CS74 'Design Principles' reiterates the expectation of high quality design as well as recognising that new development should take advantage of and enhance the distinctive features of the city. Amongst other items, this includes 'views and vistas to landmarks and skylines into and out of the City Centre and across the city to the surrounding countryside.



The proposed design approach comprises of an architectural style that is modern and reflective of the constraints imposed by the site (i.e. the sloping land form and the existing trees on the site). The design will provide 20 affordable homes each with a private garden/amenity space and at least one off-street car parking space. The proposed new housing layout will to a great extent follow and align itself with the existing road network that had previously served the original tower block that existed on part of the site.

The proposal provides two and three bedroom houses across the site in semi-detached and terraced configurations. This variety is considered to be a positive element of the scheme which will help to widen the housing style and mix on offer in the area (which currently is predominantly maisonette-style flats or high-rise tower block flats).

The architecture is contemporary yet traditional in terms of the material palette and the design features to be incorporated. The approach is consistent throughout. All of the house types will be constructed from red brick with grey roof tiles, and it is intended that the windows have contemporary design features - including projecting oriel window openings on some of the gable and rear elevations. The split-level design of some the properties is reflective of the sloping contours of the site.

The woodland/main cluster of trees on the site forms approximately 30% of the overall site area and, the proposed design of the development has been laid out so as to respect and retain the most important and significant trees on the site.

Because of the sloping terrain of the site, the majority of the units (on plots 4 to 20) are built with high retaining walls forming the rear boundary. The rear boundary retaining walls are predominantly designed with gabion walls with architectural fencing/balustrading along the top of the wall. The retaining walls will form a significant feature and therefore, the applicant is proposing a landscaping scheme to help soften the appearance of the gabion/retaining walls. The landscaping works will involve some re-contouring of the earth and grassed areas to the front of the retaining wall as well as some new shrubs and bushes, which will not only help to soften the appearance but will also act as deterrent from people trying to climb up the retaining/gabion walls.

It's worth noting that despite the introduction of the gabion/retaining wall and the new dwellings, the key view of the site (from Herdings Park and the Supertram stop) will still show the two residential tower blocks against the skyline and backdrop of this development.

As mentioned above, the development has been designed around the existing road that runs through the site. The proposed layout ensures that the new properties will all knit well with the road, resulting in all of the properties gaining access from the road. It is considered the proposed layout of the new properties will create a well-defined road frontage which generally supports place-making and the creation of communities through streetscape and public-realm interaction. As part of this proposal and in order to ensure that the road is suitable for this development, the

main access road serving the new properties will need to be widened/upgraded (at the applicant's expense).

Officers feel that the layout and configuration of the new dwellings also knits well with the neighbouring two tower blocks (which are also accessed via the same access road) and, the maisonette flats and shops that also adjoin the site. The open footpath links through the site should ensure that this development does not just become a cul-de-sac type development that is isolated from the neighbouring residential communities.

The scheme incorporates low level brick walls to the front garden areas to help define the edge of the highway, demarcate public and private spaces, and break up areas of clustered parking. It is considered that this is a positive design feature which will help to create a cohesive and defined streetscape that people can personalise.

Wherever possible existing mature trees will be retained and new landscaped areas will be introduced within the front garden areas of the properties. This will help retain a sense of mature landscaping within the street-scene and soften the overall appearance.

For the reasons outlined above, the design of the scheme is considered to be acceptable and consistent with the aspirations of relevant policies BE5 and CS74.

#### Sustainability Issues

Core Strategy Policy CS64 relates to 'Climate Change, Resources and Sustainable Design of Developments' and requires all new buildings to be energy efficient and to use resources sustainably. It also requires that all new significant developments (5 dwellings or more) should achieve Code for Sustainable Homes Level 3, or equivalent.

Policy CS65 relates to 'Renewable Energy and Carbon Reduction' and requires new significant developments to provide 10% of their energy needs from decentralised and renewable or low carbon energy.

The applicant has confirmed that the development will incorporate some renewable energy features which might not necessarily achieve the full 10% renewable energy figure but, will certainly go a long way to achieving some renewable energy and help create a sustainable development.

Some of the key aspects of this proposal that help secure a sustainable development include:-

#### - Renewable Energy Generation

Each dwelling will be fitted with a 3 square metre solar hot water panel providing renewable energy to heat the hot water of the house. Whilst not achieving a full 10% reduction in total energy for the scheme, it will provide a sensible amount of renewable energy that will realistically be used by the tenants.

- Building Fabric

The construction specification encompasses high levels of thermal insulation which should help to minimize CO2 emissions and also provide the future occupants with low-cost heating. The selection of the materials will take into account local sourcing where possible and, will be measured against the BRE Green Guide to Specification, environmental good practice and avoid materials that are harmful to the environment. The applicant has also stated that robust materials will be used in order to minimise ongoing maintenance and to avoid regularly having to replace building elements.

- Travel

To encourage local trips to be made by bus, walking, or supertram, accessible routes that link with existing local networks are being provided where appropriate, for example a new accessible footpath link will be provided from the head of the road to the existing nearby shops and there will also be improvements to the links to the nearby bus and Supertram networks.

The proposals will also include some provision for secure cycle storage in the sheds located in the rear gardens of each property.

- Code for Sustainable Homes & Specific Features

The applicant has confirmed that all of the properties will be built to achieve a Code for Sustainable Homes rating of level 3. The proposed dwellings will have high levels of insulation and air tightness of level 5 to reduce CO2 emissions which, will go a long way to reducing the ongoing heating costs for the future residents. External lighting will be provided by dedicated low-energy light fittings. A designated clothes drying space will be provided within the rear private garden area of each property for this development and, each new tenant/resident will be provided with an information pack guiding them on the need to purchase energy-efficient labelled white goods.

The applicant has also stated that the properties have all been designed so that each dwelling will have space in the second bedroom for a home office.

All of the properties will be fitted with water saving features such as flow restrictors, low volume dual flush wc's and, water saving baths and showers that have flow rates of less than 6Ltrs/min. Furthermore, the applicant has stated that rainwater harvesting features (in the form of water butts attached to rain water pipes) will be provided within each private garden for the collection of rainwater for use within the garden.

From the evidence submitted, it is considered that the proposals will satisfy the requirements of Core Strategy Policies CS 64 and CS 65.

Amenity Issues

UDP Policy H15 'Design of New Housing Developments' expects the design of new housing developments to provide good quality living accommodation. This includes adequate private garden space or communal open space to ensure that basic standards of daylight, privacy, security and outlook are met. It also expects that

walls or fences are provided around rear garden areas next to roads, footpaths or other open areas.

Additionally, as with all housing developments, there is a need to ensure that development is acceptable in terms potential nuisances - such as unacceptable air pollution, noise or other nuisance or a risk to health and safety.

In terms of the development's impact on existing residents, it is considered that the development will not have a detrimental amenity impact on the closest existing properties at either the two residential tower blocks or the nearby maisonette flats.

The privacy distances achieved throughout the site are generally acceptable as there are reasonable separation distances between the proposed new properties. However, because of the 13-storey height of the two adjacent residential tower blocks, there will inevitably be some degree of overlooking from windows in the tower block onto the rear gardens of plots 1, 2 and 3 which is far from ideal and therefore, it might be necessary as part of a landscaping scheme for one or two ornamental trees to be strategically placed to minimise (to a degree) the overlooking caused. Because of the orientation and fall in levels of plots 4 to 20, officers feel that these properties will still have relatively private rear gardens.

The shapes and sizes of garden spaces for each of the properties varies considerably across the site - but it is noted that each property will have a private rear garden space of at least 50 square metres (the private rear garden/amenity spaces range from 50 square metres to 106 square metres) which generally satisfies the minimum requirement for a new dwelling. Given also the extensive views over open space from at least 17 of the new dwellings, officers feel that the private amenity spaces being provided for the development are acceptable in this instance.

### Surrounding Environment

A Noise Impact Assessment has been submitted as part of the application, the assessment identifies that the key source of noise impacting upon the development will be from road traffic using the ring-road (approximately 200 metres away) and, noise from trams at the nearby Supertram termination stop (approximately 50 metres away). Accordingly appropriate consideration has been given towards the mitigation measures required to ensure a commensurate level of protection against noise for future residents. These recommended measures include:- solid block or brickwork with cavity construction, tile or slate roofs with plasterboard ceilings, double-glazed windows with trickle vents and, standard garden fencing where appropriate.

The applicant has made it clear through the submissions that the dwellings will be of standard brick with cavity construction, high insulation, tiled roofs, and double glazed with appropriate trickle vents. Furthermore, the elevated nature of the dwellings and the high retaining walls will, together with some additional landscaping provide extra mitigation against the impact of noise.

Officers are satisfied that the proposal will not lead to noise nuisance for the future occupants of the new dwellings.

Overall, it is concluded that the proposed residential environment will be acceptable at this location and the development consistent with the aspirations of UDP Policy H15.

#### Highway Issues

The proposal will result in 20 dwellings being created with each dwelling having at least one off-street car parking space (4 of the properties will have 2 spaces) and, a total of 10 visitor spaces will also be provided on-street. The site is located within a very sustainable location - being approximately 50 metres away from a Supertram stop and approximately 60 metres away from bus services/stops. The level of parking is considered acceptable for an affordable housing scheme of this nature within such close proximity of public transport services.

All of the car parking spaces will be accessed from the main road running through the site and, in order to bring that road up to an adoptable standard some further highway improvement works will need to be carried out to the road i.e. widening of the road, inclusion of turning points, provision of new footpaths and resurfacing works.

Overall, officers are satisfied that the proposed development will be acceptable from a highway safety perspective and will satisfy the relevant development plan policy.

#### Ecology Issues

UDP Policy GE11 'Nature Conservation and Development' states that the natural environment will be protected and enhanced. Therefore, the design, siting and landscaping of development should respect and promote nature conservation and include measures to reduce any potentially harmful effects of development on natural features of value. Furthermore, Policy GE 12 Sites of Special Scientific Interest and Local Nature Reserves states that development which would damage Local Nature Reserves will not be permitted.

The land in question has a number of extant nature conservation designations. However there are a number of factors that need to be taken into account. As mentioned above in this report, upon investigation it has been determined that the Council had no right to declare this land part of a Local Nature Reserve (LNR) as it had no legal interest in the site and no agreement was made with the landowner. As such, this part of the LNR has been declared in error. The Council is in the latter stages of de-declaring the Raeburn Place (Development) site.

Sheffield City Council Ecology Unit has assessed the ecological value of the Raeburn Place site and found that the site offers little to justify its retention as part of the Local Nature Reserve. Natural England has been consulted, as per legislative requirements, and has no objection to a rectification of the site boundary to exclude the Raeburn Place site.

There is an area of grassland (unaffected by the development proposal) that retains some botanical interest and as such, the City Ecology Unit recommends that the area of grassland in question should be managed as a wildflower meadow (under an appropriate management regime). The applicant has agreed for a management plan to be put in place to maintain and manage the wildflower meadow.

As part of the submissions for this application, an ecological survey assessment report (dated 2013) was submitted, the report made various recommendations such as the need for a comprehensive ecological management and maintenance plan to be submitted, approved and thereafter implemented; the inclusion of a wildlife pond or wetland feature to be considered as part of a SUDs scheme and; any new planting to ideally be of native species (UK origin).

The City Ecology Unit have assessed the ecological survey assessment and advised that the recommendations contained within the survey assessment be followed.

Based on the above comments, officers feel that the proposal is considered to be acceptable from an ecological perspective and will therefore satisfy Policies GE11 and GE12 of the Sheffield Unitary Development Plan.

#### Landscaping Issues

UDP Policy BE6 'Landscape Design' expects good quality landscaping in new developments and refurbishment schemes. Landscape work should provide an interesting and attractive environment as well as integrating with existing features and promoting nature conservation.

UDP Policy GE15 'Trees and Woodland' states that trees and woodland will be encouraged and protected. There is a requirement for developers to retain mature trees, wherever possible, and replace any trees which are of low quality. All of the trees on the site are covered by a Tree Preservation Order although it is widely acknowledged that not all of the trees are of high quality or maturity. This proposal will result in the loss of approximately 16 trees, many of which are either small self-seeded sapling trees or trees that are diseased or damaged. The majority of the important/significant trees are being retained and also, the trees forming the woodland setting on the slope will by and large remain intact. Officers will impose suitable planning conditions for some replacement trees and tree protection measures.

Whilst the loss of some of the trees on site is regrettable, it is considered that the development as a whole together with the new landscape proposals will provide appropriate mitigation for the loss of some of the trees on the site. On balance, officers do not feel that the proposal raises any significant landscaping or tree issues.



## Affordable Housing Issues

Core Strategy Policy CS 40 'Affordable Housing' states that, in all parts of the city, new housing developments will be required to contribute towards the provision of affordable housing where practicable and financially viable. It proposes a target of 30 - 40% affordable housing on sites of more than 15 units.

The Applicant - Places for People - is one of the largest property management, development and regeneration companies in the UK. Places for People are a registered social housing provider who own or manage over 81,000 homes and have assets of more than £3 billion.

The proposed development is funded in part by a grant from the Homes & Communities Agency with support from the Local Authority.

It is intended that all of the 20 properties proposed as part of this development will be provided at affordable social rent and, let via the Sheffield City Council Nominations Policy. Places for People have no intention of selling any of the properties. They will be owned and maintained by Places for People.

Overall, this proposal will provide 100% affordable housing for rent and this is considered to far exceed policy requirements which require 40% to be affordable.

In light of the above the proposal complies with the aspirations of Policy CS40.

## Mobility Housing Issues

UDP Policy H7 'Mobility Housing' seeks to ensure that a proportion (25%) of the development is mobility housing (except where the physical characteristics of a site or existing buildings make it difficult).

Due to the existing gradients and other constraints of the site, this certainly is felt to be a challenging requirement for the applicant, however, the applicant asserts that the minimum requirement of 25% of the dwellings on the site will be designed to mobility housing standards and will meet the "Lifetime Homes Standards" as designated by the Joseph Rowntree Foundation. These standards ensure that the homes are flexible, adaptable and accessible. The applicant has indicated that plots 1, 4, 6, 10 and 11 will meet the mobility housing standards.

Overall, it is considered that the 25% requirement will be achieved by this development and as such, it is felt that the requirements of Policy H7 will be met.

## Education Provision

UDP Policy CF5 'Community Benefits' states that planning obligations will be sought where they would enhance development proposals, provided that they are necessary, relevant and directly related to the development.

The Council's School Organisation Project Team (SOPT) has supplied details about the schools potentially affected by the proposed development. In summary,

based on existing current pupil numbers and forecast data, the demand for primary school places is predicted to remain stable, whereas, demand for secondary school places is forecast to rise.

New housing developments can create additional demand on education facilities and places, which is in addition to the existing population forecasts. On this basis, the SOPT consider that a claim is justifiable for S106 contributions against all dwellings in the development for secondary school provision (at £2743 per dwelling) - a total amounting to £54,860.

The Applicant has advised that this contribution is too high and would render the development unviable. The applicant has indicated that this view would also be supported and verified by the Homes and Communities Agency (HCA), which is partially funding the development under the Affordable Housing Programme.

These issues have been considered alongside other material matters, which include:

- The Applicant is a non-profit making Registered Social Housing Provider that does not intend to sell the proposed properties for profit and anticipates a long term payback on the scheme.
- The development of the site will help stimulate the construction industry and also help to bridge the gap of new housing stock in the city.
- The 20 units being proposed will be available to existing tenants of "Places for People" and other people that are currently on the Council's existing housing register.
- The applicant is already being asked to make a £29,334.40 contribution towards the provision of recreation space in the catchment area of the site.

Following negotiation, the Applicant has stated that a figure of £30,000 could be made available to be paid (through a Section 106 Legal Agreement) to the Council as a financial contribution towards education provision. The Council's School Organisation Project Team (SOPT) have been made aware of this reduced offer.

Taking all of the proposed development characteristics into account (design, affordable housing, open space, mobility housing etc.) as well as the need to meet local and national housing demand, it is concluded that the aforementioned financial sum is, on balance, acceptable. The figure remains a significant amount which will be able to contribute towards the provision of education places within the catchment, which is within the spirit of UDP Policy CF5.

#### Flood Risk Issues

Although the site is not located within a flood risk area, Policy CS67 of the Sheffield Development Framework Core Strategy requires all new developments to seek a reduction in surface water run-off and, to use sustainable drainage systems and techniques. In accordance with Yorkshire Water recommendations and the recommendations contained within the Extended Phase 1 Habitat Survey, the applicant has made a commitment to tackle the issue of flood risk by implementing a scheme that controls the discharge of surface water run-off by the use of on-site



retention. The applicant has agreed to implement a sustainable drainage system which may involve the creation of a wetland area which, invariably lead to a more diverse ecology in the area.

#### Public Transport Issues

Core Strategy Policy CS23 'Locations for New Housing' states that new development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure. The main focus will be on suitable and sustainably located site.

Core Strategy Policy CS53 relates to 'Management of Demand for Travel' and part b. encourages the promotion of good quality public transport and routes for walking and cycling to broaden the choice of modes of travel.

South Yorkshire Passenger Transport Executive (SYPTTE) welcomes the development and considers public transport accessibility to be exceptionally high in this area. The development is within walking distance to bus stops as well as the Herdings Park tram stop, thus enhancing public transport use and promoting sustainable travel behaviour.

SYPTTE have requested that a new accessible walking route be provided from the site to the Herdings Park tram stop and, that new fencing be provided at the southern boundary of the site to prevent informal access to the tram stop. Officers feel that any informal access across the open space to the tram stop was an issue that had previously existed, and to an extent, this new development might help to minimise such informal access from occurring (particularly as this development will be seeking to make some improvements to existing footpath links to and from the site). Whilst officers accept that the proposal may lead to an increase in use of the tram system by the future residents of the scheme, it would be unreasonable to require the developer to provide secure fencing around the southern boundary of the site. The applicant has indicated that the provision of new access routes from the site to the tram stop and, new secure perimeter fencing would render the scheme completely unviable. It is considered that the existing footpath links (with the upgrade works being proposed) will adequately satisfy the new demands being created by the proposal.

Overall, the proposed impact on public transport is considered to be a positive one and, therefore, the proposal complies with the relevant aspirations of Policies CS23 and CS53.

#### RESPONSE TO REPRESENTATIONS

In light of the erroneous Local Nature Reserve designation and the findings of the submitted ecological assessment (verified by the City Ecology Unit), officers do not feel that there are sufficient grounds to refuse the scheme based on the objections raised. Officers feel that there are adequate mitigation measures being put in place that will secure the future management and maintenance of the relevant part of the site as a wildflower meadow with the further possibility of a wildlife pond or wetland feature also being created as part of a SUDs scheme.

## SUMMARY AND RECOMMENDATION

The proposed development is being carried out by a registered social housing provider and will create 20 new dwellings on predominantly housing land within the Herdings/Gleadless area of Sheffield. The current proposals are considered to have an acceptable and contemporary architectural style and, will provide affordable social housing and 25% of the overall provision will be built to mobility housing standards. Furthermore, all of the properties will achieve Code for Sustainable Homes Level 3.

The scheme will add to the housing style/mix of the area and, is unlikely to have a detrimental impact on the setting of the existing neighbourhood. The proposal will have no significant impact on existing nearby residents and, will provide high-quality sustainable housing for the future occupants/tenants.

The proposal is acceptable in highway safety terms and, will at the same time result in some highway improvement works being carried out.

The site is located in a very sustainable location with excellent public transport links for trams and buses.

In terms of landscaping, the anticipated loss of trees is unfortunate but it is considered that the inclusion of some new trees and landscaped areas will help to uplift the area and also compensate the trees being removed.

In terms of amenity issues, the proposal will create new housing with adequate separation spaces and reasonable garden sizes. Each dwelling will have at least one off-street car parking space and additional visitor spaces will be provided. There are adequate separation distances and mitigation measures in place to ensure that the future occupants of the development will not be affected by noise from the ring road or from the Supertram.

Whilst the development commits to meeting the full open space contribution, the applicant is only willing to provide part of the education provision, owing to concerns over viability. However, it is acknowledged that a balance has to be struck to ensure the viability of the scheme and to maintain its design quality, particularly in light of the level of affordable housing that is to be provided on site, and the proposed contribution is an acceptable compromise.

Overall, it is believed that the significant benefits generated by this proposal are such that it will make a positive contribution to the site and the surrounding area. Members are therefore recommended to grant planning permission subject to the proposed conditions and completion of the approved Planning Agreement under Section 106 with the following Heads of Terms identified below.

### Heads of Terms

1. The Owners shall pay the Council [on or before the commencement of Development] the sum of £30,000 to be used by the Council towards the provision

of secondary school education in the locality of the site. This shall be provided in accordance with the principles set out in the Council's supplementary planning guidance 'Planning Obligations and Education Provision'.

2. The Owners shall pay the Council [on or before the commencement of Development] the sum of £29,334.40 to be used by the Council towards the provision or enhancement of recreation space in the catchment area of the site. This shall be provided in accordance with the principles set out in the Council's supplementary planning guidance 'Open Space Provision in New Housing Development'.

In the event that a satisfactory S106 planning agreement covering the Heads of Terms set out in the preceding paragraphs is not concluded before the 14th of June 2013 (in order to meet the Government's target time for determination of the application), it is recommended that the respective application be refused for the failure to make adequate provision in this regard.

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Case Number	13/00207/FUL (Formerly PP-02421233)
Application Type	Full Planning Application
Proposal	Single storey front extension and creation of shop fronts for use of ground floor as two retail units (use class A1/A2/A3/A5) and use of first floor as four residential units, with associated landscaping works (revised scheme)
Location	Windsor Hotel 35 - 39 Southend Road Sheffield S2 5FS
Date Received	23/01/2013
Team	City Centre and East
Applicant/Agent	Space Studio
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:

Dwg No: 01 rev B  
Dwg No: 01-1 rev B  
Dwg No: 05 rev C  
Dwg No: 06 rev B  
Dwg No: 07 rev C

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 Details of all proposed external materials and finishes, including samples, 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.

- 4 The Kitchen and Bedroom window to Apartment 3 on the elevation of the Building facing No.2/4 Boundary Road 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 visual amenities of the locality.

- 5 The former pub lounge area as shown on the approved plans shall be used for storage purposes only associated with the ground floor commercial units unless otherwise agreed in writing by the Local Planning Authority.

In the interests of the amenities of the future occupiers of the building.

- 6 The flat roof areas of the building shall not at any time be used as amenity space for residents and shall only be accessed for maintenance and emergency purposes.

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

- 7 The first floor of the building shall be converted to 4 flats in accordance with the approved plans within 6 months of the date of this decision notice unless otherwise agreed in writing by the Local Planning Authority.

In the interests of the amenities of the future occupiers of the building.

- 8 The residential flats hereby approved shall not be occupied until the garage, building materials and rubbish within the site located to the side and rear of the building have been removed and the area set out as amenity space for the residents of the flats.

In the interests of the amenities of the future occupiers of the building.

- 9 The residential flats hereby approved shall not be occupied until details of the secure gating of the side and rear yard area to include access control measures and a secure bin storage area has been provided, details of which shall be have been first submitted to and approved in writing by the Local Planning Authority.

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

- 10 The ground floor units shall not be used for Use Class A3 or A5 purposes unless a scheme for the installation of equipment to control the emission of fumes and odours from the premises is submitted for written approval by the Local Planning Authority. These details shall include plans showing the location of the fume extract terminating 1 metre above the eaves of the

building and shall include a low resistance cowl. The use shall not be commenced until the approved equipment has been installed and is fully operational.

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

- 11 No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof have first been submitted to and approved in writing by the Local Planning Authority, and once installed such plant or equipment should not be altered without prior written approval of the Local Planning Authority.

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

- 12 Before the use of the building for Use Class A1/A2/A3/A5 purposes is commenced a scheme of sound attenuation works shall have been installed and thereafter retained. Such a scheme of works shall:

- a) Be capable of restricting noise breakout from the Use Class A1/A2/A3/A5 to the street to levels not exceeding:
  - i) the background (LA90) noise levels by more than 3 dB(A) when measured as a 15 minute Laeq,
  - ii) any octave band centre frequency by more than 3dB when measured as a 15 minute Leq,
  - iii) Be capable of restricting noise breakout from the Class A1/A2/A3/A5 use to the flats above to levels complying with the following:  
Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours),  
Living Rooms: Noise Rating Curve NR35 (0700 to 2300 hours),

(Noise Rating Curves should be measured as a 15 minute linear Leq at the octave band centre frequencies 31.5 kHz to 8 kHz).

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

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

- 13 The A1/A2/A3/A5 uses shall not be occupied unless a scheme of sound attenuation works has been installed. Such scheme of works shall be designed to protect the residential part of the development from noise and vibration arising from the A1/A2/A3/A5 uses. Before the scheme of sound attenuation works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority. The approved scheme of works shall be installed in full prior to use commencing and shall thereafter be retained and maintained.

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

- 14 The residential accommodation hereby permitted shall not be occupied unless a scheme of sound attenuation works has been installed and thereafter retained. Such scheme of works shall:

Be capable of achieving the following noise levels:

Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours),

Living Rooms: Noise rating Curve NR35 (0700 to 2300 hours),

Include a system of alternative acoustically treated ventilation to all habitable rooms.

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

In the interests of the amenities of the future occupiers of the building.

- 15 Before the use of the development is commenced, a Validation Test of the sound attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Test shall:

a) Be carried out in accordance with an approved method statement,  
b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved, then notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

In the interests of the amenities of the locality and of the residential occupiers of the building.

- 16 The ground floor commercial units shall be used only between 0900 hours and 2330 hours Mondays to Saturdays and between 0900 hours and 2300 hours on Sundays and Bank Holidays.

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

- 17 No deliveries to the building shall be carried out between 2200 and 0800 hours Sundays to Fridays and 2100 to 0900 hours Saturdays and the day before Public Holidays.

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

- 18 No movement, sorting or removal of waste bottles, materials or other articles, nor movement of skips or bins shall be carried on outside the building within the site of the development between 2200 hours and 0800 hours Sundays to Fridays and between 2100 hours and 0900 hours on Saturdays and the day before Public Holidays.

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

- 19 The commercial units shall not be used for the above-mentioned purpose unless a suitable receptacle for the disposal of litter has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

- 20 The approved scheme shall not be brought into use unless the car parking accommodation for 5 number of cars as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

- 21 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 cycle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the building shall not be used unless such cycle parking has been provided in accordance with the approved plans and, thereafter, such cycle parking accommodation shall be retained.

In the interests of delivering sustainable forms of transport, in accordance with the Transport Policies in the adopted Unitary Development Plan for Sheffield (and/or Core Strategy).

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:

S7 - Development in District and Local Shopping Centres

S10 - Conditions on Development in Shopping Areas



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.

The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

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. The floor separation between the ground floor and first floor should be subject to a scheme of sound insulation works. The scheme should be based upon the details contained in the Building Regulations 2000, Approved Document E; Resistance to the passage of sound; Section 4; Wall treatment 1.
2. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0800 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from the Environmental Protection Service, 2-10 Carbrook Hall Road, Sheffield, S9 2DB: Tel - 0114 2734651.
3. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document Guidance Notes for the Reduction of Obtrusive Light (GN01: 2011). This is to prevent obtrusive light causing disamenity to neighbours. The Guidance Notes are available for download from the Institution of Lighting Professionals' website, or telephone (01788) 576492
4. 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.
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. 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](http://www.sheffield.gov.uk/planning) or apply online at [www.planningportal.gov.uk](http://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.

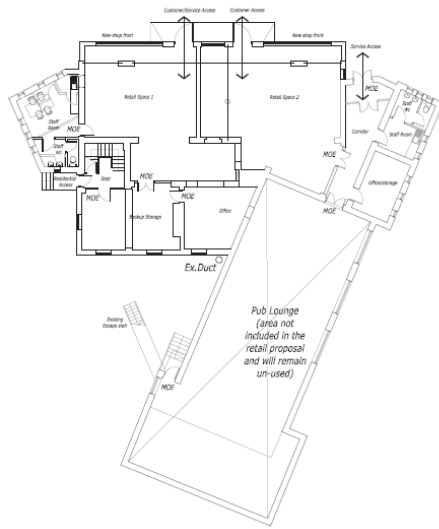
For Listed Building Consent and Conservation Area Consent applications an application for confirmation of compliance with planning conditions is still required but there is no fee.

7. Plant and equipment shall be designed to ensure noise levels do not exceed 10dBA (LA90) below background noise levels when measured at the site boundary.

# Site Location



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PROPOSED GROUND FLOOR PLAN SCALE 1:200 @A3



PROPOSED FIRST FLOOR PLAN SCALE 1:200 @A3

client <b>MR B AGHA</b>	<b>SPACE studio</b>	Revision <b>X</b> date drawn <b>15/11/2012</b> Drawn By <b>AMA</b>	Revision <b>D</b> date drawn <b>01/05/2013</b> Drawn By <b>AMA</b>
project <b>WINDSOR HOTEL</b> <b>35-39 SOUTHEND RD, MANOR PARK,</b> <b>SHEFFIELD S2 5FS</b>		Comments <b>FIRST ISSUE</b>	Comments <b>ONE BED APARTMENT CHANGE TO A 2 BED APARTMENT AND CREATING A NEW STORE. THIS NOW CREATES 3 RESIDENTIAL UNITS.</b>
title <b>PROPOSED PLANS</b>	18 Mylor Road Sheffield S11 7PF Telephone +44 (0) 114 263 1762	Revision <b>A</b> date drawn <b>15/12/2012</b> Drawn By <b>AMA</b>	
drawing no <b>05</b> revision <b>C</b>		Comments <b>NEW SHOP FRONT INDICATED</b>	
scale <b>1:200</b> date drawn <b>15/11/2012</b>		Revision <b>B</b> date drawn <b>22/04/2013</b> Drawn By <b>AMA</b>	
		Comments <b>NEW SHOP FRONT WINDOWS ADJUSTED.</b>	
		Revision <b>C</b> date drawn <b>23/04/2013</b> Drawn By <b>AMA</b>	
		Comments <b>TOILETS REMOVED FROM FIRST FLOOR PLAN</b>	

## LOCATION AND PROPOSAL

This application site comprises of the former Windsor Hotel Public House which is prominently located at the junction of Southend Road and Boundary Road. The former public house is a large brick built two storey property with a parking area to the front and a yard area to the side.

This application has been submitted following enforcement investigations after work to convert the upper floor of the building to 7 flats was undertaken without planning consent. This was reported to the City Centre South and East Planning Committee on the 4th February 2013 and enforcement action was authorised. This application seeks to modify the layout of the unauthorised first floor residential accommodation to provide 3 one bedroom and 1 two bedroom flat and alter the ground floor to provide new shop fronts and subdivide the former public house into two commercial units to be used for either A1/A2/A3 or A5 use.

The application site is in an allocated Local Shopping Area as defined in the adopted Sheffield Unitary Development Plan (UDP). Adjoining the site to the west is a local convenience store and hot food takeaway, to the east are a series of vacant boarded up former shop units with first floor residential accommodation. The remainder of the surrounding area comprises of terraced and semi detached residential properties.

## SUMMARY OF REPRESENTATIONS

12 letters of representation as well as a 147 signature petition have been received in objection to the proposal. The issues raised are summarised as follows:

The proposed flats would overlook adjoining properties detrimentally affecting the privacy and amenity of adjoining properties.

Elevated roof top garden area would lead to overlooking of adjoining properties

The work has already been done without planning consent.

Inadequate parking is provided for the proposed flats and commercial uses.

The plans indicate that apartments will be for single occupation only which will only generate short term residents, and associated drug and alcohol problems which will spoil the configuration of this family housing area.

The commercial units will attract anti social behaviour issues, including litter and drug and alcohol issues which are already an established problem in the area

## PLANNING ASSESSMENT

### Land Use

UDP Policy S7: 'Development in District and Local Shopping Centres' identifies preferred, acceptable and unacceptable uses in shopping areas. Retail uses (A1) are identified as preferred uses, however food and drink uses (A3 and A5) as well as offices used by the public (A2) are also considered acceptable uses in the shopping area. Residential uses (C3) are also considered acceptable particularly where they are located at first floor level.

UDP Policy S10: 'Conditions on Development in Shopping Areas' part a) seeks to ensure that the change of use of a premises will not lead to a concentration of uses which would prejudice the dominance of preferred uses in the area or affect its principal role as a shopping centre. Appendix 1 of the UDP defines 'dominance' as 'usually meaning that non-preferred uses do not occupy more than half of the area.'

The applicant has not specified a distinct use class for each of the ground floor commercial units and is seeking flexibility to use each of the units for A1/A2/A3 or A5 purposes in order to increase the attractiveness of the site to perspective occupiers. The UDP allocated shopping area is very small comprising of only 5 units inclusive of the application. Currently A1 retail uses are not the dominant use of the shopping area. Discounting the application site there is only one preferred A1 retail use and an A5 hot food takeaway use currently operating in the shopping area. The remainder of the units inclusive of the ground floor of the application site are vacant and boarded up.

The ground floor of the premises is currently vacant following the closure of the former public house. The closure of the pub is unfortunate however the proposed

development has the potential to introduce two preferred A1 retail uses into the shopping area. Should the units be occupied for other A class uses, all of which are considered acceptable with regard to policy S7, it is considered in this case given the current vacancy rates and condition of the building any active use of the ground floor with class A uses would bring some welcome activity and vitality to this small shopping area. As such the use of the proposed ground floor units for class A uses is considered acceptable. As identified above C3 residential uses are considered acceptable in Shopping Areas particularly at first floor level where they will create activity and increase natural surveillance of the shopping area.

#### Amenity issues

Policy S10: Conditions on Development in Shopping Areas, part (b), seeks to ensure that new development or change of use applications will only be acceptable if they do not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions, including air pollution and noise.

The application site is in an allocated shopping area however the surrounding area comprises of primarily residential properties. If Class A1 and A2 uses occupy the ground floor of the premises they are likely to operate within normal working hours (0800 to 1800) and therefore not give rise to any amenity issues.

The former public house was not subject to any planning controls over its hours of operation and is likely to have opened until late in the evening. There is an established hot food takeaway adjoining the site which is permitted to operate between 0900 hours and 2330 hours Mondays to Saturdays and 0900 hours and 2300 hours on Sundays and Public Holidays. In light of the above it is clear that there is an established precedent for some late night activity in the area. A3 and A5 uses are likely to operate in the evening. The building is detached and although the applicant has not stated any proposed hours of operation on the application forms, taking account of the above it is not considered unreasonable to allow the use to operate between 0900 hours and 2330 hours Monday to Saturday and 0900 to 2300 hours on Sundays and Bank Holidays, which is consistent with other permitted uses in the locality. Conditions will be imposed with regard to sound insulation to protect the amenities of the proposed first floor accommodation and adjoining properties from any noise breakout from the premises.

Given the location of the site, any A3 or A5 uses that may occupy the building are unlikely to generate significant activity as the units will primarily provide a local facility and are unlikely to draw any significant passing trade that would cause any unacceptable noise and disturbance.

The property has an existing extraction flue which is located to the rear of the building. The applicant is proposing to utilise this flue should any of the ground floor units require extraction. The flue is in an acceptable position to minimise the impact of odour on adjoining residents, however conditions will be imposed requiring specifications of any flue extraction system to be submitted prior to the occupation of any of the ground floor units for A3 or A5 purposes.



The proposed amendments to the layout of the first floor flats to reduce the overall number of units from seven to four is considered to provide appropriate outlook, natural lighting and living conditions for future residents. Given that the first floor is currently occupied for residential purposes without consent and existing living conditions for residents are considered unacceptable, should members be minded to grant the application a condition will be imposed requiring the conversion works to be undertaken within 6 months of the date to the decision. This will allow adequate time for existing residents to be re-housed as necessary during the works.

Concerns have been raised with regard to overlooking of No. 2/4 Boundary Road from the proposed first floor residential accommodation. There are existing first floor window openings in the side elevation of the building facing No. 2/4 which would have previously served the first floor residential accommodation associated with the former public house. As such there has always been a significant degree of overlooking between the application site and No.2/4 Boundary Road. During the process of the application the plans have been amended to remove one of the flats which has substantially reduced overlooking of No. 2/4. It is acknowledged that the existing window openings in the side elevation of the property which serve apartment 3 will result in a degree of overlooking of No.2/4. However in order to further minimise overlooking the kitchen window and the bedroom window of apartment 3 will be obscured to minimise overlooking. It is acknowledged that the living room window to Apartment 3 will still overlook the rear yard area of No. 2 and 4 and although this is not an ideal relationship, historically there has always been a degree of overlooking between the properties. Taking account of the above amendments to the layout and obscuring of windows to the proposed flats the degree of overlooking is not considered to significantly harm the amenities of adjoining property to warrant the refusal of planning permission.

The property has large accessible flat roof areas to the side and rear of the property which if used as amenity space would give rise to overlooking of adjoining properties as such these areas will be conditioned to prevent them being used as amenity space. Adequate alternative amenity space can be provided to the side and rear of the property at ground floor level.

In light of the above the proposal is considered acceptable from an amenity perspective and complies with policy S10.

#### Design Issues

Policy S10: Condition on Development in Shopping Area part d) seeks to ensure that development is well designed and of scale and nature appropriate to the site.

Only very minor alterations are required to the external appearance of the building. The front elevation will be extended slightly at ground floor level and new glazed shop fronts installed. The feature front entrances to the pub will be retained as part of the proposals and will form the access doors to each of the ground floor commercial units. In addition to the above a small stepped access will be provided to the side of the property to improve access to the existing door which serves the first floor flats. The rear/side yard area will also be gated and an old garage

removed to form a garden area for residents. Gating of the yard will improve security for the residents and hopefully minimise the fly tipping that has taken place in the yard previously. The proposal is considered to comply with policy S10 d).

#### Highways

Policy S10: Conditions on Development in Shopping Areas part f), states that new developments or change of use applications will only be acceptable if they are adequately served by transport facilities, provide safe access to the highway network, appropriate off-street parking and not endanger pedestrians.

The site is accessible by public transport and given the reduced number of flats and their limited size they are not considered to generate significant parking demand. Five parking spaces are proposed to the frontage of the site which are likely to be used by customers who may call at the ground floor commercial units. The commercial units are likely to provide local facilities only and as such are not considered to be a large trip generator in themselves. As such the level of parking provision proposed is considered acceptable. Taking account of the above, the proposal is considered to be in compliance with Policy S10 (f).

#### Bin Storage

The applicant has shown that an adequate bin storage area for the flats and commercial properties will be provided to the side of the property. A litter bin for customers will be conditioned to be provided outside of the shop when the premises are open should they be used for A3 or A5 purposes to prevent the spread of litter in the locality. As such the proposal includes suitable bin storage and therefore complies with policy S10.

#### RESPONSE TO REPRESENTATIONS

There is no evidence to suggest that the use will increase or give rise to antisocial behaviour, which is a matter for the police. All other issues raised are covered in the main body of the report.

#### ENFORCEMENT

On the 4th February 2013 The City Centre South and East Planning Committee authorised officers to take all necessary steps, including enforcement action, service of stop notice and the institution of legal proceeding, if necessary to secure cessation of the use of the upper floors of the property as self contained flats. The owner has taken steps through the submission of this application to rectify the situation. A condition will be applied should planning permission be granted requiring the upper floors to be converted in accordance within the approved plans within a period of 6 months from the date of this decision. Should the conversion works not be undertaken in this period the Council could serve a breach of condition notice requiring compliance with the plans.



## SUMMARY AND RECOMMENDATION

This application has been submitted following enforcement investigations into the unauthorised conversion of the upper floors of the property to 7 residential flats which were considered to result in unacceptable living conditions for residents. Following amendments this application seeks permission to use the upper floor as four flats comprising of three one bed and one two bed flat, and the conversion and alterations of the ground floor of the premises into two commercial units to be used for either Class A1/A2/A3 or A5 purposes.

The site is in a small local Shopping Area as defined in the adopted UDP proposals map, which is clearly in a state of decline. The proposed development will bring the application site back into active use and improve the vitality and viability of this local shopping area.

Despite the presence of residential uses in the locality conditions can be imposed which will ensure that the development will not give rise to any unacceptable noise and disturbance or amenity issues for residents.

The internal changes to the building will ensure that the amenities of future residents are acceptable. Although the proposals result in a degree of overlooking of No.2/4 Boundary Road which is a shop and takeaway at ground floor level with flat above, historically there has always been a degree of overlooking between the application site and the adjoining property from the first floor residential accommodation associated with the previous use of the site as a public house. Amendments have been made to the layout of the site to remove a flat and a number of windows will be obscured by condition to reduce overlooking. Therefore on balance the impact on the amenities of adjoining properties is not considered so significant as to warrant the refusal of planning permission.

The proposed commercial units owing to their size and the site's location are considered to mainly serve the local community and will not attract significant volumes of traffic or generate significant demand for parking. The four first floor flats again given their limited size are not considered to generate significant parking demand, but in any event five car parking spaces are provided on site to the frontage which is considered acceptable.

Adequate bin storage is available to the side of the property and a litter bin will be conditioned to be provided outside of the premises should it be used for A3 or A5 purposes.

The application is therefore considered acceptable and complies with the provisions of policies S7 and S10 of the UDP and it is therefore recommended that planning permission is granted conditionally.

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Case Number	13/00199/FUL
Application Type	Full Planning Application
Proposal	Erection of a dwellinghouse
Location	Curtilage Of Wadsley Lodge 1 Laird Road Sheffield S6 4BS
Date Received	17/01/2013
Team	West and North
Applicant/Agent	Hooley Tratt Partnership Ltd
Recommendation	Refuse

For the following reason(s):

- 1 The Local Planning Authority considers that the erection of the proposed dwellinghouse by reason of its scale and massing and facing materials gives rise to an unsatisfactory form of development that would be harmful to the character and appearance of the surrounding area and therefore contrary to the aims of Policies H14 and BE5 of the Unitary Development Plan and Policy CS74 of the Sheffield Core Strategy.

# Site Location



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## BACKGROUND

The application was reported at the 21 May 2013 Planning and Highways Committee. At this meeting, Members resolved to defer the application pending further discussions with the applicant in respect of the facing materials of the dwellinghouse.

In response to these discussions, the applicant has advised by e-mail dated 30th May 2013 that they are happy for the application to be reconsidered by the Committee subject to conditions, which will include the requirement for the approval of materials by Officers including the use of natural or artificial stone. Members are therefore advised to note that should the application be recommended for approval, the applicant is not committing solely to the use of natural stone at this stage but is willing to accept a condition that the details of materials be conditioned to require a sample of the external materials for subsequent approval with appropriate regard to the site context.

## LOCATION AND PROPOSAL

The application relates to part of the side garden curtilage of an attractive two and half storey stone constructed detached dwellinghouse in Wadsley. The host dwellinghouse (No. 1 Laird Road) is situated on the southern side of Laird Road and is situated in a Housing Area and at one time was previously used as a small school.

The dwellinghouse has two road frontages, with Laird Road to the north and Wadsley Park Crescent to the south. To Laird Road is an attractive 3m high stone wall that encloses the site from this road. Vehicular access is taken from Wadsley Park Crescent through a set of double gates that leads into a hardstanding area for the parking of at least 2 vehicles. The property sits within a very generous and well landscaped garden curtilage of some 0.13 hectares. A number of trees are located within the site; these are located mainly to the site boundaries to the south, east and west. The property itself is an attractive Victorian 'villa type' dwellinghouse that is faced in coursed natural stone with a natural slate roof. It is sited towards its Laird Road frontage. The property has two key outlooks with its main habitable windows facing south and west.

The surrounding area contains a mix of dwelling types both in terms of its materials and design. To the west of the site and situated behind a high stone boundary wall is No. 3 Laird Road. This neighbouring property is two storey in height (part render, part brick) and comprises a first floor obscured bathroom window within its gable elevation facing the site. This property is significantly screened from the application site by high stone walling and high dense landscaping and trees along its western boundary. To the east of the host property is No. 3a Laird Road. This neighbouring property is effectively screened from the site by high tree and shrub planting along the shared boundary, which provides a significant level of natural screening.

The application site is situated to the west of the host property and measures approximately 0.04 hectares. It is roughly rectangular in area (33m by 16m at its widest points) and stretches from Laird Road to Wadsley Park Crescent. The ground levels of the application site are approximately 1.5m higher than the siting of 1 Laird Road.

The applicant is seeking full planning permission to erect a 3-bedroomed two storey detached dwellinghouse on this site. The property would be effectively 'L' shaped in appearance consisting of two front and rear sections that would be offset to each other. It would be sited to the north west corner of the site towards its Laird Road frontage. Off-street parking for two vehicles would be provided to the rear of the site from Wadsley Park Crescent. A new opening would be created within the existing high stone boundary wall to Laird Road to allow pedestrian access onto this road. To accommodate the dwellinghouse, two outbuildings that are situated adjacent and that abut up against the high stone boundary wall to Laird Road would be demolished. A new boundary with low stone walling and timber close boarded fence would be erected to a maximum height of 1.8m to demarcate the boundary between the new dwellinghouse and 1 Laird Road.

#### RELEVANT PLANNING HISTORY

Planning permission was refused to erect a detached bungalow on this site in March 2003, under planning reference No. 04/00364/FUL. It was refused on two grounds, firstly that the proposed dwellinghouse would result in the significant loss of garden space to No. 1 Laird Road and would appear to be 'squeezed in' that would have an adverse impact upon the character of the locality, and secondly, that the proposed dwellinghouse would result in unacceptable overlooking of



adjacent property and gardens as well as resulting in overlooking of the new dwellinghouse.

The decision of the Council to refuse the application was appealed against by the applicant, under appeal reference No. APP/J4423/A/04/1150958. The Planning Inspector considered that both the proposed dwelling and the existing house would have adequate garden space and did not agree with the Council that it would appear 'squeezed in'. The Inspector did however raise significant concerns with regard overlooking between the proposed dwellinghouse and the existing house. He considered that owing to the bungalow being sited close to the rear and side elevation of 1 Laird Road that comprises a number of windows, the erection of the bungalow would result in an unacceptable level of overlooking and loss of privacy between the two properties and dismissed the appeal.

### SUMMARY OF REPRESENTATIONS

The residents of both No. 3 and 3a Laird Road have raised an objection to the application for the following reasons:-

- The development will severely impact on traffic on Laird Road;
- Unless the dwellinghouse is constructed in matching materials as the existing property it will be out of keeping with the surrounding buildings;
- Noise disruption during the construction of the dwellinghouse;
- The stone boundary wall (western boundary) needs significant repair and;
- The foliage and trees have been left to overgrow resulting in no sunlight reaching the garden of the property.
- The reason the previous application was refused is still valid with the house being squeezed in and the lack of privacy.
- The development of a greenfield site and loss of open space;
- Loss of mature trees;
- Affect the integrity of the adjacent house's foundations

### PLANNING ASSESSMENT

It is considered that the main issues relevant to this application are as follows:-

- (i) The principle of development - Policy and Land Use
- (ii) Highway Issues;
- (iii) Design Issues and its affect on the character and appearance of the surrounding area; and
- (iv) Impact on the amenity of any adjoining residential properties.

These are considered in turn below.

#### (i) Principle of Development

The application site is situated in a Housing Area, where housing is the preferred use under Policy H10.

While the development would accord with Policy H10 of the UDP in terms of use, consideration should also be given to the development of a greenfield site, given that the application site currently forms part of the side garden of the existing house. The relevant policy position with regard the use of previously developed land for new housing is Policy CS24. This policy states that priority will be given to the development of previously developed sites and no more than 12% of dwelling completions will be on greenfield sites in the period between 2004/05 and 2025/26. It goes on to state that the development of greenfield sites may be acceptable on small sites within the existing urban areas and larger villages, where it can be justified on sustainability grounds.

With regard to this, the latest figures show that the Council is exceeding its target of achieving 88% of all development on previously developed land. The site is situated within Wadsley and close to Hillsborough that benefits from a range of shops, schools and good public transport service within walking distance of the site.

The erection of a single dwellinghouse on this site is therefore unlikely to prejudice or undermine the Council's targets for the development of previously developed land across the city, while its location close to shops and good public transport links can be justified on sustainability grounds.

The principle of erecting a single detached dwellinghouse is therefore accepted and would meet the terms of UDP Policy H10 and Core Strategy Policy CS24.

#### (ii) Highway Issues

It is not considered that the development raises any significant highway implications. The plans show that the proposed dwellinghouse would be provided with two off-street parking spaces that would be provided on a hardstanding adjacent to Wadsley Park Crescent. Access would be taken from this highway and involve removing part of the site's rear stone boundary wall. The existing dwellinghouse would continue to be provided with off-street parking for two vehicles. This level of parking is considered acceptable and unlikely to lead to any significant pressure for on street parking that would prejudice highway safety.

It is noted that to implement the proposed vehicular crossing onto Wadsley Park Avenue, a large highway tree is likely to require felling. This tree is not protected under a TPO. It is recommended therefore that along with the standard highway conditions, as a condition of planning approval, a condition is attached that secures a replacement tree at the expense of the applicant.

#### (iii) Design Issues and the Affect of the Development on the character and appearance of the surrounding area

UDP Policy H14 relates to conditions on development in Housing Areas. It details at Part (a) that new buildings and extensions are well designed and would be in scale and character with neighbouring buildings.

UDP Policy BE5 seeks to ensure good design and the use of good quality materials in all new and refurbished buildings and extensions. The principles that should be followed include encouraging original architecture where this does not detract from the scale, form and style of surrounding buildings, the use of special architectural treatment be given to corner sites and that designs should take advantage of the site's natural features.

Core Strategy Policy CS74 sets out the design principles that would be expected in all new developments. It details that high quality development respect and take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods. At Part (c) it includes the townscape character of neighbourhoods with their associated scale, layout and built form, building styles and materials.

The proposed dwellinghouse would be erected adjacent to the respective side elevations of both No. 1 Laird Road and No. 3 Laird Road with its principal outlook facing front (street) and back (garden). The main body of the dwellinghouse would be effective 'L' shaped in appearance and be designed with two separate two storey sections that are off-set from one another. The two sections would be linked by a side lean-to structure with extended roof. The roof slope of the rear two storey section of the dwellinghouse would comprise an extended roof slope that would extend over the south western and lower section of the dwellinghouse's gable wall. To each the dwellinghouse's front and rear gable walls would be a full height square bay window. Features of the property's design include glazed screens along part of the lower section of the roof and walling of the lean-to section facing 1 Laird Road and at the south western section (roof section only), entrance canopy and timber eaves. It would be faced principally in white render above a natural stone base. The roof would be finished in slate.

The application as submitted improves upon the scheme that was submitted at pre-application stage with the retention of the high stone boundary wall and the dwellinghouse's revised siting to Laird Road particularly welcome. However, despite the amendments made to the scheme, concerns remain with the scale and massing of the proposed dwellinghouse, its predominant use of render for its external appearance and to a lesser extent the design that includes a plethora of roof pitches, gables and extrusions, which creates somewhat of a cluttered visual appearance.

It is accepted by officers that the application site (0.04 hectares) is large enough to accommodate a modest dwellinghouse without resulting in any significant harm to the character and appearance of the surrounding area. However, it is considered that the overall scale and massing of the dwellinghouse, particularly its rear two storey section is not appropriate to the context of the site. It is considered that the house would appear somewhat cramped on the site, particular when viewed alongside the much larger property to its east. The host property in officers' opinion merits a large setting and a measure of separation from the proposed house. While 1 Laird Road would still benefit from a large garden curtilage and that a separation distance of 12m would be maintained between the side elevation of the two properties, it is considered that the house would be effectively 'shoehorned' in the narrower section of the site. The appearance of the property would be exacerbated by the fact that it would be sited in very close proximity to the proposed new side



boundary wall/fence, in parts only 1m away, and the site's higher ground levels (approximately 1.5m) to 1 Laird Road. Despite the high boundary treatment, the building would be clearly seen in context with the host property from both adjacent highways. Lowering the rear section to the house in officers' opinion would significantly reduce the overall massing of the building and allow the building to sit more comfortably on site and form a more subservient and sympathetic addition to the setting of the host property. This suggestion however was not accepted by the applicant.

It is also considered that the predominant use of render is inappropriate to its context given the facing materials of the host property (natural stone) and its close relationship to the host property. While it is accepted that 3 Laird Road is part rendered, the proposed house would be viewed more in context with 1 Laird Road than No 3 Laird Road owing to the high western boundary wall and planting along this boundary. Reference should therefore be taken from the host property in terms of the proposed material palette. The applicant has suggested that she would be prepared to consider using natural stone along its front elevation facing Laird Road, but in officers' opinion, this would only address how the property would be viewed from parts of this road and fails to account other keys views of the property, namely from Wadsley Park Crescent.

For the reasons set out above, it is considered that the development is contrary to UDP Policies H14 (a) and Policy BE5 and Core Strategy CS74.

#### (iv) Residential Amenity Issues

It is considered that the properties most affected by the development are No. 3 Laird Road to the west of the site and the host property (1 Laird Road). All other neighbouring properties are adequately distanced and screened from the proposed dwellinghouse that any affect on their residential amenity as a result of the development in terms of overlooking and loss of outlook is likely to be minimal.

With regard No. 3 Laird Road, this building has a first floor window within its gable wall facing the application. This window is understood to serve a bathroom of the property and is obscured glazed. Also, with exception to a secondary ground floor kitchen window, the proposed dwellinghouse would have no other windows that serve habitable rooms along its western elevation facing this neighbouring property and rear garden. The western boundary also benefits from a high stone boundary wall and dense shrubbery along its boundary.

The applicant has also demonstrated that the proposed development would comply with the 45 degree rule in that the furthest part of the furthest part of the dwellinghouse (2 storey rear section) would not project out further than the distance from the 1st floor window of the adjacent property to the furthest part of the rear section.

Any affect on this western neighbour's residential amenity would therefore be minimal.

With regard 1 Laird Road, while this neighbouring property has a number of ground and first windows within its side elevation and includes a side dormer window that serve main and habitable rooms of the house, it is not considered that the erection of the proposed house would result in any significant loss of outlook or overlooking to the detriment of this property. To avoid any significant loss of privacy between properties, the internal layout of the house has been arranged to avoid main rooms of the house being primarily lit by windows along its side (eastern) elevation. With exception to two secondary windows serving the living room and a third serving the study room (obscured glazed and non-opening), no other main windows of the house would be inserted within its side elevation facing 1 Laird Road. The applicant has also agreed to obscure the first floor side bedroom window to avoid overlooking of the rear garden of the proposed dwellinghouse. Subject to appropriate conditions being attached to any grant of planning, it is not considered that the development would result in any significant problems of overlooking between the two properties.

On the ground floor, the property has two ground floor side windows, one serving one of the property's three reception rooms and the other a kitchen. The kitchen window is also lit by a large window within its rear elevation. Of the property's three first floor side windows, two serve bedrooms and the other serves a stair/landing window. These bedrooms however are also lit by windows that have a south facing aspect, although it is noted that one of these is the secondary means of light and outlook into the bedroom and gains its main outlook and light from the window that faces west towards the application site. With regard to these windows, while it is noted that some main windows face onto the application site, a separation distance of approximately 12m would be maintained between the side elevation of the proposed house and these main side windows. This distance would accord with the guidance contained in SPG Designing House Extensions (Guideline 5) and subsequently should mean that the house would not appear overbearing or result in any significant loss of outlook to the detriment of this neighbouring property.

In terms of the attic bedroom, inspection of the cross section drawings show that views from the side dormer window that lights this room would be mainly taken across and above the property's roof. Owing to this, and that the distance between the dormer window and roof slope is approximately 14m should avoid any significant loss of outlook from this attic room.

#### Other Issues

It is noted that concerns have been raised by residents of the two neighbouring properties regarding the state of the western stone boundary wall, the loss of trees, noise and disruption during the course of the development and affect of the development on the foundations of the neighbouring property.

The issues raised in terms of the boundary wall and the affect of the development on neighbouring properties are non planning related and should be disregarded in terms of the merits of this application. The trees are not protected under a TPO and can be felled without the need to seek approval, while in terms of noise disturbance, given that the development is small scale and situated by a high stone boundary wall, any affect on these neighbouring properties' amenity is unlikely to

be significant that would require special protection measures during its construction.

## SUMMARY AND RECOMMENDATION

Full planning permission is being sought to erect a two storey detached house within part of the side garden curtilage of an attractive two and half storey detached house that is situated on the southern side of Laird Road in Wadsley.

The principle of erecting a house on this site is considered to be acceptable and is unlikely to prejudice or undermine the Council's targets for the development of previously developed land across the city. It is considered that subject to careful design and siting, it is considered that the erection of a modest dwellinghouse can be accommodated without harming the noted character and appearance of the existing property or the visual amenity of the surrounding area. However, serious concerns are raised with regard to the scale and massing of the proposed dwellinghouse and its predominant use of render for its external appearance. It is considered that the proposed development is not appropriate to the context of the site and would detract from the overall character of the immediate vicinity of the site.

The proposed parking and access arrangements are considered acceptable and can be adequately secured by condition.

It is considered that the development would not result in the residential amenity of neighbouring properties to be significantly affected. Although the host property comprises a number of windows along its side facing the application site, the siting of the dwellinghouse to this host property (approximately 12m) and the fact that this property has open aspect windows within its rear elevation should avoid this neighbouring property to be subject to any significant loss of amenity from a loss of privacy or loss of outlook.

For the reasons given above and having regard to all other matters raised, it is considered that the development fails to accord with UDP Policies H14 (a) and BE5 and Core Strategy CS74 and is recommended for refusal.

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Case Number	12/03338/FUL
Application Type	Full Planning Application
Proposal	Demolition of building and erection of 128 self contained student flats with ancillary facilities in a 7 storey block (amended plans received 18.04.13)
Location	Portobello House 3 Portobello Street Sheffield S1 4ND
Date Received	24/10/2012
Team	City Centre and East
Applicant/Agent	Corstorphine And Wright
Recommendation	Granted Conditionally subject to the completion of a Legal Agreement

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 Numbers:

H617/P01  
H617/P02  
H617/P03  
H617/P04  
H617/P05  
H617/P06  
H617/P07

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 The residential accommodation hereby permitted shall not be occupied unless a scheme of sound attenuation works has been installed and thereafter retained. Such scheme of works shall:

- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey,
- b) Be capable of achieving the following noise levels:
  - Bedrooms: LAeq 15 minutes 30 dB (2300 to 0700 hours),
  - Living Rooms: LAeq 15 minutes 40 dB (0700 to 2300 hours),
- c) Include a system of alternative acoustically treated ventilation to all habitable rooms.

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

In the interests of the amenities of the future occupiers of the building.

- 4 Before the use of the development is commenced, a Validation Test of the sound attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Test shall:

- a) Be carried out in accordance with an approved method statement,
- b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved, then notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

In order to protect the health and safety of future occupiers and users of the site.

- 5 A further Phase II Intrusive Site Investigation shall be carried out, which takes account of the area beneath the existing building on site and a report shall have been submitted to and approved in writing by the Local Planning Authority prior to the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

In order to ensure that any contamination of the land is properly dealt with.

- 6 Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

In order to ensure that any contamination of the land is properly dealt with.

- 7 All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy, or unexpected contamination is encountered at any stage of the development process, works should cease and the Local Planning Authority and Environmental Protection Service (tel: 0114 273 4651) should be contacted immediately. Revisions to the Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

In order to ensure that any contamination of the land is properly dealt with.

- 8 Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development or any part thereof shall not be brought in to use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

In order to ensure that any contamination of the land is properly dealt with.

- 9 No development shall commence until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.

To ensure satisfactory drainage arrangements.

- 10 Unless otherwise approved in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.

To ensure satisfactory drainage arrangements.

- 11 No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how the following will be provided:  
a) a minimum of 10% of the predicted energy needs of the of the completed development being obtained from decentralised and renewable or low carbon energy; and

Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources or additional energy efficiency

measures shall have been installed before any part of the development is occupied and a post-installation report shall have been submitted to an approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS65.

- 12 The proposed green/brown roof (vegetated roof system) shall be provided on the roof(s) in accordance with locations shown on the approved plans. Details of the specification and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority prior to foundation works commencing on site. The green/brown roof(s) shall be provided prior to the use of the building commencing unless otherwise approved. The plants shall be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced.

In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS65.

- 13 The Local Planning Authority shall be notified in writing upon completion of the green roof.

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

- 14 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.

- 15 Large scale details, including materials and finishes, at a minimum of 1:20 of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:

Windows and reveals  
Doors  
Brickwork detailing  
Parapet  
Railings to ground floor



## Rainwater goods

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

In order to ensure an appropriate quality of development.

- 16 The development hereby approved shall be constructed to achieve a minimum rating of BREEAM 'very good' and before the development is occupied (or within an alternative timescale to be agreed) the relevant certification, demonstrating that BREEAM 'very good' has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.

In the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS64.

- 17 Surface water and foul drainage shall drain to separate systems.

To ensure satisfactory drainage arrangements.

- 18 No piped discharge of surface water from the application site shall take place until surface water drainage works including off-site works have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

To ensure satisfactory drainage arrangements.

- 19 No development shall commence until the improvements (which expression shall include traffic control, pedestrian and cycle safety measures) to the highways listed below have either;

- a) been carried out; or
- b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the building is/are brought into use.

Highway Improvements:

Re-surfacing of the footpaths adjoining the site in accordance with details to be agreed and reinstating redundant dropped crossings as footpath.

To enable the above-mentioned highways to accommodate the increase in traffic, which, in the opinion of the Local Planning Authority, will be generated by the development.

- 20 Prior to the improvement works indicated in the preceding condition being carried out, full details of these improvement works shall have been submitted to and approved in writing by the Local Planning Authority.



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

- 21 No door shall, when open, project over the adjoining footway.

In the interests of pedestrian safety.

- 22 Before the development hereby permitted is occupied arrangements shall be agreed with the Local Planning Authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force in the city at any time.

In order to define the permission.

- 23 No development shall commence until details of the means of ingress and egress for vehicles engaged in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the arrangements for restricting the vehicles to the approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.

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

- 24 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.

- 25 The accommodation shall not be used unless the cycle parking accommodation for multiple cycles as shown on the approved plans has been provided in accordance with those plans and, thereafter, such cycle parking accommodation shall be retained.

In the interests of delivering sustainable forms of transport, in accordance with the Transport Policies in the adopted Unitary Development Plan for Sheffield (and/or Core Strategy).

- 26 Prior to the commencement of the development, or an alternative timeframe to be agreed in writing by the Local Planning Authority, a detailed Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall include:

1. Clear & unambiguous objectives to influence a lifestyle that will be less dependent upon the private car;

2. A package of measures to encourage and facilitate less car dependent living; and,
3. A time bound programme of implementation and monitoring in accordance with the City Councils Monitoring Schedule.
4. Provision for the results and findings of the monitoring to be independently validated to the satisfaction of the Local Planning Authority.
5. Provisions that the validated results and findings of the monitoring shall be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.

Prior to the occupation of any dwelling, evidence that all the measures included within the approved Travel Plan have been implemented or are committed shall have been submitted to and approved in writing by the Local Planning Authority.

In the interests of delivering sustainable forms of transport, in accordance with the Transport Policies in the adopted Unitary Development Plan for Sheffield (and/or Core Strategy).

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:

H7 - Mobility Housing

H16 - Open Space in New Housing Developments

IB6 - Development in Fringe Industry and Business Areas

IB9 - Conditions on Development in Industry and Business Areas

BE5 - Building Design and Siting

BE12 - Public Art

CS17- City Centre Quarters

CS41- Creating Mixed Communities

CS64 - Climate Change, Resources and Sustainable Design of Developments

CS65 - Renewable Energy and Carbon Reduction

CS74 - Design Principles

In land use terms, the proposal is considered acceptable in principle and will regenerate an underused site in a sustainable location. Although contrary to Policy CS41 it is considered that the benefits of developing this site outweigh the dis-benefits of not providing a wider mix of housing.

Although the scale and massing exceeds the guidance in the Urban Design Compendium, it is considered, on balance, to be acceptable. This scale of building can be accommodated without having a harmful impact on the townscape. The elevational treatment of the scheme is considered to be satisfactory and will not have a detrimental impact on the street scene.

The proposal will provide satisfactory living conditions for future residents. Occupiers of adjacent properties will not be adversely affected by the proposed development.

There are no significant highway implications arising from the proposed development.

The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

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. 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](http://www.sheffield.gov.uk/planning) or apply online at [www.planningportal.gov.uk](http://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.

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

You should apply for a consent to: -

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

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

3. 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](mailto: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.
4. 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.
5. Section 80 (2) of the Building Act 1984 requires that any person carrying out demolition work shall notify the local authority of their intention to do so. This applies if any building or structure is to be demolished in part or whole. (There are some exceptions to this including an internal part of an occupied building, a building with a cubic content of not more than 1750 cubic feet or where a greenhouse, conservatory, shed or pre-fabricated garage forms part of a larger building). Where demolition is proposed in City Centre and /or sensitive areas close to busy pedestrian routes, particular attention is drawn to the need to consult with Environmental Protection Services to agree suitable noise (including appropriate working hours) and dust suppression measures.

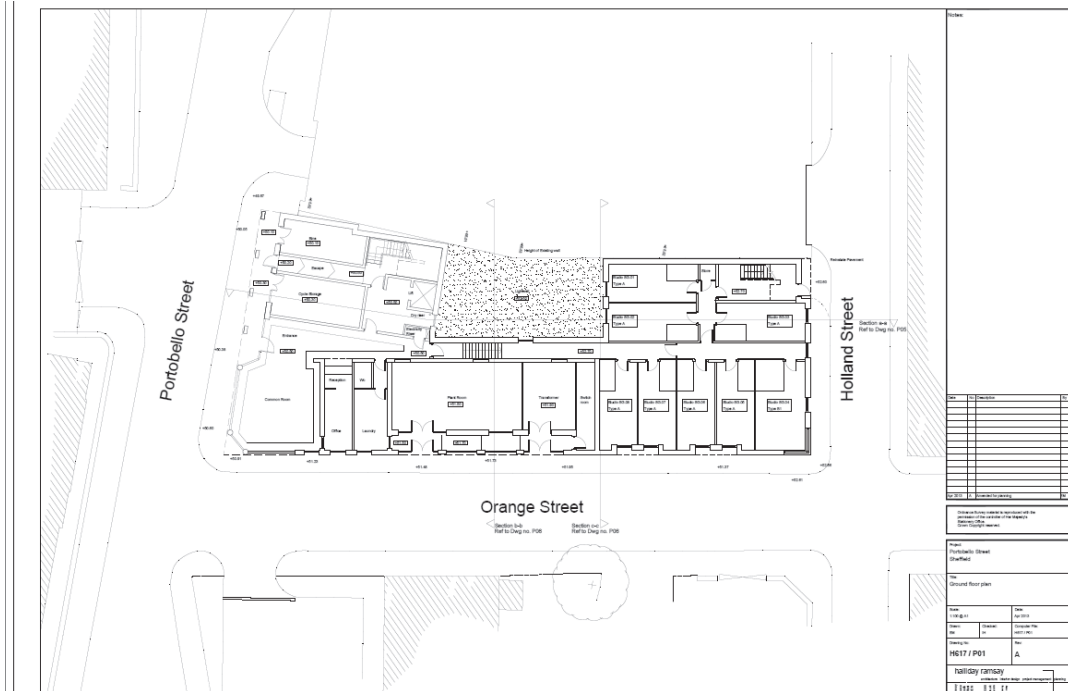
Form Dem 1 (Notice of Intention to Demolish) is available from Building Standards, 2-10 Carbrook Hall Road, Sheffield S9 2DB. Tel (0114) 2734170

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

6. Green / brown roof specifications must include drainage layers, growing medium type and depths (minimum 75mm, but depends on system and type employed) and plant schedules. It should be designed to retain at least 60% of the annual rainfall. A minimum of 2 maintenance visits per year will be required to remove unwanted species (as is the case with normal roofs). Assistance in green roof specification can be gained from the Sheffield Green Roof Forum - contact Officers in Environmental Planning in the first instance: 2734198 / 2734196. Alternatively visit [www.livingroofs.org](http://www.livingroofs.org) or see the Local Planning Authorities Green Roof Planning Guidance on the Council web site.
7. Before the development is commenced, a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and

the results of which agreed in writing with the Local Planning Authority. Any deterioration in the condition of the highway attributable to the construction works shall be rectified in accordance with a scheme of work to be agreed with the Local Planning Authority.





## LOCATION AND PROPOSAL

The application site lies within the St Georges quarter of the City Centre and relates to a site which is occupied by a vacant 4-storey building, which has basement and roof accommodation with ancillary surface car park, positioned on the east side of Orange Street, bounded by Portobello Street to the north and Holland Street to the south.

Immediately to the east is a relatively new, multi-storey Q-Park, which is faced in mesh and brightly coloured cladding panels. To the north is one of a number of Sheffield University's buildings, the 'Amy Johnson' building, which is a red brick, four storey building with basement accommodation and further to the north-east is the Sheffield University Sir Robert Hadfield buildings, which range in height from two to twelve storeys. To the south is the Huttons building, a four storey building with roof accommodation, which is unlisted, but identified as a significant building in the Urban Design Compendium. Opposite the site, to the west is a two/three storey, flat roofed, office building of no architectural merit, with an adjacent car parking area and further to the south-west is a four-storey, flat roofed, rendered property.

The proposal seeks to demolish a vacant four-storey building, which is positioned at the junction of Portobello Street and Orange Street and occupies approximately 50% of the site, which will facilitate the redevelopment of the whole site. A replacement 'U' shaped building of seven storeys is proposed, which will occupy the whole site and provide 128 self-contained student flats, with ancillary common room, cycle store, bin store, office, laundry facility and plant accommodation.

The building will comprise of a concrete façade to the ground floor level, with red brick introduced to upper floors, with powder coated aluminium windows and a flat



roof and simple parapet. Glazing will feature on the corners of the building. Fronting onto Portobello Street and Orange Street will be the main entrance, a predominantly glazed façade, a detail which will be carried through to wrap around the corner of the building and a copper clad façade will be provided above. A colonnade detail will be introduced to both the Portobello Street and Orange Street frontages, with the latter also featuring sculptural metal railings.

## RELEVANT PLANNING HISTORY

There is no relevant planning history for this site.

## SUMMARY OF REPRESENTATIONS

The applications have been advertised (31.01.2013) and site notices have been displayed (26.02.2013). The neighbouring properties were initially consulted and 1 letter of objection was received. Following a further neighbour consultation in respect of an amended proposal, no letters of representation have been received.

The University of Sheffield object to the proposed development, on the following grounds:-

- scale and massing - new building will be 7 storeys high and cover 100% of site compared with the existing 4-storey building and site coverage of approx. 50%; wholly inappropriate for the location and see no justification for this;
- existing building is an attractive brick building with a mansard roof, which is in keeping with the surrounding properties (such as the Amy Johnson building to the north and the Huttons building to the south) and complements the street scene;
- proposed building will have red brick walls but full height double glazed units, which will completely alter the street scene on both Portobello Street and Orange Street and have a negative effect on the surrounding properties;
- design of scheme takes the site density from 50-100% and creation of a 7-storey building will severely reduce the amount of natural light for pedestrians and vehicles and create an unattractive dark and potentially unsafe location;
- combination of a high site density and low provision of cycle storage could lead to bikes being attached to local street furniture, therefore creating hazards for footpath and highway users;
- no on-site parking provision for either staff or students; Q park next door is an expensive alternative to on-site parking; lack of parking appears due to over-development of the site;
- application forms indicates no change in the number of car parking spaces on site;
- understand there is no requirement for car parking to serve a student scheme in city centre, but disabled parking is a requirement;



- Lack of privacy - teaching rooms would be over-looked and vice versa;
- Potential conflict between property owners and its own students - proposal comprising lower percentage of hard frontage and increased glazing, which will create an environment which is not suitable for the existing properties in the location and the proposed scheme;
- Will have a negative impact on the operations of a highly successful department of the University in both the short and long term;
- University buildings used for research and teaching and over the years has seen a number of alterations and installation of external fume cupboard and installation of air condition units. Concern over a residential use in close proximity to the University buildings in an established business/industrial location. The established use of the University buildings means there is noise and fumes created from the buildings, which operate on a 24 hour a day basis including the University's Quarrel Laboratory.
- Student apartments in this location would not be a suitable use and the University would not wish for the proposed development to affect the current or future use of the University's accommodation;
- Request that a noise survey be carried out to assess the appropriate design for the proposed property, as the current design has a high level of full height glazing which would not provide the required sound proofing for the occupiers;
- Scale of the scheme will encourage anti-social behaviour and crime;
- Would not wish the proposed development to affect the University's investment in the surrounding location; and
- Right to Light (non-planning issue) - will affect 4 University buildings.

South Yorkshire Passenger Transport Executive raises no objections to the proposal.

South Yorkshire Police have responded and provided some advice, to ensure that the proposed development creates a safe environment.

Northern Power Grid has confirmed that some apparatus exists within the area.

## PLANNING ASSESSMENT

### Land Use Policy

It is necessary to assess the development against relevant local planning policies, which are those contained within the Unitary Development Plan (UDP) and the Local Development Framework, Core Strategy (March 2012). The proposal seeks to provide 128 self-contained, student flats.

The site lies within a Fringe Industry and Business Area as defined in the Unitary Development Plan and as such, Policies IB6 and IB9 will apply. UDP Policy IB6 states that general industry and business (B1) are the preferred uses in Fringe Industry and Business Areas, with small shops, food and drink outlets and business uses considered to be acceptable. Policy IB6 also identifies housing and residential institutions as acceptable uses, subject to being able to provide satisfactory living conditions and not prejudice the viability of industrial and business development. As this proposal seeks to provide self-contained residential units, the proposed use is considered acceptable in principle, in accordance with UDP Policy IB6.

UDP Policy IB9 states that new development would only be permitted where it would not lead to a concentration of uses which would prejudice the dominance of industry and business in the area, and would not cause residents of housing to suffer from unacceptable living conditions. The Policy also requires that the proposed development should be well designed and should not harm the quality of the environment such that other new industry and business would be discouraged, and it should also be adequately served by transport facilities.

Core Strategy Policy CS3 encourages office uses in the City Centre, but this is not one of the priority locations identified in policy CS4.

Core Strategy Policy CS17, which relates to the city centre quarters, seeks to consolidate and strengthen the distinctive and fundamental roles of different quarters of the City Centre. The Policy identifies St George's as a mixed area that is an academic focus for the University of Sheffield, with complementary retail and business uses. Given that the area is promoted for a mix of uses, and the fact that it is targeted for student occupation, it would seem to fit in well with the academic focus for the area. Furthermore, the latest version of the City Policies and Sites, approved by Cabinet in February 2013, proposes that the site be located within a Central Housing Area. Although this is a draft Policy and limited weight should be given when considering this proposal, it is relevant to note what the future aspirations are for the area, given the type of use proposed.

On this basis, it is considered that the proposed development will accord with Core Strategy Policy and given the site's proximity to the University of Sheffield, using the site for student accommodation would be an appropriate use and as such, the proposed development is considered acceptable in land use terms.

Core Strategy Policy CS41 'Creating Mixed Communities' encourages the creation of mixed communities, which will be promoted by encouraging the development of housing to meet a range of needs including a mix of prices, sizes, types and tenures. Part (d) of the policy seeks to limit new or conversions to hostels, purpose-built student accommodation and Houses in Multiple Occupation where the community is already imbalanced by a concentration of such uses or where the development would create an imbalance.

In order to comply with Policy CS 41, no more than 20% of residences within 200 metres of the application site should be shared housing. The concentration of

shared properties is currently 24% and as such, the proposed development will further increase this figure. However, there are circumstances which should be taken into account when considering the proposal.

The proposal seeks to provide self-contained, student accommodation, targeted to students of the Engineering Faculty of the University of Sheffield and is therefore in a highly sustainable location. Furthermore, as the proposed development will provide self-contained accommodation (Use Class C3), it can be easily occupied by residents other than students. The proposed accommodation does not fall within the category of 'shared housing' and as such, there is a case for the proposed development to not be strictly considered against Policy CS41.

The site has remained vacant for some time and the proposed development will facilitate the re-use of the site, which will be occupied by residents who will have direct access to University facilities. It is considered that the wider benefits of developing this site outweigh the dis-benefits of not being wholly in accordance with this Policy and in light of the fact that the proposal does not relate to 'shared housing', there is reason to suggest that the Policy should not be applied in this case in any event.

#### Design and Visual Amenity Issues

UDP Policy BE5 and Core Strategy Policy CS74 set out the design principles. Policy BE5 requires development to incorporate good design, the use of good quality materials and encourages original architecture. New buildings should complement the scale, form and architectural style of surrounding buildings and the design should take account of the natural and built features of the site.

Core Strategy policy CS74 says that high quality development will be expected that takes advantage of and enhances the distinctive features of the city including the landscape and townscape character of the city's quarters with their associated scale, layout and built form, building styles and materials.

The Urban Design Compendium states that buildings should generally conform to the existing height of 2-4 storeys. Larger buildings may be acceptable on gateway sites where it can be demonstrated that there will be no impact upon the streetscape context or amenity. It encourages contemporary architectural styles and materials.

Although the Urban Design Compendium advises that buildings should generally be 2-4 storeys high, this building is located on a site that is adjoining the larger scale Q Park and within the immediate area are buildings of varied heights ranging from 2 to 12 storeys. Concern has been expressed in respect of the scale and massing of the building and its relationship with the street and the neighbouring Huttons building. The proposed building will in effect be one storey higher than the Huttons building. However, it is not considered that the additional storey will have a detrimental impact on the Huttons building. Furthermore, given the position of the site, situated away from the principle highway 'West Street', with other buildings shielding the site, it will not be wholly visible from West Street and not appear as a prominent building. On balance, it is considered that whilst the building is of a

larger scale, it can be accommodated within the site and will not conflict with the general townscape.

The building footprint generally reinforces the street frontages. The majority of the ground floor facades will be positioned immediately at the back edge of the footway. In general, the building responds to the Portobello Street and Orange Street frontage. The entrance/common room positioned on the corner addresses the corner and gives greater emphasis to that part of the building, especially as this part of the building fronts onto a main pedestrian route between the University buildings. The copper detailing to upper floors creates additional presence to the corner. The cladding is appropriately positioned, such that it will not conflict with the adjacent windows.

The entrance/common room will create an active frontage at this point. The position of the plant accommodation does create a dead frontage to that part of the building, however, the introduction of railings and ability to glimpse through into the forecourt will provide some degree of permeability. The colonnade feature on the Portobello Street frontage, serves to provide shelter to the cycle and bin store. Although not an active frontage in the strictest sense it is likely to be utilised regularly. This form of architectural treatment is not ideal. However, given that it is positioned away from the main entrance, and will not be highly prominently, it will not detract from the overall appearance of the building or compromise the street scene.

The elevations will incorporate repetitive punctuations with a strong regular rhythm of window openings, to reflect the same language as other buildings within the locality. The window openings are quite generous with corner sections benefiting from more glazing. Generous reveal depths will provide greater shadowing, and thus, will ensure some visual interest and avoid the building appearing flat. Randomly located, coloured glazing panels will be introduced to recessed areas at ground floor level, behind the colonnades and railings, which will provide some additional visual interest to an otherwise utilitarian frontage.

Red brick is the predominant material in the locality although there is some variation, for example the Q Park to the east, which is faced in mesh and brightly coloured cladding panels. The extensive use of red brick contrasting with the concrete band at ground floor level, the copper cladding above and glazing is an acceptable palette of materials. The use of robust urban materials will produce a building of strong identity.

The scheme is considered acceptable in terms of its design. Whilst not wholly responding to the topography, it is not considered that it will have a detrimental impact on the general townscape. Amendments have been made to address the external elevations to the buildings and the level of modelling has been improved and conditions will be imposed to ensure that generous window reveal depths and appropriate articulation is achieved, which will result in a higher quality build.

## Sustainability

Core Strategy Policy CS64, which relates to climate change, resources and sustainable design of developments, requires that all new buildings and conversions of existing buildings be designed to reduce emissions of greenhouse gases and function in a changing climate. Of particular relevance is section (a) which requires all developments to achieve a high standard of energy efficiency; and (b) make the best use of solar energy, passive heating and cooling, natural light and natural ventilation. All conversions of existing buildings must also be designed to use resources sustainably, including minimising water consumption and maximising water re-cycling; re-using existing buildings where possible; designing buildings flexibly to allow a variety of possible future uses; using sustainable materials wherever possible; and minimising waste, promoting recycling, during construction and occupation. To satisfy this policy, all new developments of 5 or more dwellings should achieve Code for Sustainable Homes Level 3 as a minimum, and all non-residential developments over 500 sq metres should achieve a BREEAM rating of Very Good.

Core Strategy Policy CS65, which relates to renewable energy and carbon reduction, requires that all significant developments (that being new developments of 5 dwellings or more) should provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy.

Guideline 1 of the Climate Change and Design Supplementary Planning Guidance encourages green roofs covering 80% of the total roof area where viable and compatible with other design considerations.

A Sustainability Statement and an Energy Statement have been submitted, which indicate that a number of design features and energy efficiency measures will be introduced. It is predicted that the building will achieve a BREEAM rating of 'Very Good', and thus will comply with Policy CS64. A brown roof will also be provided.

In respect of meeting the 10% of predicted energy needs from decentralised and renewable or low carbon energy, it is suggested that gas fired CHP (combined heat and power) technology is the most effective solution for the development. It is anticipated that such measures will provide 11.4% of the development's total energy needs, and as such, will accord with the requirements of Policy CS65.

To secure the delivery of the above requirements, conditions will be imposed.

## Amenity Issues

UDP Policy IB9 states that new development would only be permitted provided that satisfactory living conditions can be achieved. UDP Policy H5 (b) requires that the living conditions provided must be satisfactory for occupants of the accommodation.

The layout has been amended so that all of the units will have a reasonable outlook and natural lighting. The provision of a small common room at ground floor level will enhance the amenity value of the site for residents. It is

acknowledged that there is university teaching accommodation opposite the site on Portobello and that there will be a degree of overlooking between the properties but development at the back edge of the footway is characteristic of the city centre and is a situation that is repeated throughout. Indeed, the current office block has the same relationship. Occupiers of city centre properties cannot expect the same level of privacy as those in more suburban locations but, nevertheless, the amenity of occupiers of the new accommodation and of the university are considered to be satisfactory in this case.

## Noise

The site is located in an area, where there is light traffic, although the site is positioned just off West Street, which does experience a high volume of traffic and night time activity. The background noise level in this area is considered to be generally low to medium, with road traffic being the probable major noise source. However, there is potential for disamenity to affect future occupants as a result of activities associated with the adjacent Q Park. The multi-storey car park facility, which is operational 24 hours a day, 7 days a week, is cleaned on a regular basis with a road sweeper during the night time and early hours of the morning. There is also the potential for noise to be a factor from the University's engineering laboratories nearby.

As part of the development there are windows proposed, which will face into a courtyard immediately adjacent to the rear wall of the car park, which are likely to be affected by the activities taking place within the car park and as such, adequate sound attenuation measures will be required and appropriate ventilation installed to mitigate against such noise. The same is true of the University's laboratories. Any noise generated by the proposed plant in the new building and equipment will also be mitigated against. Conditions will be imposed to ensure such measures are implemented. The scheme has been assessed by the Environmental Protection Service and they are happy with this approach.

## Highway Issues

UDP Policy IB9 states that new development will be permitted provided that it would be adequately served by transport facilities and provide safe access to the highway network and appropriate off-street parking.

The proposed development does not raise any serious highway concerns. The proposal will be a car-free development, providing no on-site or off-site car parking provision. The surrounding highways, although relatively narrow, do offer some on-street parking. The site is also immediately adjacent to a modern multi-storey car park. The inability to provide an on-site disabled parking space is a negative aspect of the scheme but, as with many similar city centre schemes this is difficult to achieve in practice given the desire to provide a back edge of pavement development.

The site occupies a city centre location, which is highly accessible, and less than 400 metres from the Supertram and a bus service. Residential development in this



location will help encourage sustainable travel behaviour and ease local traffic congestion.

Given the above, the proposed development is considered acceptable and will accord with UDP Policy IB9.

Conditions will be imposed to ensure that the on-site cycle store is provided and that the adjoining footways are brought up to an acceptable standard, including the removal of any redundant accesses.

#### Mobility/Access Issues

UDP Policy H7 encourages the provision of a proportion of mobility housing in all new or refurbished housing. Guidance laid down in the BS8300, 2010 document 'Design of buildings and their approaches to meet the needs of disabled people - code of practice' advises that 5% of new accommodation be fitted with a fixed tracked-hoist system or equivalent, 5% without a fixed hoist system and 5% capable of being adapted to accessibility standards in the future.

The proposed scheme will provide 15 disabled bedrooms, which relates to approximately 5.2% of the total bedspaces provided. 1% (3 bedspaces) of the total bedspaces will be fitted out to full mobility standard and the remaining units will be capable of being adapted to accessible standard. Each of the full mobility units will be provided with a disabled parking space and a visitor space will also be made available. Lift access is available to all accommodation and level thresholds will be provided throughout the development.

In this regard, it is considered that a reasonable and pragmatic approach has been taken and as such, the proposal is considered acceptable and will accord with UDP Policy H7.

#### Ecology

The development will incorporate a brown/green roof, which will encourage biodiversity and will reduce the amount of surface water runoff.

#### Archaeology

An archaeological desk based assessment was submitted with the application which concludes that basements beneath the Guardians Hall building on the site will have removed any archaeological remains to the north of the site. It also concludes that terracing on the southern part of the site is likely to have largely removed any below-ground archaeological remains, although the bases of deeply buried features may survive. On this basis it is not considered necessary to carry out any further archaeological investigations.

#### Public Art

UDP Policy BE12 seeks to encourage the provision of public art as part of the design of major developments. Currently there is a piece of artwork displayed on



the west facing elevation of the Q Park site situated immediately to the east. As the land is within the same ownership and the artwork will need to be re-located elsewhere in order to facilitate the construction of the proposed development, the existing artwork will be re-located and positioned on to the east facing elevation of the proposed building.

#### Open Space Contribution

In accordance with Policy H16 of the UDP, the developer is required to make a contribution towards the provision of open space, in lieu of direct open space provision. This is calculated on figures taken from the City Centre Living Strategy, which recognises that there is a shortfall of open space in the city centre. The City Centre Breathing Spaces Strategy builds on this guidance and provides a clear vision on how the Council will improve and expand the City centre open spaces, identifying specific projects that the contributions will be spent on.

A Unilateral Undertaking under Section 106 of the Town and Country Planning Act, 1990, will be required to secure a contribution of £97,561.60.

#### Affordable Housing

Policy CS 40 requires contributions for affordable housing where it is practicable and financially viable. Affordable Housing Interim Planning Guidance states that contributions for affordable housing will be sought for developments of over 15 dwellings or 60 student bed spaces. The target developer's contribution towards affordable housing provision is equivalent to 30 - 40% of the units on the site being transferred at the Transfer Price for the area in which the development lies.

The applicant has submitted a development appraisal which is being reviewed by the District Valuation Office (DVO) and there are ongoing discussions between the DVO and the applicant to clarify a number of assumptions. It is anticipated that these discussions will be concluded shortly and a supplementary report will be brought to Members on the outcome and recommendations of the DVO in this regard.

#### RESPONSE TO REPRESENTATIONS

The main concerns highlighted by the University have been addressed in the report. The concern in respect of anti-social behaviour is unfounded, given that this development will bring activity and surveillance to the area in both the day and night - time periods. The building will also have a concierge area with 24 hour security staff. In respect of the non-planning issues raised the current owner of the building has been in direct discussions with the University to address their concerns.

#### SUMMARY AND RECOMMENDATION

In land use terms, the proposal is considered acceptable in principle and will regenerate an underused site in a sustainable location. Although contrary to Policy

CS41 it is considered that the benefits of developing this site outweigh the dis-benefits of not providing a wider mix of housing.

Although the scale and massing exceeds the guidance in the Urban Design Compendium, it is considered, on balance, to be acceptable. This scale of building can be accommodated without having a harmful impact on the townscape. The elevational treatment of the scheme is considered to be satisfactory and will not have a detrimental impact on the street scene.

The proposal will provide satisfactory living conditions for future residents. Occupiers of adjacent properties will not be adversely affected by the proposed development.

There are no significant highway implications arising from the proposed development.

For the reasons set out above, the proposed development is considered acceptable and will accord with Unitary Development Plan Policies, H7, H16, IB6, IB9, BE5, BE12, and Core Strategy Policies CS17, CS41, CS64, CS65 and CS74. The application is therefore recommended for approval subject to completion of a Legal Agreement.

#### HEADS OF TERMS

Discussions are still taking place with the District Valuation Office in respect of the viability of the scheme, which will affect the overall financial contributions to be secured. The outcome of these discussions will be reported to Members in a Supplementary Report and the recommendation updated accordingly.

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## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Director of Development Services

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**Date:** 11 June 2013

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**Subject:** RECORD OF PLANNING APPEALS  
SUBMISSIONS & DECISIONS

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**Author of Report:** Claire Woods 2734219

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**Summary:**

List of all newly submitted planning appeals and decisions received, together with a brief summary of the Inspector's reason for the decision

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**Reasons for Recommendations**

**Recommendations:**

To Note

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**Background Papers:**

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**Category of Report:** OPEN

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## DEVELOPMENT SERVICES

### REPORT TO PLANNING & HIGHWAYS COMMITTEE 11 June 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 decision of the City Council to refuse planning permission, under delegated powers, for a single-storey rear extension to a dwellinghouse at 49 Cairns Road (Case No 13/00484/FUL).

(ii) An appeal has been submitted to the Secretary of State against the decision of the City Council to refuse planning permission, under delegated powers, for use of the ground floor as 1 bedroom flat at Nevios, 224 Gleadless Road (Case No 12/03668/FUL).

(iii) An appeal has been submitted to the Secretary of State against the decision of the City Council to refuse planning permission, under delegated powers, for a single-story front extension to a dwellinghouse at 19 Hibberd Place (Case No 13/00510/FUL).

(iv) A lawful development certificate appeal has been submitted to the Secretary of State against the decision of the City Council to refuse an application for a Lawful Development Certificate, under delegated powers, for the provision of a 1m high gate to the rear boundary wall of dwellinghouse (Application under Section 192) at 44 Kensington Drive (Case No 13/00421/LD2).

(v) An appeal has been submitted to the Secretary of State against the decision of the City Council to refuse planning permission, at its meeting held on 18<sup>th</sup> March 2013, for the installation of external lighting to three tennis courts (Resubmission of planning application no. 12/00767/FUL) at Dore and Trolley Tennis Club, 48 Devonshire Road (Case No 13/00285/FUL).

### 3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the decision of the City Council to refuse planning consent, under delegated powers, for alterations to the first floor above a garage, to form a self-contained flat at 206 Earl Marshall Road (Case No 12/01126/CHU) has been dismissed.

#### Officer Comment:-

The Inspector considered the main issue to be the effect of the proposal on the character of the surrounding residential area. The proposal would introduce a small flat into an area characterised by substantial well established detached and semi-detached houses. In contrast, the proposed small unit, set back from the building line and within the rear garden would be out of character.

The subdivision of the garden along with boundary enclosures would introduce a feature at odds with the pattern of long rear gardens.

I was also considered that the proposal would set a precedent for similar developments, exacerbating the harm to the character of the area

There were some benefits to the proposal but these did not override the harm caused. The application was, therefore, contrary to Policy H14 and so the appeal was dismissed.

### 4.0 APPEALS DECISIONS - ALLOWED

An appeal against the decision of the City Council to refuse planning permission, under delegated powers, for the erection of front and rear dormer windows to a dwellinghouse at 17 The Nook (Case No 12/00935/FUL) has been allowed.

#### Officer Comment:-

The Inspector considered the main issue to be the effect of the proposed dormer windows on the character and appearance of the dwelling and its surroundings.

She noted guidance within the Council's Supplementary Planning Guidance 'Designing House Extensions' that dormer windows should not dominate a roof plane and should have windows that align with and are of similar proportions to others within the dwelling.

She concluded that the proposed front dormer would not dominate the roof plane and despite being larger than windows below, would 'to some extent' maintain the hierarchy of windows. She considered that adjoining dwellings were varied in their appearance and the dormer would not disrupt the



appearance of the terrace. In addition, she considered that there were other examples of dormer windows elsewhere in The Nook that establish their presence as a feature of the street scene.

She therefore concluded there was no conflict with UDP policies H14 and BE5 or with Core Strategy Policy CS74 and allowed the appeal.

## 5.0 RECOMMENDATIONS

That the report be noted

David Caulfield  
Head of Planning

11 June 2013

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