

Planning and Highways Committee

Tuesday 15 October 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

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.

PUBLIC ACCESS TO THE MEETING

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. 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.

Recording is allowed at Planning and Highways Committee meetings under the direction of the Chair of the meeting. Please see the website or contact Democratic Services for details of the Council's protocol on audio/visual recording and photography at council meetings.

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

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

FACILITIES

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

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

**PLANNING AND HIGHWAYS COMMITTEE AGENDA
15 OCTOBER 2013**

Order of Business

- 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** (Pages 1 - 4)
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 5 - 10)
Minutes of the meeting of the Committee held on 24 September 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 a Public Footpath between Queen Mary Road and Pit Lane, Manor** (Pages 11 - 20)
Report of the Director of Regeneration & Development Services
- 8. Applications Under Various Acts/Regulations** (Pages 21 - 172)
Report of the Director of Development Services
- 9. An Outstanding Debt Under Section 106 of the Town And Country Planning Act 1990: Land at Cornish Square, Penistone Road, Cornish Street and Green Lane (Case No. 04/00270/FUL)** (Pages 173 - 176)
Report of the Director of Regeneration & Development Services
- 10. Enforcement of Planning Control: Land adjacent to Bailey Bridge, Effingham Street** (Pages 177 - 184)
Report of the Director of Regeneration & Development Services
- 11. Record of Planning Appeal Submissions and Decisions** (Pages 185 - 190)
Report of the Director of Development Services
- 12. Date of Next Meeting**
The next meeting of the Committee will be held on 5 November 2013

ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

If you are present at a meeting of the Council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest** (DPI) relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.
- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) -
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either -
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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 (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

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 DPIs 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>

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Standards Committee in relation to a request for dispensation.

Further advice can be obtained from Lynne Bird, Director of Legal Services on 0114 2734018 or email lynne.bird@sheffield.gov.uk

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SHEFFIELD CITY COUNCIL

Planning and Highways Committee

Meeting held 24 September 2013

PRESENT: Councillors Alan Law (Chair), David Baker, Tony Downing (Deputy Chair), Ibrar Hussain, Bob McCann, Peter Price, Peter Rippon, Garry Weatherall, Joyce Wright and Andrew Sangar (Substitute Member)

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1. APOLOGIES FOR ABSENCE

- 1.1 An apology for absence was received from Councillor Trevor Bagshaw and Councillor Andrew Sangar attended the meeting as the duly appointed substitute.
- 1.2 Apologies for absence were also received from Councillors Jayne Dunn and Bob Johnson but no substitutes were appointed.

2. DECLARATIONS OF INTEREST

- 2.1 Councillor Garry Weatherall declared an interest as a Member of the Ecclesfield Parish Council, in relation to those applications that the Parish Council had considered, but indicated that he would participate in their determination if they were to be considered by this Committee as he had not pre-determined his views on applications during the meetings of the Parish Council.
- 2.2 Councillor Ibrar Hussain declared an interest in an application for planning permission for the use of building as a Residential Hostel for 16 adults (sui-generis use) at the Urban Theology Unit 208-210 Abbeyfield Road (Case No. 13/00891/FUL) as he had been involved in discussions on the application. Councillor Hussain left the room prior to discussion of the item and took no part in the discussion or vote on the application.

3. MINUTES OF PREVIOUS MEETING

- 3.1 The minutes of the meeting of the Committee held on 3 September 2013 were approved as a correct record.

4. SITE VISIT

- 4.1 **RESOLVED:** That the Director of Regeneration and Development Services, in liaison with the Chair, be authorised to make arrangements for a site visit on Thursday 10 October 2013, in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

5. EXCLUSION OF PUBLIC AND PRESS

- 5.1 **RESOLVED:** That the public and press be excluded from the meeting before part

of the representations are made in objection to the application for planning permission for use as building as a Residential Hostel for 16 adults (Sui-generis use) at the Urban Theology Unit, 208-210 Abbeyfield Road (Case No.13/00891/FUL) on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraph 2 of Schedule 12A to the Local Government Act 1972, as amended.

6. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

6.1 **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. 13/00337/HOARD and 13/00307/FUL and other applications considered be amended as in the minutes of this meeting, and the requisite notices issued; the granting of any permission or consent shall not constitute approval, permission or consent by this Committee or the Council for any other purpose;

(b) (i) following consideration of additional information recommending the addition of a condition in respect of ground stability and an amendment to Condition 4 in respect of the final finish of the ground floor columns, as contained within a supplementary report circulated at the meeting, an application for planning permission for a ten storey office block (use class B1) with two ground floor retail or office units (use class A1/A2/A3/A4/B1), basement car park and screened roof top plant room (amended as per plans received on 11/09/2013) at land at Charles Street, Arundel Gate and Norfolk Street (Office 3) (Case No. 13/02539/FUL) be granted, conditionally, (ii) no objections are raised to the proposed stopping-up of the areas of highway shown on the plan which was displayed at the meeting, subject to satisfactory arrangements being made with Statutory Undertakers with regards to such of their mains and services that may be affected, and it be noted that any unresolved objections will be the subject of a later, separate report, (iii) the Director of Legal and Governance be authorised to take all necessary action on the matter under the relevant powers contained within either The Highways Act 1980, or The Town and Country Planning Act 1990, dependent upon which statute is appropriate at the time of processing the stopping-up Order;

(c) following consideration of representations from the applicant's agent in support of the application, an application for planning permission for a two-storey rear extension including provision of lightwell to basement and replacement rear stairs to first floor to form a single flat at basement/ground floor levels at 13 College Street (Case No. 13/02220/FUL) be granted, conditionally;

(d) following consideration of a late objection to the application as reported at the meeting and a representation opposing the application from a local resident, and two representations in favour of the application, an application for change of use of dwellinghouse as a restaurant/café (class A3) on the ground floor with a flat at first floor level (as amended plans received 27/08/13) at Village News, 176-178 Main Street, Grenoside (Case No. 13/02171/CHU) be granted, conditionally;

(e) following consideration of representations from the applicant's agent requesting that the application be granted, and three representations from local residents and a local Ward Councillor supporting the recommendation to refuse the application, an application for planning permission for the erection of a 2 storey building to provide 6 apartments at the site of Norton Church Hall, Norton Lane (Case No. 13/02168/FUL) be refused as the Committee considered that (i) the proposed development did not include sufficient parking accommodation within the site and the Local Planning Authority considered that, in the absence of such car parking accommodation, the proposed development could lead to an increase in on-street parking in the vicinity of the site, which would be detrimental to the safety of road users and, as such, contrary to Unitary Development Plan Policy H14 and (ii) an assessment of open space provision within the locality had identified a shortfall of informal and formal open space, and the applicant had not provided a completed Section 106 Planning Obligation, securing a financial contribution to allow for enhancement of existing off site open space, and, as such, the proposal failed to comply with the requirements of Policy H16 of the Unitary Development Plan for Sheffield;

(f) following consideration of representations against the application from a local resident and in support of the application from a representative of Sheffield University, an application for planning permission for the erection of multi-storey car park (to provide 530 spaces) and retail unit (amended as per plans received on 6/9/2013) at the car park adjacent to 388 Glossop Road, Durham Road (Case No. 13/01699/FUL) be granted, conditionally;

(g) following consideration of additional information, as contained within a supplementary report circulated at the meeting, representations from 3 local residents opposing the application, and from the applicant's agent in support of the application, an application for planning permission for the demolition of existing disused electrical substation and erection of 2 terraced dwellinghouses with associated landscaping and car parking provision at the site of electricity substation adjacent to 47 Roach Road (Case No. 13/01689/FUL) be granted, conditionally;

(h) following consideration of representations opposing the application from a representative of the owners of the Children's Home near to the site of the proposed application, the Cabinet Member for Children, Young People and Families and the Acting Director, Children and Families and representations in support of the application from the proposed manager of the hostel and two residents from a hostel in Rotherham owned by the company making the application, an application for planning permission for the use of building as a Residential Hostel for 16 adults (Sui-generis use) at the Urban Theology Unit, 208-210 Abbeyfield Road (Case No. 13/00891/FUL) be refused as the Committee considered that the application failed to comply with Policy CS41 of the Core Strategy as the development would result in a concentration of similar uses resulting in an imbalanced community and the development would cause a potential threat to the health and safety of residents of the nearby Children's Home and the residents of the proposed Hostel; and

(i) following consideration of additional information and an amended recommendation, as contained within a supplementary report circulated at the meeting, applications for listed building consent and planning permission for the alteration and conversion to form Educational Facility (class D1), Business Use (Class B1), Shops (Class A1), Restaurants and Cafes (Class A3), Drinking Establishments (Class A4), Non-Residential Institutions (Class D1) and Assembly and Leisure (Class D2) including ancillary student common room areas and associated plant and storage space, and erection of a 22/14 storey building to provide 279 student bedspaces in 52 cluster flats with ancillary accommodation and commercial unit for class A1 (Shops), A3 (Restaurants and Cafes) and A4 (Drinking Establishments) purposes, as amended 31/7/13, 9/8/13, 27/8/13, 29/8/13 and 9/9/13, at the former Head Post Office, Fitzalan Square (Case Nos. 13/00771/LBC and 13/00770/FUL) be granted, conditionally, subject to legal agreement being completed in connection with application no. 13/00770/FUL.

7. ENFORCEMENT OF PLANNING CONTROL: 73 SANDFORD GROVE ROAD

- 7.1 The Director of Regeneration and Development Services submitted a report updating Members on enforcement action taken in relation to 73 Sandford Grove Road since it was discussed at the Committee on 23 July 2013 and the current enforcement position.
- 7.2 It was stated that the report related to a breach of planning control that was reported to the Committee on 23 July 2013 for the unauthorised excavation works to the front of the garden and the unauthorised erection of fences at the front of 73 Sandford Grove Road. At the meeting, Members requested an update report to a Planning and Highways Committee meeting in September 2013 on enforcement actions taken.
- 7.3 In the meeting on 23 July, Members authorised all necessary steps, including enforcement action, service of a temporary stop notice, stop notice and the institution of legal proceedings, including injunctive action, to secure the cessation of the excavation works, the reinstatement of the ground levels and the removal of the fences at 73 Sandford Grove Road.
- 7.4 Officers had written and spoken with the owner requesting that the excavation works stopped, the ground level was reinstated and the fences were either removed or reduced in height to make them permitted development.
- 7.5 A Temporary Stop Notice was served on 6 August 2013 and it required the excavation works at the front of the property to cease until 4 September 2013. The owner had stopped further excavation of the front garden area.
- 7.6 An Enforcement Notice was also served on 10 September 2013 and if it was not appealed against it would come into effect on 15 October 2013. The Enforcement Notice required the owner to remove the unauthorised fences at the front of the property within 2 months from when the Notice came into effect.
- 7.7 Further excavation works had stopped, but no progress had been made to reinstate the ground level or to remove the unauthorised fences.

- 7.8 With regards to the injunctive relief, the Council had now complied with the pre-litigation requirements of the Pre-action Protocol, evidence was in the final stages of being gathered and Counsel had been identified and should be briefed by today's meeting. Counsel was expected to draft the injunction application and attend at the County Court for the hearing of this matter.
- 7.9 The Temporary Stop Notice had expired, but before it did the Letter Before Claim on the injunction was served specifying the requirement of no further excavation works. Should attempts at further excavation occur, Counsel would include in the proceedings an application for an interim injunction to prevent further excavating pending final hearing.
- 7.10 Several site visits had been carried out since the service of the Temporary Stop Notice and no further excavation had taken place at the front of the property and consequently the Temporary Stop Notice had been complied with.
- 7.11 An Enforcement Notice regarding the fences had been served and the injunction had passed its pre-litigation stages and should be with Counsel for drafting of proceedings for issue.
- 7.12 **RESOLVED:** That the current progress on enforcement actions in relation to 73 Sandford Grove Road be noted.

8. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 8.1 The Committee received and noted a report of the Director of Regeneration and Development Services, together with additional information contained in a supplementary report circulated at the meeting, detailing (a) planning appeals recently submitted to the Secretary of State and (b) the outcome of recent planning appeals along with a summary of the reasons given by the Secretary of State in his decision.

9. DATE OF NEXT MEETING

- 9.1 It was noted that the next meeting of the Committee will be held on Tuesday 15 October 2013 at 2.00 pm at the Town Hall

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 15 October 2013

Subject: PROPOSED DIVERSION OF PUBLIC FOOTPATH BETWEEN QUEEN MARY ROAD AND PIT LANE, MANOR, IN CONNECTION WITH NEW PRINCE EDWARD PRIMARY SCHOOL

Author of Report: Richard Day 0114 273 6301

Summary: To seek authority to process the Footpath Diversion Order required to divert un-named public footpaths linking Pit Lane with Queen Mary Road, Manor, in connection with the proposed new Prince Edward primary school development.

Reasons for Recommendations: It will be necessary to permanently divert the footpaths to enable the new school development to go ahead once it has got planning consent.

Recommendations: 1. No objections are raised to the proposed diversion of the public footpaths shown on the plan included as Appendix A, subject to planning consent being obtained for the development, and satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.

2. Authority be given to the Director of Legal Services, to:

- take all necessary action to divert the footpaths under the powers contained within Section 257 of the Town & Country Planning Act 1990;
 - confirm the Order as an Unopposed Order, once any objections received have been resolved, and the development has planning consent.
-

Background Papers: None

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

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PROPOSED DIVERSION OF PUBLIC FOOTPATH BETWEEN QUEEN MARY ROAD
AND PIT LANE, MANOR, IN CONNECTION WITH NEW PRINCE EDWARD PRIMARY
SCHOOL

1. PURPOSE

- 1.1 To seek authority to process the Footpath Diversion Order required to divert un-named public footpaths linking Pit Lane with Queen Mary Road, Manor, in connection with the proposed new Prince Edward primary school development.

2. BACKGROUND

- 2.1 Agents acting for the Education Funding Agency (part of central government), in partnership with Sheffield City Council, have made a planning application for a new primary school at Queen Mary Road, Manor, as a replacement for the current Prince Edward School. The application is now being considered by Development Management, and is expected to be presented to this Committee for decision at a later date.
- 2.2 However, the development, as proposed in the planning application, would require diversion of existing footpaths which cross the site in order to go ahead, as shown in Appendix A to this report. (Appendix B to this Report is a context plan showing the wider location within the Manor area of the paths in question).
- 2.3 Members will be aware that, traditionally, applications for footpath closure or diversion Orders in connection with new developments have been made after planning consent has been obtained. However, the Growth & Infrastructure Act 2013 modified the Town & Country Planning Act 1990 so that such Orders can be made prior to planning consent being granted, in the hope of speeding up new developments which require changes to the highway network. Due to the tight timescales for this particular development, the applicants have asked the Council to use this new power to start the process, and to make as much progress with it as possible in parallel with the planning application process.
- 2.4 It is important to note that, whilst it is now possible for such a highway Order to be made by the Council prior to planning consent being granted, that Order remains subject to the granting of planning consent, and can in no way be either confirmed or implemented until the associated development has got planning consent.

3. LEGAL IMPLICATIONS

- 3.1 The Director of Legal and Democratic Services has been consulted, and has advised that, if the proposed development necessitates the diversion of the footpaths concerned, then the powers contained within Section 257 of the Town & Country Planning Act 1990 are the most appropriate to use to process the diversion Order.

4 HIGHWAY IMPLICATIONS

- 4.1 Any highways issues around the proposed development as a whole will be discussed in a future report recommending a decision on the planning application.
- 4.2 However, as a result of detailed pre-application discussions with the applicant, the planning application shows the new path as being 4m wide (2m of tarmac in the centre, with a 1m grass verge each side), and of a gradient acceptable to the Highway Authority. Its construction to adoptable standards will be assured by a Highways Act 1980 Section 38 agreement with the developers, should the development get planning consent and go ahead.
- 4.3 On that basis, it is considered that the proposed diversions are necessary for the development of the site, assuming it gets planning consent, and are acceptable from a highway point of view.

5. CONSULTATIONS

- 5.1 Consultations on the planning application as a whole will be discussed in a future report recommending a decision on the planning application.
- 5.2 However, Highways Officers have carried out their own consultations on the proposed footpath diversions with the Statutory Undertakers (i.e. utility companies), Emergency Services, and other relevant bodies, including footpath societies.
- 5.3 Not all consultees had responded by the time of writing this report but, of those which had, none had objected.
- 5.4 Northern Powergrid (formerly Yorkshire Electric) believe that their equipment will be affected and are seeking agreement with the applicant for its removal or protection. In view of this, Committee Members are particularly asked to note that the authority now being sought from them in Section 10 of this Report is absolutely conditional on any objections to the Order being resolved, and on agreements being reached with each affected utility company.

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 The costs of building the new school are being met by the Education Funding Agency. The Council has already agreed to fund the costs of any necessary associated works pursuant to the Highways Act 1980 and the Town & Country Planning Act 1990. This includes the construction costs of the new footpath, which are to be funded through the CYPF capital programme, and the cost of its accrual into the Streets Ahead highway maintenance contract, which is to be covered from CYPF revenue.

8.2 The applicant's agent has already paid Highways' fee for carrying out the Diversion Order process. Therefore, there are no implications of the proposal in this report for the Highways budget.

9. CONCLUSION

9.1 Based on the above information, the proposed diversion of the public footpaths as shown on the plan in Appendix A is supported, subject to planning consent being obtained.

10. RECOMMENDATIONS

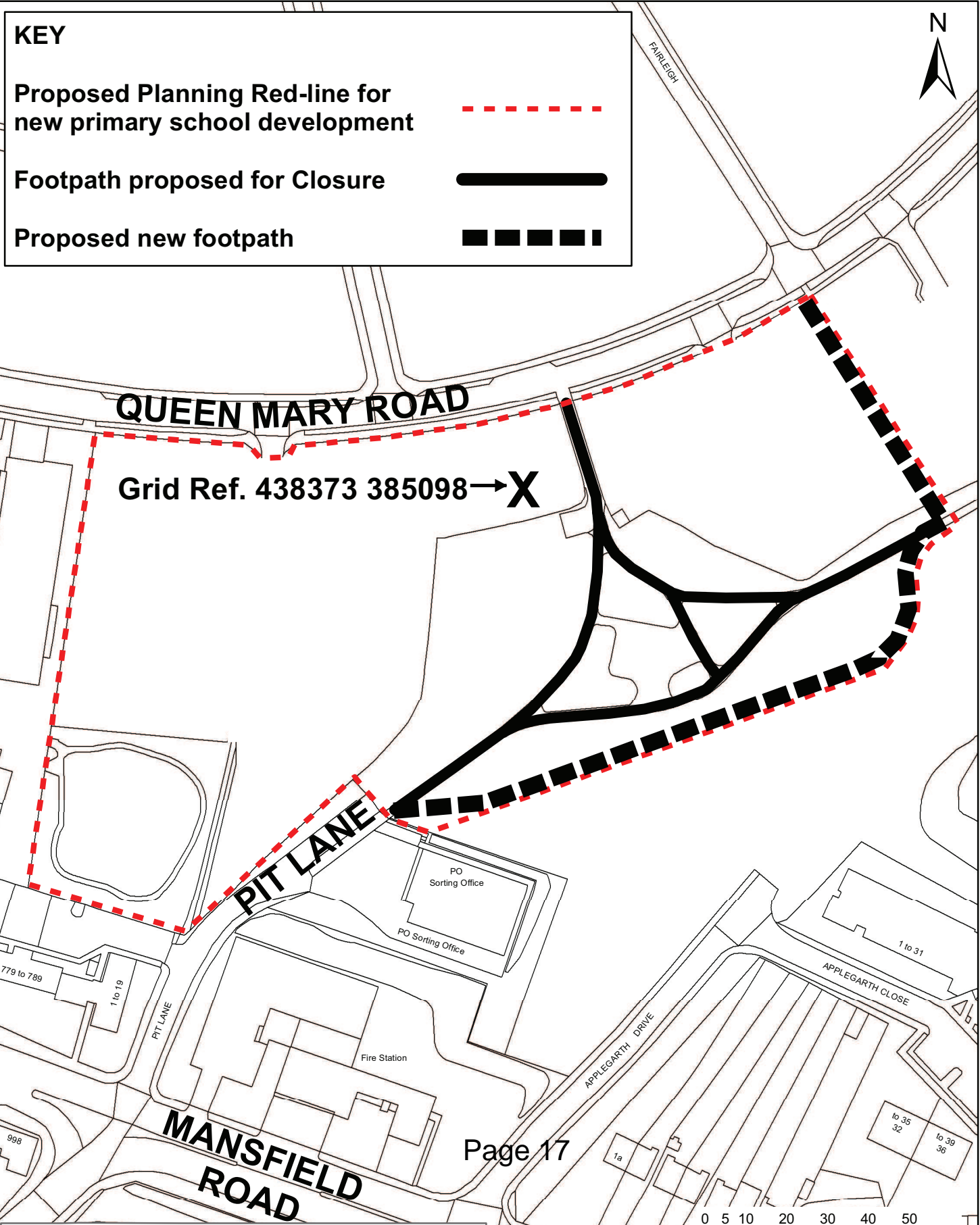
10.1 No objections are raised to the proposed diversion of the public footpaths shown on the plan included as Appendix A, subject to planning consent being obtained for the development, and satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.

10.2 Authority be given to the Director of Legal and Democratic Services, to

- a. take all necessary action to divert the footpaths under the powers contained within Section 257 of the Town & Country Planning Act 1990;
- b. confirm the Order as an Unopposed Order, once any objections received have been resolved, and the development has planning consent.



Town & Country Planning Act 1990 Section 257
Proposed diversion of footpaths at
Queen Mary Road, Manor,
to facilitate development of
new primary school. Scale: 1:1,250



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

Town & Country Planning Act 1990 Section 257
 Proposed diversion of footpaths at
 Queen Mary Road, Manor,
 to facilitate development of
 new primary school. Scale: 1:4,000

KEY

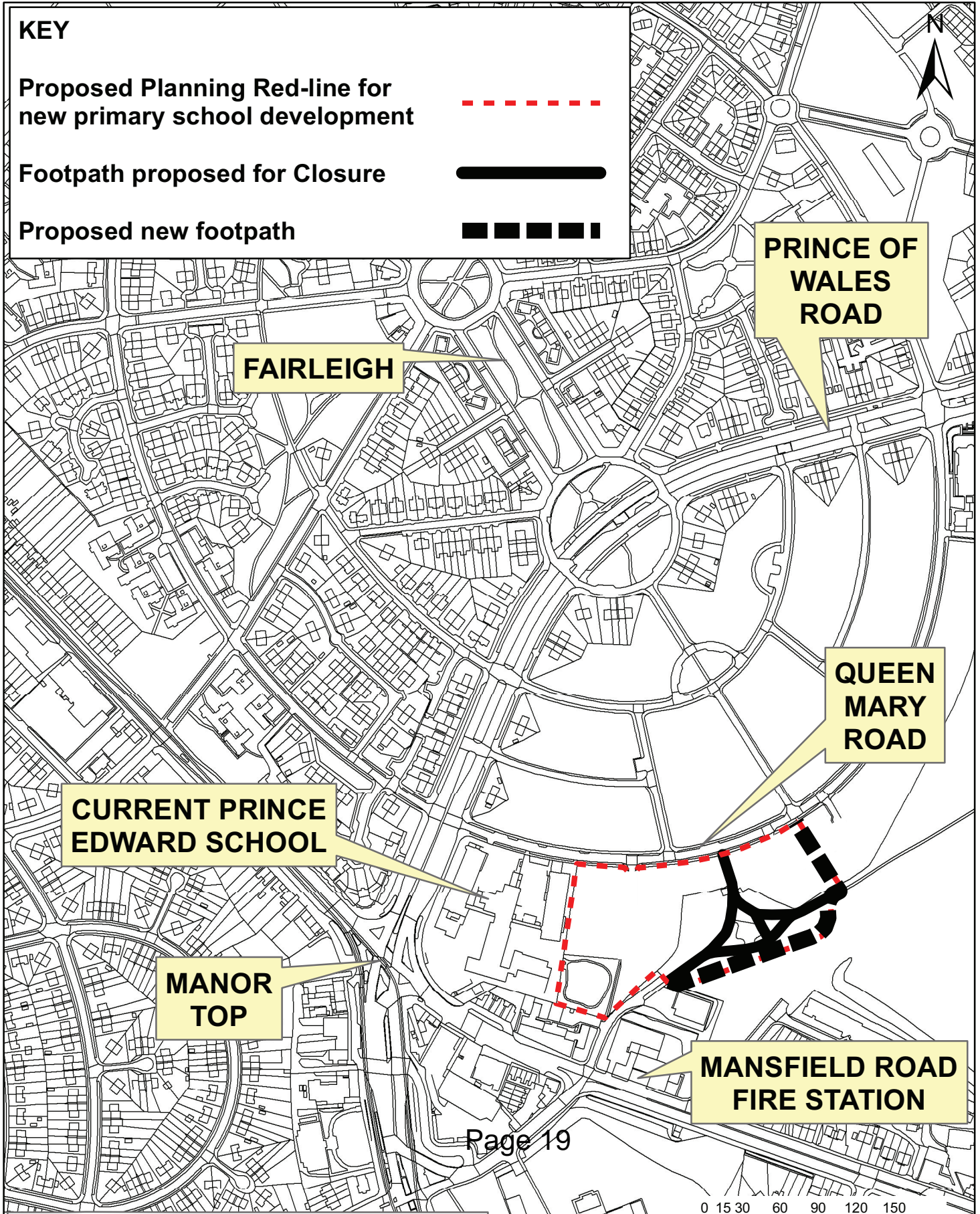
Proposed Planning Red-line for
 new primary school development



Footpath proposed for Closure



Proposed new footpath



FAIRLEIGH

PRINCE OF WALES ROAD

QUEEN MARY ROAD

CURRENT PRINCE EDWARD SCHOOL

MANOR TOP

MANSFIELD ROAD FIRE STATION

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SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Director of Regeneration and Development Services

Date: 15/10/2013

Subject: Applications under various acts/regulations

Author of Report: Chris Heeley, Lucy Bond and John Williamson

Summary:

Reasons for Recommendations

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

Recommendations:

Background Papers:

Category of Report: OPEN

Application No.	Location	Page No.
13/00837/FUL (Formerly PP-02430122)	Sheffield United Football Club Car Park Cherry Street And Shoreham Street Highfield Sheffield S2 4RD	27
13/01277/FUL (Formerly PP-02544882)	Land Opposite 9 To 15 New Street Stocksbridge Sheffield S36 2RT	48
13/01827/FUL (Formerly PP-02666334)	M S Shirts Box Company Limited Land Used For Storage 45 Finchwell Road Sheffield S13 9AS	61
13/01874/FUL (Formerly PP-02377701)	37 Westfield Avenue Sheffield S12 4LJ	72
13/02291/FUL	42 Dundas Road Sheffield S9 1SW	77
13/02199/FUL (Formerly PP-02677482)	Ballast Phoenix Ltd Beeley Wood Recycling Village 2 Beeley Wood Lane Sheffield S6 1QT	85
13/02403/FUL (Formerly PP-02767881)	Site Of Barkers Furniture Centre, E Barker & Son (Hillsboro) Ltd Garage And 44 Trickett Road, Dodd Street Sheffield S6 2NR	101

13/02529/FUL (Formerly PP-02777073)	Units 1 - 2, 3, 8 - 9 And 14 The Plaza, West One Fitzwilliam Street Sheffield S1 4JB	121
13/02562/FUL (Formerly PP-02800170)	Couch 412 - 416 Ecclesall Road Sheffield S11 8PJ	133
13/02630/FUL (Formerly PP-02807461)	Bradway Hotel Bradway Road Sheffield S17 4QW	146
13/02964/FUL (Formerly PP-02792773)	M S Shirts Box Company Limited Land Used For Storage 45 Finchwell Road Sheffield S13 9AS	165

SHEFFIELD CITY COUNCIL

Report of The Head of Planning
To the Planning and Highways Committee
Date of Meeting: 15/10/2013

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.

Case Number	13/00837/FUL (Formerly PP-02430122)
Application Type	Full Planning Application
Proposal	Erection of 39 apartments in 1 x 4 storey block with associated undercroft and surface car parking accommodation
Location	Sheffield United Football Club Car Park Cherry Street And Shoreham Street Highfield Sheffield S2 4RD
Date Received	14/03/2013
Team	South
Applicant/Agent	Turley Associates (Leeds)
Recommendation	Grant 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 define the permission.

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

Drawings (WCEC Architects):

- 12-115 PL-03 B (site plan)
- 12-115 PL-04 F (ground floor)
- 12-115 PL-05 E (first/second/third floor)
- 12-115 PL-06 F (fourth floor)
- 12-115 PL-07 F (roof)
- 12-115 PL-08 H (elevations)
- 12-115 PL-09 H (elevations)
- 12-115 PL-10 C (streetscape)
- 12-115 PL-11 B (materials)
- 12-115 PL-15 A (sections)
- 12-115 PL-16 B (sections)

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 No development shall commence until the actual or potential land contamination and ground gas contamination at the site shall have been investigated and a Phase 1 Preliminary Risk Assessment Report shall have been submitted to and approved in writing by the Local Planning Authority. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004).

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

- 4 Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation 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 CLR 11 (Environment Agency 2004).

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

- 5 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.

- 6 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.

- 7 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.

- 8 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 energyAny 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.

- 9 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 development is/are brought into use.

Highway Improvements: Shoreham Street - relocation of bus stop and shelter (no. 370020003) and provision of new bus stop and shelter) including any necessary alterations to highway lining and signing and associated traffic regulation order).

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.

- 10 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.

- 11 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.

- 12 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.

- 13 No development shall take place, including any works of demolition, until details are submitted for written approval by the Local Planning Authority giving details of measures to control the emission of dust during demolition and construction.

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

- 14 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.

- 15 The development shall not be begun until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the reconstruction of the footways adjoining the site before the development is brought into use. The detailed materials specification shall have first been approved in writing by the Local Planning Authority.

In order to ensure an appropriate quality of development.

- 16 The surface water discharge from the site shall be reduced by at least 30% compared to the existing peak flow and detailed proposals for surface water disposal, including calculations to demonstrate the reduction, must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, or an alternative timeframe to be approved in writing by the Local Planning Authority. In the event that the existing discharge arrangements are not known, or if the site currently discharges to a different outlet, then a discharge rate of 5 litres/hectare should be demonstrated. The development shall thereafter be carried out in accordance with the approved details.

In order to mitigate against the risk of flooding.

- 17 Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of proposals for the inclusion of public art within the development shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall then be implemented prior to the occupation of the development unless otherwise authorised in writing by the Local Planning Authority.

In order to satisfy the requirements of Policy BE12 of the Unitary Development Plan and to ensure that the quality of the built environment is enhanced.

- 18 Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of the access and facilities for people with disabilities, as shown on the plans, shall have been submitted to and approved in writing by the Local Planning Authority and the apartments 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.

- 19 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.

- 20 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
Window reveals
External Doors
Eaves and verges
External wall construction
Brickwork detailing
Gates
Roller shutter
Boundary fence treatments

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

In order to ensure an appropriate quality of development.

- 21 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.

- 22 The soft landscaped areas shall be managed and maintained for a period of 5 years from the date of implementation and any plant failures within that period shall be replaced in accordance with the approved details.

In the interests of the visual amenities of the locality.

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

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

- 24 The apartments shall not be used unless the car parking accommodation for 22 cars as shown on the approved plans has been provided in accordance with those plans and, thereafter, such cycle parking accommodation shall be retained.

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

- 25 The apartments shall not be used unless the cycle parking accommodation for 15 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 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.

- 27 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.

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

To ensure satisfactory drainage arrangements.

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

To ensure satisfactory drainage arrangements.

- 30 Prior to being discharged into any watercourse, surface water sewer or soakaway system all surface water drainage from parking areas and hardstandings shall be passed through a petrol/oil interceptor designed and constructed in accordance with details to be approved in writing by the Local Planning Authority.

To prevent pollution of the Water Environment.

Attention is drawn to the following directives:

1. The applicant is advised that in connection with Condition 28, any proposals to site plant or equipment on the roof of the building fronting Cherry Street and Shoreham Street is unlikely to be viewed favourably if it will result in significant height being added to the building at the road frontages. Alternative locations should therefore be explored in preparing these details.
2. The applicant is advised to be prudent in ensuring that TV reception is not disrupted as a result of the proposed development and that a strategy for remediation is in place in the event that any such disruption should arise.
3. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at www.sheffield.gov.uk/planning or apply online at www.planningportal.gov.uk. The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.

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

4. 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.
5. 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.

6. The developer is advised that in the event that any un-natural ground or unexpected contamination is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority.
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.
8. 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

9. 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:-

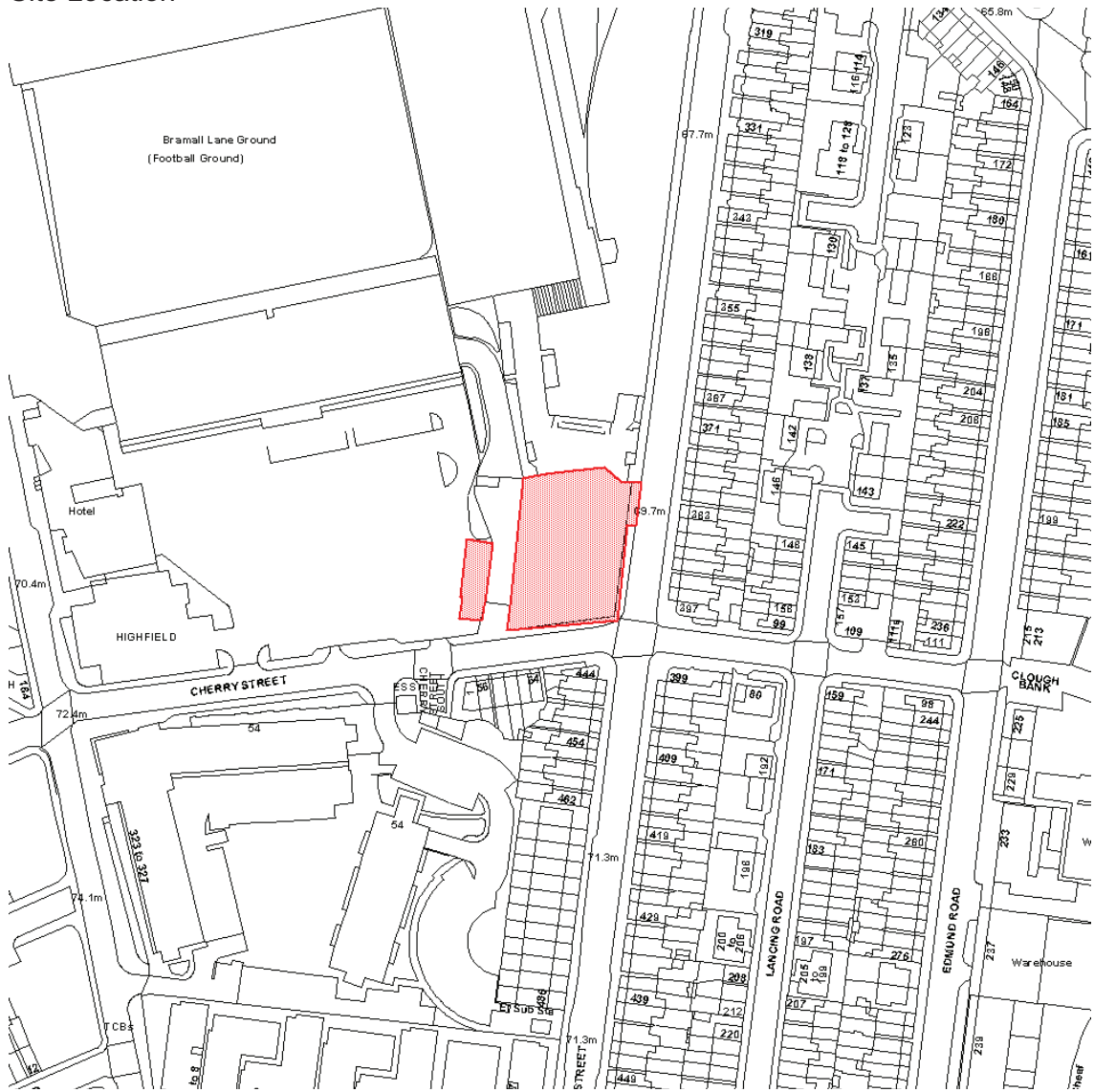
Sheffield City Council
2-10 Carbrook Hall Road
Sheffield
S9 2DB

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.

10. 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.
11. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk. Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.
12. 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.

Site Location



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LOCATION AND PROPOSAL

The application relates to a level site with an area of marginally below 1700m² at the junction of Cherry Street with Shoreham Street. The land is bounded by a high red brick wall to the Cherry Street frontage and a lower rendered wall to the Shoreham Street frontage. It is currently used to accommodate vehicles and equipment required for outside broadcasting on match days. When not needed for broadcasting activities the land can be used as a car park for approximately 64 vehicles. The application site also includes a smaller area of land on the opposite side of the access route which currently provides 9 parking spaces and a driveway link within the main Sheffield United Football Club (SUFC) car park.

The site adjoins a wide exit route from the SUFC South Stand in Cherry Street and an exit route in Shoreham Street. Entrances into the SUFC ground are built into a red brick wall along the adjoining section of Shoreham Street and there is a car park behind the wall towards the junction with John Street. There is traditional two storey terraced housing directly opposite the site in both streets and a small corner shop on the opposite side of Shoreham Street at the Cherry Street junction. The dwelling directly opposite the site at the road junction (No444 Shoreham Street) has primary habitable room windows to both road frontages and a rear garden area with a low boundary wall fronting Cherry Street.

The application is to build two linked 'L' shaped blocks of apartments around a central courtyard. 39 apartments are proposed (16 x 1 bed and 23 x 2 bed). The block to the road frontages is proposed to be 4 storeys high. The rear block is 5 storeys (including undercroft car parking accommodation). 11 car parking spaces are proposed at undercroft level, accessed from Shoreham Street. 13 spaces in the main SUFC car park (9 existing and 4 proposed) will be allocated to the development (22 in total). Covered cycle parking for 15 cycles is proposed within the undercroft.

RELEVANT PLANNING HISTORY

There is an extensive history of applications relating to the SUFC ground and immediate surroundings. Of most relevance are the following planning permissions:

Extension to Kop Stand, alterations to Evolution Stand, erection of Business Enterprise Centre and associated infrastructure (ref 09/00602/FUL). Planning permission was granted in October 2009 and renewed in January 2013 (ref 12/03235/FULR). The Kop Stand will extend further towards the Shoreham Street frontage. The Business Enterprise Centre is located in the space between the end of the extended Kop and the end of the existing South Stand and will be equivalent to 7 domestic storey heights. It will be approximately 30m from the application site with access taken from Shoreham Street.

Erection of residential development to provide 3 and 4 storey studio accommodation, comprising a total of 52 apartments with associated car parking (ref 12/02436/FUL). This linear building has frontages to Shoreham Street and John Street with 17 dedicated car parking spaces and use of a further 19 spaces in a 'flexible' arrangement approximately 50m from the site. Planning permission was granted in February this year. An earlier application for outline planning permission for a similar development had been refused due to concern about the lack of car parking provision (ref 10/00918/OUT).

Planning permission for the 8 storey Copthorne Hotel at the junction of Bramall Lane and Cherry Street was granted in 2008 (ref 07/01281/FUL).

Planning permission for the Anchor Point residential development at the junction of Bramall Lane and Cherry Street was granted in 2005 (ref 04/03844/FUL). This development rises between 5 and 8 storeys high.

SUMMARY OF REPRESENTATIONS

8 representations objecting to the scheme have been received, 3 of which are from one address (No444 Shoreham Street). The planning objections are summarised below:

- 'faceless modern architectural blandness' will overlook 444 Shoreham Street and will create claustrophobic environment
- Bland architecture will add nothing to quality of urban street-scape
- Building will tower over houses in Cherry Street blocking view of skyline and reducing daylight and privacy
- Enough apartments going up in Sheffield and some not filled yet - oversupply
- 4 storey building will block daylight from house opposite in Shoreham Street
- Will create more traffic on already busy road and raises concern about vehicular access point - affects safety, particularly for pensioners and less mobile people
- Residents parking scheme helps parking issues but outside permit hours cars can be left all weekend - students have more than 1 car per house and 22 parking spaces are not enough
- Likely to be 'buy-to-let' - area already has major problems with absentee landlords, including fly-tipping of unwanted furniture
- Student lets will add to major existing problems - litter / anti-social behaviour
- Area needs more affordable housing to establish a stable community rather than reinforce transient population
- Will affect corner shop (sandwich shop) business on opposite side of road junction through construction work and adding to parking problems
- Loss of privacy, sunlight and view to flat above corner shop - requests compensation for lost business
- Need to ensure that TV signals aren't affected - this happened when the hotel was built
- Disturbance from construction work - various SUFC developments have resulted in constant disturbance

Councillor Rob Murphy has also objected to the scheme:

- 4 storey building likely to block light on Shoreham Street - sunlight analysis only shows light at midday
- Together with approved 4 storey apartments at other corner of SUFC ground (John St/Shoreham St), SUFC developments become an over scale presence
- Residential area of houses and bungalows being gradually infiltrated with apartment and student blocks, including 177 apartments at Anchor Point on Cherry Street - design adds little to area and these proposals more appropriate to City Centre location
- Possible loss of TV signals as happened when Copthorne Hotel built - needs condition to cover potential reoccurrence
- Residents fed up with noise and disruption from development after development

A letter of support has been received from a resident outside the City:

- Likes design of building which will make a feature at corner which is currently a blank space and an eyesore
- Will reduce impact of football ground on nearby heritage area

PLANNING ASSESSMENT

Policy

The site lies within the Bramall Lane Mixed Use Area as defined in the Unitary Development Plan (UDP). This designation is replaced by a Flexible Use Area in the Local Plan Draft Proposals Map (pre-submission version). No special designations affect the site.

The following UDP and Local Plan Core Strategy policies are most relevant in the consideration of these proposals:

MU1 (Mixed Use Areas)

MU5 (Bramall Lane Mixed Use Area)

MU11 (Conditions on development in Mixed Use Areas)

BE5 (Building Design and Siting)

BE6 (Landscape Design)

BE9 (Design for Vehicles)

BE12 (Public Art)

H5 (Flats, Bed-sitters and Shared Housing)

H7 (Mobility Housing)

H15 (Design of New Housing Developments)

H16 (Open Space in New Housing Developments)

CS22 (Scale of the Requirement for New Housing)

CS23 (Locations for New Housing)

CS24 (Maximising the Use of Previously Developed Land for New Housing)

CS26 (Efficient Use of Housing Land and Accessibility)

CS30 (Jobs and Housing in the Sheaf Valley and Neighbouring Areas)

CS40 (Affordable Housing)
CS41 (Creating Mixed Communities)
CS53 (Management of Demand for Travel)
CS63 (Responses to Climate Change)
CS64 (Climate Change, Resources and Sustainable Design of Developments)
CS65 (Renewable Energy and Carbon Reduction)
CS66 (Air Quality)
CS67 (Flood Risk Management)
CS74 (Design Principles)

There are several policies in the Sheffield Local Plan City Policies and Sites (CPS) document (pre-submission version) that are relevant to these proposals. The CPS has not yet been adopted and the policies can therefore only be afforded limited weight. However, there are no materially different implications for the proposals arising from the CPS policies and this report is therefore being restricted to the consideration of the adopted UDP and Core Strategy policies.

The National Planning Policy Framework (NPPF) is relevant to the consideration of this application. Relevant policies are referred to in subsequent paragraphs of this section of the report.

Principle of Proposed Development

UDP Policy MU1 seeks to encourage a variety of land uses within Mixed Use Areas. Housing (Class C3) is the preferred land use within the Bramall Lane Mixed Use Area in accordance with Policy MU5. Policy MU11(a) permits development which creates or preserves variety and would not result in any one use dominating and leading to the loss of the Area's character.

The Bramall Lane Mixed Use Area is dominated by the football stadium but also includes a hotel (Copthorne), traditional dwellinghouses (Shoreham Street/Cherry Street/Alderson Road and Alderson Road North), purpose built student accommodation (Bramall Court), private flats (Anchor Point), a petrol station, car repair workshop, a public house (Sheaf House), retail premises (James Cycles), a car dealership (Gordon Lamb) and wedding car hire premises (Ace Cars). In addition, there is an extant planning permission for a further private flats development at the opposite end of the SUFC site (52 studio apartments - ref 12/02436/FUL).

The proposals will reduce the dominance of the SUFC ground and will add to the preferred (housing) use in the Mixed Use Area. Whilst there will be a significant number of private apartments, the Area will retain its diversity and the proposals do not result in the loss of any under-represented alternative land use. In these circumstances, the proposals comply with Policies MU1, MU5 and MU11(a).

The proposals comply with Core Strategy Policy CS30 which promotes the Bramall Lane/John Street area as an area of transition with new residential development along with compatible businesses and activities. They will also make a valuable contribution in meeting new housing requirements as set out in Policy CS22, and of which there is currently a significant shortfall.

The proposals also comply with Core Strategy Policies CS23 and CS24 which seek to locate new housing development within the main urban area and predominantly on previously developed ('brownfield') sites. These policies are consistent with national policy objectives set out in paragraph 17 of the NPPF which, amongst other things, encourage the re-use of brownfield land.

Density and Mix

The proposals represent a density of approximately 229 units per hectare. This is very efficient use of land and is comparable to the 208 units/ha granted planning permission at the junction of Shoreham Street and John Street. The terraced housing in the area equates to approximately 80 units/ha. Core Strategy Policy CS26 suggests a density range of 50-80 units/ha for this type of location but permits densities outside the range where good design is achieved and/or the proposals reflect the character of an area. It is worth noting that apartment developments inevitably generate higher densities than traditional forms of housing, which makes direct comparisons difficult. The scheme is well designed and in a sustainable location which justifies the density proposed in accordance with Policy CS26 and the core planning principles set out in the NPPF.

As the proposals are for less than 60 dwellings, there is no requirement to include a variety of housing types as specified in Policy CS41(a). Nonetheless, the proposals include a mix of 1 and 2 bedroom units which will add to the housing mix and promote choice within the development. The proposals do not include any shared or communal housing and so there is no conflict with Policy CS41(d). There is no evidence that existing flats within the immediate area are causing any significant problems for residents and so there is no conflict with UDP Policy H5(a).

Mobility Housing

9 of the units are identified to meet mobility housing standards or will be capable of easy adaptation in accordance with Policy H7 and the associated Supplementary Planning Guidance (SPG). 5 disabled parking spaces are provided. Additional details are required to ensure that the necessary standards are met and these can be secured by condition.

Affordable Housing

The scale of development triggers a requirement for 'affordable housing' in accordance with Core Strategy Policy CS40. However, the District Valuer has independently assessed the proposals in accordance with the provisions of the policy and the associated Interim Planning Guidance (IPG) and has confirmed that such provision is not financially viable in this instance.

Design and Sustainability

UDP Policies BE5(a), H15 and MU11(d) and Core Strategy Policy CS74 require a high standard of design that relates to the local context. Paragraphs 61-65 of the NPPF reinforce these objectives and advise (para.65) that planning permission

should not be refused '...for buildings that promote high levels of sustainability because of concerns about incompatibility with an existing townscape if those concerns have been mitigated by good design...'

The design and appearance of the building has evolved through dialogue with the applicant throughout the planning process. The building is well designed with accommodation over 4 levels to the road frontages. This is obviously higher than the traditional two storey terraces opposite the site but the building is well designed and remains on a human scale. The height relative to the terraced housing is directly comparable to the dwellings that form part of the Anchor Point development further south along Shoreham Street and is well separated by the relatively wide highways.

The massing of the frontage building is effectively broken down through the elevational treatments which include mansard roofs, framing of the main entrance core and curvature of the building to respond to the road junction. There is a roof garden proposed to this block. The rear block is higher in order to accommodate undercroft car/cycle parking accommodation, refuse and services, and has a flat roof. The elevations are of simple composition but appropriate due to the location away from the road frontages. Overall, the buildings strengthen the street scene around the road junction and are a significant improvement on the view of the end of the football stands and the untidy brick/rendered walls and large advertisement hoardings that currently characterise this corner.

The applicant was requested to identify the location for any external plant or equipment required to serve the development. A location on the mansard roof of the block fronting Cherry Street has been identified but is considered unsuitable as it will add considerable height to the building and will undermine the quality of the street scene in a prominent location. The applicant has advised that these details will be the subject of a separate application and has removed the indicative location from the plans. This is not appropriate as the works will form part of the development and should be an integral part of the design of the building. There is scope to house plant either in the undercroft or on the roof of the rear block. Both locations will be far less prominent. Details can be conditioned and a directive advising that the location previously indicated will not be considered acceptable is recommended if planning permission is granted.

The external materials to the frontage building are red brick with cedar cladding, aluminium opening treatments and standing seam cladding to the mansard roofs. The rear block has blue brickwork at ground floor (undercroft) level with predominantly cedar cladding to the accommodation levels and red brick to the section of building closest to Cherry Street.

The palette of materials is considered appropriate for both buildings subject to high quality samples being submitted for approval through the conditions process.

A 'green roof' was requested to promote sustainability in terms of energy efficiency, reducing surface water run-off and promoting biodiversity in the built-up area. This would be consistent with Core Strategy Policies CS63 and CS64, together with Guideline 1 of the adopted Supplementary Planning Document (SPD) 'Climate

Change and Design'. The Guideline does not apply where viability is an issue. The applicant has resisted this requirement on the grounds that it would not be viable. This is consistent with the District Valuer's assessment and is therefore accepted albeit regrettable. The roof garden on the front block will include large planters which will make a small contribution to bio-diversity and absorbing surface water.

The dwellings will be expected to meet a minimum of Level 3 of the Code for Sustainable Homes (CSH) to accord with Policy CS64. This is achievable and can be conditioned.

Core Strategy Policy CS65 requires all significant developments to provide a minimum of 10% of the predicted energy needs from decentralised and renewable or low carbon energy unless it can be shown not to be feasible or viable. The application makes reference to linking the development to a proposed biomass boiler that forms part of the upgraded Kop Stand proposals (ref 12/03235/FULR). However, there is no guarantee that the Kop Stand proposals will go ahead and/or will be completed prior to this development proceeding. There is scope for alternative sources of renewable energy to be employed (e.g. photovoltaic panels on the flat roof of the rear block). In these circumstances, details will need to be conditioned.

Overall, the building is well designed and is a sustainable form of development that is capable of achieving a high standard of energy efficiency including the employment of renewables technology. The development therefore complies, or is capable of complying, with the quoted policies and also with relevant paragraphs under Section 7 ('Requiring good design') of the NPPF.

Residential Amenity

The apartments are designed to be single aspect with the internal access corridors being on the walls facing the football ground and Cherry Street car park. This will help to reduce noise impact from the ground on match days. Additional sound reduction measures will be required and can be secured by condition to ensure that noise is reduced to acceptable levels. Such measures can be secured by conditions.

All habitable rooms have good natural light and provide a reasonable level of amenity. The central courtyard provides approximately 85m² of private landscaped communal garden space which will be supplemented by a generous roof garden in excess of 200m². Details of the planting to these areas can be secured by condition to ensure accordance with UDP Policy BE6. The level of shared amenity provision falls short of the external space standards set out in the South Yorkshire residential Design Guide, which is not formally adopted by the Council, but is recognised as best practice. This sets a level of external amenity space for a development of this scale at 440 square metres. 285 square metres is proposed. This shortfall is considered acceptable in this particular case, given the site's location within the confines of a football stadium, and its location in close proximity to the city centre.

The building will overlook the front elevations of properties on the opposite sides of Shoreham Street and Cherry Street. This relationship is consistent with the majority of residential streets and is consistent with the recently approved development at the opposite end of the football ground. Separation distances between facing windows are approximately 20m and 15.5m, respectively, which is representative of the relationship between facing terraces in the wider locality. Therefore, despite the additional height of flats at third and fourth floor levels, it is felt that the relationship is satisfactory in the local context. A sunlight analysis has been submitted and demonstrates that the proposals will have little impact on existing dwellings which are to the south and east, respectively.

Overall, adequate residential amenity is provided for occupiers and maintained for existing residents. The proposals therefore comply with UDP Policies H5(b), H15 and MU11(b).

Several of the representations make reference to loss of TV reception when the Copthorne Hotel was built. The problem was rectified and, whilst the Hotel is a much taller building, it is understandable that concerns have been raised in the neighbourhood about a similar situation arising. There is no clear evidence that significant electromagnetic interference will arise or is likely to arise as a result of this development and therefore little weight can be given in the decision-making process. However, a directive advising of the concerns raised is appropriate to ensure that the developer is aware of potential mitigation requirements.

Air Quality

Although not normally required for a development of this scale, an Air Quality Assessment has been submitted with the application and addresses potential pollutants and particulates associated with both the construction phase and the operational phase of the development.

The assessment indicates that mitigation measures are required during the construction phase to control dust emissions but suggests that the operational emissions will have a negligible impact. In these circumstances, the proposals comply with Core Strategy Policy CS66.

Drainage and Flood Risk

The site lies within Flood Zone 1 and is therefore at the lowest risk of flooding. The site is currently fully hard surfaced. The proposals should reduce the surface water discharge rate from the existing due to the inclusion of soft landscaping in the courtyard. However, attenuation may be required to ensure that the discharge rate is reduced by a minimum of 30% from the existing rate in order to comply with Core Strategy Policy CS67.

Ground Conditions

As the site is located on previously developed land it is appropriate to require adequate assessment of potential risk to health arising from possible ground contamination. The necessary risk assessments can be secured by conditions.

Highway Issues

The site is in a very accessible location and there are permit parking controls throughout the area. 22 parking spaces and storage for 15 cycles is proposed. 5 of the parking spaces will be for disabled persons. The level of parking is considered appropriate for the development in this location in accordance with UDP Policy MU11 and Core Strategy Policy CS53. The development should be designated 'car free' which will prevent additional demand for permit parking.

The previous use for outside broadcasting equipment is no longer a regular requirement due to technological advances and alternative arrangements can be made within the ground through operational management on occasions when required.

Access to the car park is proposed from Shoreham Street. A bus stop/shelter is required to be relocated to facilitate access. A point some 100m north of the existing location has been identified by SYPT. The developer will be required to fund the relocation and also to fund a new bus stop and shelter further south along Shoreham Street to maintain accessibility for users. These requirements can be secured by condition.

Open Space

A commuted sum is required in respect of the provision or enhancement of recreation space in the locality in accordance with UDP Policy H16 as the area is deficient in terms of both formal and informal recreation space provision. Using the formula for calculation set out in the associated Supplementary Planning Guidance, a commuted sum of £28,793.65 is required. A unilateral obligation is expected to have been submitted prior to the Committee meeting.

SUMMARY AND RECOMMENDATION

The proposed development of 39 apartments will strengthen the street scene at a prominent site at the junction of Cherry Street and Shoreham Street. The scale, massing and appearance of the development responds positively in the context of its surroundings and is of similar height and appearance to the approved studio apartment scheme at the opposite end of the SUFC ground at the junction of Shoreham Street and John Street. The development will be designed to achieve Code for Sustainable Homes Level 3 and a minimum of 10% of the predicted energy needs will be met from renewable or low carbon energy.

Acceptable levels of amenity are provided for future occupiers and maintained for existing neighbours. 9 units will be provided to mobility housing standards. 22 parking spaces are proposed including 5 disabled bays. 15 cycle parking spaces

are proposed. The site is in a highly sustainable location with on-street permit parking controls. The parking provision is considered appropriate and the development can be designated 'car free' in this location i.e. no eligibility for permits. A bus stop is required to be relocated to accommodate the proposed means of vehicular access and an additional bus stop will also be necessary further along Shoreham Street to ensure accessibility is not compromised.

In view of the above, the proposals comply with the quoted national and local planning policies and it is recommended that planning permission is granted subject to conditions and the completion of a legal obligation to secure provision for recreation space in accordance with UDP Policy H16.

HEADS OF TERMS FOR PLANNING OBLIGATION

The owner shall, on or before the commencement of development, pay to the Council, the sum of £28,793.65 to be used towards the provision or enhancement of Open Space within the vicinity of the site.

In the event of a satisfactory S106 Planning Obligation, covering the Heads of Terms set out in the preceding paragraph, not being concluded by 5th November 2013, it is recommended that the application be refused for failure to make provision in this regard.

Case Number 13/01277/FUL (Formerly PP-02544882)
Application Type Full Planning Application
Proposal
Erection of 3 dwellinghouses and associated off street parking and landscaping (resubmission)
Location
Land Opposite 9 To 15
New Street
Stocksbridge
Sheffield
S36 2RT
Date Received 16/04/2013
Team West and North
Applicant/Agent Robin Ashley Architects LLP
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:

06-004-402 (rev - C- site/block plan site location plan)

06-004-404 (rev - C- ground floor plan)

06-004-406 (rev - C- elevations east and south)

06-004-407 (rev - C- elevations west and north)

06-004-408 (rev - C- obscure elevation)

06-004-410 (rev - B- foundation plans)

06-004-400 (topography, tree survey and site location plan)

06-004-405 (upper floors)

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

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

In the interests of the safety of road users.

- 4 The developments shall not be used unless the car parking accommodation for 6 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.

- 5 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.

- 6 The windows on the first floor facing New Street shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of it shall at any time be glazed with clear glass without the prior approval of the Local Planning Authority.

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

- 7 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.

- 8 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
Doors
rooflights
Eaves and verges
External wall construction
Brickwork detailing
Entrance canopies
Roof
Ridge & valleys
Rainwater goods

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

In order to ensure an appropriate quality of development.

- 9 Details of the proposed porch shall be submitted and approved in writing by the Local Planning Authority before that part of the development commences .

In order to ensure an appropriate quality of development.

- 10 Details of the proposed bin storage area shall be submitted and approved in writing by the Local Planning Authority before that part of the development commences.

In order to ensure an appropriate quality of development.

- 11 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 shall be constructed without prior planning permission being obtained from the Local Planning Authority.

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

- 12 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, and thereafter such means of site enclosure shall be retained.

In the interests of the visual amenities of the locality.

- 13 The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved in writing 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.

- 14 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. (This should include details of the Netlon reinforced grass parking area including a method statement for construction within the root protection area (RPA) of the TPO protected trees.)

In the interests of the visual amenities of the locality.

- 15 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.

- 16 No development shall commence until full details of measures to protect the existing (variable: trees, shrubs, hedge/s) to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (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.

- 17 A detailed plan shall be submitted showing the Proposed tree pruning works to TPO protected trees: Pruning of overhanging branches in contact with neighbouring property to 2-3m from building in accordance with BS 5817. Removal of Ivy and vines from tree canopy. Please can the applicant provide details

In the interests of the visual amenities of the locality.

Attention is drawn to the following directives:

1. 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.
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. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk. Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.
4. 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.
5. This site contains trees, which are protected by Tree Preservation Orders or Conservation Areas. These trees must be retained and protected and the Local Planning Authority may pursue legal action where vegetation is illegally damaged or removed. The Wildlife and Countryside Act may also be a legal consideration in the removal or works to trees, if the trees are providing a habitat to protected species or a nest site to wild birds.

6. The applicant is advised that the carrying out of any works to the existing trees, hedges or shrubs within the site, which are works authorised by this permission will constitute the commencement of work on the development. The unauthorised removal of any tree, hedge or shrub or any other works which threaten their future vigour and quality, may result in breach of condition action. It could also mean that the development is materially different from that which has permission and may be liable to enforcement action and the submission of a new planning application may be required.
7. The proposed development lies within a coal mining area. In the circumstances applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.
8. The applicant is advised to contact the Council's Development Services, Land Drainage Group, 2-10 Carbrook Hall Road, Sheffield, S9 2DB (Telephone Sheffield 2735847) to seek approval for the proposed drainage arrangements, as soon as possible, prior to the commencement of development.
9. The applicant is advised that responsibility for the safe development and occupancy of the site rests with the developer. The Local Planning Authority has evaluated the risk assessment and remediation scheme on the basis of the information available to it, but there may be contamination within the land, which has not been discovered by the survey/assessment.
10. 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.

Site Location



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LOCATION AND PROPOSAL

The application relates to land on New Street, Deepcar. The site slopes steeply from north to south and is at present undeveloped. There is a large mature tree to the rear of the site and further trees along the site frontage. These are protected by a Tree Preservation Order.

The site is identified on the Unitary Development Plan Proposals Map as being within a residential area and is surrounded by dwellings, largely terraced, stone fronted properties.

Planning permission is sought for the erection of 3 dwellings on the site. These would be in a terraced row, stepping up the hillside, in a contemporary architectural style. The properties would face towards New Street but would be set back from the highway with a communal landscaped strip to the front of the development.

Shared parking area for the 3 dwellings is shown to the lower side of the site, which will utilise an existing access way. This area will also accommodate bin storage for the 3 dwellings.

Landscape information has been submitted indicating the intention to retain the three large protected trees which sit at the eastern boundary of the site, along the main frontage.

Since the recent refusal ref. 12.00821/FUL, pre-application advice has been given, and subsequently the current application has been submitted reflecting the advice given.

RELEVANT PLANNING HISTORY

-Planning permission was refused for the erection of 4 dwellinghouses with car parking spaces and associated landscaping; ref 12/00821/FUL, which was a resubmission of a previous refusal. This was refused planning permission in May 2012.

It was considered that the proposed development would have resulted in the loss of a tree that is protected by way of a Tree Preservation Order and would be likely to harm at least one further tree. The loss of these trees would be injurious to the visual amenities of the locality. This would be contrary to Policy GE15 and BE6 of the Unitary Development Plan.

It was also considered that the proposed design of the development by reason of the expanse of roofing was out of keeping with the character of the area and would

be injurious to the visual amenities of the locality. This would be contrary to Policy BE5 and H14 of the Unitary Development Plan.

Refusal was also recommend as it was considered that the proposed development would constitute an overdevelopment of a site which had restricted dimensions and as such would result in insufficient amenity space and an unsatisfactory environment for occupiers of the proposed dwellings. This would be contrary to Policy H14 of the Unitary Development Plan.

-Planning permission was sought for the erection of 4 dwellings on the site under application reference 10/00388/FUL. This was refused planning permission in March 2011.

It was considered that the proposed development would result in the loss of a number of trees that are protected by way of a Tree Preservation Order and the loss of these trees would be injurious to the visual amenities of the locality.

It was also considered that the proposed development represented an overdevelopment of the site. The development would result in unacceptable levels of overlooking to properties on the opposite side of New Street, would be overbearing upon the nearest neighbouring property on Haywood Lane, and would not provide adequate private amenity space for the occupiers of the new dwellings. This would have a harmful impact upon the amenity of occupiers of neighbouring residential property.

An appeal against this refusal was lodged and was subsequently dismissed by the Planning Inspectorate in December 2011.

The Inspector was of the view that the loss of the three protected trees along the site frontage would be harmful to the character and appearance of the area.

The Inspector also concluded that the development would be overbearing upon the occupants of properties on Haywood Lane, and would impact upon the privacy of occupants of properties on the opposite side of New Street. He was also concerned that at least one of the rear gardens would have an area of less than 50 sq m (although this by itself would not be sufficient to warrant a dismissal of the appeal).

-Outline planning permission was granted for a single dwellinghouse on part of the site in 1991 (application 91/01248/OUT - formerly 91/0704P refers). This was an outline application with all matters reserved for subsequent approval and related solely to and to the rear of No.9 New Street.

SUMMARY OF REPRESENTATIONS

Letters and emails of representation from 24 interested parties have been received. Two sets of letters have been received from the same address.

Deepcar Medical Centre raised objections on the grounds of loss of parking, increased congestion and removal of the handrail along New Street

Objections from local residents (and one ex-local resident) raise the following issues:

The development would be out of keeping with the area and the style of the proposed properties would not fit in with the surrounding older stone properties.

The site is not large enough to accommodate the development.

The development would result in increased on-street parking within the area which is already problematic.

Increase in highway problems.

One parking space per 3 bedroomed dwelling is not sufficient. Additional 3 parking is also mentioned in the submission reports, but this cannot be achieved due to constrain dimensions.

The development would be overcrowded and would overlook and overbear existing properties.

Concern with land slippage due to current site constraints, and during construction.

The development would be likely to result in increased rainwater run-off and so could give rise to flooding problems.

The existing drainage system may not be able to cope with 4 additional dwellings.

Loss of light due to the height difference of the new dwellings and those located on New Street

Root damage to and possible removal of protected trees.

Loss and damage to wildfire habitat.

PLANNING ASSESSMENT

Street Scene

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area. However the site has not been previously developed (it seems the site once formed part of the rear gardens of properties on New Street) and provides an area of informal open space (although there is no public right of access onto the land and it cannot be used by the general public for recreational purposes).

The site is fairly overgrown and is unlikely to harbour any protected species. Due to the lack of public access it is considered that the site cannot be deemed to be a high quality area of open space. However the site does contain trees that have

been protected by a TPO as their contribution to the local landscape was deemed to be worthy of protection.

Unitary Development Plan Policy GE15 Trees and Woodland requires developers to retain mature trees, copses and hedgerows wherever possible and replace any trees which are lost.

UDP Policy BE6 - Landscape Design is also applicable. This states amongst other things that good quality landscape design will be expected in new developments, to provide an interesting and attractive environment and should integrate existing landscape features into the development, including mature trees.

The proposed development shows the retention of the existing TPO protected trees along the frontage. Plans show the removal of trees and vegetation within the site itself; however there is no significant concern about this, There are no objections subject to a method statement for construction within the root protection zone of the TPO trees being submitted alongside further information referring to proposed parking area. This will be conditioned.

The proposed scheme has taken into account the previous advice and now illustrates a scheme that retains the TPO trees which is considered to enhance the character and appearance of the area and as such the development complies with the UDP Policy GE15 and BE6.

The proposed development would be in the form of a terraced row of 3 properties, over 3 floors. It is considered that the proposed development will integrate with the dwellings within the immediate vicinity, and especially those located on New Street, which are terraced. It is considered that the proposed development complies with the objectives outlined in UDP Policy H14 which sets out that new buildings should be well designed and in scale and character with neighbouring buildings. It is also considered that the development will comply with UDP Policy BE5 - Building Design and Siting. This policy sets out that original architecture will be encouraged but new buildings should complement the scale, form and architectural style of surrounding buildings.

Residential Amenity

The proposed dwellings would be sited approx.21m from properties to the rear on Ash Lane and so it is considered that unacceptable levels of overlooking and loss of privacy would not occur in this direction.

The dwellings would also be 11.5m from the rear of properties at a higher level on Haywood Lane, although this is slightly below the councils guidelines, which suggest that a minimum of 12m from side to front/rear should be achieved, in this instance due to the site situation, in terms of ground levels it is considered that the development would not be overbearing upon the occupants of these dwellings.

A distance ranging from 12m to 15m would be provided between the proposed development and properties on the opposite side of New Street and will also be screened by the exiting mature vegetation that runs along the site boundary and is

shown to be retained. Although the council's guidelines suggest that a minimum of 21m should be achieved between principle windows, in this instance the plans show the front elevation to have one main window which serves a kitchen and the main entrance door into the dwellings. The window will be screened by the existing vegetation along the front boundary and as such the privacy levels will be retained between the proposed ground floor window of the dwellings and the properties on New Street. The first floor windows will serve a bathroom and landing area and as such as these will be conditioned to be obscured; there will be no overlooking problems. Roof lights are shown in the roof space.

The rear gardens of the proposed dwellings are 52sqm, 58sqm and 65sqm and comply with the Council's guideline of 50sqm

It is considered that the proposal can be accommodated within the site boundaries and will not constitute overdevelopment, given the dimensions of the site and of the proposed development.

The development meets the criteria outlined in UDP Policy H14 which sets out that development will be permitted provided the site would not be overdeveloped or deprive residents of light, privacy or security or cause serious loss of existing garden space which would harm the character of the neighbourhood.

Highways

The parking ratio for the current application is 1 space per house and is more of a communal parking court for the 3 properties, however there is provision for 1 additional space if required.

The location of the site is close to bus routes, shops and community facilities, it is considered that the proposed off-street parking provision is sufficient for the development and that it would not create any significantly worse parking on New Street. Nor would the level of vehicle movements likely to be generated by the proposal cause any undue highway safety problems on New Street or its junctions with Manchester Road and Haywood Lane.

Highway officers have also raised no objections and have suggested conditions be imposed to provide further details of the parking areas in terms of visibility splays and ensuring that the parking areas are provided to the council standards.

SUMMARY AND RECOMMENDATION

Planning permission is sought for the erection of 3 terraced dwellinghouses on a piece of land on New Street, Deepcar. The site is at present overgrown with 3 trees protected by way of a Tree Preservation Order along the site frontage.

The proposed development will retain protected trees, as such UDP Policy BE6 and GE15 and been complied with.

The proposed dwellings will have sufficient private amenity space. Neighbouring properties will not be affected by the proposed development due to the careful

designing of the scheme. The proposed scheme can be accommodated within the site boundaries and as such will comply with the objectives outlined in UDP Policy H14 as well as the Council's Supplementary Planning Guidance on Designing House Extensions.

It is recommended that planning permission be granted.

Case Number	13/01827/FUL (Formerly PP-02666334)
Application Type	Full Planning Application
Proposal	Alterations and extension to existing building, erection of additional industrial unit and three Portakabins for use as office accommodation, canteen and toilets with associated landscaping works
Location	M S Shirts Box Company Limited Land Used For Storage 45 Finchwell Road Sheffield S13 9AS
Date Received	30/05/2013
Team	City Centre and East
Applicant/Agent	G9 Design
Recommendation	Grant Conditionally

Subject to:

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

In order to comply with the requirements of the Town and Country Planning Act.
- 2 The development must be carried out in complete accordance with the following approved documents:

1321_01 rev D
1321_02 rev C
1321_03 ref F
1321_05
1321_06

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.
- 3 The business shall be operated so that no machinery shall operate, no works of repair, construction, maintenance, or fabrication shall be carried out at the premises outside the following times 0730 to 1800 hours Monday

to Friday and 0800 and 1300 hours on Saturdays nor at any time on Sundays, Bank or Public Holidays unless otherwise agreed in writing with the Local Planning Authority

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

- 4 Building #1 shall be used for storage (use class B8) purposes only and shall not at any time be used for manufacturing purposes (use class B2) unless otherwise agreed in writing with the Local Planning Authority.

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

- 5 Prior to the use of Building #2 commencing all works detailed in the submitted noise survey (ref:10528-05-v2 dated 5/12/13 prepared by Noise Assess) which forms part of a scheme to protect the occupiers of adjoining dwellings from noise shall have been installed. Thereafter works shall be retained in accordance with approved details unless otherwise agreed in writing with the Local Planning Authority.

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

- 6 All industrial/manufacturing processes associated with the development shall be carried out within building #2 as approved in writing by the Local Planning Authority. No industrial processes/manufacturing shall be carried out in the open air unless otherwise agreed in writing with the Local Planning Authority

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

- 7 The window openings on rear elevations of building #2 shall be fixed non opening and any emergency fire doors shall not be opened for the purpose of ventilation or access/egress of the general public other than for emergency purposes.

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

- 8 The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved in writing 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.

- 9 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.

- 10 No development shall commence until the actual or potential land contamination and ground gas contamination at the site shall have been investigated and a Phase 1 Preliminary Risk Assessment Report shall have been submitted to and approved in writing by the Local Planning Authority. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004).

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

- 11 Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation 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 CLR 11 (Environment Agency 2004).

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

- 12 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.

- 13 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.

- 14 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.

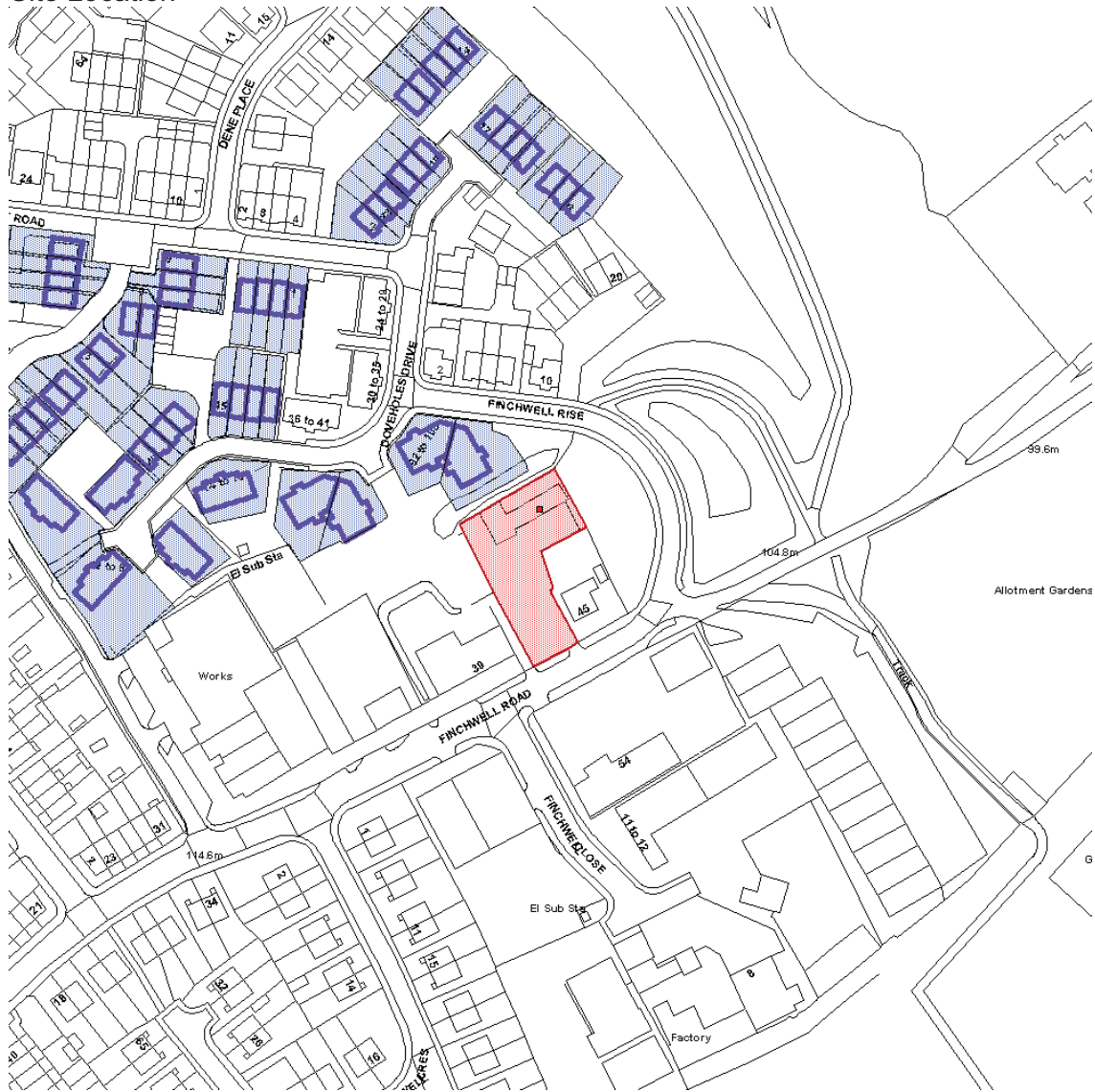
Attention is drawn to the following directives:

1. 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.
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 Engineers in their document "Guidance Notes for the Reduction of Light Pollution". This is to prevent obtrusive light causing disamenity to neighbours. The Guidance Notes are available from the Institute of Lighting Engineers, telephone number (01788) 576492 and fax number (01788) 540145.
4. 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.
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 or apply online at www.planningportal.gov.uk. The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.

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

Site Location



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LOCATION AND PROPOSAL

This is a joint report which considers planning ref: 13/02964/FUL and 13/01827/FUL Both applications relate to a site which is occupied by MS Shirt Box Ltd who are small company located on Finchwell Road at Handsworth who manufacture boxes and packaging primarily used for the transportation of steel.

The application site is L-shaped and comprises of a number of commercial single storey buildings of varying age and design. The site is located at the end of Finchwell Road in an allocated Business Area as defined in the UDP. The locality is mixed in character with a number of commercial properties to the west and to the south of the site with a new residential estate which is nearing completion located immediately to the north of the site.

These planning applications have been submitted following extensive discussions between the applicant and Barratt Homes and the proposals are put forward in order to enable Barratt Homes to discharge their outstanding requirements with regard to planning condition 13 (noise validation) of planning permission 04/01622/OUT.

Condition 13 of planning application 04/01622/OUT states:

'The proposed dwellings shall not be occupied unless approved sound insulation measures to be detailed in a report accompanying any future applications have been implemented and retained in accordance with the details then submitted. A validation report shall then be submitted and approved in writing by the Local Planning Authority following an agreed methodology.'

The part of the site that specifically relates to compliance with condition 13 is a block of flats at 91-102 Doveholes Drive which is located adjacent to application site. Barratt Homes have erected the flats which are now occupied without the appropriate noise mitigation measures being installed to protect residents from noise generated by the established commercial premises on Finchwell and specifically the operations of MS Shirt Box Ltd.

Following occupation of the properties a number of complaints were received by the Council's EPS regarding noise from MS Shirt's Box Company Ltd's early morning operations. EPS visited the site and informed the applicant of that all noisy machinery should be operated between 0800 and 1800 hours Monday to Fridays and 0800 and 1300 on Saturdays. MS Shirt Box Ltd have been adhering to hours of use restrictions requested by EPS for in excess of 12 months and as such no formal noise abatement notices have been served at this time.

Barratt Homes have planning permission 12/03415/FUL to erect a 6 metre high acoustic fence along the southern boundary of their site to the rear of commercial properties on Finchwell Road including to the rear of MS Shirt Box Ltd's site in order to mitigate the noise from the premises. The current proposals being considered seek to provide an alternative solution to the commercial noise issue affecting residents by mitigating the noise at source (MS Shirt Box Ltd).

The proposals involve two planning applications as follows:

- A section 73 application to vary condition 6 of MS Shirt Box's original planning consent ref: 77/3959P to regularise the machinery used on site and to voluntarily accept hours of use restrictions.
- An application to build a new warehouse and manufacturing building for MS Shirt Box Ltd replacing the existing buildings.
-

RELEVANT PLANNING HISTORY

Application Site history

- 77/3959 Use of buildings for the purposes of woodwork workshops - Granted Conditionally.

Site history for adjoining Barratt Homes development.

- 04/01622/OUT - Residential development - Granted Conditionally.
- 05/01134/REM - Erection of 210 dwellinghouses and 96 apartments, highways and landscaping works and erection of sewage pumping station (amended layout received 3/1/2006) - Granted Conditionally.
- 07/01716/REM - Residential development - revised layout of plots 78 to 134, (additional information received) (Amended plans received 22/6/07, 27/7/07, 07/08/07, 02/10/07) - Granted Conditionally

SUMMARY OF REPRESENTATIONS

There have been no letters of objection to either application

PLANNING ASSESSMENT

Noise and Amenity Issues.

Policy IB9 'Conditions on Development in Industry and Business Areas' seeks to ensure that development does not cause residents to suffer from unacceptable living conditions by virtue of noise and other risk to health and safety.

Plots 91 to 102 Doveholes Drive have been occupied without compliance with condition 13 of planning approval 04/01622/FUL which required the neighbouring housing development to meet specific noise criteria as set out in a noise report accompanying the approved outline application planning ref: 04/01622/OUT.

MS Shirt Box currently operates without planning restrictions over its hours of operation under planning ref: 77/2959. The primary source of complaint from residents was in relation to night time operations of the business causing noise and disturbance. The applicant is currently voluntarily operating under EPS hours restrictions which has minimised complaints. The applicant is applying to vary

condition 6 of 77/2959 in order to regularise the modern equipment that is used in the operation of the business. The applicant is willing to also voluntarily accept planning restrictions over the hours of operation of the business so that it will be restricted to operate only Monday to Friday 0730 to 1800 hours and Saturdays 0800 to 1300 hours with no working on Sundays or public holidays.

These restrictions will remove night time working, therefore minimising the impact on the amenities of adjoining residents and allow the planning authority to exercise much greater control over the use than the current situation. The addition of the dust extraction system to the list of machinery approved under condition 6 of 77/2959 is not considered to give rise to any issues and as such the proposed variation of the condition 6 to regularise the equipment used on site and the addition of hours of use restrictive conditions is considered acceptable.-

Shirt Box Ltd's premises comprise of a number of single storey structures of varying design and appearance that have been altered and extended over the years in an ad-hoc manner. The buildings are largely located to the rear of the site with a yard area to the frontage adjacent to the site access from Finchwell Road. The existing buildings due to their age and construction are not sealed and as such do not contain noise or prevent noise breakout.

Planning application 13/01827/FUL proposes to remove a large majority of the existing structures and retain in part the most modern workshop building which is located centrally within the site. The retained building will be extended and enveloped by a new single storey pitched roof building which will be faced in concrete panelling. A similar building is also proposed to be located to the frontage of the site which will be used for storage purposes only.

The proposed building will provide the applicant with a larger floor plate which will allow the business to be operated more efficiently reducing the need to work late in the evening, the applicant has confirmed that operational hours of the new building will be limited to 0730 to 1800 hours Monday to Friday and 0800 and 1300 hours on Saturdays with no working on a Sunday or Public Holidays. A noise assessment has been submitted with application which has demonstrated that the proposed new building will incorporate improved sound insulation and will be constructed and sealed to ensure that noise generated by Ms Shirt Box's operations fall well below the required 45dB_Laeq for living rooms (daytime 0700 to 2300 hours) which will remove any unacceptable noise and disturbance and enable Barratt Homes to discharge their requirements with regard to planning condition 13 of 04/01622/OUT.

The applicant will be conditioned to construct the building in accordance with the specifications set out in the noise report and hours of use will be restricted to daytime hours 0700 to 2300 hours. The amenity of residents of properties in vicinity will therefore be adequately protected from noise breakout. The proposals are therefore considered acceptable from an amenity perspective and complies with policy IB9.

Design and Visual Impact.

Policy IB9 'Conditions on Development in Industry and Business Areas' seek to ensure that development is well designed and of a scale and nature appropriate to the site. The application site occupies a relatively concealed position screened from Finchwell Road by the existing boundary treatment and seen in the context of the three storey flat blocks on Doveholes Drive which are located approximately 3.5 metres above the properties on Finchwell Road. The proposed buildings will replace the existing rather dilapidated structures on site with modern commercial buildings. The existing log cabin office building and welfare building will be relocated to the rear of the site. The proposed layout of the buildings and design of structures is considered acceptable and will improve the appearance of the site and visual amenities of the locality. The applicant is also proposing to plant a screen hedge along the rear boundary of the site which once established, will help to screen the site from the adjoining housing development. The proposal is therefore considered to comply with policy IB9.

Highways Issues.

Suitable access to the site and parking and turning provision is retained on site as such the proposal is not considered to give rise to any highways issues.

SUMMARY AND RECOMMENDATION

This is a joint report which considers planning ref: 13/02964/FUL and 13/01827/FUL.

The application site is occupied by MS Shirt Box Ltd who have been located at the site for approximately 30 years and are a small company located on Finchwell Road at Handsworth who manufacture boxes and packaging primarily used for the transportation of steel.

Following extensive discussions between the applicant and Barratt Homes who are developing the adjoining site these applications have been submitted in order to address complaints from residents of a block of flats at 91 to 102 Doveholes Drive, Handsworth due to noise and disturbance arising from the early morning operations of Shirts Box Company Ltd who are located to the rear of No. 45 Finchwell Road.

A block of flats at 91-102 Doveholes Drive, which is located adjacent to application site has been erected by Barratt Homes and the flats occupied without the appropriate noise mitigation measures being installed to protect residents from noise generated by the established commercial premises on Finchwell and specifically the operations of MS Shirt Box Ltd. The proposals are put forward in order to enable Barratt Homes to discharge their outstanding noise validation condition relating to planning permission 04/01622/OUT.

Barratt Homes have planning permission 12/03415/FUL to erect a 6 metre high acoustic fence along the southern boundary of their site to the rear of commercial

properties on Finchwell Road including to the rear of MS Shirt Box Ltd's site in order to mitigate the noise from the premises. However these applications seek to provide an alternative solution to the commercial noise issue affecting residents by mitigating the noise at source (MS Shirt Box Ltd).

The proposals involve two planning applications

- A section 73 application to vary condition 6 of MS Shirt Box's original planning consent ref: 77/3959P to regularise the machinery used on site and to voluntarily accept hours of use restrictions.
- An application to build a new warehouse and manufacturing building for MS Shirt Box Ltd replacing the existing buildings

The applicant is proposing to regularise the existing modern operations on site by adding to piece of machinery that is being used to that listed under condition 6 of 77/3959 In addition the applicant is willing to accept hours of use restrictions on existing site operations restricting working hours to Monday to Friday 0730 to 1800 hours and Saturdays 0800 to 1300 hours with no working on Sundays or public holidays. These restrictions will remove existing night time operations which has been the primary source of complaint from residents. As such the proposed variation of condition 6 of 77/3959 and imposition of a new hours of use condition is considered to give the LPA a greater level of control over operations that existing and will remove night time working as such the proposal is considered acceptable.

The applicant has also submitted a planning application to remove a large majority of the existing rather ad-hoc and dilapidated workshop buildings, replacing them with a new modern commercial buildings which will retain noise from the existing operations and allow the applicant to work more efficiently removing the need to work in the evening. The applicant has submitted a noise report demonstrating that the proposed buildings will suitably mitigate the noise impact on residents of the adjoining development site which enable Barratt Homes to discharge their planning conditions.

The proposed development is therefore considered acceptable and it is recommended that planning permission is granted conditionally to erect the new replacement commercial buildings.

It is also recommend that condition 6 of planning permission 77/3959 is varied to include the modern machinery used on site and a condition added which will control hours of use of the existing operations on site.

Case Number 13/01874/FUL (Formerly PP-02377701)

Application Type Full Planning Application

Proposal Retention of boundary fence and erection of gate to front of dwellinghouse

Location 37 Westfield Avenue
Sheffield
S12 4LJ

Date Received 05/06/2013

Team City Centre and East

Applicant/Agent Mrs Ruth Ringrose

Recommendation Refuse with Enforcement Action

Subject to:

- 1 The Local Planning Authority consider that the retention of the fence and erection of a gate would be injurious to the character and general appearance of the street scene due to its excessive height in close proximity to the highway and would therefore be contrary to Policy H14 of the Unitary Development Plan and Guidelines 1 and 2 of the Supplementary Planning Guidance on Designing House Extensions.

Attention is drawn to the following directives:

1. The Director of Development Services or the Head of Planning has been authorised to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the fence at the front of the property.

The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

The Local Planning Authority will be writing separately on this matter.

2. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, based on seeking solutions to problems arising in relation to dealing with a planning application, it has not been possible to reach an agreed solution in this case.

Site Location



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LOCATION AND PROPOSAL

The application relates to a boundary fence which has been erected to the front of a semi-detached property on Westfield Road. This is within a predominantly residential area with the area largely characterised by similar residential property set back from the highway boundary with low boundary treatments.

The application seeks approval for the retention of the fence as built and for the erection of matching gates.

RELEVANT PLANNING HISTORY

In March 2013 the Council received an enforcement enquiry concerning a boundary fence which had been erected at the application property. The site was inspected and the fence was found to be in excess of Permitted Development criteria. This application has been submitted in response to the enforcement enquiry for the retention of the fence as built.

SUMMARY OF REPRESENTATIONS

Two letters have been received from occupiers of neighbouring property which raise concerns that the fence as built is an eyesore, not in keeping with the surrounding properties and does not comply with local planning policies

PLANNING ASSESSMENT

Policy Issues

The application property is sited within a Housing Policy Area as defined by the UDP. Within Housing Policy Areas Policy H14 'Conditions on development in Housing Areas' allows new development which is in scale and character with neighbouring buildings.

Weight is also given to guidelines stated within the adopted SPG Designing House Extensions. Guideline 1 of the SPG indicates that development should be compatible with the character and built form of the area. Guideline 2 of the SPG indicates that development should not detract from the general appearance of the street or locality

Assessment

The timber fence as built extends across the entire frontage of the property, bar the access drive and returns along the shared side boundary with the adjoining semi at 39 Westfield Avenue. A matching gate will be erected across the driveway if permission is granted.

As built the fence is of a hit and miss construction with a maximum overall height of 2.08m. Due to the slope of the highway the fence steps down in sections adjacent

to the pavement. The lowest section which doubles as a pedestrian gate measures 1.83m in overall height. The fence has a dark brown finish.

In support of the application the applicant has indicated the fence is required for security/safety reasons and has indicated that there are a number of other high fences within the locality.

As erected the fence forms a high structure within the street scene. Boundary treatments to neighbouring property being largely low (1m high) privet hedges. It is acknowledged that there are higher boundary structures within the locality but these tend to screen rear garden areas/corner plots and the locations are not directly comparable to the application site.

As a way forward the applicant has been asked to reduce the overall height of the fence along the highway boundary (including first return along the side boundary) so that it doesn't exceed 1.5-1.6m in overall height. Whilst this would still provide a visible boundary structure it would help to partially retain the openness of the area yet retain privacy and security to the front of the property. The remainder of the fence along the side boundary would be retained as existing as this falls within Permitted Development criteria. The applicant has not responded to this request.

In the absence of an agreement from the applicant to reduce the height of the fence officers maintain that the fence as erected is detrimental to the general character and appearance of the area.

ENFORCEMENT

As this application seeks permission to retain the fence as existing, if members agree to the decision recommended in this report enforcement action will be required to remedy the situation.

SUMMARY AND RECOMMENDATION

The application seeks retrospective permission to retain a front boundary fence to a semi-detached property located within a residential area.

The height of the fence as erected is considered detrimental to the visual amenities of the locality where existing boundary treatment help retain the openness of the area.

Consequently the application is considered to be contrary to Policy H14 of the UDP and guidelines 1 and 2 of the approved SPG - Designing House Extensions.

It is recommended the fence as built be refused planning permission and that enforcement action be taken to secure its removal.

It is therefore requested that authority be given to the Director of Regeneration and Development Services or Head of Planning to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the fence at the front of the property.

The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control."

Case Number 13/02291/FUL

Application Type Full Planning Application

Proposal Use of ground floor as a Hot Food Take-Away (Use Class A5) including extraction flue and bin store to side

Location 42 Dundas Road
Sheffield
S9 1SW

Date Received 24/06/2013

Team City Centre and East

Applicant/Agent Mr Javed Akhtar

Recommendation Refuse with Enforcement Action

Subject to:

- 1 The Local Planning Authority consider that the proposed development would be detrimental to the amenities of the surrounding housing area and to the living conditions of nearby residents owing to the noise, smells, litter and general disturbance which would be generated by the use of the building for the purpose of a hot food takeaway. The proposal is therefore contrary to Policy H14 of the Unitary Development Plan.
- 2 The Local Planning Authority consider that the proposed flue extraction discharge duct, by reason of its design (including height, size, projection) and prominent low level position, is an obtrusive and unattractive feature which detrimentally affects the character and appearance of the building and the visual amenities of the surrounding residential area. The proposal is therefore contrary to Policy H14 of the Unitary Development Plan.

Attention is drawn to the following directives:

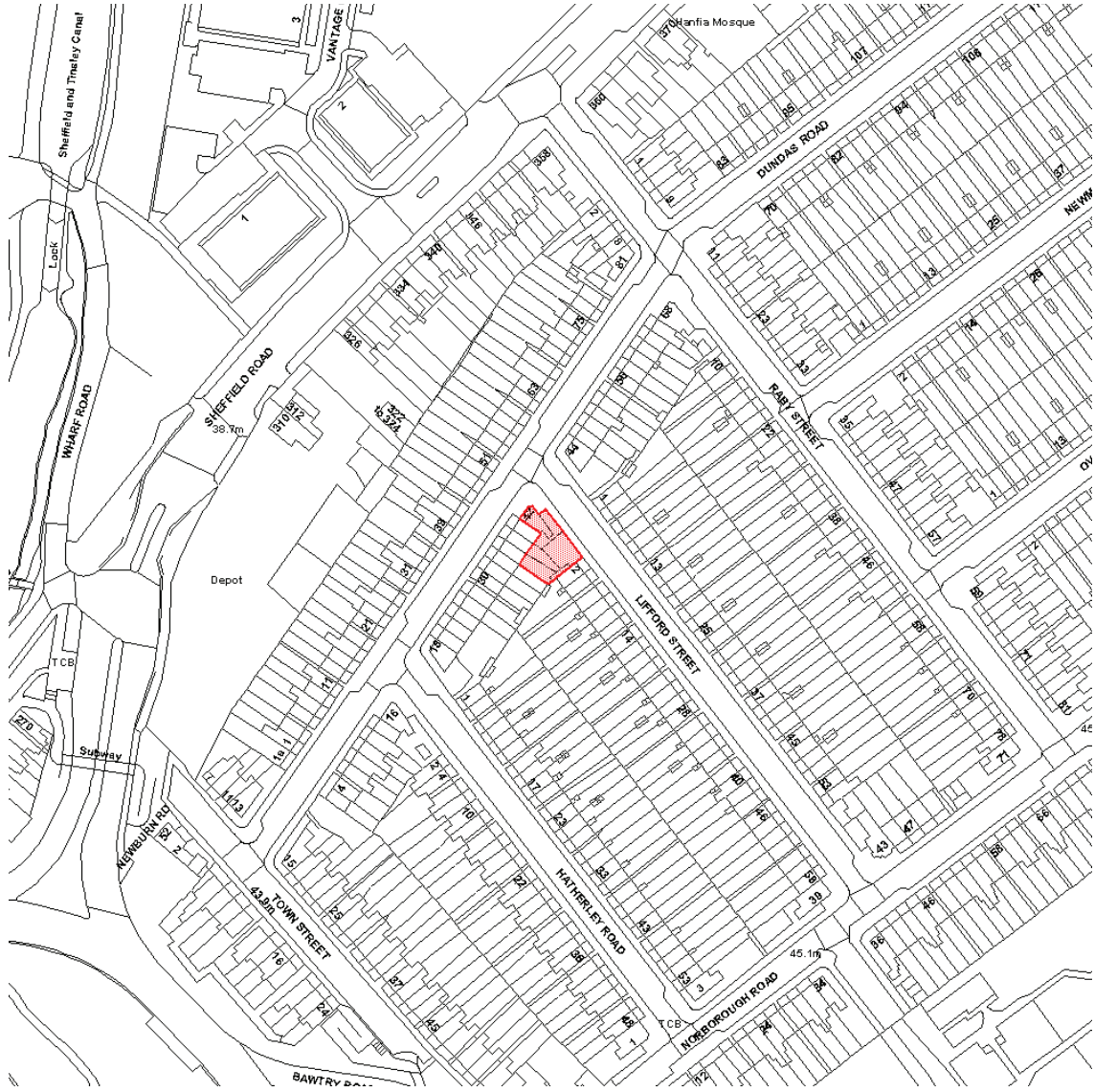
1. The Director of Development Services or Head of Planning has been authorised to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the flue extraction discharge duct from the front of the property.

The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

The Local Planning Authority will be writing separately on this matter.

2. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, based on seeking solutions to problems arising in relation to dealing with a planning application, it has not been possible to reach an agreed solution in this case.

Site Location



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LOCATION AND PROPOSAL

This application seeks planning permission to use the ground floor unit of No.42 Dundas Road, Tinsley, as a Hot Food Takeaway (Use Class A5). The Applicant has indicated that the unit's last use was as a retail shop (Use Class A1) but it is now vacant pending the decision of this application.

The application site is an end of terrace property situated on the south-eastern side of Dundas Road and at its junction with Lifford Street. The property is two-storeys high and is characterised by a shop front design at ground floor level which addresses both streets. There is a yard/garden area located at the rear/part-side of the property.

The surrounding land use is residential in character and there are houses situated beyond all the application property's elevations, including a flat above the ground floor shop unit.

It is the Applicant's intention to open the unit as a traditional Fish & Chip Shop, which is proposed to open between 1100 hours and 2100 hours Monday to Friday, Sundays and Bank Holidays, and 1100 hours and 2200 hours on Saturdays.

Permission is sought as part of this application to install a new extraction flue (retrospective) and a bin store facility.

RELEVANT PLANNING HISTORY

13/02292/ADV - One non-illuminated fascia sign. Granted Conditionally, September 2013.

There is no other relevant planning history associated with the property.

SUMMARY OF REPRESENTATIONS

The application has been advertised by neighbour notification letter. Following the original consultation exercise, more local residents have been consulted at the Case Officer's request.

In total, 3 letters of objection have been received from local residents. In summary, the main objections received state that the proposed takeaway is within a very small residential area and will:

- Cause more harm than good. This is a very small residential area and there are already other takeaways in the area.
- Create high level of noise and disturbance.
- Create a place where youths will hang around leading to anti-social behaviour problems.
- Create more litter and attract flies and vermin.
- Reduce house prices.
- Increase the amount of traffic.

In addition to the above, 2 local residents have advised that people are not objecting to the application because they are concerned about potential retaliation/intimidation as a result of their names and addresses being attached to any representation.

PLANNING ASSESSMENT

Land Use and Dominance Issues

The application site is located within a designated 'Housing Area' in Sheffield's adopted Unitary Development Plan (UDP).

UDP Policy H10: Development in Housing Areas identifies Housing uses as the preferred use of land in the policy area, however it also identifies food and drink uses inclusive of hot food takeaways (use class A5) as acceptable uses in the policy area. As such the principle of the proposed use is considered acceptable subject to the requirements of Policy H14.

The principle of accepting an A5 use in a housing area must be considered in light of Policy H14: Conditions on Development in Housing Areas part (i), which identifies that non housing uses should only occupy a small area and not lead to a concentration of non-housing uses which would threaten the residential character of the area. In this case, there is an existing commercial use on the site and the proposal only seeks to change the use of this space.

The locality comprises of a densely populated residential area, characterised by terraced houses, and therefore the proposed change of use to a hot food takeaway is not considered to prejudice the dominance of housing uses or the residential character of the area. The proposal is there considered to comply with part (i) of policy H14.

Amenity Issues

UDP Policy H14, part (k), states that non-housing (C3) uses should not lead to air pollution, noise, smell, excessive traffic levels or other nuisance, or risk health and safety for people living nearby.

As discussed, the application site is located in an existing residential area and the proposal would place an A5 use adjacent to, opposite and below existing established residential accommodation. For this reason, the proposed use offers significant concern and it is considered that allowance of an A5 use would be detrimental to the existing residential environment as well as prejudicial to the amenity currently enjoyed by those people living there.

Dundas Road has the character of a traditional terraced street, which is residential in character and not a main road. There are no other takeaway uses within proximity of the site and existing commercial uses along the route are established convenience/grocery stores. Therefore, this is a residential environment with relatively low background noise levels throughout the evening and late evening. It is felt that the activities associated with an isolated A5 use would not be compatible with the dense population of terraced houses which surround the site, thus

resulting in a high propensity for disamenity for residential occupiers. Issues associated with A5 uses include noise and disturbance, increased traffic movements, odours, and litter/servicing, and it is considered that these would be prevalent at this location if the proposed use was allowed.

Members will be aware that conditions can be imposed upon such a use to help regulate development and overcome concerns. If an identified problem can be dealt with by means of a suitable condition then the Local Planning Authority is required to consider this rather than issuing a refusal. However, given Officers concerns about the principle of the development at this site, it is not considered appropriate to look to condition as a solution to rectify anticipated problems in this instance. Conditions would only be considered if the principle was acceptable.

Therefore, it is concluded that the use of the building as a hot food takeaway would be incompatible with the residential surroundings and would result in a high propensity for disamenity to these to residents located in close proximity contrary to the requirements of Policy H14.

Design Issues

Policy H14, part (a), seeks to ensure that new development is well designed and in scale with the character of the area.

The main external change to the building involves the installation of an odour extraction flue, which is affixed externally to the north east facing side elevation of the building. This is the elevation of the building addressing Lifford Street. The flue is positioned at low level with the bottom section situated approximately 2.1m above ground level; it has a galvanised material finish, and a discharge duct with the dimensions 600mm x 600mm. It is intended to extend upwards by approximately 2.1m. As a consequence, the flue has a prominent position in the surrounding Dundas Road and Lifford Street streetscenes.

The flue extraction system has already been installed on the building and it is considered that this equipment - owing to its design, size and position - is unacceptable from a visual amenity perspective in this residential area containing dense terraced housing. Flue extraction systems of this nature are expected to be situated in discreet locations where they are more inconspicuous and unobtrusive. In this instance however, the flue has a prominent position on part of the front elevation of a corner property, which affords views from both Lifford Street and Dundas Road.

Members are advised that the Council's Environmental Protection Service (EPS) has provided advice on the termination point of the flue (approximately 4.2m above ground level) and confirmed that is not satisfactory as proposed. To rectify this issue it is advised that one of two changes will have to occur - either 1) amendments are made to the design specification of the odour abatement technology proposed in order to minimise the likelihood of odour nuisance complaints given the current low level termination point of the flue, or 2) the termination point must be increased to a higher level at 1m above eaves or ridge level (depending upon the style of cooking and proposed appliance used).

It is accepted that these EPS recommendations will help to improve the function of the extraction system, however they do not solve any of the design issues discussed above. Indeed, it is considered that changes could make the situation worse. Amendments to the design specification of the technology would result in the flue extraction system being retained in its current prominent corner position, albeit with changes to the flue that could potentially be bulkier and even more problematic in design/appearance terms. Alternatively, raising the height of the termination point would significantly increase the prominence of the flue, which would again be unacceptable.

The proposed external alterations are relatively minor and include the installation of new Upvc windows and a door (double glazed) as well as the installation of timber bin store. These changes/additions do not offer any significant concern in design/appearance terms.

In light of the above, taking account of the prominence of the corner elevation of the building, and the design of the fume extraction system which owing to its design (including height, size, projection) and position, the proposal is considered to be an obtrusive feature and therefore detrimentally affects the character and appearance of the property and the visual amenities and character of the surrounding residential area contrary to the requirements of Policy H14.

RESPONSE TO REPRESENTATIONS

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

Issues relating to the loss of property value, attraction of flies and vermin, and potential retaliation/intimidation resulting for this planning decision are considered to be non-material planning considerations and therefore can hold no weight in the determination of this planning application.

ENFORCEMENT

As this application seeks permission to retain the extraction flue system, if Members agree to the decision recommended in this report enforcement action will be required to remedy the situation.

SUMMARY AND RECOMMENDATION

The application seeks permission to use the ground floor as a Hot Food Take-Away (Use Class A5) including extraction flue and bin store to side. The extraction flue has already been installed and, therefore, this element of the proposal is retrospective.

In use terms, it is concluded that the proposed A5 use is incompatible with the residential surroundings and would result in a high propensity for disamenity to the residents located in close proximity.

In design terms, it is considered that the flue extraction discharge duct - owing to its design, size and position - is unacceptable from a visual amenity perspective in this residential area. The flue has an overly prominent position on part of the front elevation of a corner property, which affords views from both Lifford Street and Dundas Road.

Consequently, the application is considered to be contrary to Policy H14 of the UDP.

It is recommended that the Members of the Planning Committee refuse this planning application and agree to enforcement action being taken to secure the removal of the flue extraction discharge duct that has already been installed on the building.

It is therefore requested that authority be given to the Director of Regeneration and Development Services or Head of Planning to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the flue extraction discharge duct from the front of the property.

The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Case Number	13/02199/FUL (Formerly PP-02677482)
Application Type	Full Planning Application
Proposal	Application to allow throughput capacity to be increased from 60,000 to 135,000 tonnes per annum, revised external storage layout, introduction of new equipment to process building and extension of acoustic barrier (Application under Section 73 to vary conditions 2 (Approved drawings), 3 (Environmental Statement) and 4 (Noise) of planning permission 08/04136/FUL as amended on 23/05/2013 by 13/01144/FUL - Aggregate Recycling Facility)
Location	Ballast Phoenix Ltd Beeley Wood Recycling Village 2 Beeley Wood Lane Sheffield S6 1QT
Date Received	03/07/2013
Team	West and North
Applicant/Agent	H & C Consultancy Ltd
Recommendation	Grant Conditionally

Subject to:

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

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

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

Drawing nos. 6992-P-01 Site Location Plan, 6992-P-02 Site Layout Plan, 6992-P-03 Office Building Plan & Elevations, 6692-P-04 Welfare Building Plan & Elevations, 6992-P-05 Process Building Plan & Elevations, and drawing nos. 12399-002 Rev 4 Cross Sections A&B, 12399-003 Rev 4 Cross Sections B&C

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 The use hereby permitted is restricted to the operation of an Incinerator Bottom Ash Aggregates Recycling Facility, as described in the planning application and accompanying Environmental Statement. No substantive change to the processes undertaken, or the materials processed, shall be permitted without the prior written approval of the Local Planning Authority.

In the interests of the amenities of the locality.

- 4 Prior to any increase in throughput beyond the 60,000 tonnes per annum previously permitted and up to the 135,000 tonnes per annum hereby permitted, all works detailed in the Hepworth Acoustic Noise Assessment report No. 10158.02/3v2 and in accordance with Drawing 6992PO2 detailing the location of the acoustic barrier, which from part of a scheme to protect the occupiers of nearby dwellings from noise, shall have been implemented and retained to the satisfaction of the Local Planning Authority. In the event that the specified noise level of a 'Rating Level at least 5dB below the background level' is not achieved at the cited nearby dwellings as a result of noise emitted from the Ballast Phoenix Ltd IBA Recycling Facility then the approved increase in throughput shall be suspended, the suspension only coming into force once the noise source is established and, notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise level, in relation to the Ballast Phoenix Ltd IBA Recycling Facility, and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the increase in throughput is recommenced and shall thereafter be retained unless otherwise agreed by the Local Planning Authority.

In the interests of the amenities of the locality.

- 5 Unless otherwise agreed in writing by the Local Planning Authority, machinery, vehicles or equipment being used on or accessing the site and requiring audible reversing warning systems shall be fitted with broadband system, and shall not use standard reversing 'beepers'. Such vehicles shall also be regularly maintained and fitted with effective exhaust silencers.

In the interests of the amenities of the locality.

- 6 No machinery, plant or equipment used for the crushing of aggregate material shall be operated on the site other than inside the main processing plant building.

In the interests of the amenities of the locality.

- 7 The yard and storage areas shall be concreted and all site processes, storage arrangements and vehicle movements shall be managed in accordance with the 'Fugitive Emissions Management Plan' (March 2013) so as to ensure dust emissions from the site are minimised and maintained within acceptable levels.

In the interests of the amenities of the locality.

- 8 The site and buildings shall not be used for the operational purposes hereby approved on any Saturday, Sunday or any Public Holiday and shall be used for such purpose only between 0700 hours and 1800 hours on Mondays to Fridays.

In the interests of the amenities of the locality.

- 9 The site and buildings shall not be used for the maintenance purposes in connection with the use other than between 0800 hours and 1600 hours on any Saturday, Sunday or any Public Holiday, and between 0700 hours and 1800 hours on Mondays to Fridays.

In the interests of the amenities of the locality.

- 10 Development shall not commence until actual or potential land contamination and ground gas contamination at the site has been investigated and a Phase I Preliminary Risk Assessment has been submitted to and approved in writing by the Local planning Authority. Reports shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004).

In the interests of the amenities of the locality.

- 11 Should further intrusive investigation be recommended in the Phase I Preliminary Risk Assessment Report, development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority. The Phase II Intrusive Site Investigation Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

In the interests of the amenities of the locality.

- 12 Should remediation be recommended in the Phase II Intrusive Site Investigation Report, development shall not commence until a Remediation Strategy Report has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004).

In the event that remediation is unable to proceed in accordance with an approved Remediation Strategy, or unexpected contamination is encountered at any stage of the process, the Local Planning Authority shall be notified 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 the interests of the amenities of the locality.

- 13 Following 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 Validation Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004). The site shall not be brought in to use until all the validation data has been approved in writing by the Local Planning Authority on completion of the works outlined in the approved Remediation Strategy Report.

In the interests of the amenities of the locality.

- 14 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 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.

- 15 Before any work on site is commenced, measures to protect the existing trees, shrubs and hedges on adjoining land shall be provided, in accordance with details which shall be submitted to and approved by the Local Planning Authority. 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 (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 agreed in writing.

In the interests of the amenities of the locality.

- 16 Before any work on site is commenced, a comprehensive and detailed hard and soft landscape scheme for the site shall have been submitted to and approved by the Local Planning Authority. The landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first agreed in writing with the Local Planning Authority. Thereafter the landscaped areas shall be retained and shall not be used for any other purpose without the prior consent of the Local Planning Authority. 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.

In the interests of the amenities of the locality.

- 17 Before development commences details of the proposed arrangements for foul and surface water drainage of the site shall be submitted to and approved in writing by the Local Planning Authority. The use shall not commence unless the drainage arrangements as approved have been provided and thereafter retained.

To ensure satisfactory drainage arrangements.

- 18 Before the development is commenced, details of all proposed external materials and finishes, including windows, shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

In order to ensure an appropriate quality of development.

- 19 Before the development is commenced, details of the proposed surfacing, layout and marking out of the car parking accommodation shall have been submitted to and approved in writing by the Local Planning Authority. The aggregates recycling facility shall not be used unless the car parking accommodation has been provided in accordance with the approved plans and thereafter such car parking accommodation shall be retained for the sole use of the development hereby permitted.

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

- 20 Before the development is commenced, details of the following matters shall have been submitted to and approved in writing by the Local Planning Authority. The aggregates recycling facility shall not be used unless the matters have been provided in accordance with the approved details and thereafter retained;
- (i) appearance and finished colour of the boundary fence and gates;
 - (ii) appearance of the acoustic barrier;
 - (iii) access road;
 - (iv) external lighting and means of baffling;
 - (v) diesel storage tank and bund.

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

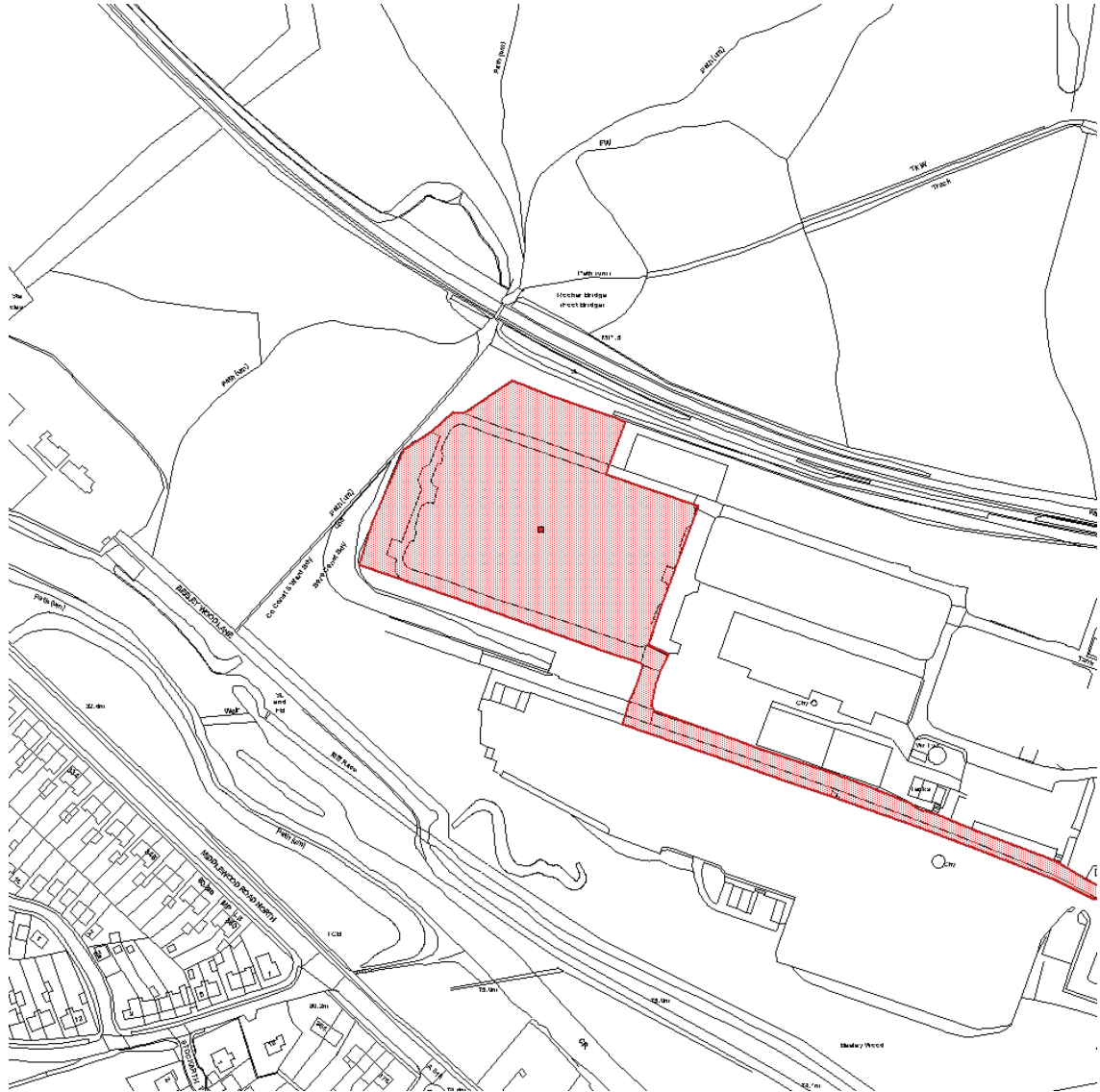
- 21 In materials shall be stored on the land above a height of 6 metres.

In the interests of the amenities of the locality.

Attention is drawn to the following directives:

1. 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.
2. The applicant is advised to contact the Environment Agency, Phoenix House, Global Avenue, Leeds LS11 8PG (tel 0113 213 4652) regarding the requirements of the Environmental Permitting Regulations 2007.
3. The applicant is advised that conditions No(s) 1 to 20 were imposed by planning permission No. 08/04136/FUL and 11/01144/FUL and are reproduced on this notice to provide you with a complete record of all conditions, regardless of whether some may have already been discharged.

Site Location



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LOCATION

The application site comprises approximately 2.2 hectares of land forming part of the former Union Carbide (UCAR) site located at the northwestern end of the Claywheels Lane industrial estate.

It is situated on the southwest facing slopes above the River Don. The UCAR site was partly cut into this hillside generally forming two large terraced areas on which the former industrial complex was built. Several of the former industrial buildings on the UCAR site have been demolished. Part of a former building on the northern boundary just to the east of the current site has been retained.

The current aggregate recycling facility on the application site has been developed following the granting of planning permission in 2008.

The site lies alongside woodland to the northwest and southwest. Along the northern boundary of the site is a high retaining wall above which is a belt of trees with a railway line and agricultural land beyond.

On the opposite side of the valley are the residential areas off Middlewood Road.

PROPOSAL

This application has been made under Section 73 of the Town and Country Planning Act 1990 and seeks to vary three of the conditions of the existing planning permission to allow the current throughput capacity to be increased from 60,000 to 135,000 tonnes per annum, to allow a revision to the external storage layout, to introduce new equipment to the process building, and to extend the existing acoustic barrier.

The applicant has submitted a noise impact assessment, a fugitive emissions management plan, a transport assessment, an ecological appraisal, and an environmental statement in support of the application.

The site is currently used as an aggregates recycling facility for the processing of incinerator bottom ash (IBA). The use does not involve the incineration of material on this site. The existing Bernard Road Sheffield Energy Recovery Facility in the city which is operated by Veolia Environmental Services utilises domestic waste as fuel in energy recovery producing heat and electricity. The element of the domestic waste that is incombustible (known as incinerator bottom ash) is transported to the Ballast Phoenix site for processing. The Ballast Phoenix site also receives IBA from an energy from waste facility in Cleveland.

The Ballast Phoenix site comprises a building to accommodate the processing equipment, outside storage areas for the raw and processed materials, a water storage lagoon, portable office and utility buildings, a weighbridge, and parking areas.

The submissions made by the applicant on their existing planning permission stated that the annual operational throughput would be 60,000 tonnes, and that the

amount of stockpiled and processed material on site would vary from time to time, typically 8,000 to 10,000 tonnes stockpiled, and typically up to 10,000 to 15,000 tonnes of processed material.

The aggregates produced are typically used in construction related uses whilst the recovered ferrous and non-ferrous metals mainly go to specialist recycling companies.

There are currently four areas on the site for stockpiling the raw IBA and processed material. The proposed revisions to the layout of the site include re-siting some small storage bays and allocating an area on the eastern part of the site for use as an additional area for stockpiling the raw and processed material.

The existing 3.65 metre high acoustic barrier runs along part of the southern boundary of the site opposite the existing stockpiles. The proposal seeks to extend this acoustic barrier eastwards along this southern boundary such that it would also be opposite the proposed additional stockpile area.

The proposal seeks to install an additional powered screener (ViPower twin rotary powered screener) within the process building to facilitate the processing of the additional throughput. Two generators will continue to be used to provide power to the process building, office and welfare facilities.

The applicant has stated that the Ballast Phoenix facility sends zero material to landfill. Any material that cannot be recycled or recovered is returned to the EfW for reprocessing which amounts to less than 1% of the material handled.

The applicant has confirmed that the facility is capable of handling the proposed increase in throughput without changing the stockpile heights.

The applicant has stated that the proposed additional capacity will be sourced from the energy from waste facility currently under construction in Runcorn, Cheshire and the IBA produced will generate recycled aggregates for the local market in Sheffield and the surrounding area.

The applicant has subsequently submitted the following additional information clarifying various matters of their proposals relating to environmental controls, noise, traffic movements and recycling activities.

On environmental controls the applicant has stated that:

- the applicant does not seek to remove or reduce the environmental controls in place at the site as part of the planning process;
- the IBA Recycling Facility is also regulated by the Environment Agency under an Environmental Permit, the conditions imposed by the Environment Agency remain unchanged and unaffected by the planning application;
- the applicant believes that the facility is operated to high standards, the Environment Agency regularly inspects the site and has raised no concerns relating to its operation, there have been no incidences of environmental pollution associated with the facility;

- the site benefits from a comprehensive dust management plan which has recently been updated, the material handled on site is unlikely to generate dust as the material forms a crust to its surface which prevents airborne releases;
- the facility benefits from a dust suppression system which dampens down the surface and stockpiles;
- the material handled at the site is not considered to generate any malodour, the material has a faint earthy smell at close range of less than 1 metre beyond which it is difficult to detect any odour.

On noise matters the applicant has stated that:

- the activities carried out by the applicant do not result in loud bangs or metal screeching noises and the processes are carried out within a designated building;
- the applicant is only permitted to undertake maintenance works at weekends, there are no proposals to change the operating hours;
- an independent noise assessment has been included in the application which concludes that the operations are within the limits imposed by the Council;
- the site benefits from an acoustic barrier and the new application seeks to extend this improving noise reduction measures;
- the recycling activities will continue to be carried out within the designated process building;
- the generators on site are super silenced and have been assessed as part of the noise survey to be acceptable and are within the noise limits imposed.

On traffic movements the applicant has stated that:

- the current throughput generates approximately 2 vehicles per hour which equates to four movements each hour (2 in, 2 out);
- the proposals will increase this to an average of 4 vehicles per hour (equating to 8 movements);
- the transport assessment concludes that the existing network can accommodate the increased traffic without adverse impact;
- the assessment identifies the positive impact the facility will have in reducing the number of vehicles on the road that would otherwise be needed to import primary won aggregates into Sheffield that will no longer be needed if the facility is able to increase the amount of recycled aggregate it produces.

On recycling activities the applicant has stated that:

- the applicant confirms that there is no burning of material on site, there is no hazardous material brought onto the site.

RELEVANT PLANNING HISTORY

In 2008 planning permission was granted subject to conditions for the aggregate recycling facility on the site (application no. 08/04136/FUL refers).

In 2009 and 2013 various details submitted in respect of the conditions imposed on the 2008 planning permission were approved (application nos. 09/01437/COND and 12/03056/COND refer).

In 2013 a non-material amendment application to list the drawings approved under 08/04136/FUL was determined (application 12/03135/NMA refers).

In May 2013 planning permission was granted for a variation in the site layout and boundary (application no. 13/01144/FUL refers).

SUMMARY OF REPRESENTATIONS

The application was publicised by letters to a nearby business premises and residents off Middlewood Road to the south of the site and by display of site notices in the locality.

16 representations of objection have been received relating to the following matters:

- too close to residential areas;
- unspecified truck movements, more than doubles truck traffic to a truck every 6 minutes, and to every 5 minutes or less, add HGV movements from other developments, increase in vehicle movements would be of considerable significance to cyclist using cycle route, Claywheels Lane is Sustrans route for walkers and cyclists, all trucks should be fitted with sensors, audible turning alarms, extra mirrors and safety bars;
- increase in dust on vehicles and properties noticed since 2010, damping down methods undertaken on site are insufficient, degrades air quality, many complaints over past few years, restrict operations and storage to only within buildings;
- often a pungent smell on path beside the site;
- open storage bins should be enclosed;
- hear noise during the day and at night, noise from site is unacceptable, assess cumulative impact of rattles, bangs, hums and screeches, scraping noises, do not underestimate the way noise travels across the valley, noise measurements taken at ground level and takes no account of the way noise travels upwards and outwards from its source, history of complaints about noise from the site, extending acoustic barrier will have no effect, restrict hours to those recently approved, restrict hours to Monday to Friday 0800-1800 with no weekend or bank holiday operations, re-evaluate noise impact with significant increase in workload;
- will affect more residents depending on weather conditions;
- damage to local environment;
- will significantly and adversely impact on those living in the vicinity, doubling capacity will increase problems;
- provides little employment;
- need to address mitigation actions at this and other operations close by;
- should seek alternative site, numerous sites in east of the city;
- site would be better utilised for housing or light industry.

PLANNING ASSESSMENT

Policy Issues

The Sheffield Local Plan includes the Core Strategy and the saved policies and proposals map of the Unitary Development Plan (UDP). The UDP Proposals Map identifies the site as being within a General Industrial Area where general industry and warehouses are preferred uses and open storage is an acceptable use. Uses

for materials recycling which are not within the specified use classes are to be decided on their individual merits (Policy IB5 refers).

Core Strategy Policy CS1 relating to land for employment and economic development recognises the need to plan for general industry and storage/distribution and other sui generis general industrial/processing uses. Core Strategy policies CS5 and CS10 promote business and industry in the Upper Don Valley.

The emerging City Policies and Sites Document and Draft Proposals Map which will replace the UDP policies and map identifies the site as being within an Industrial Area where general industry, warehouses and storage, other unclassified industrial processes and waste management facilities (excluding landfill, associated plant and open air composting) are preferred uses with minimum levels of 70% of industry and storage floor 13space (Draft CPS Policy H1 refers).

Policy IB9 of the UDP relates to conditions on development in industry and business areas including IB9(a) which seeks to maintain a dominance of preferred uses.

The variations proposed in this application will not adversely affect the dominance of industry and business uses in the area. The proposal complies with Policies IB5 and IB9(a) of the UDP and Draft CPS Policy H1.

Sustainability

UDP Policy MW6 promotes developments involving recycling and reclamation of suitable waste materials except where they would be incompatible with surrounding uses. Core Strategy Policy CS68 relating to waste development objectives seeks to manage the city's waste more sustainably and encourages reduction and reuse of waste products, and a range of additional treatment facilities mainly in industrial areas to meet the regional apportionment for commercial and industrial waste and other waste streams.

The existing facility on the application site involves the recovery of material for re-use that would otherwise be transferred to landfill. The re-use of the recovered material reduces the amount primary aggregate extraction and provides an alternative product for the local market.

The existing facility represents a useful addition to the local waste treatment capacity. The proposed variation to increase the throughput at the site will maintain these benefits.

The operations on site also incorporate the re-use of some of the surface water collected on the site including for damping down the stockpiles when necessary.

Highway and Transportation Issues

UDP Policy IB9 relating to conditions on development in industry and business areas includes matters of highway safety.

The facility takes access to and from the A61 Penistone Road via Claywheels Lane. On-site provision for manoeuvring of vehicles and parking is available.

The Environmental Statement has considered the Transport Statement submitted with this application. The Transport Statement has assessed the capacity of the local highway network to accommodate the development traffic.

The vast majority of the IBA currently transported to the site is from Bernard Road using an articulated lorry shuttling between the two sites taking three quarters of an hour for a return trip which includes loading and unloading. A survey on 3.12.12 shows 6 deliveries from Bernard Road between 0930 and 1530 hours and 2 deliveries from Cleveland at 1045 and 1615 hours. These flows equating to 8 vehicles per day are typical for a limit of 60,000 tonnes per annum.

Processed material currently leaves the site on 4 axle rigid vehicles. The survey on 3.12.12 revealed 11 vehicles leaving between 0925 and 1532 hours all bound for Stradbroke School in Sheffield. Other destinations can typically be Doncaster and Barnsley. Flows of 9 vehicles per day would be typical for the amount of material currently able to be processed.

The proposed increase in throughput from to 60,000 to 135,000 tonnes would result in rise in IBA deliveries from 8 to 18 articulated lorries per day, a rise in outgoing processed material departures from 9 typically to 21 rigid lorries. 2 additional members of staff would also be employed on site. This increase would translate to an increase of 2.14 vehicles per hour (cars, articulated and rigid vehicles) entering and then leaving the site.

The route uses the primary highway network mostly along the A61. The increase in traffic is negligible. The proposal would not have an operational impact on the future remodelling of the Claywheels Lane junction with the A61.

The vehicle movements to and from the site can be accommodated on the existing highway network without harming traffic safety.

There are no highway objections to this proposal.

Effect on the Amenities of Residents and the Locality

UDP Policy IB9 relating to conditions on development in industry and business areas includes matters of amenity and design. UDP Policy IB14 requires an environmental buffer between industry and sensitive uses. UDP Policy BE5 and Core Strategy Policy CS74 seek good quality design in new developments.

There are residential properties on Middlewood Road North and on the hillside on the opposite side of the river valley to the southwest and south of the site.

The UDP identifies part of the woodland to the southwest of the site as being an Open Space Area, and land alongside the river and to the north and northwest of the site as being part of the Green Belt. The woodland is also identified as an area of natural history interest. The UDP also identifies the site as being within a green corridor.

The Government's planning policy guidance on Green Belts contained in the National Planning Policy Framework (NPPF) seeks to protect the character and openness of the Green Belt. Policy GE4 of the UDP seeks to ensure that the visual amenities of the green belt are not harmed by development that is conspicuous from the green belt and that development is in keeping with the area. UDP Policies GE10 and GE13 respectively seek to protect and enhance green corridors and areas of natural history interest.

Whilst the existing facility on the site is visible from longer distances from elevated positions on the opposite side of the valley, the visual appearance of the facility does not significantly harm the character and appearance of this part of the valley.

The proposed additional area for stockpiling material will not significantly affect this impact. A condition restricting the height of materials stored on the site to no more than 6 metres was imposed on the existing planning permission and this condition would be retained as part of the proposed variations. The additional screening equipment would be sited inside the existing processing building. The proposed variation does not significantly harm the character and appearance of this part of the valley.

The proposed variations would not affect any trees within the adjacent woodland and would not harm the adjacent area of natural history interest.

The Environmental Statement submitted with this application has appraised the ecological impacts of the proposal. The magnitude of the potential construction impacts are assessed as negligible and the operational effects are very low. Overall, the proposal would not create overriding significant ecological impacts.

The operations on the application site take place within daytime hours. The operations on the Ballast Phoenix site at Claywheels Lane involve delivery of the incinerator bottom ash to the site by lorry, where it is analysed and stockpiled in the open for a period of time. The material is then transferred to the processing building via hopper/conveyors where it passes through screening equipment and separators with the end product being split into various sizes of aggregates. The processed aggregates are stored in the open prior to sale and disposal. Mobile loading shovels are used to move the material around the site. The processed material is collected from the site by lorry.

A noise assessment was carried out in connection with the 2008 planning application which considered the various sources of noise from the proposed operations including general breakout of noise from the proposed building, the hoppers, loading shovels, and movements of delivery and collection vehicles. The assessment aimed to achieve strict noise rating criterion. The recommended

measures included attenuation works to the proposed building, an acoustic barrier to the south of the operations yard and specification criteria for the mobile loading shovels. The noise mitigation measures contained in the noise assessment were considered acceptable and appropriate conditions were imposed to ensure that the development is carried out in accordance with the agreed measures and to restrict the operations of the crusher to within the building. An acoustic barrier was provided as part of the development.

The submitted noise assessment has been undertaken as part of the Environmental Statement. It has noted that the permitted hours will remain unchanged and that the proposal seeks to extend the acoustic barrier along the southern boundary to the front gates which will add additional attenuation for all movements of lorries and loading shovel activities in the material storage areas.

The noise assessment shows that although the proposal would result in a 2dB rise in predicted noise levels the predicted noise levels would meet a rating of at least 5dB below the LA90 background noise level. The noise assessment also notes that any significant increase in workloads or machinery operated units may lead to changes in noise impact and re-evaluation may be necessary should any future changes be required.

The Director of Business Strategy and Regulation has advised that the proposal is acceptable subject to appropriate re-wording of the conditions to ensure that in the event that the specified noise level is not achieved then the increase in throughput be suspended until a further scheme of sound attenuation works has been approved and installed, and to ensure that the yard and storage areas are managed in accordance with the Fugitive Emissions Management Plan (March 2013).

The Environment Agency has no objections to the proposed variations.

It is considered that subject to the imposition of appropriate revised conditions the proposal would not significantly harm the living conditions of residents or the amenities of the locality.

The proposal complies with UDP Policy IB9, IB14, BE5, GE4, GE10 and GE13, Core Strategy Policy CS74, and the Government's planning policy guidance on Green Belts contained in the NPPF.

SUMMARY

This application seeks to vary three conditions of the existing planning permission to allow the current throughput capacity of this aggregate recycling facility to be increased from 60,000 to 135,000 tonnes per annum, to allow a revision to the external storage layout, to introduce new equipment to the process building, and to extend the existing acoustic barrier.

There are no policy objections to the proposal.

The proposed increase in throughput from to 60,000 to 135,000 tonnes would result in rise in IBA deliveries from 8 to 18 articulated lorries per day, a rise in outgoing processed material departures from 9 typically to 21 rigid lorries. 2 additional members of staff would also be employed on site. This increase would translate to an increase of 2.14 vehicles per hour (cars, articulated and rigid vehicles) entering and then leaving the site.

The route uses the primary highway network mostly along the A61. The increase in traffic is negligible. The proposal would not have an operational impact on the future remodelling of the Claywheels Lane junction with the A61.

The vehicle movements to and from the site can be accommodated on the existing highway network without harming traffic safety.

There are no highway objections to this proposal.

The noise assessment shows that although the proposal would result in a 2dB rise in predicted noise levels the predicted noise levels would meet a rating of at least 5dB below the LA90 background noise level. The noise assessment also notes that any significant increase in workloads or machinery operated units may lead to changes in noise impact and re-evaluation may be necessary should any future changes be required.

The Director of Business Strategy and Regulation has advised that the proposal is acceptable subject to appropriate re-wording of the conditions to ensure that in the event that the specified noise level is not achieved then the increase in throughput be suspended until a further scheme of sound attenuation works has been approved and installed, and to ensure that the yard and storage areas are managed in accordance with the Fugitive Emissions Management Plan (March 2013).

The Environment Agency has no objections to the proposed variations.

It is considered that subject to the imposition of appropriate revised conditions the proposal would not significantly harm the living conditions of residents or the amenities of the locality.

The proposal complies with UDP Policy IB5, IB9, IB14, BE5, GE4, GE10 and GE13, Core Strategy Policy CS74, and the Government's planning policy guidance on Green Belts contained in the NPPF.

RECOMMENDATION

It is recommended that the application is approved subject to conditions.

Case Number	13/02403/FUL (Formerly PP-02767881)
Application Type	Full Planning Application
Proposal	Re-development of former furniture store to form 12 residential units comprising 9 no. 2-bed dwellnghouses and 3 no. 3-bed dwellinghouses in 2 x 2/3 storey blocks including partial demolition of existing buildings, external alterations to both blocks and the creation of a courtyard area (As amended plans received 16/09/13)
Location	Site Of Barkers Furniture Centre, E Barker & Son (Hillsboro) Ltd Garage And 44 Trickett Road, Dodd Street Sheffield S6 2NR
Date Received	19/07/2013
Team	West and North
Applicant/Agent	SLA Design
Recommendation	GRA GC subject to 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:

012 Rev A
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014
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016
017
018 Rev A
019 Rev A
020 Rev A
021
022

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 Prior to the commencement of development samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

In the interests of the visual amenities of the locality.

- 4 The existing painted finish to the brickwork shall be removed and the original brickwork restored prior to the development becoming occupied.

In the interests of the visual amenities of the locality.

- 5 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
Door openings
Reveals
Eaves and verges

In the interests of the visual amenities of the locality.

- 6 The development shall not be used unless all redundant accesses have been permanently stopped up and reinstated to kerb and footway (including removal of associated double yellow lines).

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

- 7 No gates, doors or windows shall, when open, project over the adjoining footway

In the interests of pedestrian safety.

- 8 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.

- 9 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.

- 10 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.

- 11 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 development 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).

- 12 The development shall not be begun until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the reconstruction of the footways adjoining the site before the development is brought into use. The detailed materials specification shall have first been approved in writing by the Local Planning Authority.

In order to ensure an appropriate quality of development.

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

- 13 Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of the provision of 25% mobility housing shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.

- 14 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;

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.

- 15 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 min) 30 dB; LAmax 45dB - (23:00 to 07:00),
Living Rooms: LAeq (15 min) 40 dB - (07:00 to 23:00),
 - c) In the event that the above levels cannot be attained with windows partially open, 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.

- 16 No development shall commence until the actual or potential land contamination and ground gas contamination at the site shall have been investigated and a Phase 1 Preliminary Risk Assessment Report shall have been submitted to and approved in writing by the Local Planning Authority. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004).

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

- 17 Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation 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 CLR 11 (Environment Agency 2004).

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

- 18 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.

- 19 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.

- 20 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.

- 21 The surface water discharge from the site shall be reduced by at least 30% compared to the existing peak flow and detailed proposals for surface water disposal, including calculations to demonstrate the reduction, must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, or an alternative timeframe to be approved in writing by the Local Planning Authority. In the event that the existing discharge arrangements are not known, or if the site currently discharges to a different outlet, then a discharge rate of 5 litres / hectare should be demonstrated. The development shall thereafter be carried out in accordance with the approved details.

The surface water discharge from the site shall be reduced by at least 30% compared to the existing peak flow and detailed proposals for surface water disposal, including calculations to demonstrate the reduction, must be submitted to and approved in writing by the Local Planning Authority prior to

the commencement of the development, or an alternative timeframe to be approved in writing by the Local Planning Authority. In the event that the existing discharge arrangements are not known, or if the site currently discharges to a different outlet, then a discharge rate of 5 litres/hectare should be demonstrated. The development shall thereafter be carried out in accordance with the approved details.

- 22 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 an alternative timeframe to be agreed in writing by the Local Planning Authority.

In the interests of the visual amenities of the locality.

- 23 The first floor windows in the rear elevation of Block B 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 as indicated in drawing 18 A and the email received on the 16/09/13.

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

- 24 The first floor windows in the south east elevation of Block A and all windows in the north west elevation of Block A shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 obscurity and no part of it shall at any time be glazed with clear glass without the prior approval of the Local Planning Authority.

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

- 25 Details of all boundary treatments 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. The development 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.

Attention is drawn to the following directives:

1. 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.
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: -

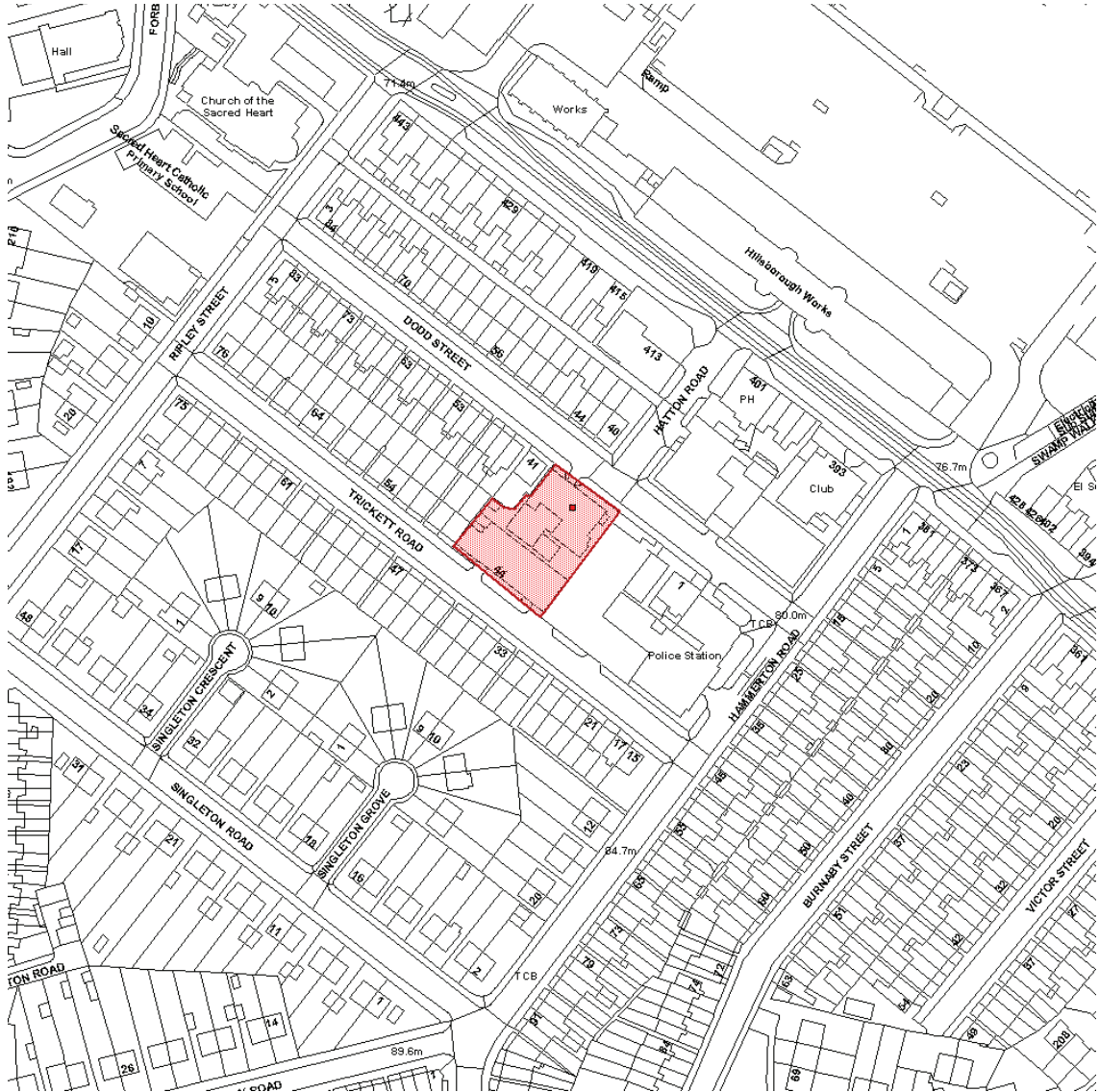
Highways Adoption Group
Development Services
Sheffield City Council
Howden House, 1 Union Street
Sheffield
S1 2SH

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

3. 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.
4. You are advised that residential occupiers of the building should be informed in writing prior to occupation that:
 - (a) limited/no car parking provision is available on site for occupiers of the building,
 - (b) resident's car parking permits will not be provided by the Council for any person living in the building.
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. 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. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at www.sheffield.gov.uk/planning or apply online at www.planningportal.gov.uk. The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.

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

Site Location



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LOCATION AND PROPOSAL

The application site comprises an area of land approximately 1182 square metres, bounded to the north by Dodd Street and to the south by Trickett Road. Densely spaced buildings occupy the site and until recently were in use as a furniture showroom, however the business has now relocated to more appropriate premises. There are two main existing buildings on site, the block fronting Dodd Street has cream coloured painted brick work, a flat roof and a range of traditional window openings. The block fronting Trickett Road is constructed from brickwork under a pitched roof and has large factory style window openings. A range of lower quality buildings occupy the area inbetween these two main blocks.

The site slopes down from Trickett Road to Dodd Street with a level difference of approximately one storey. Residential terraced properties characterise the area to the north west of the site whilst a single-storey police station building is located to the south east.

The site is located within a Housing Area as allocated in the adopted Sheffield Unitary Development Plan. The site is located just 60 metres away from the Hillsborough District Centre and is in a highly sustainable location close to high frequency bus routes and the tram.

Planning permission is sought for the redevelopment of the existing buildings fronting Dodd Street and Trickett Road to form 12 residential units; the proposal includes the demolition of the buildings between these two blocks, external alterations and the creation of garden areas.

RELEVANT PLANNING HISTORY

There is no relevant planning history

SUMMARY OF REPRESENTATIONS

33 letters of representation have been received; one of these is in support whilst the rest are objections.

The letter of support raises the following points:

- Buildings on application site and surrounding houses were largely developed by William Johnson Patchett (1875 - 1931). The houses and business premises are a significant manifestation of the areas heritage and the presence of business premises alongside worker houses is a rare feature
- It is therefore of serious historical and cultural importance that the premises be maintained as closely as possible to their original state
- The pitched roof on "block A" infringes the original appearance of the premises and should not be allowed
- The resulting complex should be named something like "Patchett Apartments" and a commemorative plaque added

- The objections raise the following points:
 - Requests details of parking
 - There are no provisions for parking and Dodd Street already has parking problems
 - Match day parking, commuter parking and people visiting local result in high levels of vehicle parking such that local residents find it difficult to find a space
 - At peak times traffic on Dodd Street can stretch from one end to the other and this will increase when more dwellings are erected.
 - Parking is tight on Trickett Road and only a single lane is available for traffic
 - Roads are used as a rat run to avoid traffic on Langsett Road and is congested with parents dropping children off at the local school
 - Extra cars will impact on people's health
 - Question where new residents will park cars. Each new house is likely to have at least 1 car and there is no space for more parked vehicles.
 - There would not be enough space on Trickett Road for each car to park outside their own property so question where these cars will go
 - The development will potentially add another 24 cars to the area, neither road can accommodate this
 - Suggest fewer houses built and parking is built into the site
 - Trickett Road already has excessive parked cars particularly in the evenings and at the weekend
 - Increase in roadside parked cars will diminish visibility and thus safety for all road users.
 - The best way to develop the site would be to create off road permit parking on it so that on-street parking can be reduced
 - Development will make it difficult for police vehicles associated with the adjacent police station to enter and exit the site
 - Request that the planning committee visit the site in the evenings and at the weekend to examine existing problems
 - Don't wish to see the building left empty, however oppose the development due to lack of parking provision
 - Welcome provision of cycle stores and agree that the area is well served by public transport. However, neither of these factors overrides the decision of a resident to own a car. Consideration/provision must be made for such vehicles
 - A residents parking scheme has recently been introduced, demonstrating the existing parking problems in the area
 - New residents will end up parking on roads outside the parking permit area, the nearest of which is Hammerton Road which already experiences traffic problems
 - Surely it would have been possible given the size of the site, to provide parking facilities. Of course this would have meant fewer properties and consequently less profit
 - The developer clearly does not know the neighbourhood if it is felt that parking is not needed

- Where will new residents park? Existing residents often cannot park outside/near their own homes which is extremely frustrating
- Some residents in the area require care and as such carers are around on a daily basis, extra cars will impact on carers trying to gain access to complete their daily tasks
- Construction work will impact on surrounding properties and cause increase costs associated with constant extra cleaning required
- Concerned dwellings will overlook rear of property on Dodd Street, restricting privacy and depending on height, restriction natural daylight
- Are properties to be sold, rented out for long or short term lease or will they be under the control of a housing association or private landlord
- Concerned that the tenure of the properties could have a detrimental impact on the value of properties in the area.
- If housing is for social or low income purposes then object as it will affect house values
- Building will be in complete contrast to other properties in area and will be out of character
- Sheffield City Council have already granted permission for the erection of 6 dwellings on the corner of Dodd Street and Hammerton Road, these will provide social housing
- The six dwellings recently granted have no parking facilities, this means at least 18 new properties in the area with no parking facilities.
- Unreasonable to assume new residents will not have cars
- Current application also proposes social housing, this is not necessary as there are many properties in the area for sale and rent
- Believe the application proposes social housing merely to look good and as it meets the political agenda
- Object to the demolition of the existing property which remains in character with the surrounding area. The proposed development is not in character and will have an impact on the house prices in the vicinity
- Concerned about location of bin stores as feel they may be a health and safety problem where people may dump unwanted items.
- There are two trees and a hedge to the front of the building on Trickett Street which add to the local character; concerned the development will affect these trees, yet section 15 of the application form states no trees or hedges will be affected
- At the time of writing (5/08/13) a site notice had not been erected
- Site notice posted on 6/08/13, surely this should have been posted earlier
- Building is old, is it suitable and safe for the proposed re-development.
- There is no shortage of residential housing available with many houses in the local streets up for rent or sale. It is not necessary to build so many properties on such a small site in an already well developed area
- Would prefer to see a business take over the property and create new jobs for the area
- Is it wise to provide bins furthest away from the disabled accommodation
- Bin store will affect view from property opposite
- Concerned about noise and mess during construction

- Recent letter from local Labour Councillors Neale Gibson and Nikki Sharpe declaring endorsement of the redevelopment but giving no explanation as to why. Can the Councillors clarify their reasons and intentions for this
- Why are no disabled parking spaces provided for the 3 disabled units
- New roof to block A is out of character, overbearing and much higher than neighbouring buildings

PLANNING ASSESSMENT

Principle of Use

The site falls within a Housing Area as allocated in the adopted Sheffield Unitary Development Plan. Policy H10 "Development in Housing Areas" sets out the preferred, acceptable and unacceptable uses in Housing Areas. The proposal will replace an acceptable use (A1) with a preferred use (C3) and therefore subject to it complying with other relevant policies, the principle of the proposed use is acceptable.

Policy H14 "Conditions on Development in Housing Areas" sets out criteria which development must comply with, including that it will be well designed, not have an adverse impact on the amenities of neighbouring residents and provides safe access to the highway. These criteria will be outlined in more detail in the relevant sections of the report below.

The development involves the re-use of existing buildings, this meets the requirements of Core Strategy Policy CS24 which states "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.

Core Strategy Policy CS26 requires development to make efficient use of land but for the density of new development to be in keeping with the character of the area. The policy states that development within or near to a District Centre should achieve a density of 50 - 80 dwellings per hectare. In this instance the density of the development would be 104 dwellings per hectare which is clearly outside the range set out in this policy. However, the policy does allow for densities outside the identified ranges where they achieve good design and/or reflect the character of an area, this will be expanded on in the "design" section of the report.

Policy CS41 seeks to create mixed communities by encouraging development to meet a range of housing needs including a mix of prices, types and tenures. The development proposes a mixture of 2 and 3 bedroom properties, smaller units such as these are desirable in highly accessible locations.

The National Planning Policy Framework (NPPF) sets out 12 principles which should underpin plan-making and decision-taking. One of these states that planning should

"support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing

resources, including conversion of existing buildings, and encourage the use of renewable resources".

Design

Policy H14 (a) requires development to be well designed and in scale and character with neighbouring buildings. Policy BE5 "Building Design and Siting" also requires good design and the use of good quality materials.

Core Strategy Policy CS74 is also relevant and seeks to ensure development respects "...the scale, grain and context of the places in which development is proposed".

At present the site is almost entirely occupied by commercial buildings occupied formerly as Barkers Furniture Centre. The footprint of the buildings covers the whole site, between Trickett Road and Dodd Street. It is proposed to retain the two outer buildings and convert them into housing whilst demolishing the middle buildings to form amenity space.

The outer buildings date from around the 1930s and comprise two separate and distinct elements. The building fronting Trickett Road has several large glazed factory style openings and is constructed from brick work under a pitched roof. The main fabric of the building is to be retained with the exception of the demolition of the single-storey element adjacent to No. 46 Trickett Road. The brick work has been painted brown and this will be removed to reveal the original red brick below. Large, regular glazed openings with fenestration patterns similar to existing openings will be inserted in to the front and rear elevations. It is considered that the external alterations will improve the appearance of the building through general maintenance works and the introduction of modern fenestration patterns and materials which still also reference the original warehouse.

The existing building appears to be in a good state of repair and is considered worthy of retention. The scale, siting and overall form sits comfortably adjacent to the existing terraced properties and is not out of keeping with the overall grain of the wider area.

The building fronting Dodd Street comprises a brick built building painted white with a flat roof. Externally the majority of openings are to be retained as existing with the removal of the main entrance doors and the addition of individual entrances to each unit. It is proposed to sandblast the painted finish to reveal the redbrick work below and to construct a pitched roof. The removal of the paint will improve the overall appearance of the building and the addition of a pitched roof similar in scale to adjacent terraces will ensure the development sits comfortably in the street scene. The overall siting and footprint of the building is as existing and sits comfortably adjacent to existing properties. Furthermore, the building is an established feature in the street scene whose sensitive conversion will contribute positively to the visual amenity of the surrounding area.

The buildings are currently considered to contribute positively to the street scene, as such their retention is welcome and the conversion will in fact improve their

appearance. Although the resulting development will have a higher density than recommended in policy CS26, an exception can be made as the development is a conversion which is in keeping with the general character of the area. Moreover, the retention of existing buildings is viewed positively in the NPPF.

The demolition of the existing buildings between the two main blocks is deemed to be acceptable. These buildings are largely hidden from public view and they are of poorer quality than the buildings at the edges of the site. As such their loss will not have a harmful impact on the street scene.

Amenity

Policy H14 (c) states development should not result in over-development, deprive residents of light, privacy or security, or cause serious loss of existing garden space which would harm the character of the neighbourhood.

Supplementary Planning Guidance on Designing House Extensions is also relevant. Although the proposal is not for an extension, the principles of this document are relevant to new housing development and provide detail over and above that found in the Unitary Development Plan.

The site lies in close proximity to residential dwellings in all directions, the application has been assessed with regards to the impact on all dwellings adjacent to the site.

The footprint and siting of Block A are to remain as existing, however it is proposed to form a pitched roof above the existing flat roof. Although the resulting development will be higher than existing it is considered that the scale and siting of the roof is not so great as to result in the building having an overbearing or overshadowing impact on neighbouring residents. The arrangement /number of windows in the front elevation of Block A is not dissimilar to existing, however as the windows will be used to serve residential dwellings as oppose to commercial premises, it is argued that there is the potential for increased overlooking. A separation distance of approximately 16 metres will exist between the front elevation of Block A and terraced properties on the opposite side of Dodd Street. This distance is less than the 21 metres recommended in relevant guidance, however a public highway lies between the buildings and the separation is the same as exists between existing terraced properties on Dodd Street.

There are several windows shown in the south east gable end which will serve Unit 4. These will face onto the car park area of the adjacent police station and are not main primary windows. Nevertheless it is considered necessary to condition these to be obscurely glazed to prevent future problems should the police site ever come forward for redevelopment in the future. Several windows are also proposed for the other gable end adjacent to No.41 Dodd Street. However, as these are adjacent to a residential property they will be conditioned to be obscure glazed to ensure they do not cause a loss of privacy.

The footprint, position and scale of Block B is not altering and so the impact of the buildings in terms of it being overbearing/overshadowing will be no different to

existing. However, the function of the building is changing from commercial to residential and external alterations to the fabric of the building are proposed, the impact of these changes on neighbouring residents must be carefully considered.

The glazing in the front elevation of the building will be increased as detailed in the design section of the report. A distance of 15 metres will separate these windows from the front elevations of properties opposite. This is less than the 21 metres recommended in relevant guidance; however the distance is no less than that which already exists between the front elevations of terraced properties on Trickett Road. As such the development would comply with the built form of Trickett Road and is therefore deemed to be acceptable. It is noted that there are many examples of terraced streets across the city where the separation across a public highway is less than 21 metres, often in these instances any new development which would increase separation distances would be harmful to the character and built form of the street as it would not meet existing building lines.

There are no new openings in the side elevations of Block B and therefore increased overlooking in these directions will not occur. The existing single-storey element of the building closest to No.46 Trickett Road will be removed and replaced by a much smaller bin/bike store. The impact of the development on No.46 in terms of the impact on built form will therefore be less than existing.

The rear elevation of Unit A will be separated from the rear elevation of 41 Dodd Street by approximately 16 metres. As the bulk of the building is as existing the development will not be any more overbearing or overshadowing than existing. The ground floor windows in rear of unit will be shielded by an appropriate boundary fence, the new first floor windows have been shown to be obscurely glazed to prevent overlooking and the velux windows are at such a height that they will not cause a loss of privacy. In conclusion, it is argued that the development will not result in a loss of privacy to the rear of 41 Dodd Street.

It is highlighted that the proposal does in fact involve the demolition of a large number of buildings within the centre of the site and that the removal of these will have a positive impact on new residents.

Amenity of New Dwellings

Policy H15 "Design of New Housing Developments" states that new housing will be expected to "provide adequate private gardens or communal open space to ensure that basic standards of daylight, privacy, security and outlook are met for all residents".

A separation distance of approximately 13 metres will exist between the rear elevations of Blocks A and B. This is significantly less than the recommended 21 metres, however the scheme has been designed to overcome any resulting privacy issues. The ground floor windows will be screened by a 2 metre high boundary fence between the garden areas. Block A is only single-storey at the rear owing to level differences across the site, the first floor windows in Block B have been shown to be obscurely glazed to ensure they don't overlook the rear elevation or garden area of Block A. Velux windows will be provided in the roof and will provide

an element of outlook similar to a tradition loft bedroom, ensuring that sufficient light and outlook is still provided to these rooms.

The plans indicate that all dwellings will provide main rooms with a source of natural light and outlook, albeit that in Block A two of the bedrooms will be served only by velux windows and in Block B one of the bedrooms will be served only by velux windows. As detailed above this is no different to many standard attic rooms across the city and is considered to be an adequate source of light and outlook in this instance. It is also highlighted that the layout of the dwellings is to an extent dictated by the retention of the existing buildings which in itself is highly desirable.

The majority of garden areas, with the exception of Unit 4 and Unit A are all below the 50 square metre minimum recommendation. The gardens to Unit A at between 39 and 43 square metres are not significantly below the minimum recommendation; however gardens to Block B at approximately 25 Square metres are well below this requirement. Nevertheless, the smaller garden areas serve the two bed properties as opposed to the larger family dwellings. It is not unusual to find small garden areas associated with small terraced properties. The limited garden sizes are somewhat dictated by the retention of the existing buildings, a factor which in itself is highly desirable for both sustainability and visual amenity reasons. The applicant has argued that the desirability or otherwise of the small garden sizes will be determined by the market when it comes to the sale of the houses.

The potential to provide larger garden areas has been explored but the agent has chosen to keep the scheme as it is and requested a decision on this basis. Whilst far from ideal, on balance, it is considered that the benefits of retaining the existing buildings outweigh the potential harm caused by providing below standard garden sizes.

Highways

The majority of neighbour representations raise concerns in relation to the lack of car parking accommodation for the development. The main issue appears to be that if planning approval is secured, existing on-street parking problems will be exasperated for local residents.

Both Dodd Street and Trickett Road are situated within the Hillsborough Permit Parking Scheme where parking between the hours of 8am and 6pm is restricted to 2 hours for those without a permit. The proposed development does not include any proposals for off-street parking provision and given the demand within the area it is not considered appropriate to issue further parking permits in association with this development. The site is in a highly sustainable location close to all the amenities of Hillsborough District Centre and high frequency bus and tram routes. As such it is considered that a car-free development can be supported in line with national and local planning policies. It is highlighted that the former furniture centre did not have any parking permits allocated to staff and therefore there is no argument to justify the issuing of permits to replace these.

The last previous use of the building was within the A1 use class, a new commercial business within the same use class could move into the building without the need for any further permissions. The commercial nature of an A1 use is such that customers would be frequently visiting the premises. It is highly probable that such customers would be parking on the local roads within the parking permit area and taking advantage of the two hour restriction. It can therefore be argued that the residential use of the building will in fact reduce the amount of parking within the area in comparison to a commercial use.

Residents would be able to park on the highway outside of restricted hours, however it is anticipated that the car free condition would make the development appeal more to those without cars. The need to move vehicles to comply with the permit restrictions would not be convenient and therefore would put car owners off the development.

Additionally the development could lead to the displacement of vehicles to the nearby roads outside of the permit area. Again, it is anticipated that the development will be more attractive to those without vehicles given the restrictions which will be placed on the application. Nevertheless, any displacement is likely to be spread between a range of local roads which have less problems with parking, as indicated by them being outside the permit scheme.

In light of the above, whilst acknowledging the parking concerns raised by some local residents, it would be difficult to substantiate a refusal based on a lack of parking.

Access

Policy H7 "Mobility Housing" of the Unitary Development Plan states that a proportion of mobility housing will be encouraged except where the physical characteristics of the site make it impracticable.

Policy H15 is also relevant and states new housing development will be expected to:

(a) "provide easy access to homes and circulation around the site for people with disabilities or with prams"

In accordance with the Mobility Housing Supplementary Planning Guidance, at least 25% of the units need to be designed and constructed as mobility housing. This can be secured by way of condition.

Open Space

Policy H16 of the Unitary Development Plan requires the developer to make a contribution to the improvement of recreation space in the locality, in line with details set out in the Supplementary Planning Guidance on Open Space Provision in New Housing Development. The financial contribution for this site amounts to £19,559.70 this will be used to provide/secure improvements to local open space.

The National Planning Policy Framework requires that planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The contribution is to be made in line with the requirements of Policy H16 as outlined above. It is essential to contribute towards Open Space within the locality to ensure an improved environment for occupiers of the proposed development. The contribution has been worked out on the basis of the number and size of units and thus is proportionate to the scale of the development.

A signed legal agreement had not yet been returned at the time of writing this report, members will be updated on this situation at the committee meeting.

Sustainability

Core Strategy Policy CS64 "Climate Change, Resources and Sustainable Design of Developments requires new buildings and conversions to reduce emissions of greenhouse gases and be designed to use resources sustainably. As the development is a conversion there is no requirement for it to meet Code for Sustainable Homes Level 3. However, the sustainability statement submitted in support of the application sets out a range of sustainability measures including for example energy efficient lighting, cycle stores and maximisation of solar gain. Furthermore the retention of the building in itself significantly reduces the carbon footprint of the development.

Core Strategy Policy CS65 "Renewable Energy and Carbon Reduction" sets out objectives to support renewable and low carbon energy generation and also to further reduce carbon emissions. Policy CS65 requires new residential developments to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy providing it is feasible and viable. The applicant has expressed a commitment to this requirement and suggested that such provision will be achieved by air source heat pumps. However at this stage the exact energy provision these pumps will be able to supply has yet to be calculated and therefore it is necessary to condition the provision of renewable energy.

RESPONSE TO REPRESENTATIONS

The majority of points have been addressed in the report above, however those which are not are discussed below:

Potential disturbance associated with construction works is not a reason for refusal, however the Environmental Protection Service has powers under the Control of Pollution Act 1974 to control noise and vibration from construction sites.

At this stage the tenure of the dwellings is not clear, however again this is not something which can be taken into account when determining the application.

The two trees to the front of the building on Trickett Road are within the highway and therefore could not be removed without permission from street force. As the development involves minimal construction works it is unlikely that the development will damage these trees. The hedge to the front of the building is within the curtilage of the site, the landscape scheme will include proposals for the hedge.

The impact on house values is not a material planning consideration.

The market will determine if there is a demand for the new housing in the area.

SUMMARY AND RECOMMENDATION

The sensitive conversion of existing buildings on site along with some demolition is deemed to be acceptable and will ensure a good quality development which sits comfortably within the street scene. The development will not have an unacceptable impact on the living conditions of surrounding residential properties and will also provide sufficient amenity levels for future occupiers of the converted units. The development will not provide any off-street parking, however residents will not be issued with a parking permit and the site is in a highly sustainable location close to good public transport links and Hillsborough District Shopping Centre. The proposal is considered to be sustainable owing to the reuse of existing buildings and will also provide 10% renewable energy. The scheme complies with the National Planning Policy Framework, Unitary Development Plan Policies H7, H10, H14, H15, H16 and BE5, Core Strategy Policies CS24, CS26, CS41, CS64, CS65 and CS74 and Supplementary Planning Guidance on Designing House Extension and is therefore recommended for approval subject to the signing of a satisfactory legal agreement in respect of provision for recreation space.

Case Number	13/02529/FUL (Formerly PP-02777073)
Application Type	Full Planning Application
Proposal	Change of opening hours to allow opening between 0800 hours and 0100 hours the following day on Thursdays and between 0800 hours and 0130 hours the following day on Fridays, Saturdays and the day before Public Holidays for a temporary period of 12 months (Application under Section 73 to vary condition No. 20 (opening hours) as imposed by planning permission 00/01269/FUL - Erection of flats, basement carparking, retail units (A1), offices (A2), restaurants/bars (A3), leisure (D2) medical centre (D1) and creche (D1)
Location	Units 1 - 2, 3, 8 - 9 And 14 The Plaza, West One Fitzwilliam Street Sheffield S1 4JB
Date Received	26/07/2013
Team	City Centre and East
Applicant/Agent	BNP Paribas Real Estate
Recommendation	Refuse

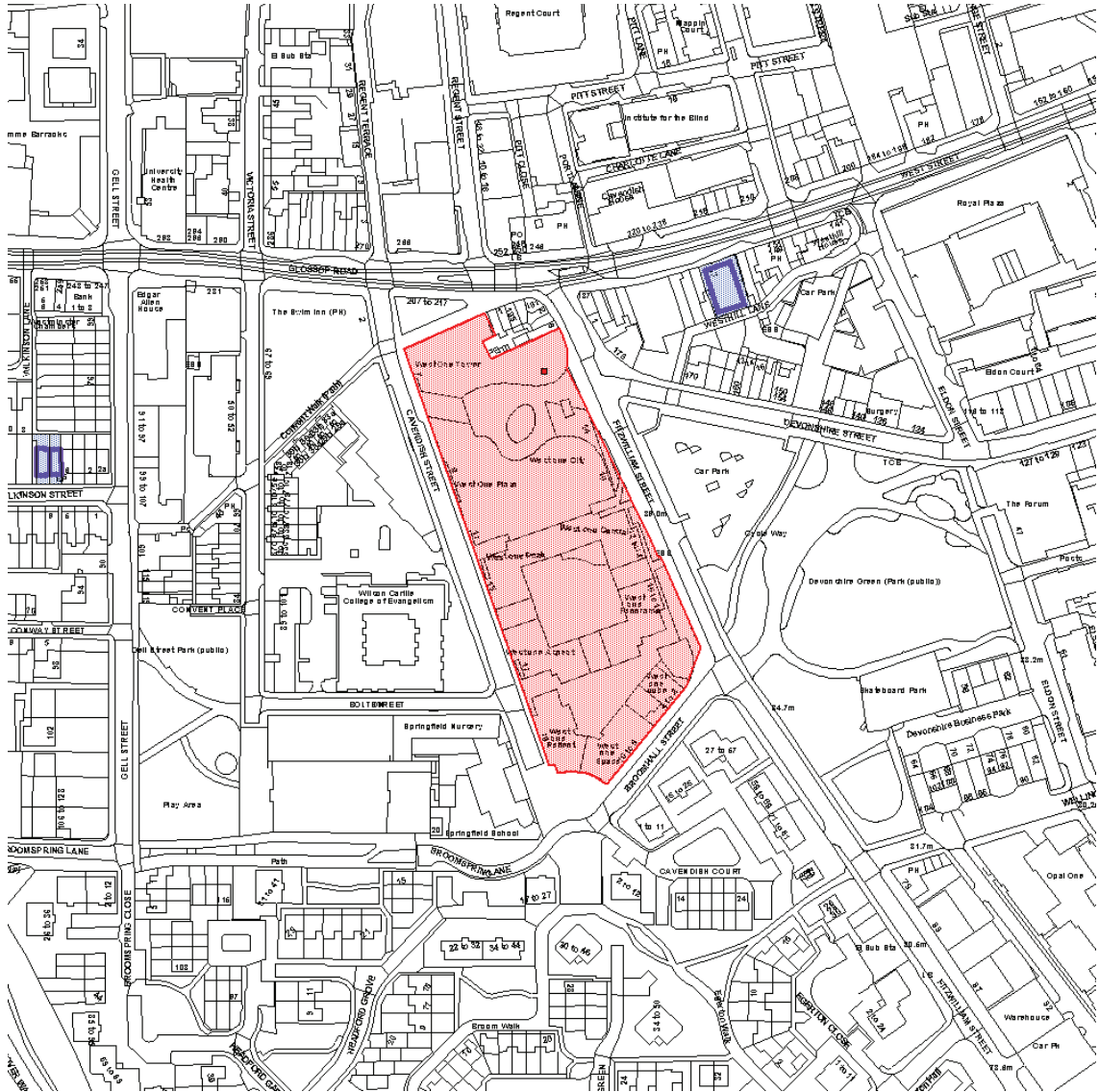
For the following reason(s):

- 1 The Local Planning Authority consider that the proposed extension of opening hours would result in an unacceptable degree of noise and general disturbance in the early hours of the morning which would be detrimental to the amenities of the locality and to the living conditions of nearby residents. The proposal is therefore contrary to Policies H14 and S10 of the Unitary Development Plan, to the aims of the City Centre Living Strategy and to guidelines 1 and 2 of the Night Time Uses Interim Planning Guidance.

Attention is drawn to the following directives:

1. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, based on seeking solutions to problems arising in relation to dealing with a planning application, it has not been possible to reach an agreed solution in this case.

Site Location



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LOCATION AND PROPOSAL

The application site comprises of units 1 - 2, 3, 8-9 and 14 which are located within the ground floor retail/commercial centre of the Plaza at the northern end of the largely residential West One complex located between Fitzwilliam Street and Cavendish Street. Units 1 and 2 are occupied by Revolution, unit 3 is occupied by Fitzwilliam and West (formerly Bar23), units 8-9 are occupied by Las Iguanas and unit 14 is occupied by The Hop. Units 1-2, 3, and 14 are all bars (use class A4) and Las Iguanas is a restaurant with bar area (use class A3).

Planning permission was granted for the West One development in February 2001, and a condition (number 20) was attached to the consent stating that any A3 (food and drink) units should only be used between 0800 hours and 2330 hours Monday to Saturday 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.

In October 2007, planning permission was granted for an extension to the opening hours at units 1 and 2 (Revolution) to between 0800 hours and 0030 hours the following day on Monday to Saturday and between 0900 hours and 0030 hours the following day on Sundays and public holidays (application 07/01862/FUL).

An application to extend the opening hours at unit 3 (Bar 23) until 0000 hours was approved in August 2008 (application 08/03045/FUL).

Then, in June 2011, planning permission was granted for the use of unit 14 (formerly Budgens supermarket) as a pub (Class A4), including a stage for hosting live music and comedy nights (application 11/01126/CHU refers). A condition was attached to this consent restricting the opening hours to between 1100 hours and 2330 hours Monday to Saturday and 1100 hours to 2230 hours on Sundays and Bank Holidays.

Subsequently, a Section 73 application to vary the opening hours of unit 14 to between 0800 hours and 0030 hours the following day on Mondays to Saturdays and 0900 hours to 0030 hours the following day on Sundays and public holidays was granted in September 2011 (application 11/02150/CHU).

Members may recall that they refused, a Section 73 application in September 2012 to vary condition 20 of the original 2001 planning consent (00/01269/FUL) to extend the opening hours of units 1, 2, 3 and 14 to between 0800 hours and 0030 hours the following day on Monday to Wednesday, between 0800 hours and 0130 hours the following day on Thursdays to Saturday, and to between 0900 hours and 0030 hours the following day on Sundays and public holidays was refused at Committee.

A further application was then submitted to change the opening hours of units 1, 2, 3 and 14 to allow opening between 0800 and 0130 on Fridays, Saturdays and the day before Public Holidays for a temporary period of 12 months (Application under

section 73 to vary condition 20 (opening hours) of planning permission ref. 00/01269/FUL) which was refused in under delegated powers January 2013.

This application represents the third proposal in just over 12 months to vary the hours of operation of a number of the premises in West One Plaza. The only difference between this application and the previous application is the addition of Unit 14 (Las Iguanas) and Thursday opening until 0100.

RELEVANT PLANNING HISTORY

12/03296/FUL - Change of opening hours to allow opening between 0800 and 0130 (the following day) on Fridays, Saturdays and the day before Public Holidays for a temporary period of 12 months (Application under section 73 to vary condition 20 (opening hours) of planning permission ref. 00/01269/FUL) - Refused

12/01985/FUL - A Section 73 application to change the opening hours of units 1, 2, 3 and 14 to 0800 - 0030 the following day on Mondays to Wednesdays, 0800 - 0130 the following day on Thursdays to Saturdays, and 0900 - 0030 the following day on Sundays and Public Holidays was refused in September 2012.

11/02150/CHU - A Section 73 application to vary conditions 3 and 7 to extend opening hours to 0800-0030 the following day Mondays to Saturdays and 0900-0030 the following day Sundays and Public Holidays and to allow playing of live music until 0000 hours on Fridays, Saturdays, Sundays before a bank holiday and Christmas Eve was granted on 6th September 2011.

11/01126/CHU - Planning permission was granted on 20th June 2011 for the use of unit 14 for Class A4 purposes (Pubs and Bars).

11/00389/FUL - On 3rd May 2011, planning permission was granted for the use of unit 7 (formerly Prego) as a restaurant/cafe (Use Class A3) and provision of an extraction flue.

09/02736/FUL - Planning permission was granted in January 2010 for the use of unit 14 (formerly Budgens) as a restaurant/cafe, including the formation of an external seating area.

09/03941/FUL - Also in January 2010, planning permission was granted for a temporary, 2 year extension to the opening hours of The Bowery, on the eastern side of Fitzwilliam Street. No amplified music or dancing was allowed after 0030 hours. This consent has now expired.

08/04888/FUL - Planning permission was granted in December 2008 for the change of use of unit 12 from a retail unit to a restaurant (Use Class A3).

08/03045/FUL - An application to extend the opening hours at unit 3 (Bar 23) until 0000 hours was approved in August 2008.

07/01862/FUL - Permission was granted in October 2007 for the extension of opening hours at units 1 and 2 (Revolution) to 0800-0030 hours Monday-Saturday and 0900-0030 hours Sundays and public holidays.

07/01727/CHU - An application for the change of use of units 11 and 12 from retail (A1) to a bar/restaurant (A3/A4) was withdrawn in October 2007.

06/03519/CHU - In November 2006, planning permission was granted for the use of unit 5 as an extension to an estate agent's (A2).

06/02884/CHU - Planning permission was refused in October 2006 for the change of use of units 11 and 12 from retail (A1) to a bar/restaurant (A3/A4) for the following reasons:

'The local planning authority consider that the use of the site for food and drink purposes (Use Class A3/A4) would result in an unacceptable degree of noise, smells and general disturbance to the occupiers of neighbouring residential properties. In these respects the proposal is contrary to Policy H14 of the Unitary Development Plan.'

This decision was upheld at appeal.

06/02865/CHU - An application for a temporary outside seating area at units 1 and 2 (Revolution) for restaurant/bar purposes (A3/A4) between 0900 and 2230 hours daily was approved in March 2007.

06/02190/FUL - An application to vary condition no. 2 (as imposed by planning permission 05/03077/FUL) to extend the opening hours of the bar/restaurant at unit 3 until 0000 hours was approved on 22 August 2006.

05/03077/FUL - Planning permission for the use of unit 3 as restaurant (A3) and bar (A4) with a 2300 hours closing time was granted on 23 September 2005.

05/01183/CHU - The use of unit 3 and part of unit 2 as a restaurant (A3) was approved on 19 July 2005. A 2300 hours closing time was conditioned.

05/00561/CHU - The use of West One's former leisure and fitness suite (The Cage) as offices (B1) was granted on 1 June 2005.

03/01573/CHU - An application for outside seating areas in association with Class A3 purposes (food and drink) was approved on 5 August 2003. Conditions were imposed requiring the seating areas to units 1 and 2 to be used only between 0900 hours and 1930 hours on any day and, at units 8/9, 10, 13 and 15 to be used only between 0800 hours and 2230 hours on any day.

00/01269/FUL - The West One application, for the erection of flats, basement car parking, retail units (A1), offices (A2), restaurants/bars (A3), leisure (D2) medical centre (D1) and crèche (D1) (amended scheme) was granted planning permission on 22 February 2001. Condition 20 of the approval stated that any A3 (food and drink) units should only be used between 0800 hours and 2330 hours Monday to

Saturday 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). Condition 22 required no more than 33% of the proposed retail units/floorspace to be occupied by A3 units (In order to comply with the Devonshire Quarter Action Plan Policies).

SUMMARY OF REPRESENTATIONS

In total, 24 representations have been received in connection with the proposed changes to the opening hours at West One.

13 letters of objection were received, including one on behalf of the Glossop Road Baths Resident's Association and one from Cllr Creasy.

10 letters of support were also received, including 5 from local businesses within the West One Development and one from the applicants letting company.

Councillor Creasy in objection

- West One is predominantly residential with high quality flats surrounding a modern square.
- The original application makes it abundantly clear that the intention was for daytime and early evening uses (shopping, restaurants) and not late night bars.
- Noise rises from the Plaza which acts like an amphitheatre and affects all properties above which do not have acoustic glazing or air conditioning.
- In summer people need to open windows but are prevented from sleeping by the noise below.
- Residents are protected by the Interim Night time uses Planning Guidance which states that the area is residential and premises should not be opened beyond 0030 hours.
- The vision for the city centre is to strengthen it as a place to live as well as to work and play.
- The Devonshire Quarter with high quality and family accommodation is the sort of area which should continue to be protected in this way.
- The fact that nearby premises fall outside the area is an argument to weaken the rule as a line has to be drawn somewhere and Fitzwilliam Street/Glossop Road area is a logical boundary in terms of where dense housing is situated.

Objectors to the scheme raised the following concerns:

- This is a residential area and occupants experience high levels of noise pollution from the bars in question. Residents should be protected from noise at unsociable hours.
- Noise emitted from the West One is already at an unacceptable level and the proposal would further exacerbate the problem.
- The complex is predominately residential.
- There are alternative areas elsewhere in the city centre where people can drink until the early hours of the morning.

- Fire doors should be kept closed at all times and not opened for smokers as is currently the case at Las Iguanas.
- Negative impact on value of properties.
- Exasperated at having to object to another application to extend opening hours.
- Anti-social behaviour is an on-going issue.
- The current opening hours cause sleep disturbance due to noise coming from the businesses and drunken people.
- Profits of bars should not be prioritised over health and well-being of residents.
- The area is residential and has 0030 curfew for all bars that all opened based on this knowledge.
- Regardless of noise mitigation measures activities of customers singing, shouting etc. causes more disturbance than music within the bar provided fire doors remain shut.
- Children also live in West One and the level of noise in particular from live bands is unacceptable.
- The extension of opening hours will further exasperate congestion and noise generated by Taxis on Fitzwilliam Street.
- West One is in a designated residential area and residents should be protected accordingly.
- There are a greater number of residents in the area than bars.
- If the extension of hours is granted it will force residents out of the area, a number of which have already left due to noise issues.
- Flats are very warm and so windows have to be opened and as such residents are affected by noise.
- Noise cannot be controlled outside of the bars.
- If fire doors to the bars on Convent walk were kept closed no objection to the proposal.

Supporters of the scheme put forward the following points:

- The mix of bars, restaurants and commercial space, along with residential gives West One its unique character.
- At present, the bars in West One do not enjoy fair competition as other bars in the locality operate until 0330.
- In order to keep Sheffield flourishing for the attraction of business and students the West One area needs to open in line with the rest of the City.
- Noise issues can be attended to as soon as issues arise.
- Disturbance does not come from drinkers within the bars of West One but from the takeaways and shops (Bargain Booze) which open late at night.
- Taxis on Fitzwilliam Street cause significant noise and disturbance.
- Support should be given to this application for a trial period.
- Extension of hours will allow the growing workforce in the area to use facilities as they work different hours
- The extension of hours is in character with the area and the noise abatement measures in place are affective.
- There has been a decline in trade in the plaza since the opening of alternative venues in the City Centre such as Leopold Square.

- Customers now come out later and as such later hours of operation area required to remain in business.
- Creating a vibrant and exciting city makes Sheffield a great city.
- Blundell's let over 100 apartments within West One and have never received a complaint from a tenant about noise from the bars and restaurants. Users actually choose to live in West One as it is the city living lifestyle they desire.

PLANNING ASSESSMENT

Land Use and Policy Issues

The Unitary Development Plan (UDP) for Sheffield (1998) pre-dates the West One development which was granted planning permission in 2001. Consequently, the northern half of the Plaza lies largely within the Central Shopping Area and the southern half lies within a Housing Area as defined in the UDP. Policy S3 of the UDP (Development in the Central Shopping Area) defines food and drink outlets as a preferred use in Shopping Areas. However, Policy S10 (Conditions on Development in Shopping Areas), states that new development should not cause residents to suffer from unacceptable living conditions.

Policy H10 of the UDP (Development in Housing Areas) describes housing as the preferred use of land in Housing Areas, and advises that food and drink uses are considered to be acceptable provided that they do not cause disturbance to people living nearby. Similarly, Policy H14 (Conditions on Development in Housing Areas) states that new development or changes of use will be permitted provided that they are small in scale and do not threaten the residential character of the area, or lead to air pollution, noise, smell, excessive traffic levels or other nuisance or risk to health and safety for people living nearby.

In April 2004, in order to guide housing development in the City Centre and limit the potential conflict between the growing population of residents and late night uses, the Council adopted the City Centre Living Strategy (CCLS).

Guideline 8 of the Strategy expects planning submissions involving potentially noisy uses to submit a scheme of works to address noise problems. It states that 'planning consent will be refused for developments that are unable, through design, technical measures or separation, to prevent noise and disturbance from affecting residents'.

Guideline 10 of the CCLS identified the Devonshire Quarter as an area of the city in which the amenity of residents, during night-time hours, is important and so, for developments involving pubs, bars and restaurants, it recommends restrictions on opening hours in order to prevent undue disturbance.

The Interim Planning Guidance Night Time Uses (NTU) was adopted in October 2005 in order to help the Planning Service deal with applications for development relating to night time uses in the face of the changing liquor licensing legislation. Whilst acknowledging that people living in the city centre cannot expect to experience the same levels of quiet as the more suburban parts of the city, the

NTU guidance aims to protect the living conditions of residents by limiting the opportunities for noise and disturbance that might directly affect them.

Guideline 1 of the NTU guidance identifies specific areas in the city centre where there is a need to provide a greater level of protection against noise and disturbance and recommends that, in these controlled areas, a 0030 closing time will normally be applied. The two areas where opening hours are more vigorously controlled are the Heart of the City/Cathedral Quarter and the section of the Devonshire Quarter to the west of Fitzwilliam Street, including West One.

Guideline 2 of the NTU guidance advises that leisure, and food and drink uses will only be allowed if conditions for nearby residents and people working in the area will not be harmed by noise breakout, traffic, parking on nearby streets, odours, street noise, or general disturbance, and that they are unlikely to lead to anti-social behaviour that would disturb residents, workers or users of the area. It also states that the Council will take into account the cumulative harmful effect of existing leisure and entertainment uses.

It is considered that extending the hours of opening of units 1-2, 3, 8-9, and 14 until 0100 the following day on Thursdays and 0130 on Fridays and Saturdays and the day before public holidays for a temporary period of 12 months will cause unacceptable harm to the amenities of the many residents living in and adjacent to West One and is a clear contravention of policies H14 and S10 of the UDP and of guidelines 1 and 2 of the Night Time Uses guidance.

Emerging Policy

As the conflicts between city centre residents and increasingly late night uses continue, new policies are emerging as part of the Sheffield Development Framework (SDF). In the draft Proposals Map, the application site falls within a Central Housing Area. Policy H1 of the Pre-Submission City Policies and Sites (Land Uses in Policy Areas) states that applications for drinking establishments in the Central Housing Area will be decided on their merits, while Policy C3 (Safeguarding Sensitive Uses from Nuisance) states that development should not cause occupants of any residential accommodation to suffer from nuisance that would be harmful to living conditions and that, in areas where commercial premises stay open late at night and cause a nuisance to residents, zones will be designated (in a Supplementary Planning Document, paragraph 4.13) where the number, scale and times of opening of late night uses will be limited. The applicant agents has made representation to the night time uses policy, however no objections were received to the reallocation of the Plaza as a proposed City Centre Housing Area/Housing Area

Noise and Amenity Issues

The Council's Environmental Protection Service (EPS) are concerned that the proposed increase in opening hours will potentially increase the hours that residents of West One and neighbouring developments are exposed to excessive noise, and that the disturbance will occur at a more sensitive time of night. The two different sources of noise which need to be considered are noise break out

from premises, and the noise produced by customers outside venues, particularly those having smoking breaks and leaving the premises at closing time.

The applicants have submitted a noise report in support of their application. Noise was monitored at two locations, at the entrance to the Plaza between Revolution and The Hop and on the opposite side of Fitzwilliam Street adjacent The Bowery (bar) between 2355 and 0205. The assessment reports that noise levels remained relatively constant throughout the survey period (venues within the plaza closed at 0030) and that the primary source of noise affecting both monitoring positions was road traffic and activity associated with Taxi's waiting outside the site on Fitzwilliam Street, which is to be expected given the location of the monitoring equipment close to the busy junction of Fitzwilliam Street/Division Street and West Street. Although this assessment largely took place away from the more sensitive residential properties within the Plaza, it is considered that should the venues be allowed to open longer there is likely to be an extended period of increased noise and disturbance.

In June 2011 unit 14 was granted planning permission to convert to a bar. A noise validation report demonstrates that the unit is capable of retaining sound to the required standard. Complaints were however received from a resident living directly above The Hop (unit 14) shortly before the noise monitoring mentioned above took place. The complaint related to the transfer of sound from the bar when live music was being played. During the monitoring of live music from the bar in the residents flats above, it became apparent that although the bar was able to prove that it complied with the acoustic criteria embodied in the planning conditions, the music was still audible in the flats. This raises concerns about the transfer of noise generally. An extension of operating hours is only likely to compound such concerns.

Noise transfer is unlikely to be a problem with units 1 and 2 (Revolution), as they were initially designed as a bar and do not have residential accommodation directly above, though improvements to both the structure of the building and the management of the premises have been necessary in order to control noise break out sufficiently. Unit 3, which started out as a retail unit, does not benefit from being designed to retain loud amplified sound and the glazing is poor in comparison with the other units.

The noise created by customers outside licensed premises has generally increased since the advent of the smoking ban. In the case of the West One Plaza, the noise from smokers is enhanced by the fact that there are at least three separate smoking areas within the Plaza and people communicate to one another between the areas and as people pass from one venue to another.

Furthermore it is considered that the design of West One, in particular the residential accommodation which faces into the Plaza, is unlike most of the residential accommodation affected by the noise from the late night economy on nearby Division Street and West Street and is to an extent shielded from passing traffic noise (both pedestrian and vehicle). Therefore, any noise which the residents who face into the Plaza can hear is likely to come from the customers of, and breakout noise from, the licensed premises in the West One complex. If the

venues are allowed to open longer, the residents will be exposed to noise and disturbance for an extended period of time which is considered to detrimentally affect the amenity of residents.

SUMMARY AND RECOMMENDATION

This application seeks permission to extend the hours of operation of units 1 - 2, 3, 8-9 and 14 which are located within the ground floor retail/commercial centre of the West One Plaza which is located at the northern end of the largely residential West One complex located between Fitzwilliam Street and Cavendish Street. Units 1 and 2 are occupied by Revolution, unit 3 is occupied by Fitzwilliam and West (formerly Bar23), units 8-9 are occupied by Las Iguanas and unit 14 is occupied by The Hop. Units 1-2, 3, and 14 are all bars (use class A4) and Las Iguanas is a restaurant with bar area (use class A3). This is the third proposal to vary hours of operation of units within the West One Plaza in the last 12 months.

The application site lies in part with the Central Shopping Area and within a Housing Area as defined in the UDP. The site also falls within the controlled Devonshire Quarter closing time zone of the Night-time Uses Interim Planning Guidance document where all bars and restaurants close at 0030, other than those that historically have no planning controls, in order to protect the amenity of residents.

Striking the right balance between vitality and living conditions in the city centre is difficult, but the city centre is not and never will be a level playing field. In more heavily populated areas such as the application site, residents have been afforded greater policy protection from noise and disturbance and many residents will have knowingly chosen to reside in these areas on this basis. In addition commercial premises will also have been aware of the hours of use restrictions when opening premises in the area. Part of the role of planning policy is to establish clear character areas and this is precisely what the NTU guidance does. The guidance prioritises residential amenity and distinguishes the area from the later bars and public houses on Division Street and West Street.

Changing trends in drinking and entertainment patterns and the existing challenging economic times are acknowledged. However the Council has proved flexible in allowing a retail led scheme to change to a largely night-time leisure complex and in extending opening hours of premises within the Plaza up to the 0030 restriction, despite concerns about the design of the Plaza compounding noise problems.

If the Council wishes to re-consider its stance on 0030 hours closing at West One and indeed the other areas in the City Centre which fall under the control of the Night Times Uses Interim Planning Guidance, the most appropriate course of action remains a review of existing policies complete with public consultation. Indeed currently proposed SDF Policies include provision to review night time uses and potentially produce a new Supplementary Planning Document if required.

There is not considered to have been any significant change in circumstances or policies since the previous refusals of planning permission that would allow a

different conclusion to be reach on this application. It is therefore concluded that the proposed extension of hours of operation is considered to give rise to unacceptable noise and disturbance which would detrimentally affect the amenity of residents. This application is therefore recommended for refusal.

Case Number	13/02562/FUL (Formerly PP-02800170)
Application Type	Full Planning Application
Proposal	Use of retail unit (Class A1) as mixed Class A1/A3 coffee shop and construction of 1:12 gradient access ramp
Location	Couch 412 - 416 Ecclesall Road Sheffield S11 8PJ
Date Received	31/07/2013
Team	South
Applicant/Agent	LJV Associates
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:

10776 Location Plan
10776 01D
10776 03E

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.
- 3 Notwithstanding the terms of the Town and Country Planning (Use Classes) Order 1987 or any statutory instrument revoking or re-enacting that Order the premises shall be used solely for the use described by this permission and shall not be used for any other purpose within Use Class A3.

In order to define the permission and in the interests of the amenities of neighbouring property.

- 4 The sale of alcohol shall at all times remain ancillary to the primary use as a mixed A1/A3 use and at no time shall it represent more than 20% of sales in any 24 hour period.

In order to define the permission and in the interests of the amenities of neighbouring property.

- 5 At no time shall seating be placed in the forecourt area and this area shall not be occupied by customers other than when entering or leaving the premises.

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

- 6 The equipment used for the preparation of hot food shall be limited to that stated in Paragraph 5.2 of the application Planning Statement.

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

- 7 No customer shall be permitted to be on the premises outside the following times: 07:00-22:30 Sunday to Thursday and 07:00-23:00 on Fridays and Saturdays.

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

- 8 No live music shall be played within the building or its curtilage.

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

- 9 The development shall not be used for the purposes hereby permitted unless the scheme of sound attenuation works described in the Noise Report received by the Local Planning Authority on 1st August 2013 produced by Noise Assess Consultants has been carried out as specified in the Report and such works shall thereafter be retained.

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

- 10 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.

- 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 No deliveries to the building shall be carried out between the hours of 2000 to 0700 hours Monday to Saturday and 2000 hours to 0900 hours Sundays and Public Holidays.

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

- 13 All doors at the rear of the premises shall only be used as an emergency exit and shall not at any other time be left standing open.

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

- 14 Windows opening onto the rear yard area shall be kept closed between 2000 hours and 0700 hours.

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

- 15 No activity by staff members including smoking breaks shall occur in the rear courtyard area between 20:00 hours and 0700 hours Monday to Saturday and between 20:00 hours and 0900 hours on Sundays and Public Holidays.

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

- 16 No amplified sound shall be played within the building except through an in-house amplified sound system fitted with a sound limiter, the settings of which shall have received the prior written approval of the Local Planning Authority.

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

- 17 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/s within the site of the development between 20:00 hours and 0700 hours Monday to Saturday and between 20:00 hours and 0900 hours on Sundays and Public Holidays.

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

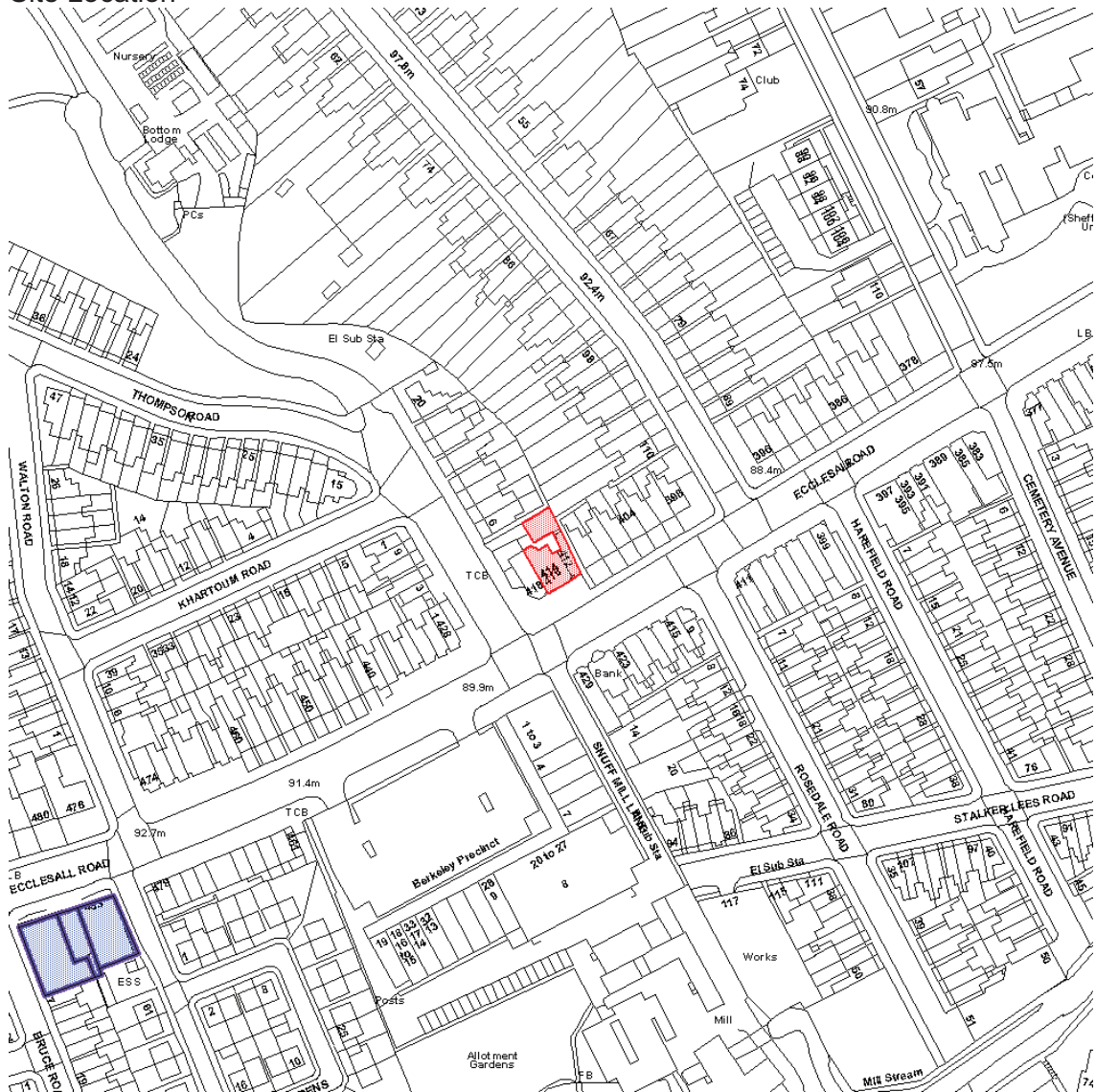
- 18 Amplified sound shall only be played within the building in such a way that noise breakout to the street does not exceed:
(i) background noise levels (LAeq) by more than 3 dB(A) when measured as a 15 minute LAeq, and
(ii) any background octave band centre frequency by more than 3dB when measured as a 15 minute Leq, when measured at the façade of the building.

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

Attention is drawn to the following directives:

1. 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.

Site Location



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The application relates to a group of terraced properties that have been amalgamated into a triple fronted commercial unit fronting Ecclesall Road. The units are two storeys in height with dormer accommodation in the roof space. The first floor units are occupied as residential accommodation, the flats being under the same ownership as the ground floor.

The commercial units have an established A1 retail use and have most recently been in use as a furniture sales outlet.

The site lies in an allocated Housing Area on the north side of Ecclesall Road. To the south the end terrace adjacent is occupied by Yankees restaurant and to the north lies No. 410 Ecclesall Road, a residential terraced property though this does not adjoin the application premises. To the rear of the premises lies the residential property No. 6 Thompson Road.

The character of Ecclesall Road at this point is mixed in character. The south side of the road is exclusively commercial in nature and is allocated as District Shopping Area in the Unitary Development Plan. The north side is a mixture of residential and commercial properties, though residential is the dominant use, hence the allocation.

Yankees restaurant is long established pre-dating the adoption of the Unitary Development Plan.

It is proposed to change the use of the premises to a licensed coffee shop. (A mixed A1/A3 use with emphasis on the A3 element)

There is an existing license to sell alcohol at the premises but the license specifically states that alcohol sales must remain ancillary.

The proposed use is that of a coffee shop with ancillary sale of sandwiches, cakes, panini's, coffee beans and branded merchandise.

In terms of the nature of the use it has been concluded that the use described is that of a mixed A1/A3 use. The key to the use remaining as such is the extent to which the alcohol element remains ancillary.

Were this element to become more significant, then the use would inevitably move towards a mixed A1/A3/A4 use, perhaps a predominantly A4 use, or possibly sui generis. Under these circumstances a further application would be required.

It is proposed that the café would provide approximately 36 covers internally.

The intended hours of use are 7:00-22:30 Sunday to Thursday and 07:00-23:00 on Fridays and Saturdays.

Unlike the previously refused scheme this application no longer proposes alterations to the shop front to include full width glazed concertina doors or to provide dedicated seating externally on a raised forecourt do not appear in this proposal.

The scheme does include provision for an access ramp to the front entrance. The ramp would be faced in render and the balustrade would consist of glass panels with a timber top rail.

RELEVANT PLANNING HISTORY

Permission was granted in 1993 (93/00676/FUL) for the use of first and second floors as three maisonettes.

Permission was refused in 2011 (11/02108/FUL) for use of the ground floor of building for Class A3 purposes.

Permission was refused in 2012 (12/00533/FUL) for a change of use to a licensed coffee shop, alterations to shop front including installation of concertina doors, erection of new access ramp and formation of raised outdoor seating area.

Permission was refused in 2013 (13/00400/FUL) for change of use to a mixed Class A1/Class A3 Coffee Shop, alterations to front elevations to provide full height concertina doors leading to new external seating area on levelled forecourt and new 1:12 gradient access ramp

1. The Local Planning Authority consider that the use of the building as a licensed coffee shop would result in an unacceptable increase in noise disturbance to the occupiers of adjacent and adjoining residential property. As such the proposal is contrary to the aims of Policy H14 of the Unitary Development Plan.
2. The Local Planning Authority consider that the proposed use would generate an increase in the number of vehicles parking on nearby residential streets. The noise and disturbance generated by this increased parking would be detrimental to the amenities of the occupiers of these residential properties and this would be contrary to Policy H14 of the Sheffield Unitary Development Plan.

PRE APPLICATION ADVICE

A significant amount of pre-application advice has been given to the Applicant at pre-application stage for previously refused schemes. This consistently outlined that the scheme as indicated at that time (with forecourt area and concertina doors) would be unlikely to receive the support of the Local Planning Authority due to the implications for noise and disturbance.

Subsequent to the previous refusals further advice was sought and informal advice was given by Officers indicating requirements to address previous concerns. Such advice could be summarised as follows:

- remove external seating;
- remove concertina doors within shop front;

- consider sound attenuation requirements and internal noise levels;
- reduce hours of operation, (suggested close at 2100 hours).

RELEVANT APPEAL

A recent appeal at 464 Ecclesall Road is considered relevant. Whilst this case related to a change of use to a hot food take-away matters relating to noise and disturbance within an allocated Housing Area were considered in the Inspectors statement.

The most significant parts of the Inspectors statement were:

‘Turning to the matter of noise and disturbance, given the location of the appeal premises, on a busy road containing numerous other commercial premises, I am not convinced that the increase in traffic coming and going would be unduly harmful. Nevertheless, it is likely that there would be an increase in noise and disturbance from customers of the takeaway coming and going, or waiting outside for their food to be cooked. This would harm the living conditions of residents of the nearby flats. This would be particularly so in the evening, when takeaways tend to be busiest.’

‘Also, noise and disturbance from the rear of the premises when staff are outside having breaks or disposing of rubbish in the bins would not only affect the residents of the flats, but would also be likely to unduly harm the living conditions in the terraced dwellings close to the rear of the appeal site. This would be particularly so in the evening when background noise levels are likely to be lower, especially in the residential streets behind the appeal premises.’

SUMMARY OF REPRESENTATIONS

There have been 7 representations regarding this application including submissions from:

Broomhill Green Party
The Botanical Gate Community Association

Summary of points raised:

1. There are already too many bars/restaurants/cafes on Ecclesall Road
2. The proposal will result in an increase in noise and disturbance in a residential area.
3. The proposal could lead to extra pressure for on street car parking to the detriment of visitors to the Botanical Gardens.
4. Allowing the proposal could affect the viability of the District Shopping Area.
5. The proposal would result in a localised concentration of A3 consents that would have a detrimental effect on the area.
6. Should permission be granted there would be nothing to stop the premises operating as a more intensive use within the use class.

7. There is no delivery bay to the front of the units (occupied by a bus stop) and this will result in deliveries being conducted from Thompson Road to the detriment of residential amenity.
8. There is insufficient car parking provided that will lead to parking on nearby residential streets causing noise nuisance.
9. The proposal could lead to an increase in littering
10. The proposal would be out of character with the locality and adversely affect the approach to the Botanical Gardens.

Other matters raised that are not material planning considerations

This proposal is the same as the last application at this site.

PLANNING ASSESSMENT

The NPPF states:

At Paragraph 9. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

- making it easier for jobs to be created in cities, towns and villages;
- replacing poor design with better design;
- improving the conditions in which people live, work, travel and take leisure;

At Paragraph 11. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

In this case then the key considerations should be considered in the light of policies in the Sheffield Unitary Development Plan.

Change of use

The site lies within an allocated Housing Area and therefore the following policies apply:

Policy H10 indicates that A3 uses can be acceptable within Housing Areas subject to the checks and balances provided by Policy H14

Policy H14 'Conditions on Development in Housing Areas' states that non housing uses are acceptable provided they:

- (i) occupy only a small area and not lead to a concentration of non-housing uses which would threaten the residential character of the Housing Area; and
- (k) not lead to air pollution, noise, smell, excessive traffic levels or other nuisance, or risk to health and safety for people living nearby;

Dominance

This change of use would not represent a significant shift in the balance between residential and non-residential properties within the Housing Area as whole and as such is considered to satisfy Policy H14(i)

Residential Amenity

The nearest residential properties to the proposal are the dwellings at 410 Ecclesall Road, 6 Thompson Road and the flats above the premises themselves.

As with the previous application the principal concern relates to the potential for noise generation and subsequent disturbance to neighbouring dwellings and the flats above the premises.

However, the removal of the alfresco drinking on the forecourt and negation of potential noise propagating from the internal spaces when the previously proposed concertina doors were open is considered a significant advance in terms of amenity concerns.

However, consideration still needs to be given with regard to the potential for noise generated by customers entering and leaving the premises, noise at the rear of the premises that may arise from staff activity and noise penetration via the ceiling into the flats above.

With regard to the first of these it is accepted that Ecclesall Road itself is a well-travelled thoroughfare with a degree of background noise present. There is significant vehicular and pedestrian traffic in the locality into the evening hours and the bus stop outside the premises offers a potential point of concentration of persons that could result in noise events well into the evening hours.

An evening site visit has been undertaken in order to gain a better understanding of event based noise sources. Given the findings of this visit, an assessment of the noise survey submitted with the application, and considering the nature of the use it is concluded that the movement of persons at the front of the premises is unlikely to lead to significant additional disturbance to occupiers of neighbouring dwellings or flats above the premises during the evening hours.

A noise report has been submitted by the Applicant which indicates that suitable noise attenuation measures can be implemented to prevent noise propagation to the flats above. If Committee were minded to approve the application such measures would need to be secured by condition.

Having regard to the amenity of residential properties to the rear of the premises it is apparent that the trade kitchen lies to the rear of the premises and the bin store lies within the external courtyard area. This internal courtyard lies very close to the entrances and rear elevation windows of flats above.

It is considered likely that staff operating in these areas will need to open doors/windows onto the external courtyard area to remove waste/have breaks

resulting in a potential for noise propagation in the quieter areas to the rear of the premises.

The Applicants noise report supports the premise that there is a significant difference in ambient noise levels between the front and rear of the premises (in the order of 20dB). It is also considered highly unlikely that the noise 'events' occurring at the front of the premises would be replicated to the rear.

Given these factors, and the Housing Area allocation, it is considered that any activity at the rear of the premises should be more stringently controlled than at the front.

To this end it is felt that a condition should be imposed restricting times that:

1. staff can access the rear yard
2. windows and doors to the rear can be left open;

It is recommended that such hours be limited to 08:00-20:00 on Monday to Saturday and 10:00-16:00 on Sundays and Bank Holidays.

Previously concerns were raised regarding the potential for noise generation on nearby streets through 'remote' parking of cars.

This concern formed the basis for a reason for refusal at 464 Ecclesall Road but the implication of the Inspectors decision in that case was that such potential did not justify a reason for refusal.

Given the Inspectors comments on that appeal and taking into consideration the fact that the proposed use is less likely to generate vehicular traffic than a take-away it is not felt that this concern represents a robust reason for refusal.

Amenity issues other than noise/disturbance

The bin store also lies close to the route by which flat owners from above the units access their accommodation. A previous application, for a restaurant, was refused on the grounds that the proximity of such a store would have a deleterious effect on the amenity of flat dwellers. In this case, given that there is no food preparation intended the waste is likely to be limited largely to packaging rather than organic (waste which tends to engender odours and potentially attract vermin).

The plans as submitted, and the supporting Planning Statement, do not indicate the intention to employ restaurant style cooking facilities or to provide any form of fume extraction system and it is considered that there would be significant difficulties in installing such extraction equipment without adversely affecting residential amenity, visual amenity or both.

It is therefore considered important to prevent an intensification, involving significant food preparation, at the site that may result in a change in these

circumstances. As such it is considered prudent to add a condition limiting the use at the premises solely to that stated in the description.

Given all of the above however, the proposed change of use is considered acceptable with regard to UDP Policy H14.

There is no indication that any significant food preparation will take place on site and consequently no extraction flue details are included in the application.

There is some indication in the noise report that external plant (air conditioning etc) may be deployed to the rear of premises. Such equipment should be the subject of conditions if Committee is minded to grant permission.

Highway Issues

The site does not have any facilities for off-street parking. There is on-street parking available during the evenings when the licensed cafe is likely to be at its busiest and parking restrictions are not in force. A resident's parking scheme does exist on the surrounding residential streets which would restrict on street at certain times.

Taking these factors into consideration it is not considered that an absence of dedicated off street car parking represents a robust reason for refusal.

The proposed use is likely to differ in its servicing arrangements to the most recent use. However, it is not considered that the proposal would be likely to require a significantly different regime to, for example, a newsagent or off license both of which could occupy the premises without a requirement for a change of use application. As such it is not considered that the likelihood of service deliveries occurring from Thompson Road represents an adequate reason for refusal.

Design and detailing

Policy BE5 states:

Good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions. The following principles will apply:

Physical Design

(a) original architecture will be encouraged but new buildings should complement the scale, form and architectural style of surrounding buildings;

(c) all extensions should respect the scale, form, detail and materials of the original building;

User Requirements

(i) designs should meet the needs of users, particularly people with disabilities, elderly people, people with children, and women;

The 'host' building is a Victorian terrace constructed in brick and painted white. The projecting canopy to the front elevation adds interest and though not entirely in character with the original building is not considered to detract from the overall appearance of the terrace.

The access ramp should not appear anomalous in the context of the existing built environment with its timber print render facing, up-stand wall and glass panel balustrade to the ramp extremities.

Given the above it is not considered that the proposed new frontage will adversely affect the street scene and that element of the proposal is therefore considered acceptable with regard to Policy BE5 (a) and (c) of the Unitary Development Plan

Accessibility

The ramp to the front entrance should provide appropriate accessibility to the main entrance.

RESPONSE TO REPRESENTATIONS

Matters relating to residential amenity have been dealt with in the main body of this report.

The matter of retail dominance is not material in this case as the site does not lie within the DSC.

SUMMARY AND RECOMMENDATION

This is an application for a change of use of a triple fronted retail unit into a mixed use shop/café use with ancillary sale of alcohol. It is considered that the amended scheme, with external seating area and concertina doors removed, would not introduce significant disamenity at the front of the building given the prevailing circumstances on Ecclesall Road.

Any internal noise issues can be dealt with by attenuation and potential disturbance to the rear could be mitigated by suitable conditions.

Subject to conditions the scheme is therefore considered acceptable with regard to Policy H14 of the Unitary Development Plan. The physical changes to the forecourt are considered acceptable in terms of visual amenity and in compliance with Policy BE5 of the Unitary Development Plan.

The proposal is therefore recommended for conditional approval.

Case Number 13/02630/FUL (Formerly PP-02807461)

Application Type Full Planning Application

Proposal Demolition of Public House and erection of convenience store (use Class A1) with associated landscaping , car parking accommodation and servicing (re-submission of 13/01343/FUL) (Amended plans received on 13/09/2013)

Location Bradway Hotel
Bradway Road
Sheffield
S17 4QW

Date Received 07/08/2013

Team South

Applicant/Agent Turley Associates (Leeds)

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:

Project number 12/W9473, drawing numbers:

205 (revision A) received on 13/09/2013
214 (revision E) received on 13/09/2013
221 (revision B) received on 13/09/2013
207 (revision C) received on 13/09/2013
212 (revision D) received on 13/09/2013
215 (revision D) received on 13/09/2013

Project number 12/W8309, drawing number 220

unless otherwise authorised in writing by the Local Planning Authority.

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

- 3 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.

- 4 The A1 use shall be used for the above-mentioned purpose only between 0700 hours and 2300 hours on any day.

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

- 5 External plant specifications and noise mitigation measures shall be in accordance with the design and assessment criteria detailed in the approved NSL 'Plant Noise Assessment Planning Report' (RF 84365/NIA; 29/05/2013), unless otherwise agreed in advance with the Local Planning Authority.

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

- 6 The sales floor air conditioning units shall operate daytime only, between the hours of 0700 and 2300 on all days.

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

- 7 Before the use of the development is commenced, a Validation Test ensuring total external plant noise emissions comply with the agreed noise assessment criteria 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 following specified noise levels have been achieved at the position of the nearest residential receptor:
29dB LAeq during the daytime (07:00 hours to 23:00 hours)
23dB LAeq during the nighttime (23:00 hours to 07:00 hours)
 - c) 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 occupiers of adjoining property.

- 8 No additional plant or extraction equipment other than that approved shall be installed on the building without the prior written approval of the Local Planning Authority.

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

- 9 All deliveries to and collections from the store, including waste collections, shall be the subject of a servicing management plan which shall be agreed in writing with the Local Planning Authority prior to use commencing. The plan shall detail restrictions to servicing arrangements with a view to preventing noise nuisance to occupiers of nearby residential properties and highway congestion.

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

- 10 No deliveries or collections shall be undertaken in the rear car park area at any time between the hours of 2300 and 0700 on any day.

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

- 11 No deliveries to the site shall be accepted from any vehicle parked on the public highway.

In the interests of the safety of road users.

- 12 Before commencement of the development, details of the boundary treatment to the West of the car park of the site shall have been submitted and approved. Thereafter the treatment shall be implemented and thereafter retained.

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

- 13 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/s within the site of the development (shown on the plan) between 2300 hours and 0700 hours (on the following day) Sundays to Fridays and between 2300 hours and 0900 hours (on the following day) on Saturdays and the day before a Public Holiday.

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

- 14 Before the use of the development is commenced, details of the proposed external lighting shall have been received and approved by the Local

Planning Authority. Thereafter, the lighting shall be installed and retained in accordance with the approved details.

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

- 15 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.

- 16 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.

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

- 18 Before the commencement of the use, details shall first have been submitted and approved to show a suitable bin store area to the premises. Thereafter, this shall be provided and retained in accordance with the approved details.

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

- 19 Prior to any works commencing on site, full details of the following shall have been submitted to and approved in writing by the Local Planning

Authority, and the demolition and construction works shall only be progressed in accordance with the approved details:
Construction method statement
Phasing of construction works
Any temporary site access for construction traffic
Times when construction works and movement of construction traffic will be restricted.

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

- 20 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.

- 21 The A1 unit shall not be used unless the car parking accommodation for 14 vehicles (including 2 disabled spaces) 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.

- 22 Details of the surfacing to the front of the retail unit shall be received and approved by the local planning authority before the commencement of the use to delineate a shared pedestrian/vehicular route. Thereafter, the surfacing details shall be implemented before the commencement of the use and thereafter retained.

In the interests of pedestrian safety.

- 23 Before the commencement of the use, details of parking restrictions to the front of the retail unit in order to limit parking to the disabled bays and loading area shall have been received and approved by the local planning authority. The restrictions shall then be implemented before the commencement of the use and thereafter retained.

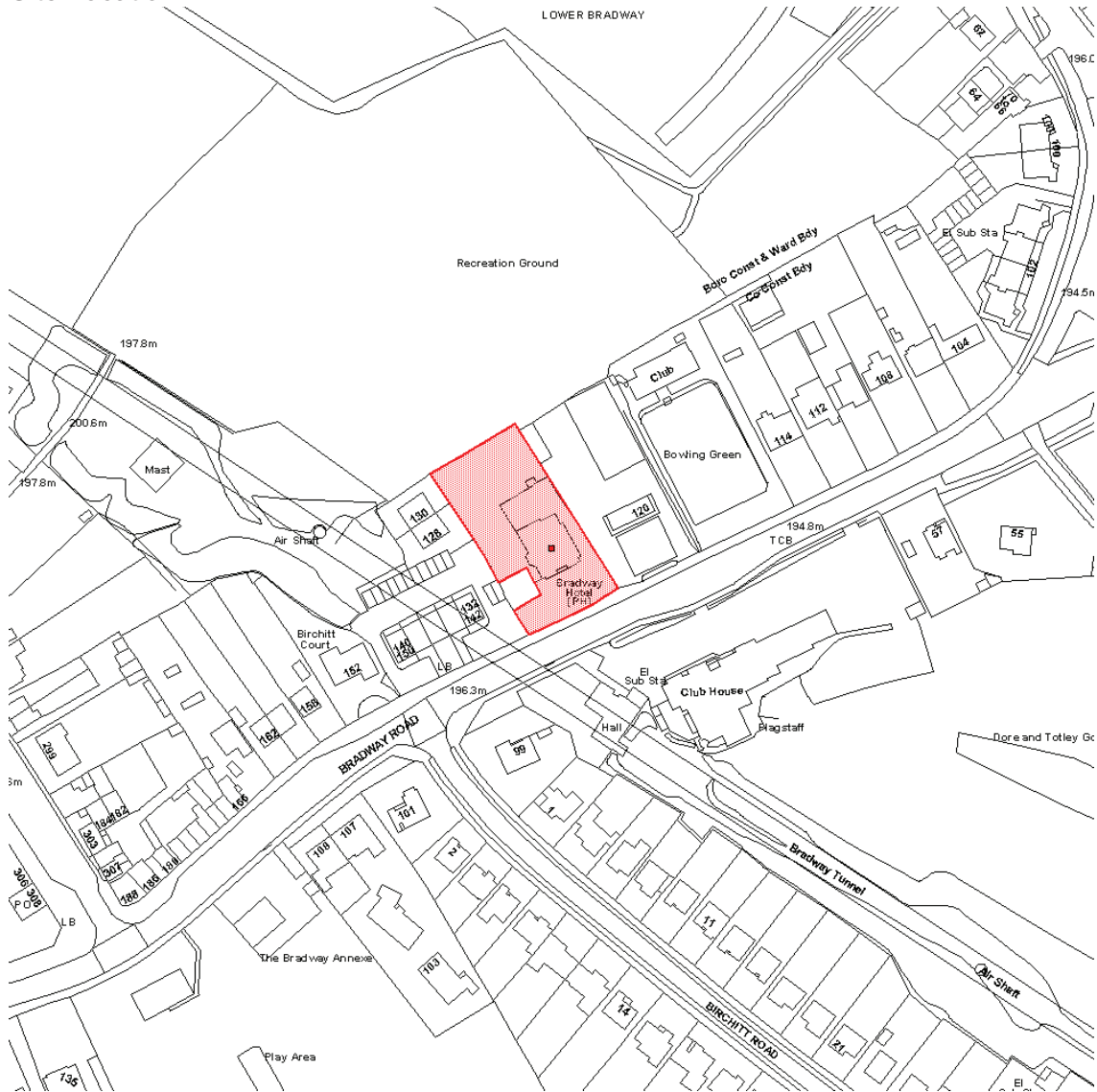
In the interests of pedestrian safety.

Attention is drawn to the following directives:

1. 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 from the Institute of Lighting Professionals website at <https://www.theilp.org.uk/documents/obtrusive-light/>.

Site Location



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LOCATION AND PROPOSAL

The application site comprises of a 0.15 hectare site that contains a vacant public house building (The Bradway Hotel) and its grounds. The site extends around an existing Class A2 unit used as a betting shop. The site fronts Bradway Road and benefits from a forecourt to the front which is shared between pedestrians and vehicles reversing into Bradway Road. There is also a car park which occupied the majority of the rear grounds of the Public House, accessed via a single file access down the side of the building shared with a Public Footpath offering access to fields behind. The surrounding area is varied containing a range of commercial and residential uses in buildings of various ages and styles. Immediately to the east of the site is a petrol station, a modern housing estate and more traditional dwellings. To the west lies a small Shopping Centre which is within a functional modern block. Opposite the site lies a golf club and housing.

Members will recall that, at the Committee meeting held on 2nd July 2013, planning permission was refused for the demolition of the Public House building and erection of a convenience store (Use Class A1) at the Bradway Hotel, Bradway Road. Planning Permission was refused for the following reason: "The Local Planning Authority considers that the proposed development, by virtue of its scale, elevational treatment, form, and the consequential loss of a building of local merit and character which contributes positively to the street scene, lacks quality and distinctiveness and fails to respect, take advantage of and enhance the locality. As such the proposed development is contrary to the aims of policies BE5, BE20 and S10 of the Unitary Development Plan, CS74 of the Sheffield Local Plan Core Strategy, and paragraph 64 of the National Planning Policy Framework."

Following the refusal of permission of application number 13/01343/FUL, this latest application seeks to respond to the refusal by altering the design to increase the prominence of the front elevation. Amended plans received on 13/09/2013 have increased the height of the front elevation further, whilst cutting down the height of the building to the rear. The proposed footprint of the retail store will remain at 400 square metres, and the proposed parking and access arrangements are proposed to remain the same as the previous example, with 14 car park spaces proposed, which includes two disabled persons bays.

RELEVANT PLANNING HISTORY

At the Committee meeting held on 2nd July 2013, planning permission for the demolition of the Public House and erection of A1 use class convenience store was refused on the basis that the development would be contrary to the aims of policies BE5, BE20 and S10 of the Unitary Development Plan, CS74 of the Sheffield Local Plan Core Strategy, and paragraph 64 of the National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Following the display of a site notice, and individual neighbour notification, five (5) representations have been received (including one from the Bradway Action Group), and these are summarised below:-

Objection (2no)

Traffic -

Residents of Bradway have concerns about the implications for the safety of pedestrians and flow of traffic on Bradway Road.

Increased traffic turning into and leaving the site will create a new hazard for parents and children including those walking to the Acorn Pre-School Playgroup, Bradway Pre-School and Bradway Primary School.

The location of the car park to the rear will cause issues as customers will not know if the car park is full or not, leading to more traffic use of the car park access.

Concerns that there is inadequate provision in the car park for elderly people to reverse and manoeuvre.

The proposal will cause traffic congestion given that, unlike the previous Public House, the site will be populated with customers throughout the day, exacerbating congestion problems caused by the Petrol Station and Golf Club.

Customers and staff members for Coral (the neighbouring betting shop) park on the forecourt of the site, and will be displaced by the development, causing traffic problems.

Other Matters-

The current building is an iconic part of Bradway and should be retained.

The proposal will disturb the local residential area through traffic noise, and delivery loading and unloading.

Question of whether the proposal will maintain a right of way across the site.

Non Planning Matters-

The question of whether there is a need for the store given alternative stores on Twentywell Lane.

Issue of competition for local stores.

Support (3no)

The proposal is well designed and is an improvement over the previous application.

The proposal will result in some visual improvement as the present public house is subject to vandalism.

PLANNING ASSESSMENT

Principle of the Proposed Use

The site falls within a Local Shopping Centre within the Unitary Development Plan (UDP) and UDP Policy S7 "Development in District and Local Shopping Centres" is relevant. This states that shops (A1) are the preferred use, and this development therefore accords with the policy aim.

Policy CS39 "Neighbourhood Centres" states that "new development for local shops and community facilities to serve the everyday needs of the community will be encouraged in Neighbourhood Centres". Neighbourhood Centres are the successor to Local Centres identified in the UDP and so the proposal is consistent with this policy.

The National Planning Policy Framework (NPPF), in paragraph 24, sets out that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses to promote the location of such uses in existing retail centres. This example is sited within a Local Centre and, as such, accords with the principle of this aim. Paragraph 23 sets out the criteria for ensuring the vitality of town centres. This says that competitive centres should be promoted with diverse retail facilities on offer. Issues of competition have been raised in representations. However, national guidance contained in paragraph 23 of the NPPF says that competitive town centre environments should be promoted so this issue cannot be taken into account in the assessment for this proposal.

Design and Layout

Core Strategy Policy CS74, Design Principles states that "High-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city...". This policy also encourages 'placemaking' under part e). Policy S10 from the Unitary Development Plan "Conditions on Development in Shopping Centres" requires that development is well designed and of a scale and nature appropriate to the site. Furthermore, Policy BE5 requires buildings to be well designed, use high quality materials and be of an appropriate scale.

The existing Public House building is of some visual interest to the local area, being a prominent structure of visual merit. Policy BE20 (Other Historic Buildings); states that the retention of historic buildings which are of local interest but not listed will be encouraged wherever practicable, and explains that this contribution needs to be balanced against the merits of any proposed development which might

replace them. As such, emphasis needs to be given towards the visual quality of the replacement scheme.

Current legislation would allow the developer to demolish the building via the prior approval process, where the method of demolition and any site restoration are the only considerations. The character of the building, and its loss in principle, are not able to be considered through the prior approval process. This significantly limits the ability to reasonably consider the potential harm caused by the demolition of the building, but still allows the Local Authority to assess the quality of a replacement building. Given this fact, it is not practicable to require the retention of the building, and a refusal based purely on the demolition would be difficult to substantiate.

The National Planning Policy Framework (NPPF) at paragraph 64 states that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions." Paragraph 60 is also of note, as it states that it is proper to promote or reinforce local distinctiveness.

The previous application here was refused on design grounds, as the design proposed was considered to lack quality and distinctiveness and failed to respect, take advantage of, and enhance the locality in the context of the loss of a building that did achieve these aims. The original proposal failed in these aims as it had a limited street presence and, taken in context with the low height, wide featureless walls to the side and rear elevations, and low pitched roof, resulted in the appearance of a functional retail unit unconcerned with improving the character of the area and removing a building of distinctive character.

As part of this new scheme, the building has been redesigned to improve the prominence of the front elevation in order to achieve the design aims required. The front elevation is proposed to have an eaves and ridge height of 6m and 8.4m respectively, which will result in a frontage with a high visual prominence upon the street. A front gable end with glazing is proposed to front onto Bradway Road, and will be suitably taller than the neighbouring bookmakers building to provide visual prominence to the street scene.

Officers have negotiated amendments that have resulted in the front portion of the proposal being raised to this height and the lower section behind being lowered to a similar height to the original proposal under 13/01343/FUL. This has benefits in that it will ensure that the side pedestrian/vehicular route will not be over dominated by the built form to the side, and will also reduce the prominence of the rear sections of the building, helping to raise the profile of the frontage whilst minimising the visual bulk of the entire building, which has the benefit of masking the large footprint of the building. This proposed stepping is not uncommon to street scenes such as Bradway Road, and helps to frame the development on the site with the main focus being upon the frontage.

The front elevation is proposed to be in reclaimed stone cladding with aluminium framed glazing. This will result in a high quality finish to this part of the proposal, and will ensure that the supermarket building will form a distinctive element upon

the street scene that will support the aims of place making, which will be a suitable replacement for the existing building.

The side elevation will comprise of a mix of reclaimed stone cladding and buff render. Both materials are used upon the existing pub building, and will assist the transition to render upon the rear elevation. The render is less ideal as a material in quality terms, but will add some visual interest to the side elevation, and will not be conspicuous by the fact it is a common material in the local area and upon the building being removed. The absence of windows and openings to this elevation are not ideal, and officers have requested the addition of these to the revised plans, which has been resisted by the applicant on cost grounds. There are reservations that the blank wall would be relatively oppressive. However, it is not considered that this blank side aspect would be a sufficient reason to refuse the scheme given that it is a secondary elevation, and features some visual relief in the form of the use of render and stone.

The low height of the building at the rear will ensure that it will not dominate the views from the local playing field to the rear. This elevation will have a simple profile, with no significant negative visual consequence.

The use of tegula roof tiles will have a positive appearance that will tie in with traditional slate materials used in the local street scene. Although not natural slate, the colour and general texture of the materials will tie in appropriately with slate elsewhere and is appropriate considering the modern style of the building.

The entrance to the store is proposed to face Bradway Road. This will ensure that the proposal links well with the existing Local Shopping Centre and connects to the surrounding area. The large amount of glazing and taller front section will ensure that it will be easily identifiable for users of the main entrance.

The proposed totem sign indicated on the drawings will similar to existing signage in the street scene, such as the petrol station sign, but will require separate Advertisement Consent.

Overall, it is considered that the design of the store utilises a simple palette of materials that will result in a building with a clean appearance, whilst the elevational treatment to the front with a tall gable and large areas of glazing will result in a building of sufficient presence that will be a suitable replacement structure for the public house being removed. The proposal is therefore in accordance with relevant policy.

Therefore whilst the loss of the existing public house building remains regrettable, the revised scheme is on balance considered to overcome the concerns of poor quality design of its replacement as set out in the previous refusal. The design has been sufficiently improved from the original refused scheme to a point where, although there are some reservations about the side elevation of the taller frontage block, the building will have sufficient presence and an attractive front elevation that will contribute positively to the street scene and meet policy requirements.

Amenity issues

Policy S10 (part c) of the Unitary Development Plan requires that new development would not deprive residents of light, privacy or security and would not result in unacceptable noise nuisance.

The layout of the development is generally identical to the previous scheme considered on 2nd July 2013. The closest residential properties are sited to the north west of the site and comprise of two bungalows. These two properties have rear windows in close proximity to the site (5m from the boundary with the car park), due to the fact that they have narrow rear gardens. There is a tall hedge at present between the car park site and the bungalows, which will provide protection from the car park area. Given the operating times where the unit will close at 23.00 hours, there will be limited scope for the car park to generate late night noise. To protect the amenities of this neighbour, a condition will be added for details of the boundary treatment to be provided, which may include retention of the hedge, or additional features to demonstrate that a suitable barrier will remain between the bungalows and car park to protect the amenities of these neighbours.

The proposed plant will comprise of air conditioning, ventilation and refrigeration plant. The nearest noise sensitive receptor to the proposed external plant area is a single-storey bungalow (128 Bradway Road) located approximately 12m northwest of the proposed plant area. A noise assessment from Noise Solutions Limited has been submitted by the applicant to support the application. Subject to mitigation measures to add a screening wall, the Council's Environmental Protection Service is satisfied that the report identifies plant noise would be suitably mitigated so as not to cause a statutory nuisance. In the event that the report's recommendations are not achieved in practice, it is recommended that conditions are added for a validation test to be undertaken before the equipment is brought into full time use. Conditions are also recommended to require the turning off of the non-essential equipment outside of store opening hours.

The development is set an adequate distance away from all other properties to ensure the direct impact on residential amenity is limited in terms of overshadowing or loss of direct light.

Deliveries to the site will be through a loading bay to the front. This is suitably distant from neighbouring residential properties so as to not cause noise nuisance, especially in context with the neighbouring petrol station site. The closest residential units to the loading area will be at first-floor level above shops to the west, over 10m from the loading area of the site, which are suitably distant so as to not be significantly affected.

Refuse collection and small deliveries may occur to the rear of the unit, closer to the neighbouring bungalows. Conditions to require the submission of a report to control deliveries and refuse collection will be sought so as to ensure no late night or early morning activity occurs here.

Lighting to the building is proposed. The location of lighting is not in direct sight of neighbouring residential windows. Full details of the lighting will be reserved by condition so as to insure no high power disruptive lighting is sought.

Accessibility

Policy BE7 of the UDP "Design of Buildings Used by the Public" states that "In all buildings which are to be used by the public, provision will be expected to allow people with disabilities safe and easy access to the building and to appropriate parking spaces. The provision of other facilities for people with disabilities or with young children will be encouraged"

The site will accommodate a suitable proportion of disabled parking spaces, which will be within close proximity to the main door. There will be a suitable vehicle free pedestrian access to the side of the spaces towards the main entrance, and a level threshold.

A suitable width pavement is proposed to the side of the unit, which will provide a safe pedestrian walking route from the main car park to the front of the building. It will be level with the roadway, but delineated by posts and road lines, providing a safe car free pedestrian route. This is an improvement compared to the existing situation where pedestrians access the rear car park and public path via a shared vehicular/pedestrian route. Informal crossings are shown to the front and rear of the site. Neither of these are ideal, as the rear route is diagonal, and the front route crosses the loading bay area. To the rear, the crossing is logically located and is in the best practical location considering the constraints of the site that do not allow for a standard crossing style. Constraints to the front also cause problems with regards to pedestrian access. Unfortunately, due to the size of delivery lorries to the site, there is insufficient space to locate a pedestrian route here that does not cross the loading area. In such situations, pedestrians would likely go around the vehicle. The entirety of the existing and proposed frontage is to be a shared surface between disabled vehicles, the delivery lorries and pedestrians, which is not dissimilar to the existing frontage to the public house. Due to limits on the available space here, separate pedestrian and vehicular routes are not possible. Consideration has been given to moving the loading area but that would impede upon access to the disabled bays.

However, there are opportunities to improve the safety here. The front area will not be heavily trafficked outside of the access to the main car park. It would be expected that the frontage area should be delineated as a shared surface and measures taken to limit informal parking here. With limited traffic movements in this area, pedestrian safety should be assured, and improved from the present situation where the entire frontage comprises of informal and haphazard parking. The proposed arrangement is not ideal, but is considered to be the best workable solution to ensure safer pedestrian movement, and will result in improvements to the present situation, where pedestrian routes are not delineated at all. It should be noted that deliveries will not be constant, so the opportunities for conflict will be limited.

The proposals will keep the dropped kerb to the front of the unit, which already exists, but will lead to a reduction in the vehicular crossing width due to the landscaping proposed to the front of the unit. This should improve pedestrian safety for users across the site.

Public footpath - Public Right of Way

The proposal will involve work close to the public right of way to the side of the site. Any diversion of this route may possibly require the permissions of the relevant authority. However, a diversion order and the requirements for this are separate from the planning process.

In this application, the proposed pedestrian route for the pathway is the same as the previous application, which was considered acceptable on pedestrian safety grounds. The proposed footpath route for pedestrians will involve improvements to the present shared access arrangements, with a proper delineated pavement and crossing. The public path to the side of the car park will remain in the same position to the existing, with no change proposed here. The use of a shared surface to the front of the store will be conditioned to improve pedestrian safety compared to the existing arrangement where pedestrian and car movements are not managed at all. The marked pedestrian route through the delivery vehicle parking area is far from ideal, but the shared surface will enable a suitable alternative pedestrian route. Given that less than 1 car a minute is proposed to utilise the car park access on average, and that there is good visibility of the route to and from the car park area, pedestrians crossing the car park entrance area diagonally to reach the pedestrian route is not an unreasonable route to be taken. Planning weight needs to be given to the existing situation and the constraints of the site, where full width and fully segregated pedestrian accesses cannot be achieved, and it would be very difficult to refuse the application on concerns to pedestrian safety or the impact on pedestrian routes in planning terms on these grounds. Weight is also given to the fact that deliveries to the store are not constant, so use of the marked route should be available at most times.

Highway/traffic issues

UDP policy S10 (part f) requires development to provide safe access to the highway network with appropriate off street parking. The site is located on Bradway Road which is a local classified road that connects outer suburbs to the Outer Ring Road, and is also used as a route from Twentywell Lane and Queen Victoria Road/Prospect Road respectively. The site is 45m distant from the junction with Birchitt Road, with the busier junction with Twentywell Lane situated 150m to the West.

Bradway Road is reasonably well trafficked, especially at school collection and pick up times due to the proximity of a primary school.

As the proposed store is to be the same footprint as the previous scheme, the traffic assessment requirements for this application still apply. The Transport Assessment submitted with the application anticipates that there will be between 37 and 38 cars using the site within an hour at peak traffic times, resulting in up to 75 car movements. The peak usage of the stores tend to be in the early evening

(between 17.00 and 20.00 hours). Information has been also submitted following surveys of the car movements seen at other comparable stores. These show comparable figures in practice - the Paignton Store (with larger footprint and car park) achieves 76-77 car movements at peak times during the week (17.00 to 18.00 hours), the Bradford store achieves 69 car movements at weekday peak. Car numbers during the weekend are predicted to be lower, which corresponds with figures given for a store at Worcester Park which achieves a maximum number of vehicle movements of 42 during peak times on Saturday.

The access to the store will be via an access from Bradway Road. Vehicles turning right will not benefit from a right turning lane, and would block the highway temporarily should vehicles be travelling the other way. Within a single hour, less than one car a minute would be heading into the car park at peak times. Such a level of traffic movement is not sufficient to cause significant on road congestion at this point from cars turning right. The level of traffic generated at peak times is not sufficient to cause concern over increasing traffic congestion. It should also be added that most trips by vehicles will be by way of passing trips and it is suggested that people would already be using the existing highway, and that the traffic generated would therefore have minimal impact.

The development will have 14 associated parking spaces (including the disabled spaces). Consideration has been given to whether this provision is adequate. Survey information from the Paignton Sainsbury's store (with the highest traffic movements) indicates an average car stay of 10 minutes in the week, and 11 on Saturdays, with the maximum number of vehicles using the car park set at 11 on weekdays. These numbers do take account of staff parking in addition. This number is lower than the spaces being provided at the proposed Bradway store, and indicates that the number of proposed spaces should be sufficient. Looking at the car movements predicted, combined with the average length of stay, officers are satisfied that the provision of 14 spaces will be sufficient.

It should also be noted that the proposed car park is spacious, and offers suitable manoeuvring space for vehicles which should encourage its use. There is a lack of on street parking capacity in the location due to the presence of double yellow lines immediately outside the site, and restrictions during peak travel times elsewhere on the main road, and this does limit any road congestion that may occur should the parking facility become overly used at any one time, as feared by representations. Birchitt Road is the closest uncontrolled parking area, but is 150m distant from the site.

Servicing will take place within the site and therefore will not disrupt the flow of traffic on the highway. Questions have been asked by representations over the servicing arrangements, such as when two vehicles arrive at the site at once. This is a valid concern, as there is space for only one vehicle, when 3 visits by large vehicles are expected per day (the newspaper delivery is in a small van, which could be accommodated elsewhere on site). As a result, a delivery management plan will be required by condition to ensure that a plan is put into action to limit deliveries to one vehicle at a time. Given that the time of deliveries should be limited (with two of the vehicles requiring limited standing time), this should be possible. There is enough manoeuvring space on site to accommodate a large

goods vehicle. It is noted that vehicles will most likely approach the site from the east and leave to the east. It has been demonstrated that a vehicle could enter the site in a forward gear from the east, and then manoeuvre up the side access road before exiting in a forward gear, and that this would be easy to achieve.

It is noted that some cars do park on the front hardstanding of the disused pub to use the neighbouring betting shop. This informal arrangement will be displaced by the proposal. However, given this parking is not authorised and could be prevented by the landowner at any moment, it is not considered appropriate to give this any weight. As a result, the displacement of this parking cannot form a suitable reason to recommend refusal of this application.

The site is accessible on foot from the surrounding residential catchment, and is within 100m of bus stops on Bradway Road, with the 25 and 25A services providing a frequent service. It is therefore considered that the site is in an accessible location by all forms of transport.

The scale of development does not generate sufficient vehicle movements to require a Travel Plan. This is typically reserved for sites where there are over 80 car movements an hour, or for food retail schemes of over 1000 square metres of floor space. This application example is well below these figures.

Overall it is considered that the highway impacts of the proposal are acceptable, and satisfy the requirements of UDP policy S10.

Air Quality

The vehicle movements to and from the site have the potential to add to air pollution. Policy CS66 of the Core Strategy states that action to protect air quality will be taken in all areas of the City, across the built up area and in particular where residents in road corridors with high levels of traffic are directly exposed to levels of pollution above national targets.

Attention is also given to the emerging policy from the Sheffield Local Plan, City Policies and Sites Pre-Submission version (draft policy F1 "Pollution Control"), since the National Planning Policy Framework (NPPF) does allow emerging policy to be considered. This emerging policy states that significant development needs to demonstrate that it has been designed to mitigate against air pollution generated by the development. The policy defines 'significant development' for food retail use as a store of at least 1000 square metres. This is more than twice the floor space of the proposed store. In addition developments with more than 60 vehicle movements per hour are also defined as 'significant'. However, in this particular case, this number of movements is predicted by the traffic information to occur on only an infrequent basis. In this context, the mitigation required by the emerging policy is not considered necessary.

Nevertheless, the assessment has also looked into whether air quality levels in the local area exceed EU limit values, in which case more information on the impact of the development and potential mitigation measures would be provided. Within 200m of the site, however, no area exceeds the EU limit values. As a result, this

development should not result in significant air pollution problems for the local area.

Landscaping

The proposal incorporates soft landscaping proposals to the front of the unit. This will involve a relatively thin strip of planting next to the pavement, and will improve the appearance of the site from the front. Fuller details of this will be sought by condition. Its height should not be sufficient to cause a highway obstruction, nor hiding places. Elsewhere, hard landscaping is proposed, which will largely be out of view, limiting its impact.

Trees border the site to the rear, and several of these are mature specimens that add significantly to the setting of the playing field behind the site. The level of proposed hardstanding next to these will remain the same as the present situation. However, conditions will be used to protect the root protection area of these trees from encroachment by heavy machinery that may damage the canopy area of these trees.

SUMMARY AND RECOMMENDATION

The application proposes a retail food store with a footprint of 400 square metres replacing the existing Bradway hotel building.

The principle of the proposed use is acceptable within the Local Shopping Area, and accords with the principle of UDP policy S7. It is also supported by the main thrust of National Planning Policy Framework Policy.

With regards to the design, the loss of the Bradway Hotel building is regrettable. However, it is not protected and levels of control against its demolition are limited, which has to be considered alongside the encouragement to retain such buildings as set out in UDP policy BE20. The proposed replacement is a significant improvement over the previously refused scheme. It is of a suitable scale and form and, with the increased height along the frontage, will have sufficient presence for this prominent site. The increased use of glazing and the use of reclaimed stone elements will provide a site frontage with an appropriate degree of design quality. Although some reservations remain over the side elevation of the taller frontage element, the proposed replacement building is now considered to be acceptable in visual amenity terms. Improvements to the landscaping to the front over the existing site are also positive. On balance, the design is considered to be in accordance with UDP policies BE5 and S10 as well as Core Strategy policy CS74. The proposal will offer suitable disabled parking spaces and level access, and will accord with policy BE7 from the UDP.

In terms of the highways impact, detailed studies of the traffic impact of similar Sainsbury's Local stores reveal traffic levels and parking that should ensure a limited traffic impact and indicate that the level of parking sought is adequate. Given this, there should be no significant danger to road users or pedestrians. The access for goods vehicles is acceptable, and turning areas are available for goods vehicles arriving and leaving from the east.

The scale of the development is such, that there should be no significant air quality issues arising from traffic to and from the site, especially given that local air quality levels in the vicinity of the site do not exceed the EU NO_x limit.

It is therefore recommended that planning permission is granted.

Case Number	13/02964/FUL (Formerly PP-02792773)
Application Type	Full Planning Application
Proposal	Permitted machinery onsite to include the addition of an extractor fan for the removal of industrial workshop dust (Application under Section 73 to vary condition no. 6 as imposed by planning permission 77/3959P - Use of buildings for the purpose of woodwork workshops)
Location	M S Shirts Box Company Limited Land Used For Storage 45 Finchwell Road Sheffield S13 9AS
Date Received	03/09/2013
Team	City Centre and East
Applicant/Agent	DLP Planning Ltd
Recommendation	Grant Conditionally

Subject to:

- 1 The development shall be begun not later than the expiration of five years from the 27th July 1977.
- 2 The building shall not be used for the above mentioned purpose unless:-
 - a) landscape treatment has been carried out on the part of the site fronting Finchwell Road to the satisfaction of the Council, but before such landscape treatment is carried out, full details thereof shall be submitted to and approved by the Council,
 - b) and outside storage compound has been provided within the site to the satisfaction of the council, but before such storage compound is provided, full details thereof shall be submitted to and approved by the Council, and
 - c) a vehicle turning space has been provided as indicated on the plan to the satisfaction of the Council.
- 3 When the above mentioned works have been completed, thereafter the landscaped areas shall be properly cultivated and maintained, the outside storage compound shall be maintained in good order and the vehicle turning space shall be retained for such use and maintained in good order.

- 4 No goods or materials of any description shall be stored or displayed on the land other than in the above-mentioned storage compound.
- 5 No work in connection with the use of the buildings shall be carried out outside the buildings within the curtilage of the site thereof.
- 6 No machinery shall be installed or used in the buildings or within the curtilage of the site thereof other than 1 air compressor, 2 circular saws, 1 cross cut saw, 1 planer and dust extraction system unless otherwise approved in writing by the Local Planning Authority.

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

- 7 The existing trees within the site of the development shall not be lopped, topped or destroyed without the prior consent of the Council but if notwithstanding this condition, any tree is destroyed or damaged to such a degree that in the opinion of the Council its removal is necessary then a replacement shall be planted of a species and size satisfactory to the Council.
- 8 The building shall be used for the above-mentioned purpose only between 0730 hours and 1800 hours Monday to Friday and 0800 and 1200 on Sundays with no working on Sundays or bank holidays unless otherwise agreed in writing with the Local Planning Authority.

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

Attention is drawn to the following directives:

1. The applicant is advised that conditions 1, 2,3,4,5 and 7 are repeated from planning ref: 77/3959/P.
2. 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.

Site Location



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LOCATION AND PROPOSAL

This is a joint report which considers planning ref: 13/02964/FUL and 13/01827/FUL Both applications relate to a site which is occupied by MS Shirt Box Ltd who are small company located on Finchwell Road at Handsworth who manufacture boxes and packaging primarily used for the transportation of steel.

The application site is L-shaped and comprises of a number of commercial single storey buildings of varying age and design. The site is located at the end of Finchwell Road in an allocated Business Area as defined in the UDP. The locality is mixed in character with a number of commercial properties to the west and to the south of the site with a new residential estate which is nearing completion located immediately to the north of the site.

These planning applications have been submitted following extensive discussions between the applicant and Barratt Homes and the proposals are put forward in order to enable Barratt Homes to discharge their outstanding requirements with regard to planning condition 13 (noise validation) of planning permission 04/01622/OUT.

Condition 13 of planning application 04/01622/OUT states:

'The proposed dwellings shall not be occupied unless approved sound insulation measures to be detailed in a report accompanying any future applications have been implemented and retained in accordance with the details then submitted. A validation report shall then be submitted and approved in writing by the Local Planning Authority following an agreed methodology.'

The part of the site that specifically relates to compliance with condition 13 is a block of flats at 91-102 Doveholes Drive which is located adjacent to application site. Barratt Homes have erected the flats which are now occupied without the appropriate noise mitigation measures being installed to protect residents from noise generated by the established commercial premises on Finchwell and specifically the operations of MS Shirt Box Ltd.

Following occupation of the properties a number of complaints were received by the Council's EPS regarding noise from MS Shirt's Box Company Ltd's early morning operations. EPS visited the site and informed the applicant of that all noisy machinery should be operated between 0800 and 1800 hours Monday to Fridays and 0800 and 1300 on Saturdays. MS Shirt Box Ltd have been adhering to hours of use restrictions requested by EPS for in excess of 12 months and as such no formal noise abatement notices have been served at this time.

Barratt Homes have planning permission 12/03415/FUL to erect a 6 metre high acoustic fence along the southern boundary of their site to the rear of commercial properties on Finchwell Road including to the rear of MS Shirt Box Ltd's site in order to mitigate the noise from the premises. The current proposals being considered seek to provide an alternative solution to the commercial noise issue affecting residents by mitigating the noise at source (MS Shirt Box Ltd).

The proposals involve two planning applications as follows:

- A section 73 application to vary condition 6 of MS Shirt Box's original planning consent ref: 77/3959P to regularise the machinery used on site and to voluntarily accept hours of use restrictions.
- An application to build a new warehouse and manufacturing building for MS Shirt Box Ltd replacing the existing buildings.
-

RELEVANT PLANNING HISTORY

Application Site history

- 77/3959 Use of buildings for the purposes of woodwork workshops - Granted Conditionally.

Site history for adjoining Barratt Homes development.

- 04/01622/OUT - Residential development - Granted Conditionally.
- 05/01134/REM - Erection of 210 dwellinghouses and 96 apartments, highways and landscaping works and erection of sewage pumping station (amended layout received 3/1/2006) - Granted Conditionally.
- 07/01716/REM - Residential development - revised layout of plots 78 to 134, (additional information received) (Amended plans received 22/6/07, 27/7/07, 07/08/07, 02/10/07) - Granted Conditionally

SUMMARY OF REPRESENTATIONS

There have been no letters of objection to either application

PLANNING ASSESSMENT

Noise and Amenity Issues.

Policy IB9 'Conditions on Development in Industry and Business Areas' seeks to ensure that development does not cause residents to suffer from unacceptable living conditions by virtue of noise and other risk to health and safety.

Plots 91 to 102 Doveholes Drive have been occupied without compliance with condition 13 of planning approval 04/01622/FUL which required the neighbouring housing development to meet specific noise criteria as set out in a noise report accompanying the approved outline application planning ref: 04/01622/OUT.

MS Shirt Box currently operates without planning restrictions over its hours of operation under planning ref: 77/2959. The primary source of complaint from residents was in relation to night time operations of the business causing noise and disturbance. The applicant is currently voluntarily operating under EPS hours restrictions which has minimised complaints. The applicant is applying to vary condition 6 of 77/2959 in order to regularise the modern equipment that is used in

the operation of the business. The applicant is willing to also voluntarily accept planning restrictions over the hours of operation of the business so that it will be restricted to operate only Monday to Friday 0730 to 1800 hours and Saturdays 0800 to 1300 hours with no working on Sundays or public holidays.

These restrictions will remove night time working, therefore minimising the impact on the amenities of adjoining residents and allow the planning authority to exercise much greater control over the use than the current situation. The addition of the dust extraction system to the list of machinery approved under condition 6 of 77/2959 is not considered to give rise to any issues and as such the proposed variation of the condition 6 to regularise the equipment used on site and the addition of hours of use restrictive conditions is considered acceptable.-

Shirt Box Ltd's premises comprise of a number of single storey structures of varying design and appearance that have been altered and extended over the years in an ad-hoc manner. The buildings are largely located to the rear of the site with a yard area to the frontage adjacent to the site access from Finchwell Road. The existing buildings due to their age and construction are not sealed and as such do not contain noise or prevent noise breakout.

Planning application 13/01827/FUL proposes to remove a large majority of the existing structures and retain in part the most modern workshop building which is located centrally within the site. The retained building will be extended and enveloped by a new single storey pitched roof building which will be faced in concrete panelling. A similar building is also proposed to be located to the frontage of the site which will be used for storage purposes only.

The proposed building will provide the applicant with a larger floor plate which will allow the business to be operated more efficiently reducing the need to work late in the evening, the applicant has confirmed that operational hours of the new building will be limited to 0730 to 1800 hours Monday to Friday and 0800 and 1300 hours on Saturdays with no working on a Sunday or Public Holidays. A noise assessment has been submitted with application which has demonstrated that the proposed new building will incorporate improved sound insulation and will be constructed and sealed to ensure that noise generated by Ms Shirt Box's operations fall well below the required 45dB_Laeq for living rooms (daytime 0700 to 2300 hours) which will remove any unacceptable noise and disturbance and enable Barratt Homes to discharge their requirements with regard to planning condition 13 of 04/01622/OUT.

The applicant will be conditioned to construct the building in accordance with the specifications set out in the noise report and hours of use will be restricted to daytime hours 0700 to 2300 hours. The amenity of residents of properties in vicinity will therefore be adequately protected from noise breakout. The proposals are therefore considered acceptable from an amenity perspective and complies with policy IB9.

Design and Visual Impact.

Policy IB9 'Conditions on Development in Industry and Business Areas' seek to ensure that development is well designed and of a scale and nature appropriate to the site. The application site occupies a relatively concealed position screened from Finchwell Road by the existing boundary treatment and seen in the context of the three storey flat blocks on Doveholes Drive which are located approximately 3.5 metres above the properties on Finchwell Road. The proposed buildings will replace the existing rather dilapidated structures on site with modern commercial buildings. The existing log cabin office building and welfare building will be relocated to the rear of the site. The proposed layout of the buildings and design of structures is considered acceptable and will improve the appearance of the site and visual amenities of the locality. The applicant is also proposing to plant a screen hedge along the rear boundary of the site which once established, will help to screen the site from the adjoining housing development. The proposal is therefore considered to comply with policy IB9.

Highways Issues.

Suitable access to the site and parking and turning provision is retained on site as such the proposal is not considered to give rise to any highways issues.

SUMMARY AND RECOMMENDATION

This is a joint report which considers planning ref: 13/02964/FUL and 13/01827/FUL.

The application site is occupied by MS Shirt Box Ltd who have been located at the site for approximately 30 years and are a small company located on Finchwell Road at Handsworth who manufacture boxes and packaging primarily used for the transportation of steel.

Following extensive discussions between the applicant and Barratt Homes who are developing the adjoining site these applications have been submitted in order to address complaints from residents of a block of flats at 91 to 102 Doveholes Drive, Handsworth due to noise and disturbance arising from the early morning operations of Shirts Box Company Ltd who are located to the rear of No. 45 Finchwell Road.

A block of flats at 91-102 Doveholes Drive, which is located adjacent to application site has been erected by Barratt Homes and the flats occupied without the appropriate noise mitigation measures being installed to protect residents from noise generated by the established commercial premises on Finchwell and specifically the operations of MS Shirt Box Ltd. The proposals are put forward in order to enable Barratt Homes to discharge their outstanding noise validation condition relating to planning permission 04/01622/OUT.

Barratt Homes have planning permission 12/03415/FUL to erect a 6 metre high acoustic fence along the southern boundary of their site to the rear of commercial properties on Finchwell Road including to the rear of MS Shirt Box Ltd's site in

order to mitigate the noise from the premises. However these applications seek to provide an alternative solution to the commercial noise issue affecting residents by mitigating the noise at source (MS Shirt Box Ltd).

The proposals involve two planning applications

- A section 73 application to vary condition 6 of MS Shirt Box's original planning consent ref: 77/3959P to regularise the machinery used on site and to voluntarily accept hours of use restrictions.
- An application to build a new warehouse and manufacturing building for MS Shirt Box Ltd replacing the existing buildings

The applicant is proposing to regularise the existing modern operations on site by adding to piece of machinery that is being used to that listed under condition 6 of 77/3959 In addition the applicant is willing to accept hours of use restrictions on existing site operations restricting working hours to Monday to Friday 0730 to 1800 hours and Saturdays 0800 to 1300 hours with no working on Sundays or public holidays. These restrictions will remove existing night time operations which has been the primary source of complaint from residents. As such the proposed variation of condition 6 of 77/3959 and imposition of a new hours of use condition is considered to give the LPA a greater level of control over operations that existing and will remove night time working as such the proposal is considered acceptable.

The applicant has also submitted a planning application to remove a large majority of the existing rather ad-hoc and dilapidated workshop buildings, replacing them with a new modern commercial buildings which will retain noise from the existing operations and allow the applicant to work more efficiently removing the need to work in the evening. The applicant has submitted a noise report demonstrating that the proposed buildings will suitably mitigate the noise impact on residents of the adjoining development site which enable Barratt Homes to discharge their planning conditions.

The proposed development is therefore considered acceptable and it is recommended that planning permission is granted conditionally to erect the new replacement commercial buildings.

It is also recommend that condition 6 of planning permission 77/3959 is varied to include the modern machinery used on site and a condition added which will control hours of use of the existing operations on site.



SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Director of Regeneration & Development Services

Date: 15 October 2013

Subject: Enforcement Report

Author of Report: Lucy Bond

Summary: To provide an update and recommendation to Members on an outstanding debt under Section 106 of the Town & Country Planning Act 1990 (as amended)

Reasons for Recommendations

Formal legal advice has been received following exhaustive debt recovery actions

Recommendations:

That Members endorse the 'writing off' of the outstanding Section 106 debt in relation to planning application 04/00270/FUL and the Director of Finance be advised accordingly

Background Papers:

Category of Report: OPEN

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15 OCTOBER 2013

ENFORCEMENT REPORT ON AN OUTSTANDING DEBT UNDER SECTION 106
OF THE TOWN & COUNTRY PLANNING ACT 1990

1.0 INTRODUCTION

Members may recall that reports were presented to the previous Area Committees in December 2010 explaining what measures were being put in place to try and recover contributions secured through the signing of Section 106 legal agreements, but where the developer had gone into liquidation, or there were other complications in the agreement, that had resulted in the monies being unpaid beyond the trigger point of the agreement. The reports highlighted the fact that, where all avenues available to the Council to recover the outstanding contributions have been exhausted, the debt may have to be written off, but that these individual cases would be reported back to Committee for a final decision.

This report highlights such a case. Members are advised that a complete review of Section 106 procedures has now taken place and revised processes have been adopted in an attempt to prevent cases such as this arising in the future. This includes a requirement for land ownership to be proven at the time of signing (up to a level accepted by the civil court), a full quarterly review of every outstanding development that is subject to a legal agreement and the regular involvement of Legal Services in case reviews.

2.0 PLANNING APPROVAL 04/00270/FUL

This application was approved on 8 June 2004 and was for the erection of a mixed use development comprising 63 apartments and ground floor office units (Class B1) with basement car parking at Cornish Square, Penistone Road, Cornish Street and Green Lane, Sheffield S6 3AP. The approval included a signed Section 106 legal agreement consisting of the following financial covenant:

“Upon the commencement of the development authorised by this Agreement the Owner shall pay to the Council the sum of £39,109.00 to be used towards the provision of further sections of the Upper Don Walk to the north of the site.”

This money has never been paid to the Council and the development is complete and occupied. The trigger point for payment clearly passed some years ago and investigations and discussions have been ongoing with the Council's debt recovery team and Legal Services about this case.

The original agreement and declaration was entered into by a company called Foldernumber Limited. A subsequent thorough check of the documentation relating to this case has revealed that Foldernumber Limited did not have a legal interest in this land at the time the agreement was signed.

Despite the fact that Foldernumber Limited did not have an interest in the land, the Council is entitled to seek to recover the monies from them under the Section 106 agreement by virtue of it also being a contractual obligation between Foldernumber Limited and the Council.

However, In July 2009 Foldernumber Limited was dissolved so the money due under the Section 106 is irrecoverable from them as they no longer legally exist, and it is a contract rather than a planning obligation as the obligation was specific to Foldernumber Limited.

Consideration has been given as to whether the Council can recover the monies against their successors in title but because Foldernumber Limited had entered into a contractual rather than a planning obligation (because they did not have a legal interest in the land at the time the agreement was signed), this is not legally possible.

Based on the evidence available and the advice obtained from Legal Services, it is recommended that no further enforcement action is taken and that the debt is written off as there are no other options for recovering the monies due.

3.0 EQUAL OPPORTUNITIES

There are no equal opportunities implications arising from the recommendations contained in this report.

4.0 FINANCIAL IMPLICATIONS

The financial implications are described above. The result of being unable to pursue payment of these outstanding debts is that the enhancements to / creation of further stretches of a riverside walkway on the Upper Don will not be possible. There are no core funding implications to the Council.

6.0 RECOMMENDATIONS

That Members endorse the 'writing off' of the outstanding Section 106 debt in relation to planning application 04/00270/FUL and the Director of Finance be advised accordingly.



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 15 October 2013

Subject: Enforcement Report

Author of Report: Adam Chapman

Summary: Unauthorised erection of a 20.9 metre high telecommunications mast associated equipment and palisade fencing at land adjacent to Bailey Bridge, Effingham Street, Sheffield S4 7YP.

Reasons for Recommendations:

It is considered expedient that this matter is reported directly for enforcement action as the unauthorised equipment is considered to detrimentally affect the appearance of the streetscene.

Recommendations:

That authority be given to the Director of Regeneration & Development Services or Interim Head of Planning to take all necessary steps, including enforcement action, and the institution of legal proceedings, to secure the removal of the unauthorised telecommunications works at land adjacent to Bailey Bridge, Effingham Street, Sheffield, S4 7YP.

The Interim Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Background Papers:

Category of Report: OPEN

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REGENERATION & DEVELOPMENT SERVICES

REPORT TO PLANNING AND HIGHWAYS COMMITTEE

15 October 2013

ENFORCEMENT REPORT

UNAUTHORISED ERECTION OF A 20.9 METRE HIGH TELECOMMUNICATIONS MAST SUPPORTING THREE ANTENNAE AND TWO TRANSMISSION DISHES, AND AN ASSOCIATED GROUND BASED EQUIPMENT COMPOUND ENCLOSED BY 1.8 METRE HIGH PALISADE FENCING AND CONTAINING RADIO EQUIPMENT CABINET AND EARTH ROD AT LAND ADJACENT TO BAILEY BRIDGE, EFFINGHAM STREET SHEFFIELD S4 7YP.

1. PURPOSE OF REPORT

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

2. BACKGROUND AND BREACH

- 2.1 The site is in an allocated General Industrial Area as defined in the adopted Sheffield Unitary Development Plan (UDP). The telecommunications mast is sited on a piece of land adjacent to the River Don close to the junction of Effingham Street, Effingham Road and Sussex Road. The site is also located adjacent to the refurbished Bailey Bridge which is a footbridge over the River Don and forms part of the Five Weirs Walk footpath/cycle route which links the City Centre with Meadowhall.
- 2.2 The mast was originally erected under telecommunications emergency powers in order to continue to provide network coverage to the Burngreave Area following the decommissioning of a site at Tempered Springs Company Ltd located immediately to the south east of the site. The permitted development rights set out in Part 24 of the Town and Country (General Permitted Development) Order 1995 allows by virtue of Part (A) b "the use of land in an emergency for a period not exceeding six months to station and operate moveable telecommunication apparatus required for the replacement of unserviceable telecommunications apparatus, including the provision of a moveable structure on the land for the purposes of that use".
- 2.3 The mast has been on site since approximately the 16th April 2007 and should have been removed by the by the 9th November 2007 at the expiry of the six month period permitted by part 24 of the General Permitted Development Order. However the mast and equipment were

not removed by the developer and on the 19th June 2012 a planning application (ref:12/01093/FUL) was submitted to retain the mast and equipment, which was subsequently refused, following which a lawful development certificate (planning ref: 12/03522/LU1) was submitted which was also refused. The applicant subsequently appealed both applications which were then dismissed by the planning inspectorate.

- 2.4 Officers have visited the site and the mast and equipment remain in place. It is considered expedient that this matter is reported directly for enforcement action in order to remove the mast and associated equipment.

3. ASSESSMENT OF BREACH OF CONTROL

- 3.1 The site is located within a General Industry Area as designated in the Sheffield Unitary Development Plan.
- 3.2 The mast and associated equipment have been refused planning permission and subsequent appeals dismissed by the planning inspectorate.
- 3.3 The mast is sited adjacent to the River Don on a small area of land currently enclosed by a low brick wall. The mast is located immediately adjacent to the Five Weirs Walk footbridge. This footbridge comprises of the refurbished Bailey Bridge which was reused and resited when the five weirs walk was constructed. A ramped access from Effingham Street affords disabled and cycle access to the footpath route.
- 3.4 The Five Weirs walk is a strategic footpath which extends from Sheffield City Centre alongside the River Don through the Don Valley to Meadowhall.
- 3.5 The development is highly visible due to its siting adjacent to the River Don where the mast is afforded very little screening or backdrop from buildings. The mast's siting immediately adjacent to the back edge of the footway at the junction of three roads also highlights its prominence. It is highly visible on approach from the east and west along Effingham Street and can be seen from long distances due to its prominent positioning. Whilst this is an industrial area, where a number of commercial premises operate, the mast has not been sensitively located and it is evident that little consideration would have originally been given to the mast's design or siting due to it being installed under emergency telecommunications powers.
- 3.6 The built form in the locality does not offer any screening or real backdrop to the mast. The buildings to the north on the opposite side of the river are relatively low level structures and due to their position and separation distance from the application site they provide minimal screening. As such the mast stands as an isolated incongruous feature in the streetscene. Furthermore Effingham Street is a very wide

highway, the perception of which is further emphasised by the road's position adjacent to the River Don which highlights the wide ranging and longer distance visibility of the mast.

- 3.7 The mast stands at approximately 20.9 metres in height which is significantly taller than any buildings or structures in the immediate streetscene. Taking account of the scale of the mast, its prominent siting at the junction of three roads adjacent to the River Don and the lattice design of the installation the proposal is considered to form an unacceptably prominent and obtrusive feature that detrimentally affects the visual amenities of the locality and appearance of the streetscene.
- 3.8 Policy GE17 'Rivers and Streams' seeks to protect the setting of the City's rivers as part of the development of the Green network for the benefit of wildlife and where appropriate public access and recreation, part (c) of the policy specifically seeks to ensure that new developments are set back an appropriate distance from the banks of major rivers and streams to allow for landscaping. The stretch of the River Don immediately adjacent to the application site has been the subject of major works by the Environment Agency to clear the river of debris and overgrown vegetation in order to improve the appearance of the River, as well as enhancing the general flow and capacity of water in the river channel.
- 3.9 The mast and ground based equipment compound which includes a large equipment cabinet and palisade fencing is located immediately adjacent to the banks of the River Don and Bailey Bridge which is the first river crossing point from the City Centre of the Five Weirs Walk. Significant improvements in the form of level access, street lighting and the actual refurbishment of the Bailey Bridge as a result of the Five Weirs walk development has significantly improved the appearance and general attractiveness of the streetscene which has led to an increase in general footfall in the vicinity from people using the Five Weirs Walk. Owing to the design, size, prominent siting and proximity of the mast and equipment compound to the River Don and the refurbished Bailey Bridge which form the entrance to the Five Weirs walk, the proposed development detracts from the setting and appearance of the River Don and detrimentally affects the appearance of the streetscene and is therefore considered contrary to policy IB9, BE14 and GE17 of the UDP.
- 3.10 The photograph below shows the mast and associated equipment and clearly demonstrates the detrimental visual impact of the development.



4. REPRESENTATIONS

- 4.1 No representations have been received with regard to the development.

5. ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 Section 172 of the Town and Country Planning Act 1990 enables the Local Planning Authority to issue Enforcement Notices where there has been breach of planning control. In this case the notice would require the reinstatement of the removal of the mast, associated equipment and compound fencing and reinstatement of the ground to its original condition. There is a right of appeal to the Planning Inspectorate against the service of an Enforcement Notice. However it is considered that in light of the Planning Inspectorate's dismissal of the planning and certificate of lawful development applications the Council would be able to successfully defend any such appeal.

6. FINANCIAL IMPLICATIONS

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

7. EQUAL OPPORTUNITY IMPLICATIONS

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

8. RECOMMENDATIONS

- 8.1 That authority be given to the Director of Regeneration & Development Services or Interim Head of Planning to take all necessary steps, including enforcement action, service of a temporary stop notice, stop notice and the institution of legal proceedings, including injunctive action, if necessary, to secure the removal of the mast, associated equipment, fencing and compound and the reinstatement of the ground to its original condition.
- 8.2 The Interim Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

M Duffy
Interim Head of Planning

15 October 2013

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 15 October 2013

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Claire Woods 0114 2734219

Summary:

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

Reasons for Recommendations

Recommendations:

To Note

Background Papers:

Category of Report: OPEN

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DEVELOPMENT SERVICES

REPORT TO PLANNING &
HIGHWAYS COMMITTEE
15 October 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 at its meeting of the 13 August 2013 to refuse planning permission for erection of two detached dwellinghouses (C3 Use), including private access road and associated landscaping at curtilage of 7 Stock Green Court and land rear of 3-7 Stocks Green Court, Sheffield, S17 4AY (Case No 13/00660/FUL)

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for a single storey front extension to a dwellinghouse at 608 Herries Road, Sheffield, S5 8TR (Case No 13/01412/FUL)

(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for extension of opening hours of a hot food takeaway to 1100 hours – 0300 hours (the following day) Mondays to Sundays and 1100 hours – 0200 hours (the following day) Sundays and Public Holidays (Application under Section 73 to vary condition 3 of planning permission 12/04039/CHU – Use of ground floor restaurant as a hot food takeaway (Use Class A5 – Hot Food Takeaways) at 283 Ecclesall Road, Sheffield, S11 8NX (Case No 13/01367/CHU)

3.0 APPEALS DECISIONS - DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse certificate of Lawful Use for installation of a telecommunications mast and ancillary development within a compound at Orange Telecommunications Mast Adjacent Bailey Bridge, Effingham Street, Sheffield, S4 7YP (Case No 12/03522/LU1)

Officer Comment:-

This telecommunications mast was originally installed in May 2007 under emergency powers in the General Permitted Development Order (GPDO) which allow for the installation of a mast for 6 months to maintain mobile coverage in a given area. The installation has since remained in situ. The appellant argued that the structure had been in situ for more than 4 years and, as such, should be immune from enforcement action. The Inspector agreed with the Council's view that the installation was in fact in breach of a planning condition in the GPDO, which required the installation to be removed within 6 months. Breaches of planning control can be pursued for a period of ten years from the breach occurring so the Inspector concluded that the Council were not out of time and the installation was not immune from enforcement action. The Council were right to refuse to grant the certificate of lawful development and the appeal was consequently dismissed.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for retention of an existing telecommunications installation and the removal of an existing 1 no. generator on the commission of a REC power supply at Orange Telecommunications Mast Adjacent Bailey Bridge, Effingham Street, Sheffield, S4 7YP (Case No 12/01093/FULTEL)

Officer Comment:-

This case relates to the previous item. The Inspector accepted that the mast provides a valuable service and promotes economic growth but she concluded that the benefits of the development do not outweigh the visual harm caused, especially when there has been time for but a failure to search for an alternative site. She found that the installation causes unacceptable harm to the character and appearance of the surrounding area, particularly given its prominent siting and its adverse impact on the Five Weirs Walk. She found it to be in conflict with UDP Policies BE14, IB9 and GE17 and of the NPPF.

4.0 APPEAL – ENFORCEMENT NOTICE

(i) To report that an appeal against an Enforcement Notice served in respect of the breach of planning control for the erection of a single storey rear extension at 29 Ratcliffe Road, Sheffield, S11 8YA has been allowed.

Officer Comment:-

The enforcement notice required the removal of the unauthorised extension. The appellant appealed on ground (a) – that planning permission should be granted, and ground (f) that the steps required to comply with the notice are excessive.

The Inspector considered the main issue to be whether the living conditions of neighbours would be adversely affected.

The Inspector had regard to UDP policies H5 and H14 that deal with living conditions, and also to the Council's Supplementary Planning Guidance (SPG) which has specific guidance on outlook, overshadowing and overdominance.

The Inspector noted numbers 27 and 31 Ratcliffe Road had ground floor rear windows that are positioned close to the flank walls of the extension which has a rear projection of 5.65m (in excess of the 3m guidance set out in the SPG). In terms of no.27 the angle of the extension and an element of set back at its outer limits were considered by the Inspector to avoid over dominance.

A window and door in the extension overlook the rear yard of 27 and the Inspector noted this would impinge on their privacy but no more so than existing first floor windows. The Inspector also felt there was no loss of privacy to the windows of no 27 due to the oblique angle of the view available.

The extension results in no source of natural light direct to the living room of no. 29 but the Inspector considered the three light sources in the extension compensated for this.

The extension is 4.2m taller than the ground level of no. 31 and given the close proximity of rear facing windows in 31, the Inspector agreed with the Council that there would be some impact in terms of overshadowing but that this was mitigated by the presence of a smaller extension to no.31.

In summary, whilst the Inspector acknowledged some detrimental impact on the neighbours enjoyment of their property, he did not agree with the Council that this was sufficient to take enforcement action and allowed the ground (a) appeal, and granted planning permission. The ground (f) appeal therefore became unnecessary.

(ii) To report that an appeal against an Enforcement Notice served in respect of the breach of planning control for the erection of a building at land adjacent to 4 Mowson hollow, Worrall, Sheffield, S35 0AD has been dismissed.

Officer Comment:-

The appeal was made on three grounds, that planning permission should be granted, that the requirements of the notice to remove the building would exceed what was necessary to remedy the breach and that the time to comply with the notice was unreasonable.

With regard to the first ground, the main issues were whether the building was inappropriate in the Green Belt, the effect on the openness of the Green Belt and if inappropriate, were there very special circumstances to outweigh the harm.

In this respect, the building was outside of the house curtilage and was not one of the acceptable used in the Green Belt. It was considered inappropriate development. It was also considered to represent a form of urban sprawl and

detract from the semi-naturalised area. In addition, the building was considered to detract from the character and appearance of the Green Belt. The appeal on this ground failed.

The second ground related to the measures required to remedy the breach of planning control. The Inspector considered a number of suggestions from the appellant including staining the building, reducing its size, and amending the boundary of the house to bring it within the residential curtilage. The merits of these were considered by the Inspector but the conclusion was reached that these suggestions would not remedy the breach. The appeal on this ground failed.

The third ground related to the timescale suggested for removal of the building. In this case, the Inspector noted that, should the appellant apply to relocate the building to within the existing house curtilage, the 16 week period suggested in the notice would not be sufficient to cover the whole process and said a period of 6 months would be reasonable. In this respect only, the appeal succeeded.

5.0 RECOMMENDATIONS

That the report be noted

David Caulfield
Head of Planning

15 October 2013