

Planning and Highways Committee

Tuesday 1 April 2014 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), Ibrar Hussain, Bob Johnson, Bryan Lodge, 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. 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
1 APRIL 2014**

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 11 March 2014
- 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 Conversion of an Existing Footpath Linking Earl Marshall Road and Rushby Street into a Shared Footpath/Cycle Track** (Pages 11 - 20)
Report of the Director of Regeneration and Development Services
- 8. Applications Under Various Acts/Regulations** (Pages 21 - 82)
Report of the Director of Regeneration and Development Services
- 9. Enforcement of Planning Control: 85 Robin Lane** (Pages 83 - 88)
Report of the Director of Regeneration and Development Services
- 10. Enforcement of Planning Control: Oak Lodge Farm** (Pages 89 - 96)
Report of the Director of Regeneration and Development Services
- 11. Enforcement of Planning Control: 13 College Street** (Pages 97 - 102)
Report of the Director of Regeneration and Development Services
- 12. An Outstanding Debt Under Section 106 of the Town and Country Planning Act 1990: Herries Road** (Pages 103 - 106)
Report of the Director of Regeneration and Development Services

13. Record of Planning Appeal Submissions and Decisions

(Pages 107 -
112)

Report of the Director of Regeneration and Development
Services

14. Date of Next Meeting

The next meeting of the Committee will be held on 22 April 2014

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

This page is intentionally left blank

SHEFFIELD CITY COUNCIL

Planning and Highways Committee

Meeting held 11 March 2014

PRESENT: Councillors Alan Law (Chair), Janet Bragg, Tony Downing (Deputy Chair), Ibrar Hussain, Bob Johnson, Bryan Lodge, Bob McCann, Peter Price, Peter Rippon, Garry Weatherall, Joyce Wright, Joe Otten (Substitute Member) and Andrew Sangar (Substitute Member)

.....

1. APOLOGIES FOR ABSENCE

- 1.1 Apologies for absence were received from Councillors Trevor Bagshaw and David Baker and Councillors Andrew Sangar and Joe Otten attend the meeting as the duly appointed substitutes, respectively.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

- 3.1 Councillor Ibrar Hussain declared a personal interest in the applications for the erection of a fire station, access road and workshop/training building with ancillary facilities including cycle/bin store, car parking accommodation and landscaping works at the former recreation ground, Sheffield Parkway (Case No. 13/02895/FUL) and the erection of a fire station and training tower with ancillary facilities including fire service personnel accommodation, multi-purpose training room, car parking accommodation and landscaping works on land at the junction of Moor Valley And Birley Lane, Moor Valley (Case No. 13/02894/FUL), as a member of the Fire and Rescue Authority, but stated that he had not been involved with the two proposed developments or commented on them and that he would speak and vote thereon.
- 3.2 Councillor Bryan Lodge declared a personal interest in respect of applications for planning permission for a residential development with associated open space and landscaping at the Bannerdale Centre, 125 Carter Knowle Road (Case No: 13/04206/RG3) and a residential development with associated open space and landscaping at the site of Abbeydale Grange School, Hastings Road (Case No. 13/04204/RG3), as he had been involved with the Master Plan process for the site as a former Cabinet Member for Finance and Resources, but stated that he would consider the applications with an open mind and speak and vote thereon.
- 3.3 Councillor Andrew Sangar declared a personal interest in respect of applications for planning permission for a residential development with associated open space and landscaping at the Bannerdale Centre, 125 Carter Knowle Road (Case No: 13/04206/RG3) and a residential development with associated open space and

landscaping at the site of Abbeydale Grange School, Hastings Road (Case No. 13/04204/RG3), as he had been involved with the Master Plan process for the site as a former Cabinet Member for Children's Services and Lifelong Learning, but stated that he would consider the applications with an open mind and speak and vote thereon.

4. MINUTES OF PREVIOUS MEETING

- 4.1 The minutes of the meeting of the Committee held on 18 February, 2014 were agreed as a correct record, subject to the name of Councillor Bryan Lodge being added to the list of Councillors present at the meeting.

5. SITE VISIT

- 5.1 **RESOLVED:** That the Director of Regeneration and Development Services, in liaison with the Chair, be authorised to make arrangements for a site visit on Monday 31 March 2014, in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

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 as shown 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) having (i) noted (A) additional representations and (B) revised information on the proposed dwellings per hectare for the development site, to those detailed in the report now submitted (Page 36), all as detailed in a supplementary report circulated at the meeting and (ii) heard representations at the meeting from 2 representatives of Spring Wood Park and Carter Knowle and Millhouses Community Groups commenting on the proposals for the development site, an outline planning application under Regulation 3 of the Town and Country Planning (General) Regulations 1992 be granted, conditionally, to the City Council for a residential development with associated open space and landscaping at the Bannerdale Centre, 125 Carter Knowle Road (Case No: 13/04206/RG3), subject to amendments to Conditions 5, 6, 16, 19, 21, 33 and 38, as detailed in the aforementioned supplementary report;

(c) having (i) noted additional representations, as detailed in a supplementary report circulated at the meeting and (ii) heard oral representations at the meeting from 2 representatives of Spring Wood Park and Carter Knowle and Millhouses Community Groups commenting on the proposals for the development site, an outline planning application under Regulation 3 of the Town and Country Planning (General) Regulations 1992 be granted, conditionally, to the City Council for a residential development with associated open space and landscaping at the site of Abbeydale Grange School, Hastings Road (Case No. 13/04204/RG3) subject to

amendments to Conditions 4, 15, 33 and 42, as detailed in the aforementioned supplementary report;

(d) having (i) noted additional representations, as detailed in a supplementary report circulated at the meeting and (ii) heard oral representations at the meeting from three local residents objecting to the proposed development and two representatives of the applicant in support of the proposed development, an application for planning permission for the erection of 9 apartments with associated undercroft car parking accommodation on land between 1 to 3 and 5 and 7 Dover Road (Case No. 13/03930/FUL) be refused (A) for the reasons detailed in the report now submitted (B) with authority given to (1) the Director of Regeneration and Development Services or Head of Planning to take all appropriate steps including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised structures and excavation works on land between 1 to 3 and 5 and 7 Dover Road and (2) the Head of Planning, in liaison with the Chair of this Committee, to vary the action in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control;

(e) having heard an oral representation at the meeting from a local resident objecting to the proposed development, an application for planning permission under Regulation 3 of the Town and Country Planning (General) Regulations 1992, be granted, conditionally, to the City Council for the siting of two temporary classroom units at Acres Hill Primary School, Mather Road (Case No: 13/03519/RG3);

(f) having (i) noted (A) revised figures quoted for “improved population coverage” to those detailed in the report now submitted (Page 132) and (B) a petition containing 302 signatures objecting to the proposed development, as detailed in a supplementary report circulated at the meeting (ii) heard oral representations at the meeting from three local residents (including an environmentalist) objecting to the proposed development and two representatives of the applicant in support of the proposed development, an application for planning permission for the erection of a fire station, access road and workshop/training building with ancillary facilities including cycle/bin store, car parking accommodation and landscaping works at the former recreation ground, Sheffield Parkway (Case No. 13/02895/FUL) be granted, conditionally, subject to (1) an amendment to Condition 2 in respect of plan references, as detailed in the aforementioned supplementary report and (2) clearance by the Secretary of State; and

(g) having noted revised figures quoted for “improved population coverage” to those detailed in the report now submitted (Page 157), an application for planning permission for the erection of a fire station and training tower with ancillary facilities including fire service personnel accommodation, multi-purpose training room, car parking accommodation and landscaping works on land at the junction of Moor Valley And Birley Lane, Moor Valley (Case No. 13/02894/FUL) be granted, conditionally, subject to (i) Condition 23 being amended in respect of details being submitted concerning the sight line from the vehicle ingress/egress of the site, as detailed in the aforementioned supplementary report and (ii) clearance by the Secretary of State.

7. ENFORCEMENT OF PLANNING CONTROL: 20 PADDOCK CRESCENT

- 7.1 The Director of Regeneration and Development Services submitted a report on his investigation into a complaint received concerning a breach of planning control, in respect of the unauthorised erection of a fence and gate at the front and decking to the rear of 20 Paddock Crescent. The report stated that the fence had been erected to a height of 1.9 metres at its highest point and 1.66 metres at its lowest point, with part of the fence acting as a vehicle access gate. It was further stated that the decking was being erected at a height of 30cm from ground level. In view of these matters, officers had requested that the owner of the property reduce the height of the fence and gate, so that it was not more than 1 metre high along its length and to remove the decking. In response to the owner's concerns, although officers revised their request to reducing the height of the fence and gate adjacent to the highway, including the first panel along the property's side boundary by 0.5 metres and for a screen to be erected along the boundary to 22 Paddock Crescent for the length of the decking, the owner had not complied with this request
- 7.2 The Committee heard representations from the owner of the property who stated that the height of the fence was needed over safety fears for his family and to prevent further damage being caused to the property. He also indicated that the wooden construction to the rear of the property was proposed to be a shed.
- 7.3 **RESOLVED:** That (a) the Director of Regeneration and Development Services or Head of Planning be authorised to take all appropriate steps including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the fence, gates and decking at 20 Paddock Crescent; and
- (b) the Head of Planning, in liaison with the Chair of this Committee, be authorised to vary the action in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

8. ENFORCEMENT OF PLANNING CONTROL: 492 BARNESLEY ROAD

- 8.1 The Director of Regeneration and Development Services submitted a report on his investigation into a complaint received concerning a breach of planning control, in respect of the unauthorised use of a property for the sale of takeaway hot food and erection of an external fume extraction flue at 492 Barnsley Road and Skinnerthorpe Road. The report explained that the property had been converted from an estate agents office into two self-contained shop units, with one a barber's shop and the other a bakery/shop. It was stated that planning and advertising controls had not been contravened and the changes undertaken were within permitted development with regard to the subdivision of the property, signage and concerning the new use of the two units. Subsequently the bakery/shop began selling hot food products to take-away, changing the use to A5 and an inappropriate large external metal flume extraction unit was erected. It was further explained that, although the change of use to Class A5 for the sale of hot takeaway food, was acceptable in the area, it was necessary for a satisfactory fume extraction unit to be provided.

8.2 **RESOLVED:** That (a) the Director of Regeneration and Development Services or Head of Planning be authorised to take all appropriate steps including, if necessary, enforcement action and the institution of legal proceedings to secure:-

(i) the removal of the unauthorised externally mounted fume extraction apparatus/flue duct at 492 Barnsley Road; and

(ii) the cessation of the use of the ground floor of the aforementioned property for the sale of takeaway hot food, in the event that an acceptable solution for fume extraction is not found by the owner or occupier of the property, within four months of the date of this meeting;

(b) it be noted that the use of the ground floor of the property at 492 Barnsley Road for the sale of takeaway hot food be regularised by Director of Development and Regeneration Services, under delegated powers, in the event that an acceptable solution is found for the fume extraction;

(c) the Head of Planning, in liaison with the Chair of this Committee, be authorised to vary the action in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

9. **ENFORCEMENT OF PLANNING CONTROL: 24 TO 30 WALKLEY BANK ROAD**

9.1 The Director of Regeneration and Development Services submitted a report on his investigation into a complaint received concerning a breach of planning control, in respect of the unauthorised use of land for the mixed use of residential flats (existing use) and for the parking of commercial vehicles at 24 to 30 Walkley Bank Road. The report explained that three removal vans were being parked on the land, which was in an elevated position, making them prominent and out of keeping with the area and highly visible from surrounding residential properties. It was stated that the business and land owners had been informed accordingly and time allowed until 31 January 2014 to find alternative parking arrangements. Although two of three vans were allowed to remain on site until the aforementioned date, the parking was still taking place.

9.2 **RESOLVED:** That (a) the Director of Regeneration and Development Services or Head of Planning be authorised to take all appropriate steps including, if necessary, enforcement action and the institution of legal proceedings to secure the cessation of the use of the land at 24 to 30 Walkley Bank Road for the mixed use of residential flats (existing use) and for the parking/storage of commercial vehicles; and

(b) the Head of Planning, in liaison with the Chair of this Committee, be authorised to vary the action in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

10. **AN OUTSTANDING DEBT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990: LAND AT NEW STREET, HOLBROOK**

- 10.1 Further to Members' consideration of reports submitted to the former Planning and Highways Committees in November and December 2010 and January 2011, concerning the recovery of outstanding debts arising from Section 106 Legal Agreements under the Town and Country Planning Act 1990, the Director of Regeneration and Development Services submitted a report explaining that, in respect of a Section 106 Agreement with regard to the erection of an industrial unit and office at land off New Street, Holbrook (Case No. 05/4212/FUL) the Council's attempts to recover the sum of £3000 had been exhausted.
- 10.2 Details concerning the Agreement were outlined and reasons given as to why no further action was proposed in respect of recovering the debt, along with advice given by Legal Services in respect of this matter.
- 10.3 It was stated that a complete review of Section 106 Agreement procedures had been undertaken and a revised process had been adopted in an attempt to prevent similar cases arising in the future.
- 10.4 **RESOLVED:** That (a) the writing-off of an outstanding Section 106 Agreement debt for the amount of £3,000 in relation to Planning Application Case No. 05/04212/FUL, be endorsed; and
- (b) the Director of Finance be advised of the aforementioned decision accordingly.

11. DATE OF NEXT MEETING

- 11.1 It was noted that the next meeting of the Committee will be held on Tuesday 1 April 2014 at 2.00 pm at the Town Hall.



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 1 April 2014

Subject: PROPOSED CONVERSION OF EXISTING FOOTPATH LINKING EARL MARSHAL ROAD AND RUSHBY STREET INTO SHARED FOOTPATH/CYCLE TRACK

Author of Report: Richard Day 0114 273 6301

Summary: To seek authority to process the Cycle Track Order required to convert the existing footpath linking Earl Marshal Road to Rushby Street into a shared footpath/cycle track.

Reasons for Recommendations: It is necessary to obtain a Cycle Track Order to legally allow the subject footpath to be converted to shared use, so that it can form part of the new cycle route required as a Planning Condition on the new Fir Vale Primary School.

Recommendations: 1. Raise no objections to the proposal to convert the existing footpath between Earl Marshal Road and Rushby Street (as shown on the plan in Appendix A) to a shared footpath/cycle track, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.

2. Authorise the Director of Legal Services, to:
 - a. take all necessary action under the powers contained within Section 3 of the Cycle Tracks Act 1984;
 - b. confirm the Order as an Unopposed Order, in the event of no objections being received or any objections received being resolved.
-

Background Papers: None

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

PROPOSED CONVERSION OF EXISTING FOOTPATH LINKING EARL MARSHAL
ROAD AND RUSHBY STREET INTO SHARED FOOTPATH/CYCLE TRACK

1.0 PURPOSE

- 1.1 To seek authority to process the Cycle Track Order required to convert the existing footpath linking Earl Marshal Road to Rushby Street into a shared footpath/cycle track.

2.0 BACKGROUND

- 2.1 An application has been received from the Council's Capital Delivery Service, on behalf of the Council's Children, Young People and Families service, to convert an existing footpath linking Earl Marshal Road and Rushby Street at Fir Vale into a shared footpath/cycle track. The path is shown in detail in Appendix A, and its general location in the local area in Appendix B.
- 2.2 The proposed shared facility will form part of a new signed cycle route avoiding the busy Fir Vale road junction, which replaces an existing advisory cycle route which has been lost as a result of permanent highway closures in connection with the new Fir Vale Primary School. (The provision of a suitable new route was made a Condition on the Planning Consent for the new school).
- 2.3 To legally convert the status of an existing footpath into a shared cycle and pedestrian facility, it is necessary to make an order under Section 3 of the Cycle Tracks Act 1984. This report seeks authority to carry out that process and, provided there are no unresolved objections, to confirm the order.

3.0 PROPOSALS

- 3.1 The subject footpath runs along the western edge of the public open space between Earl Marshal Road and Rushby Street and has street lighting throughout its length. It is bounded on the west side by the site of the Fir Vale secondary school. No properties take any access from it.
- 3.2 The path is 4m wide, with the exception of the zig-zag ramp section at the top (Earl Marshal Road) end, which is 3m wide. The scheme designers confirm that the proposal is in accordance with relevant national guidance, and experience elsewhere in Sheffield suggests that these are adequate widths for shared use, therefore no new physical construction is proposed, only the legal order to convert the status.

- 3.3 Appropriate signage will be installed, indicating the shared status.
- 3.4 For the avoidance of any doubt, the straight, stepped section between the ends of the zig-zag is to remain unchanged as a pedestrian-only route, so will not form part of the Order.

4.0 CONSULTATIONS

- 4.1 Initial consultations have been carried out with the Police, 'Statutory Undertakers' (utility companies), and other relevant bodies, as prescribed by the Cycle Tracks Regulations 1984.
- 4.2 Objections have been received from utility companies Atkins Global (acting for Vodafone) and National Grid Gas, on the grounds that their equipment is affected by the proposal.
- 4.3 After careful study of Atkins' detailed plans sent with their objection, Officers can see that their equipment, whilst certainly nearby, is actually not affected by the proposal, and have written back accordingly asking for the objection to be withdrawn.
- 4.4 National Grid's gas pipe serving Fir Vale Secondary School does pass under the subject path, but use of the path by cyclists in addition to pedestrians would have absolutely no detrimental effect on that pipe. So Officers believe that National Grid have misunderstood the nature of the proposal, and have written to them with further explanation of the proposal and a request to withdraw the objection.
- 4.5 The meeting will be updated verbally on progress with these two matters, but Members are asked to note that the authority sought in Section 10 of this report is, in any case, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.
- 4.6 Not all of the people and bodies consulted had responded at the time of writing this report, but of those who have replied, including the Council's Access Officer, none have objected to the proposal.
- 4.7 If any further negative comments are received before the Committee meeting, they will be reported verbally.

5.0 LEGAL IMPLICATIONS

- 5.1 Legal Services has been consulted and advised that an Order under Section 3 of the Cycle Tracks Act 1984 shall be required to convert the footpath to a shared footpath/cycle track.

- 5.2 A local highway authority may in the case of any footpath for which they are the highway authority, by order made by them and confirmed by them as an unopposed order, designate a footpath, or any part of it, as a cycle track. This order may be confirmed by the authority as an unopposed order only in the form in which it was made.
- 5.3 In the event that objections are received which cannot be resolved and therefore the order cannot be confirmed as an unopposed order, the local highway authority shall re-evaluate whether the order should be made. Should the decision be made to proceed, approval will be sought via a subsequent Committee report making clear the difference in approach – namely, the local highway authority shall ask that the order be confirmed by the Secretary of State either in the form in which it was made or subject to such modifications as he thinks fit.
- 5.4 Once the order has been confirmed, the footpath to which the order relates shall continue to be a highway which for the purposes of the Highways Act 1980 is a highway maintainable at the public expense, but shall become one over which the public have a right of way on pedal cycles (other than pedal cycles which are motor vehicles) as well as on foot.

6 EQUAL OPPORTUNITY IMPLICATIONS

- 6.1 Clearly, the concept of opening up a footpath to cycle use does have implications for pedestrian users of the path and, in particular, disabled people. Width and visibility are key issues.
- 6.2 The scheme designers have confirmed that the path is in accordance with the relevant guidance on width given in the Department for Transport Local Transport Note 2/04. Furthermore, and despite being alongside the fence of Fir Vale Secondary School on one side, the path has good visibility throughout, and it has a very open ambience and ‘feel’ as it runs along the edge of the public open space between Earl Marshal Road and Rushby Street.
- 6.3 In view of this, the Council’s Access Officer is in agreement with the proposal.

7 ENVIRONMENTAL IMPLICATIONS

- 7.1 In general, cycling is clearly an environmentally friendly form of transport. Whilst this proposal, on its own, is unlikely to achieve any significant shift of journeys to cycle use, the bigger issue is the provision of a widespread network of cycle facilities around the city. Noting that this proposal is for a facility which forms part of the replacement for a low-traffic cycling route lost as a result of development, it is hoped that it will form a small but useful part of that bigger cycle network which, overall, certainly can encourage and increase cycle use.

8 FINANCIAL IMPLICATIONS

- 8.1 All costs associated with this proposal, forming part of the Planning Conditions imposed on the new Fir Vale Primary School, have been budgeted for as part of the school project, and will be fully funded by the Council's Children, Young People and Families portfolio from their Basic Need Funding allocation.

9 CONCLUSION

- 9.1 Formal conversion of the existing adopted public footpath between Earl Marshal Road and Rushby Street into a shared footpath and cycle track will allow a signed cycle route to be provided which avoids the busy Fir Vale junction. This route will form a replacement for the previous advisory route via Skinnerthorpe Road and Bagley Road which has been lost as a result of the construction of the new primary school on that site.
- 9.2 Officers believe that it will not adversely affect the public's enjoyment of the area and will have no detrimental effect on the surrounding highway network and its users.
- 9.3 Members are asked to note that, should they approve this report and an Order be made, all persons and bodies already consulted will be served formal notice of the proposal (to which they can then formally object if they so choose). It will also be advertised by public notices on the path itself for at least 28 days, and in the local press. Any objections received in response, and which are not then resolved by negotiation, must be reported back to this Committee for a decision on the way forwards.

10 RECOMMENDATIONS

- 10.1 Raise no objections to the proposal to convert the existing footpath between Earl Marshal Road and Rushby Street (as shown on the plan in Appendix A) to a shared footpath/cycle track. This would be subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.
- 10.2 Authorise Legal Services, to
- a. take all necessary action under the powers contained within Section 3 of the Cycle Tracks Act 1984.
 - b. confirm the Order as an Unopposed Order, in the event of no objections being received or any objections received being resolved.

Steve Robinson
Head of Highway Maintenance

1 April 2014

This page is intentionally left blank



APPENDIX A
Cycle Tracks Act 1984 Section 3
Proposed conversion of public footpath
Earl Marshal Road to Rushby Street,
Fir Vale, Sheffield, S4,
into shared footpath / cycle track.

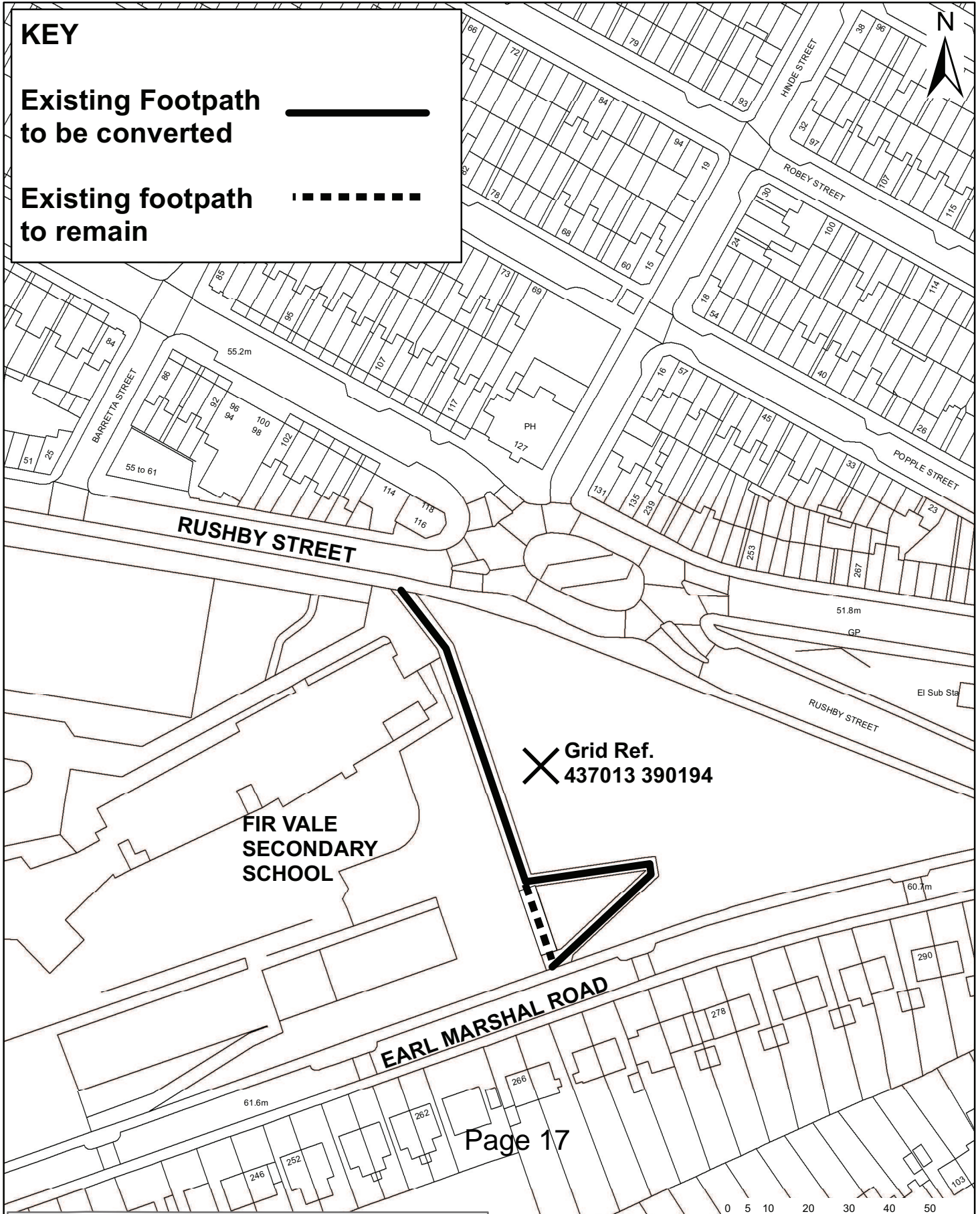
Scale: 1:1,250

KEY

**Existing Footpath
to be converted**



**Existing footpath
to remain**



This page is intentionally left blank

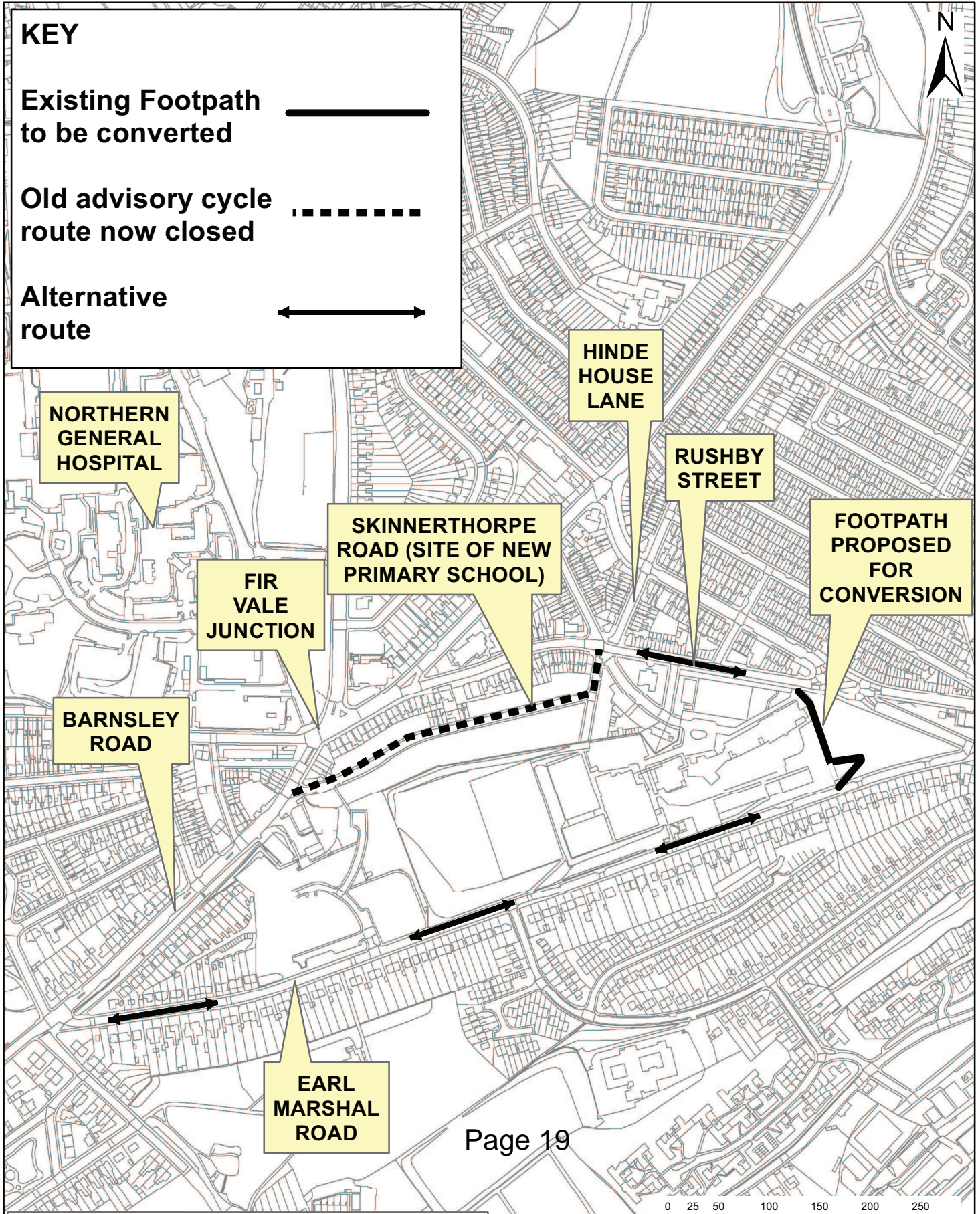


KEY

Existing Footpath
to be converted 

Old advisory cycle
route now closed 

Alternative
route 



This page is intentionally left blank



SHEFFIELD CITY COUNCIL

Planning and Highways Committee

Report of: Director of Regeneration and Development Services

Date: 01/04/2014

Subject: Applications under various acts/regulations

Author of Report: Chris Heeley and Lucy Bond

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.
14/00221/FUL	183 Greystones Road Sheffield S11 7BT	25
13/04176/FUL (Formerly PP-03062557)	Bells Court Bells Square Sheffield S1 2FY	40
13/01959/FUL (Formerly PP-02572194)	Site Of Richardsons Cutlery Works Alma Street & Russell Street Sheffield S3 8SA	51

This page is intentionally left blank

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To the Planning and Highways Committee
Date Of Meeting: 01/04/2014

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	14/00221/FUL
Application Type	Full Planning Application
Proposal	Erection of 4 dwellinghouses with associated car parking and landscaping
Location	183 Greystones Road Sheffield S11 7BT
Date Received	16/01/2014
Team	South
Applicant/Agent	A J Marsh Building Surveyors 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.

Reason; 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 2013/02
Drawing numbers:
OS2 Rev B

P1
1 Rev A
2 Rev A
4
5 Rev A
10 Rev A
11 Rev A
13 Rev B

Reason; In order to define the permission.

- 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.

Reason; In order to ensure an appropriate quality of development.

- 4 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.

Reason; In the interests of the visual amenities of the locality.

- 5 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.

Reason; In the interests of the visual amenities of the locality.

- 6 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.

Reason; In the interests of the visual amenities of the locality.

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

trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

Reason; In the interests of the visual amenities of the locality.

- 8 No development shall commence unless a detailed ecological management plan has been provided and approved, which should include measures for replacement trees and details of the boundary treatment for the demarcation of the badger run.

Reason; In the interests of biodiversity.

- 9 The development shall not be occupied unless the measures within the approved ecological management plan have been carried out.

Reason; In the interests of biodiversity.

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

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

- 11 The gradient of the access driveways shall not exceed 1:12, unless otherwise approved by the Local Planning Authority.

Reason; In the interests of the safety of road users.

- 12 The development shall not commence unless details of the new gateway entrance from Greystones Road drawn at least at 1:50 scale have been provided in plan and elevation form and approved. Thereafter this part of the development shall be built in accordance with the approved details.

Reason; In the interests of the safety of road users.

- 13 Before works are carried out to the existing driveway, details of the level of excavation and measures to protect trees shall have been provided in writing and approved. Thereafter this part of the development shall be built in accordance with the approved details.

Reason; In the interests of the safety of road users.

- 14 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 the dwellings shall not be used unless such means of site boundary treatment has been provided in accordance

with the approved details and thereafter such means of site enclosure shall be retained.

Reason; In the interests of the visual amenities of the locality.

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

Reason; In order to mitigate against the risk of flooding.

Attention is drawn to the following directives:

1. 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.
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 is advised that the Local Planning Authority has reason to believe that the application site may contain species and/or habitats protected by law. Separate controls therefore apply, regardless of this planning approval. Please contact The City Ecology Unit Telephone Number 0114 273 4481 for more information in this respect.
4. When preparing detailed proposals for the development of this site, the developer is advised that the Council will encourage the provision of easily accessible housing, capable of adaptation to meet the needs of various people with mobility impairments. Known as "mobility housing", further details are available together with guidance notes from the Access Officer on (0114) 2734197 or from Planning Enquiries on (0114) 2039183.
5. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please

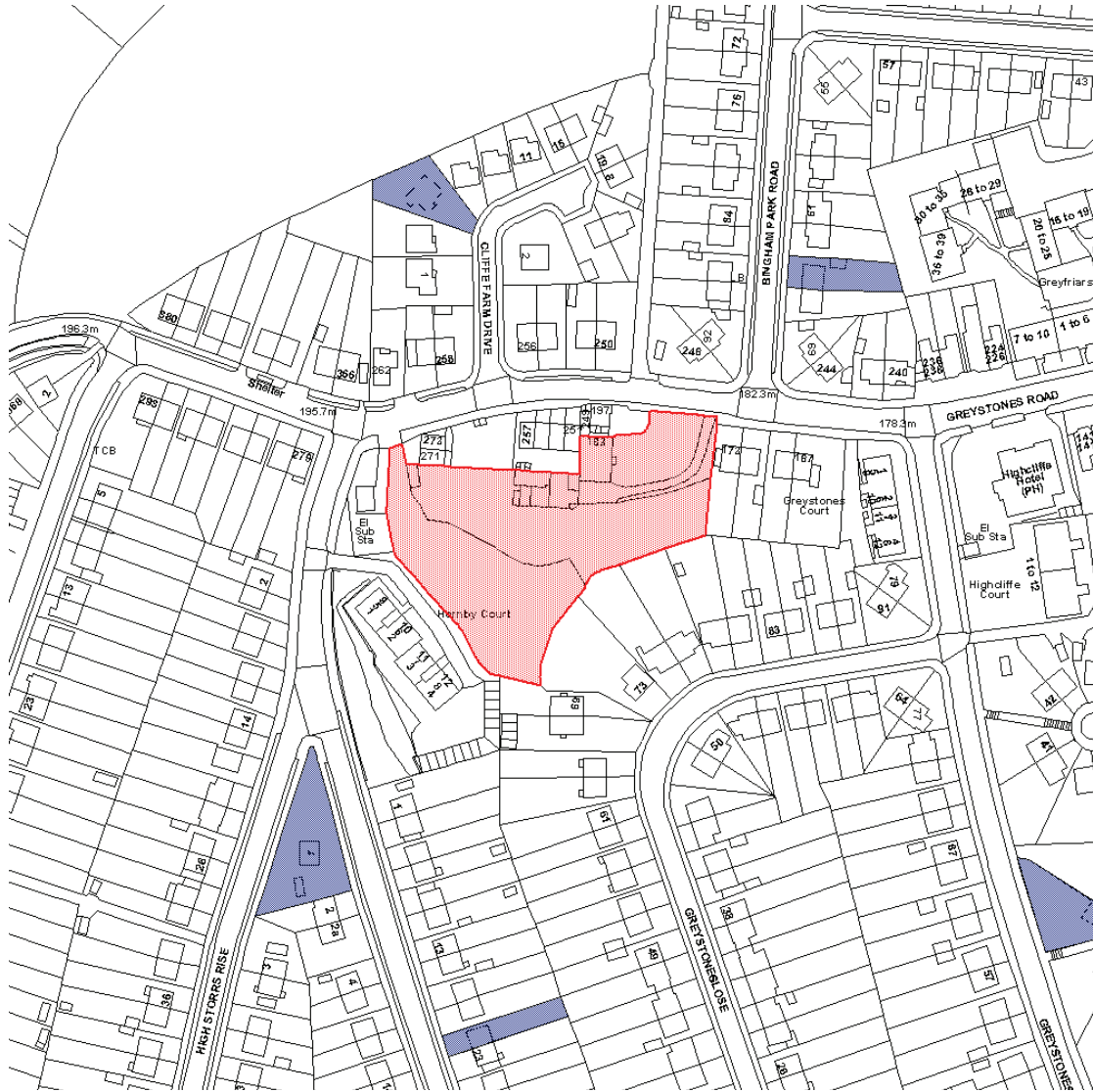
refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk. Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory 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.

7. 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



© Crown copyright and database rights 2013 Ordnance Survey 10018816

LOCATION AND PROPOSAL

The proposal refers to a site situated on land beside 183 Greystones Road. The present house is an attractive detached stone built building with a group of existing outbuildings and land to the front, side, and rear. 183 is a unique property in the streetscene, and does not directly face Greystones Road. Other properties in the immediate vicinity also do not follow any regimented built form, with a series of stone cottages between 197-273 Greystones Road differing in the way they address the streetscene and, behind the site, Hornby Court - a flat roofed 3 storey apartment block of functional appearance which takes no architectural cues from the local area.

The relatively hap-hazard siting of dwellinghouses contrasts sharply with the more regimented layout common to the wider area, where brick built semi-detached housing, interspaced with the odd detached residence, are the common building type, built utilising more regimented orientation to the street scenes in which they belong.

The existing site is upon a slope, and rises towards the South West towards Hornby Court. The site is presently heavily wooded, and comprises of a series of trees both close to Greystones Road to the North East and a wider set of trees covering the majority of the West of the site.

The application seeks approval for the construction of 4 detached 4 bedroomed dwellinghouses on the site. The proposal includes the utilisation of a shared drive from the existing access point on Greystones Road, with the existing entrance point widened.

Amended details received on 18/03/2014 have made minor changes to the proposal, involving revised driveway details onto Greystones Road (taking account of trees) and slight changes to the badger mitigation measures, trees information, orientation of one house plot and front elevation of 3 of the proposed houses.

No proposed alterations are proposed to the outbuilding of the subject property. As such, this application will need to focus only on the 4 houses proposed, and not the potential future development of the outbuildings, which will need to be assessed on its own merits if and when an application is made.

RELEVANT PLANNING HISTORY

There has been one previous application here for the development of 4 houses within the last year. This application (Ref: 13/01828/UL) was withdrawn on 25/07/2013, following officer concerns regarding the need for more information concerning the ecology and landscaping impact.

A previous scheme for 4 dwellings was granted conditionally on 23/12/1998 under reference number 97/01554/FUL. This scheme was granted permission after the Unitary Development Plan (UDP) was adopted in March 1998, but before the Core Strategy was adopted in 2009. As such, this development still holds some material weight with regards to the assessment of UDP policies.

SUMMARY OF REPRESENTATIONS

Fifteen representations have been received in connection with this application. Fourteen object to the proposal and the following comments have been received:

The proposal will impact negatively upon wildlife and biodiversity.

The proposal will adversely affect protected species (including concerns that the badger run shown is likely to be ineffective).

The loss of woodland will remove a valuable green area.

The proposal will increase traffic levels.

The proposal will cause additional parking congestion.

The access onto Greystones Road will have poor visibility and will be dangerous.

The three-storey nature of the houses will be out of character with the surrounding area.

The proposal will block light to neighbouring property.

The proposal will overlook neighbouring property.

The new buildings will be out of scale and character with neighbouring properties.

The proposal results in 'overdevelopment'.

The following issues have been also received, which are not material planning considerations and so will not be considered in the assessment below:

Noise and disruption caused by the building of the new houses.

Loss of views from neighbouring houses.

One representation has been received in support of the application from a neighbouring property. The representation states that they have no objection to the proposal and makes comments that:

The trees on the site are not protected.

The species on site are resilient and have not been negatively impacted by previous development.

Existing Open Space lies nearby.

Three storey houses are present in the local area, and the houses will be shorter than existing trees on site.

The proposed development has its own parking areas, limiting any additional demand for on street parking.

Alterations to the site entrance will improve visibility.

PLANNING ASSESSMENT

Any planning assessment of the site would rely upon the provisions of policies BE5 'Building Design and Siting'; BE9 'Design for Vehicles'; GE15 'Trees and Woodland'; H14 'Conditions on Development in Housing Areas'; and H15 'Design of new Housing Developments'. Core Strategy policies CS23, CS24 and CS26

relating to housing; CS64 relating to climate change; CS67 'Flood Risk Management' and CS31 relating to design for the South West area of the City and CS74 'Design Principles' would also apply.

Land Use Policy.

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

The site is greenfield and does not therefore constitute previously developed land. Core Strategy policy CS24 gives priority for the development of new housing on previously developed land and states that no more than 12% of dwellings should be constructed on greenfield land in the period up to 2025/26.

It also states that such development should only occur on small sites within urban areas, where it can be justified on sustainability grounds. The current house completion database shows that 5.4% of new houses have been built on Greenfield sites so the proposal would be well within the 12% threshold.

Policy CS23 'Locations for New Housing' states that new housing development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure. In the period 2008/09 to 2020/21, the main focus will be on suitable, sustainably located, sites within, or adjoining the main urban area of Sheffield. The site is small within an existing urban area and sustainably next to a regular bus route and within walking distance of local schools and services. In this context, the development of this small Greenfield site for new housing complies with the aims of policies CS23 and CS24.

CS26 'Efficient use of Housing Land and Accessibility' specifies that housing development should make efficient use of land. For parts of the urban area such as this site (next to a High Frequency Bus Route, but not within 400m of a District Centre), the desirable density range is between 40-60 dwellings per hectare under this policy (subject to the character of the area being protected). In this case, the density is 14.3 dwellings per hectare (4 dwellings in 0.278hectares), which is just under half the minimum desirable density. Given the setting of the site and the ecological requirements noted later in this report, this lower density can be justified on the basis of the need to protect the character of the area.

Layout, Design and External Appearance.

UDP policy H14 and Core Strategy policy CS74 expect good quality design in keeping with the scale and character of the surrounding area. H15 requires, amongst other things, the provision of easy access to homes and circulation, and the provision of uniform walls and fences around rear gardens.

Core Strategy policy CS31 deals with housing in the south west area and this says that priority will be given to safeguarding and enhancing its areas of character. The policy defines 'south west' as between the Manchester Road and Abbeydale Road corridors.

The layout of the houses in the immediate vicinity consists of a loose layout which has developed organically (comprising of the cottages between 197-273 Greystones Road) and through infill development (such as Hornby Court). The immediate area contrasts sharply with the wider area, where regimented layouts are more common

The proposed development does achieve an organic style layout that will not look out of character. It is noted that the development will have the appearance of being 'back land' development. However, this does not result in development that appears out of character with the local area given that the lack of uniformity of houses in the immediate vicinity do not demand a regimented layout. The form of the existing road access will remain the same as existing, and the sideways orientation of 183 will mirror that of plot D, and will also essentially mean that the houses will all front onto the drive.

The detached layout of buildings will be in character with the size of other houses in the vicinity, where detached houses are not uncommon. The footprint of all the buildings will be in scale with the local area, with none exceeding that of 183 and the houses being similar to the scale of inter-war houses common to the area. The height of the houses will be in scale with the neighbourhood. The height of the houses will be lower than Hornby Court and higher than 183 Greystones Road. This is in line with the slope of the land, where buildings do follow the natural fall in land to the North East, ensuring the houses will not look out of place. From the front, it is noted that the houses will have the appearance of being 3-stories due to the build into the hill, whilst the majority of houses in the local area are two-storey buildings – Hornby Court being the obvious exception to this. However, the impact on the character of the area will be negligible given the location of the houses in a backfields site, and also the fact that the overall apparentness of the additional storey will be limited from the side and rear aspects by the fact the houses are to be built into the hillside.

Due to the back land location of the houses, their impact on the wider street scene and appearance of the local area will be minimal.

The original proposal did present some concerns that the ground floor of the houses was dominated by vehicle provision including two basement garage doors. This has been improved in amended plans received on 18/03/2014, which have removed one of the garage doors on each dwelling and added more ground floor windows to the houses, resulting in a more open aspect onto this area. Full landscaping proposals, reserved by condition, should provide opportunity to soften up the boundary fence treatment to plot D to provide an adequate aspect to this side.

Due to the nature of the site, and the scale of development, it is not large enough to provide additional pedestrian permeability through the site.

With respect to the design and external appearance of the individual houses, the designs of these are considered adequate. The use of natural stone will tie in with the use of stone on the neighbouring cottages and 183 itself. The concrete roofing

tiles are less desirable but will not be out of character with concrete roofing materials used upon a significant proportion of properties in the local area, and will also reflect the more modern style of the proposed dwellings.

The fenestrations of the dwellings have been improved since the first submission in order to provide a better alignment between the openings and windows on their main front elevations. Generally, they are considered to be adequately proportioned, and will have a suitable external appearance.

There is reasonable circulation to the dwellings. Given the small scale of the development (under 5 houses), the cul-de-sac drive layouts are appropriate, and the main front doors have been located in positions that are legible and easy to read from the access road.

The rear gardens will feature boundary treatments, details of which will be reserved by condition.

Trees and Landscaping

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

Core Strategy policy CS74 requires new development to take advantage of woodlands and natural features. There are several trees on the site, of which three are protected by a Tree Preservation Order towards the Greystones Road frontage of the site.

The three protected trees comprise of 2 Scots Pine and 1 Yew tree. The proposal does not involve any significant changes close to these trees. The driveway position is not shown to be moved any closer to these trees than is existing, with the widening instead taking place towards the east of the site, away from these trees. It is recommended that a condition to ensure that any drive repaving work details are provided before work commences should be included in any positive determination so that the impact of any possible additional excavation works can be assessed.

The remainder of trees are not protected on site. It is noted that the proposal will result in the removal of several trees. The tree survey details submitted show 25 (including a group of 5 ash trees) out of 83 trees on site being removed. Looking at the details, officers believe that a further 3 trees would likely be removed by the proposal – a beech tree next to the parking area, and two smaller trees next to plot D.

The proposal makes a reasonable attempt to retain an element of tree cover on the site. A significant group of poplar trees will remain towards the north west of the site, whilst a mix of beech, cherry and ash trees will remain to the southern section. The majority of these trees will have no built development within their root protection area given that many will be more than 10m from the position of the new houses. It is noted that a tall beech tree on the site will have development within its root protection area (which is large given the height and size of the tree). This

may limit its lifespan or threaten its future survival. However, the tree is not considered worthy of a preservation order due to its lack of presence in the public domain.

In this context, the fact that the tree is not covered by an order carries significant weight, and would make a refusal of the scheme based on the potential reduction in the lifespan of one of the trees very hard to substantiate.

The plans do show some drawings indicating new planting towards the west of the site. Full details for this will be reserved by condition, but would be in line with the aims of GE15, which seeks replacement trees where appropriate. The requirement for trees will be reserved by condition.

Highways Considerations

A proportion of representations received have objected on the basis of the new access way being in a dangerous location and the addition to parking congestion.

Policy H14 (part d) from the Unitary Development Plan (UDP) requires development to provide safe access to the highway network, provide appropriate off-street parking and not endanger pedestrians.

With regards to the access way proposed, the present arrangement involves a gateway leading to a driveway for 183 Greystones Road. The proposal is to utilise this existing access way, widening it to 4.1m, and to form a new shared drive for all the houses on the site.

The proposal shows 2 designated off-street spaces for all 4 plots, plus space for visitor accommodation and space for the residents of 183. The number of parking spaces proposed is suitable, and highway officers raise no objection to the proposed access point.

The proposed widening of the access way will improve visibility, and will enable users to have adequate visibility to make manoeuvres. It will also provide suitable visibility so that a user entering the site will be able to properly see if one is leaving the site at the same time – reducing the risk of collision. The number of parking places within the site will ensure that on-street parking on the highway should not increase.

Impact on the Amenities of Existing Residents

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

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

It is important to ensure that the proposal would not result in a significant and/or unreasonable loss of privacy to neighbours nor result in a development having an overbearing nature which would be to the detriment of neighbours' amenities.

Representations refer to potential overlooking from the proposal. The proposal, as indicated, would offer suitable separation distances from neighbouring dwellings. The layout indicates that the main aspects of plots A, B and C will be over 21m distant from the windows of the apartments at Hornby Court, with the minimum distance being 23m. This is sufficient to prevent any significant privacy concerns towards this neighbouring property. Plot D will have front windows 15m distant from the curtilage boundary with 173 Greystones Road, providing a suitable distance to the garden area to prevent privacy issues arising.

The separation distances from neighbouring properties are significantly greater than 12m from their windows in all cases, more than sufficient to make an argument of overshadowing untenable.

The traffic levels from the new driveway should not cause significant nuisance for 173 Greystones Road (the closest property). Although higher traffic levels are expected compared to the existing situation, the driveway will be located solely to the front of the neighbour, limiting traffic noise. In addition, the curvature of the drive will ensure that headlights at night will largely be facing away from this property.

Amenity of Future Occupants

UDP policy H14 (part c) also requires suitable amenities to be provided for the subject properties.

The houses should have a good outlook. All the main rooms will have suitable access to light, and will look over the public front area or towards their rear gardens. Some trees will remain, but the extent of removal should allow for a suitable degree of light to reach these houses.

Each house will have ample amenity space. The smallest garden will be approximately 70 square metres in area (plot C), whilst the remainder will all have plots of at least 100 square metres in area. All these are greater than the 50 square metres normally considered as a minimum requirement.

Mobility Housing

The provision of mobility housing is encouraged by policy H7. Plot D is sufficient to provide mobility housing for the site. Ideally, a pavement for separate pedestrian access from Greystones Road would be encouraged. However, given the nature of the street scene, this would make the entrance more conspicuous and would also widen the driveway to a point where it would impact upon protected trees (see above). Given the nature of the driveway, where traffic will be infrequent, these concerns outweigh the concern about there not being a separate defined pedestrian route to the house separate from the level of the roadway.

Impact on Wildlife

A key principle of the National Planning Policy Statement (NPPF) is to conserve and enhance the natural environment.

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

An Ecological Scoping Survey has been submitted in support of the application, exploring specifically for wildlife habitats for protected species (searching for bats and badgers). The survey information concluded that there were no bats roosting in any of the buildings or utilising the trees on site. The survey concluded that some bats may occupy crevices in the outbuildings. However, as the outbuilding is not being altered by the development, it is not appropriate to take this further.

The survey has highlighted that there is evidence of Badger activity on site, and the survey includes measures to mitigate against the harm. The mitigation measures propose creating a 'badger corridor' around the perimeter of the site, free from human activity and outside the curtilage of the proposed properties, which will be at least 3m wide (the majority being wider). Two holes are proposed to be closed by the development. However, this will leave ample holes available as part of the sett arrangement on site. Ecology officers do not recommend the digging of replacement holes as this may increase disturbance and the numbers presently available are sufficient.

Ecology officers are satisfied that the mitigation measures proposed are appropriate to help conserve the protected species on site. They do, however, recommend that additional measures are taken to improve biodiversity – notably the inclusion of replacement trees for habitat, ideally fruit trees to also provide food for the protected species. It should be noted that development will remain subject to a licence from Natural England. Measures in the landscaping arrangements can be made to minimise any potential disturbance to wildlife, and enhance local biodiversity including the planting of trees or arrangements of bird boxes and bat boxes, which can be provided and assessed through condition before any development commences.

Water Runoff

The site is under 0.5 hectares in area. As such, the requirements under CS67 'Flood Risk Management' for runoff to be reduced to 5l/sec/hect does not apply. The policy does require design measures to be taken to limit potential runoff from the development. The plans show that it is intended to utilise a Sustainable Drainage System to the driveway (permeable concrete block is shown), plus the use of some rainwater harvesting. These measures appear to be in line with the policy recommendations. A condition to provide fuller information on these will be included in any decision to ensure that the runoff will not be problematic for the site.

SUMMARY AND RECOMMENDATION

This planning application seeks to establish the development of 4 houses on the site, with access from Greystones Road. The principle of the works would be acceptable in terms of its layout, scale of development, and respect of the layout and form of houses in the immediate area. There would be no harm to the amenities of existing occupiers and the access way would be acceptable, with highways officers recommending that they will not cause any highway safety problems. It is considered that the proposal would be acceptable and complies with all policy criteria set out in this report. The scheme would therefore comply with the aims of relevant planning policy, notably policies: BE5, BE16, BE17, GE11, GE15, and H14 from the Sheffield Unitary Development Plan (UDP) and policies CS24 and CS74 from the Core Strategy. This application is, therefore, considered to be acceptable and is recommended for conditional approval.

Case Number	13/04176/FUL (Formerly PP-03062557)
Application Type	Full Planning Application
Proposal	Demolition of the south east corner of Bells Court and conversion and extension to form 39 student apartments with associated landscaping
Location	Bells Court Bells Square Sheffield S1 2FY
Date Received	13/12/2013
Team	City Centre and East
Applicant/Agent	Coda Planning Ltd
Recommendation	Grant Conditionally subject 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.

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

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

Drawing Numbers 2070-001, 1950-004, 005, 006, 007

Reason; In order to define the permission.

- 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.

Reason; In order to ensure an appropriate quality of development.

- 4 Before any development commences details of the following matters shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the building is occupied.
 - Window reveals

- Courtyard entrance gate including security measures which should be designed to facilitate inclusive access.
- Glazed canopy to cycle parking
- Lighting to courtyard
- Cladding pattern and how it intersects with windows and eaves.
- Seating and tables to the courtyard space
- Typical window to existing building and proposed extension
- Design of bin stores incorporating access doors that facilitate inclusive access.

Reason; In order to ensure an appropriate quality of development.

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

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

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

Reason; 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.

- 6 The new build dwellings hereby approved shall be constructed to achieve a minimum standard of Code Level for Sustainable Homes Level 3 and before any dwelling is occupied (or within an alternative timescale to be agreed) the relevant certification, demonstrating that Code Level 3 has been achieved, shall be submitted to and approved in writing by the Local Planning Authority. The sustainable design features listed in bullet points 2 and 3 of section 5 of the Design and Access Statement shall be implemented in the converted building. A validation statement detailing the specific improvements that have been carried out shall be submitted to and approved by the Local Planning Authority before the flats within this part of the building are brought into use.

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

- 7 The residential accommodation hereby permitted shall not be occupied unless a scheme of sound attenuation works has been installed and thereafter retained. Such scheme of works shall:
- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey,
 - b) Be capable of achieving the following noise levels:
 - Bedrooms: LAeq 15 minutes 30 dB (2300 to 0700 hours),
 - Living Rooms: LAeq 15 minutes 40 dB (0700 to 2300 hours),
 - c) Include a system of alternative acoustically treated ventilation to all habitable rooms.

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

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

- 8 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.

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

- 9 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.

Reason; In the interests of the visual amenities of the locality.

- 10 No development shall commence until the improvements to the footpath to the Bailey Street frontage consisting of reinstatement of redundant vehicular

crossings and resurfacing in accordance with the secondary palette as described in the Urban Design Compendium 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 flats are occupied.

Reason; 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.

- 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.

Reason; In order to define the permission.

- 12 The building shall not be used unless the cycle parking accommodation for 28 cycles as shown on the approved plans has been provided in accordance with those plans and, thereafter, such cycle parking accommodation shall be retained.

Reason; In the interests of delivering sustainable forms of transport.

- 13 The gradient of the access into the courtyard shall not exceed 1 in 21.

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

- 14 The hard surfaced areas within the courtyard shall be constructed of porous paving if practical, full details of which shall have been submitted to and approved in writing by the Local Planning Authority before the development commences. Thereafter the hard surfacing shall be implemented in accordance with approved details.

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

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.

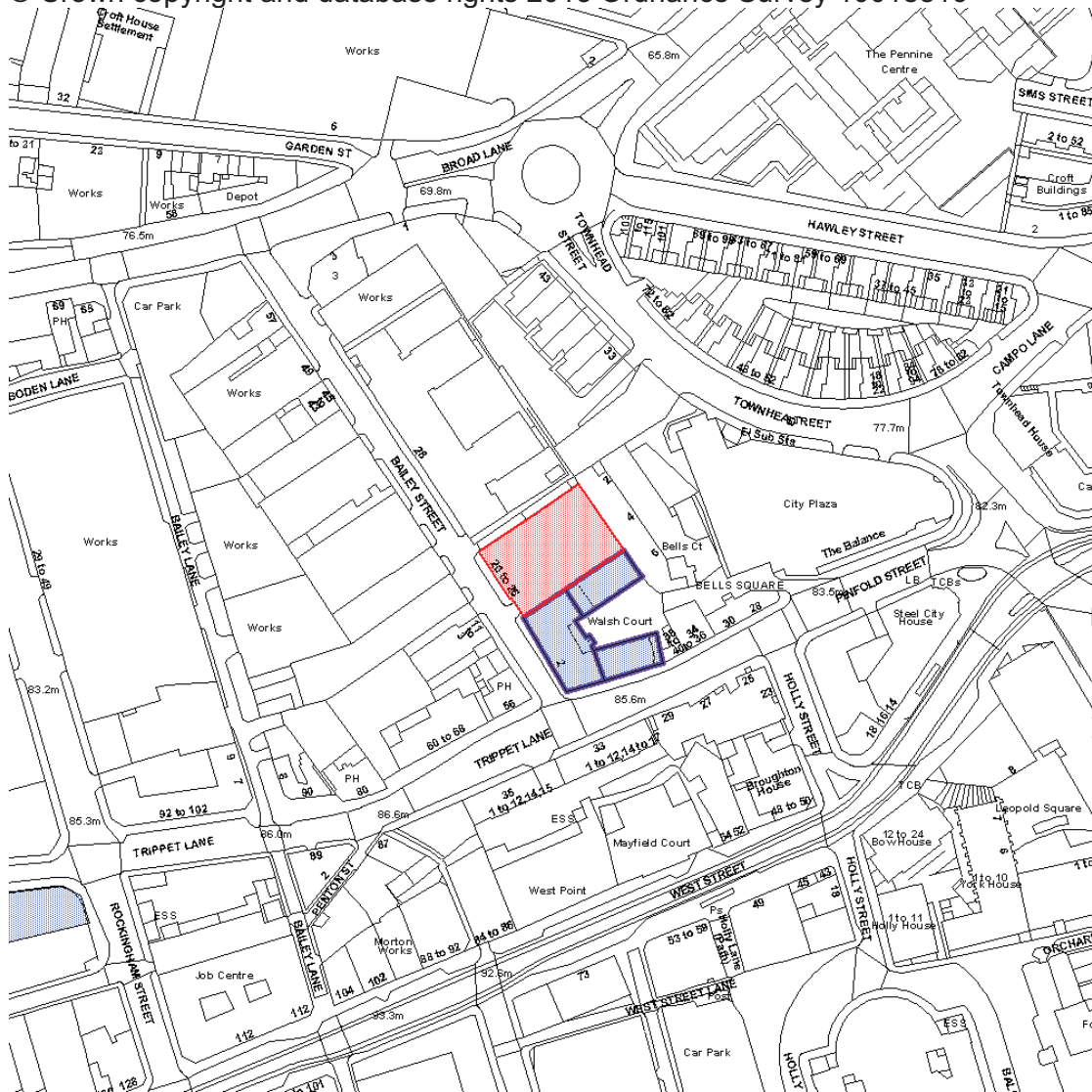
2. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority 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.

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. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.

Site Location

© Crown copyright and database rights 2013 Ordnance Survey 10018816



LOCATION AND PROPOSAL

The site is occupied by a two/three storey industrial/office building with a basement, probably constructed in the 1940/50s. It is brick faced with a flat roof and there is a small step in the parapet facing Bailey Street such that it appears to step down this steeply sloping street.

The building occupies the whole site except for a narrow strip along the north-west side of the building which is used as a parking and loading area for a flooring contractor who occupies the basement of the building.

The first floor of the building is currently unoccupied but the ground floor is used for parking and occupied by two charities. The flooring contractor who occupies the basement is expected to remain.

Bailey Street is occupied by residential, office and industrial uses in predominantly brick faced buildings that range in height from single storey to 6 storeys. Mandale House is located immediately to the north and on the same side of Bailey Street. It is a residential/office development of between 3 and 6 storeys high. Walsh Court is situated to the south of the site in a 3 to 4 storey former office building that has recently been converted into student flats.

The application is seeking permission to convert the existing building into flats, to extend at roof level with two additional floors, to demolish part of the existing building and construct a small two storey new block at the rear of the site. The scheme will provide 39 flats comprising of 4 one bedroom units, 1 two bedroom unit and 34 studio units which all have self-contained facilities. The only communal facilities are a laundry and a communal courtyard incorporating bicycle parking.

The flats are accessed via an archway from Bailey Street with all the lobbies and flat entrances served from the courtyard.

The existing building is faced in brown brickwork and the new two storey block will also be faced in brown brick. The additional floors will be clad in Sotech lightweight cladding panels. These are aluminium cladding panels which are likely to be coloured grey and the illustrations shown a shingle cladding pattern.

SUMMARY OF REPRESENTATIONS

None received

PLANNING ASSESSMENT

Policy

The site lies within a Business Area in the Unitary Development Plan (UDP). Business is the preferred use but housing is acceptable (Policy IB7). Policy IB9 establishes criteria for development in industry and business areas. It says that changes of use should not lead to a concentration of uses which would prejudice the dominance of industry and business in the area. Currently office uses are dominant in the area so the development is acceptable in terms of UDP business and industry policies.

The site lies within a business area on the Sheffield Development Framework (SDF) Pre-Submission Proposals Map. Within this area there are no preferred uses but housing is an acceptable use and therefore the proposal is acceptable under SDF policy H1, which has some weight, albeit limited.

Core Strategy policy CS24 seeks to maximise the use of previously developed land for housing and the proposal is consistent with this policy.

Policy CS26 seeks to encourage the efficient use of land subject to development being in character with the area and supporting balanced communities. Within or near to the City Centre it promotes densities of at least 70 dwellings per hectare. The scheme density is 430 dwellings per hectare. The character issues are considered below in the design section.

Design Issues

The site adjoins but is outside the City Centre conservation area. The existing building is a typical 1950s office/industrial building with a flat roof and ribbon windows. Whilst it is not of any special merit it is a reasonable background building and its retention is welcomed.

The existing building is lower than the adjoining buildings either side. The additional two floors will mean the eaves height is similar to that of the buildings either side. As the pitched roof of the adjacent building to the south will still be higher than the application building as extended, it will appear as if the development is stepping down the street in line with the topography. It is therefore concluded that the proposed scale and massing of the building is acceptable.

The additional floors are set back from the Bailey Street frontage by approximately 1.5m. Given this and the metal facing material, the upper floors will clearly read as a new and contemporary element. The additional floors have been designed with a window fenestration to match the lower floors so the old and new will be tied together. The proposed cladding for the additional floors is considered to be acceptable in principle and similar materials are used on the adjacent Mandale House development. Ideally the flats should be accessed directly from the street frontage in order to activate the street and for personal safety reasons. In this case a combination of the existing floor levels and topography mean that the building does not lend itself to this approach. All the flats will be accessed from a small courtyard which will provide some outdoor seating and a reasonably pleasant and secure approach to the flats.

The courtyard is approximately 11m by 13m. Given that it is surrounded by 4 storey walls it will feel quiet enclosed and the scheme would benefit from a more generous courtyard space. The new build element impinges somewhat on this space, however the applicant has argued that this is necessary for the viability of the scheme and screens an ugly staircase that needs to be retained for the adjoining office building. Given this it is considered on balance that the scale of the courtyard is acceptable in this situation.

Amenity issues

A number of the studio units provide between 22- 35 sqm of floor space. These are very small units which provide little work/dining/storage space. However internal space standards are generally considered to be a matter for the occupier and developer unless they would result in unacceptably bad living conditions. Given this and the fact that the council has no approved internal space standards it is considered that there is no evidence with which to resist the proposal on this basis.

Two of the units have a poor outlook onto the large gable wall of the adjacent Mandale House between 4-6m away. Six of the studio units are single aspect with a deep footprint which means that they will have poor natural light to the bedroom areas, so artificial light will be needed virtually all the time in the bedrooms.

Twelve studios are positioned approximately 3m from the northern boundary of the site. As a result they obtain their outlook from the north over the communal garden space of the adjacent Mandale House development. The outlook distance to the flats in Mandale House is approximately 15m. This is not ideal, however it is unlikely the amenity space within the Mandale House development will be built on and the 15m separation between windows is acceptable in a city centre location such as this. A similar separation exists within the development between flats facing each other across the courtyard.

Overall amenity standards within the scheme are very tight and in some cases sub-standard. However these concerns need to be weighed up in the overall balance of benefits and dis-benefits.

Sustainability

The site is located close to shops, services and high frequency public transport services and as a result occupiers can benefit from a reduced need to travel by car. The high density development will help to support existing shops and services in the city centre.

The scheme re-uses part of an existing building which is more sustainable than a complete re-build scheme.

Core Strategy Policy CS64 seeks to promote sustainable design. It says this can be achieved by designing houses to achieve Code for Sustainable Homes Level 3. In this case because the development is part new construction and part conversion a condition is proposed requiring the new build element to be designed to meet Code level 3 and a scheme of sustainable design measures to be implemented for the conversion element. The applicant has said he will be installing new high performance double glazing and will consider measures to reduce water consumption and provide efficient boilers. Construction materials will be sustainably sourced where possible.

Core Strategy Policy CS65 states that all significant development will be required to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon sources. The Sheffield Heat and Power main, which is a low carbon energy source runs close to the site. The applicant has said that the scheme will be connected to this if possible. If not they will need to come up with alternative measures to meet the terms of this policy

Affordable Housing

Core Strategy Policy CS40 says that all new housing developments will be required to contribute towards the provision of affordable housing where this is practical and financially viable. In this case the developer has submitted a viability

appraisal which has been assessed by the District Valuation Office (DVO). The DVO has confirmed that the profitability of the scheme is borderline and therefore it is incapable of providing a contribution towards affordable housing.

Open Space

Unitary Development Plan policy H16 and the Supplementary Planning Guidance on open space requires developers to meet the open space needs of future occupiers. Adopting the standard formula for calculating the contribution gives a figure of £45,552. The applicant has argued that this is not affordable. However the DVO has concluded that whilst the development cannot make a contribution to affordable housing the open space contribution is realistic. This will be secured by a planning obligation and will be used in accordance with Policy H16 of the UDP and the Breathing Spaces Strategy.

Noise

A noise assessment has been submitted in support of the scheme and background noise was monitored over several days and nights. The results show that the noise levels are moderately low for a city centre location. Road traffic noise was found to be the dominant noise source with a lesser influence being noise from nearby mechanical services. Construction, glazing and ventilation specifications have been recommended to meet the Council's noise criteria.

There is an existing floor covering contractor located in the basement of the building (Aizlewood & Casson). There are no noise controls over the use or limits on the hours of operation. The premises are accessed from the north side of the site between the building and a boundary fence with Mandale House.

It is proposed that this business will continue to operate after the upper floors are converted to flats. Their typical working hours are 8am until 5.30pm and the premises operate as a warehouse. There are up to 10 deliveries a day from vans and light goods vehicles and typically 4-5 Aizlewood & Casson van trips per day. Loading typically takes place from the road and some items are trolleyed along the alley into the building. A 'walk behind' forklift is used for this and the primary noise is generated by the forklift. Noise measurements have been recorded whilst these loading operations are underway. The existing business operation appears quite low key in terms of its noise impact, however the current occupier could change their hours of operation or be replaced by a different warehousing use. It is therefore necessary to consider whether the sound insulation proposed is sufficiently robust to allow for these circumstances.

The Council's Environmental Protection Service has advised that the suggested noise specification is likely to meet the Council's internal noise standards for flats with the windows closed. But it may not be able to achieve the internal noise standards with the windows open. Given that they are proposing a ducted ventilation system and this is a sustainable city centre location where we wish to encourage housing, it is concluded that this is acceptable. There is clearly a risk that a future occupier could be noisier and that this might result in amenity issues. However Environmental Protection Service colleagues consider that the noise

levels show the existing operator to be not particularly quiet for this type of use and therefore the risk of future problems is not considered to be so great as to justify refusing permission.

Flood Risk

The site is located within Flood Zone 1 which is the lowest flood risk zone and given that the site area is less than one hectare a flood risk assessment is not required. The site is also at low risk of flooding from other sources such as sewers, ground water and artificial sources such as canals and reservoirs. Core Strategy Policy CS67 says that surface water run-off must be reduced as far as is feasible by design measures such as permeable paving. In this case the site is covered by buildings except for the courtyard space. A condition is proposed with the agreement of the applicant for the provision of permeable paving to the courtyard.

Disabled Access

Bailey Street is steeply sloping and there is no possibility of providing car parking within the site. Unitary Development Plan Policy H7 'Mobility Housing' encourages a minimum of 25% of housing to be provided to mobility standard. The applicant is providing 5 mobility units which represent 13% of the total. The applicant has advised that it is not viable to provide more than this. Given that this site does not lend itself to disabled access due to the steepness of Bailey Street the reduced provision is considered to be acceptable in this instance.

SUMMARY AND RECOMMENDATION

The proposal is supported by local planning policy and meets the key objectives of the National Planning Policy Framework of boosting the supply of housing and delivering sustainable development. The retention of the existing building is welcomed and the scheme design will contribute positively to the street scene. The site is sustainably located and the design will meet the Council's sustainable design policies. There are concerns about the amenity standards for future occupiers of the flat and the potential for noise disturbance should the noise characteristics of the current business occupier change. However it is concluded that these concerns are outweighed by the benefits of the proposal. Therefore it is recommended that planning permission be granted subject to the applicant entering into a legal agreement to secure the following heads of terms. In the event that a S106 agreement is not signed by 2.4.2014 covering the heads of terms, planning permission should be refused for failure to meet the requirements of Policy H16 of the UDP.

Heads of Terms

A contribution of £45,552 to be used to meet the open space needs of residents in accordance with UDP Policy H16 and the Council's Breathing Spaces Strategy.

Case Number	13/01959/FUL (Formerly PP-02572194)
Application Type	Full Planning Application
Proposal	Erection of 51 dwellings, 731.6 square metres of commercial floor space, reinstatement of Kelham Street, access, car parking, landscaping and associated works
Location	Site Of Richardsons Cutlery Works Alma Street & Russell Street Sheffield S3 8SA
Date Received	11/06/2013
Team	City Centre and East
Applicant/Agent	England And Lyle
Recommendation	Grant Conditionally Legal Agreement

Subject to:

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

Reason; 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 No. 12-1063.03 Rev. A10 - Proposed House Type A
Drawing No. 12-1064.14 Rev. A6 - Proposed House Type A*
Drawing No. 12-1064.04 Rev. A13 - Proposed House Type B
Drawing No. 12-1064.18 Rev. A1 - Proposed House Type B*
Drawing No. 12-1064.12 Rev. A5 - Proposed House Type C*
Drawing No. 12-1064.05 Rev. A10 - Proposed House Type D
Drawing No. 12-1064.10 Rev. A4 - Proposed Commercial Type E
Drawing No. 12-1064.13 Rev. A6 - Proposed Commercial Type F
Drawing No. 12-1064.16 Rev. A4 - Proposed Street Elevations
Drawing No. 12-1064.17 Rev. A4 - Proposed Site Plan

Reason; In order to define the permission.

- 3 No development, including any ground works, shall take place until the applicant, or their agent or successor in title, has submitted a Written

Scheme of Investigation (WSI) that sets out a strategy for reporting the archaeological fieldwork carried out on the site (in relation to consent 04/04634/FUL) and this has been approved in writing by the Local Planning Authority. This WSI shall include:

The provision to be made for post-excavation assessment and analysis.
The provision to be made for reporting and dissemination of the results.
The provision to be made for deposition of the archive created.
Nomination of a competent person/persons or organisation to undertake the works.
The timetable for completion of all archaeological works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason; To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

- 4 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.

Reason; 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.

- 5 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 brought into use.

Highway Improvements:

- A review of tactile paving and lowered kerb locations in the vicinity of the development site (and provision of new facilities where necessary) to assist pedestrians crossing the road and to fit with new pedestrian desire lines created by the development.

- Any other accommodation works to traffic signs, road markings, lighting columns, and general street furniture necessary as a consequence of the development.

- Full details of measures proposed to ensure that the internal street meets the design standards for a shared space with level surface, including a design speed of 10mph.

- Footway resurfacing and kerbing works (including street lighting) along the Russell Street and Alma Street frontage to the site in accordance with the Urban Design Compendium.

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

- 6 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.

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

- 7 Notwithstanding the details on the submitted plans, no development shall commence until full details of the reinstated Kelham Street (linking Alma Street and Russell Street) have been submitted to and approved in writing by the Local Planning Authority. The required details include the geometric standards, materials/specifications/barriers, any drainage implication, tactile paving, and demarcation of the highway boundary. The route shall be constructed in accordance with the approved details prior to the occupation of the development.

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

- 8 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.

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

- 9 No demolition and/or construction works shall be carried out unless equipment is provided for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway. Full details of the proposed cleaning equipment shall be approved in writing by the Local Planning Authority before it is installed.

Reason; In the interests of the safety of road users.

- 10 No development shall commence until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works, off -site works and means of preventing pollutants entering the nearby Kelham Goit (if discharge is proposed to this location), have been submitted to and approved by the Local Planning Authority.

Reason; To ensure satisfactory drainage arrangements.

- 11 The use of the commercial units hereby approved shall be restricted to classes A1 (Shops), A3 (Restaurants and Cafes), and B1 (a) (Offices) of the Town and Country Planning (Uses classes) Order, 1987, as amended. The A1 and A3 floor space shall be restricted to a combined maximum of 250 square metres.

Reason; In order to define the permission.

- 12 No development shall commence until additional intrusive investigation works have been undertaken to establish the exact situation regarding coal mining legacy issues on the site. The findings of the works shall be subject to a Coal Mining Report and Remediation Strategy, which shall be submitted to and approved in writing before development is commenced. Thereafter all development and any associated remediation shall proceed in accordance with the recommendations of the approved documents. In the event that remediation is unable to proceed in accordance with the approved documents, or unexpected coal mining legacy is encountered at any stage of the development process, works should cease and the Local Planning Authority and the Coal Authority 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.

Reason; In order to establish the exact situation regarding coal mining legacy issues affecting the site.

- 13 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.

Reason; In order to ensure an appropriate quality of development.

- 14 Large scale details, including materials and finishes, at a minimum of scale 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 (minimum of 100mm throughout)
Doors and Garage Doors
Eaves and verges
Roofs
Ridge & valleys
External wall construction
Brickwork detailing
Balconies and balustrades
Entrance canopies
Rainwater goods
Bin storage areas

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

Reason; In order to ensure an appropriate quality of development.

- 15 A sample panel of the proposed masonry shall be erected on the site and shall illustrate the colour, texture, bedding and bonding of masonry and mortar finish to be used. The sample panel shall be approved in writing by the Local Planning Authority prior to the commencement of the building works and shall be retained for verification purposes until the completion of such works.

Reason; In order to ensure an appropriate quality of development.

- 16 Notwithstanding the details on the submitted plans, full final design details of all the commercial frontages (at a minimum scale of 1:50) 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.

Reason; In order to ensure an appropriate quality of development.

- 17 No windows serving the commercial floor space shall be blocked up, filmed over or otherwise rendered non transparent.

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

- 18 The boundary treatment and gate details shown on Drawing No. 12-1064.09 Rev. A1 (Proposed Site Boundary Treatments) are not approved. The final design details of the proposed means of boundary treatments across the site (including gates) shall be submitted to and approved in writing by the

Local Planning Authority before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority and the buildings 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.

Reason; In the interests of the visual amenities of the locality.

- 19 Notwithstanding the details on the approved plans, before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of the following inclusive access facilities for disabled people to move around the site and use the commercial and mobility units, shall have been submitted to and approved in writing by the local Planning Authority:

1. Details of access and facilities for disabled people in the external areas of the site;

2. Commercial Units: Full details of access facilities for disabled people to enter the commercial buildings (including the provision of a level threshold and appropriate width entrance doors);

3. House Type C* - Full details of the house design and parking provision - including confirmation and evidence that the dwellings will comply with the Council's Mobility Housing Supplementary Planning Guidance.

These buildings shall not be used unless all inclusive access facilities have been provided in accordance with the approved plans. Thereafter such inclusive access and facilities shall be retained. (Reference should also be made to the Code of Practice BS8300).

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

- 20 Notwithstanding the details on the submitted plans, a comprehensive and detailed hard landscape scheme (including surface materials to all internal streets) and soft landscape scheme (including private amenity areas) 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.

Reason; In the interests of the visual amenities of the locality.

- 21 Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of 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.

Reason; 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.

- 22 Before the development is commenced, details of bat boxes, including the design and locations on buildings, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details thereafter.

Reason; In the interests of ecology.

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

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

- 24 Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, 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 buildings 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 occupiers of the development hereby approved.

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

- 25 The buildings shall not be used unless all redundant accesses have been permanently stopped up and reinstated to kerb and footway and means of vehicular access shall be restricted solely to those access points indicated in the approved plans.

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

- 26 The development shall not be occupied until full details of the proposed servicing arrangements for the commercial elements of the scheme, plus recycling and general waste collection for the scheme as a whole (including the hours of servicing the commercial buildings) shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved details shall be adhered to. Any changes to the servicing arrangements shall have first been approved in writing by the Local Planning Authority.

Reason; In the interests of the amenities of the locality and in the interest of pedestrian safety.

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

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

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

Reason; In the interests of delivering sustainable forms of transport.

- 28 The gradient of shared pedestrian/vehicular access shall not exceed 1:12 .

Reason; In the interests of the safety of road users.

- 29 The development shall not be used unless that part of the road providing access thereto has been provided in accordance with the approved plans.

Reason; In the interests of the safety of road users.

- 30 Prior to the occupation of the development, car park illumination details for the residential and commercial elements of the scheme shall have been provided in accordance with details first submitted to and approved in writing by the Local Planning Authority.

Reason; To ensure satisfactory parking provision in the interests of traffic safety and the amenities of existing and future residents.

- 31 Prior to the first occupation of the development, a Management Strategy addressing the following issues shall have been submitted to and approved in writing by the Local Planning Authority::

- Details about the intended management and allocation of car parking spaces within the secure car parking court;

- Details about the intended management of the access road positioned between the new properties and the existing business premises at AW Tools and the Alms Houses on Alma Street. This shall include details about how conflict between commercial and residential users will be avoided and the intended security proposals for the area (including information about the intended use of the proposed 'New Secure Access Gates' that are detailed on the plans).

The approved arrangements shall thereafter be adhered to.

Reason; To protect the amenities of residents and existing businesses that surround the application site.

- 32 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.

Reason; In order to define the permission.

- 33 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 the approved noise survey of the application site by Noise Assess Ltd (ref. 10631.01.v3; June 2013).

b) Be capable of achieving the following noise levels:

Bedrooms: LAeq (15 min) 30 dB; LAm_{ax} 45dB - (23:00 to 07:00),

Living Rooms: LAeq (15 min) 40 dB - (07:00 to 23:00),

External Amenity Areas: LAeq (16 hour) 55 dB - (07:00 to 23:00).

c) Include a system of alternative acoustically treated ventilation and acoustic barriers, as detailed in the approved noise survey.

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.

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

- 34 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.

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

- 35 The Additional Phase 2 Site Investigation and Remediation Strategy (ref. CD/0237/051030/ASIRS; Oct 2005) shall be reviewed in light of the current site layout and design proposals. Any additional intrusive investigations recommended by the review shall then be carried out and be the subject of supplementary Phase II Intrusive Site Investigation report, which shall have been submitted to and approved in writing by the Local Planning Authority before the development is commenced. Any changes to the Remediation Strategy made in light of the revised development proposals or recommended in the supplementary Phase II Intrusive Site Investigation report shall be the subject of a revised Remediation Strategy report, which shall be considerate of the revised site layout and design proposals. The revised Remediation Strategy report shall have been submitted to and approved in writing by the Local Planning Authority prior to the development being commenced. All supplementary reporting 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.

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

- 36 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.

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

- 37 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.

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

- 38 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.

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

- 39 Use of the commercial units for class A1 (shops) and A3 (restaurants and cafes) use shall only be used for such purpose between 0800 hours and 2330 hours Monday to Saturday and between 0900 hours and 2200 hours on Sundays and Public Holidays.

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

- 40 No deliveries to the commercial buildings hereby approved shall be carried out between the hours of 2300 to 0700 (on the following day) Sundays to Fridays and 2300 hours to 0900 hours (on the following day) on Saturdays and the day before a Public Holiday.

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

- 41 Development for use class A3 purposes within the commercial units hereby permitted shall not commence unless a scheme for the installation of equipment to control the emission of fumes and odours from the premises is submitted for written approval by the Local Planning Authority. The use shall not be commenced until the approved equipment has been installed and is fully operational.

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

- 42 No live music or amplified sound shall be played within the buildings in commercial use 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 restricting noise breakout from the building to the street to levels not exceeding:
 - (i) the background noise levels by more than 3 dB(A) when measured as a 15 minute Laeq,
 - (ii) any octave band centre frequency by more than 3 Db when measured as a 15 minute linear Leq.

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

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

- 43 No movement, sorting or removal of waste bottles, materials or other articles, nor movement of skips or bins shall be carried on outside the commercial buildings 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.

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

- 44 The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) submitted by ID Civils Design Ltd, Report Number 3602/FRA2, dated January 2013 and the mitigation measures relating to finished floor levels (no lower than 49.45m AOD), escape routes and the flood warning system that are detailed within Section 8 of the FRA.

The mitigation measures shall be fully implemented prior to occupation of any building on the site.

Reason; To reduce the risk of flooding to the proposed development and future occupants.

- 45 Notwithstanding the details on the approved plans, before the development is commenced the final proposed building plot levels shall be submitted to and approved in writing by the Local Planning Authority. Cross sections shall be provided where requested. Thereafter, the development shall be carried out in accordance with the approved details.

Reason; In order to ensure an appropriate quality of development and to protect the amenity of the site and nearby neighbouring occupiers.

- 46 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.

Reason; In order to mitigate against the risk of flooding.

- 47 No buildings/structures shall be erected within 3 metres of the public sewer.

Reason; To ensure satisfactory drainage arrangements.

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

Reason; To ensure satisfactory drainage arrangements.

- 49 Unless otherwise approved by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason; To ensure satisfactory drainage arrangements.

Attention is drawn to the following directives:

1. 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

2. 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.

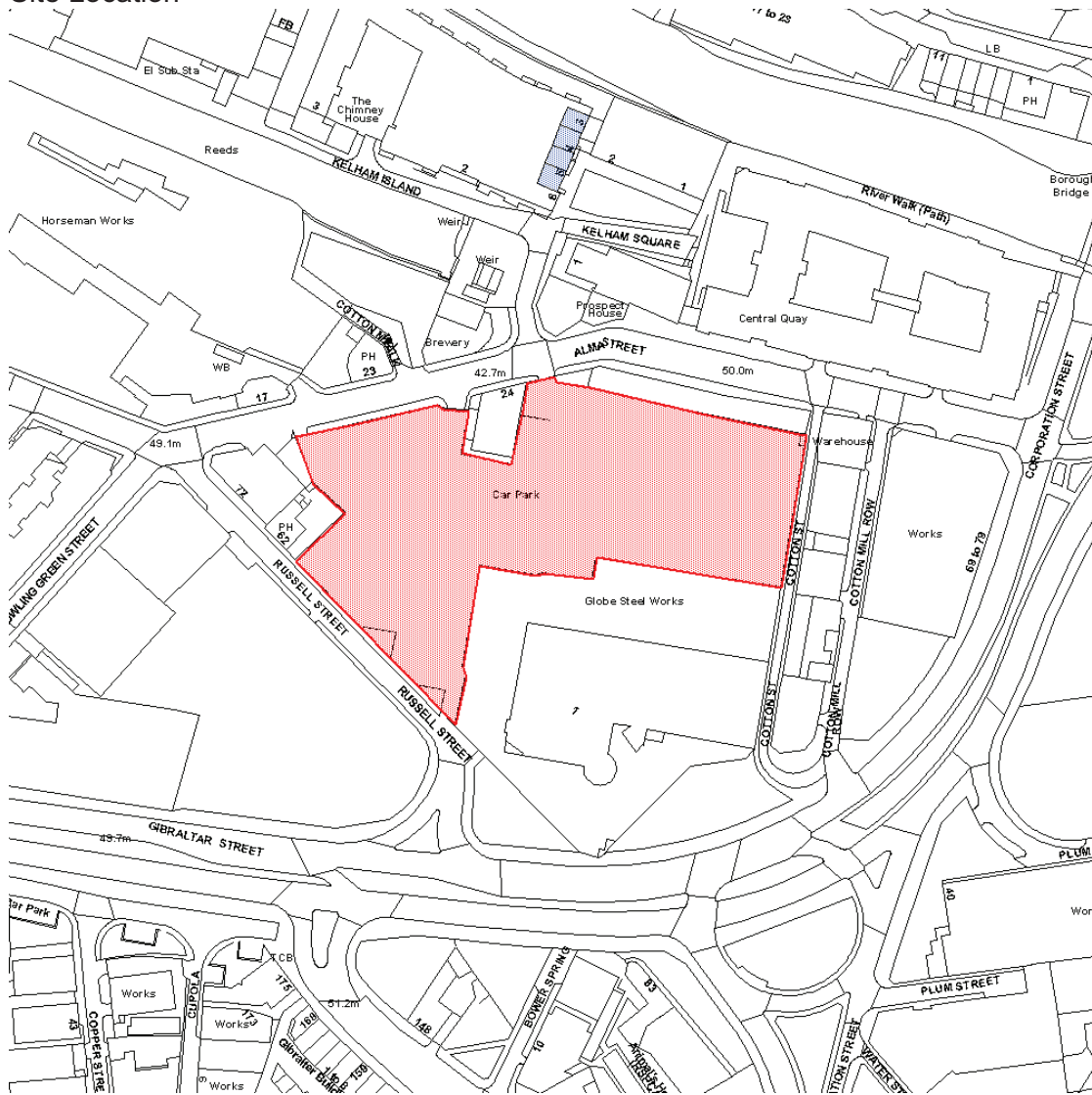
3. The applicant is advised that Sheffield City Council, as Highway Authority, require that drives/vehicular access points be designed to prevent loose gravel or chippings from being carried onto the footway or carriageway, and that they drain away from the footway or carriageway, to prevent damage or injury.
4. 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.
5. 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.
6. 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.

7. For larger restaurants advice on the discharge and arrestment of kitchen fumes and odours is given in the document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems', Annex B, 'Information required to support a planning application for a commercial kitchen' by the Department for Environment Food and Rural Affairs (Defra).
8. 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.
9. The applicant should be aware that a legal agreement has been completed in respect of this proposal.
10. 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



© Crown copyright and database rights 2013 Ordnance Survey 10018816

LOCATION AND PROPOSAL

The application site comprises land that was previously occupied by the former Richardsons cutlery business in the Kelham Island Conservation Area. The site previously contained industrial, warehouse and office uses, which were all related to the cutlery business that operated from the site for many years. These buildings have now been demolished.

The application site is bounded to the north by Alma Street, to the south by Russell Street and to the east by Cotton Street. Surrounding land uses comprise Globe Steel Works which lies to the east of the site on the Alma Street frontage, Kutrite of Sheffield (scissor, knives and tool manufacturer) at the junction of Alma Street and Russell Street to the west of the site. Adjacent to Kutrite is the Kelham Island

Tavern which overlooks the site from its rear and also on the Russell Street frontage is a modern distribution use operated by GB Posters.

Opposite the site, across Alma Street, is the three storey Fat Cat Public House (a Grade II Listed Building), the former MIBA Tyzack site that is being redeveloped into the mixed use Citu development (including 107 residential units), residential apartments blocks at Kelham Riverside, and the entrance to the Kelham Island Industrial Museum. On the opposite side of Russell Street is a surface car park owned by the Council and beyond that the Inner Relief Road (A64).

Planning permission is sought for a mixed use development comprising of 51 two, three and four bedroom dwellings - a combination of houses in a range of 6 house types - with 48 car parking spaces, 731.6 square metres of commercial floorspace, landscaping and associated works. As part of this development the historic Kelham Street, which links Alma Street and Russell Street, will be reinstated.

RELEVANT PLANNING HISTORY

The most recent, and relevant, planning history for this site relates to the use of the land for a mixed-use development, a temporary car park facility and enforcement issues.

1. Mixed Use Development

In 2006, a mixed-use development scheme was approved by the Council (refs. 04/04634/FUL and 04/04633/CAC). It comprised of the demolition of buildings, erection of 172 Residential units, and 1770 m² of Business Floor space (Use Class B1) in buildings of 3, 4, and 5 storeys, reinstatement of Kelham Street and the provision of 116 car parking spaces.

The site was purchased by the current applicant in 2007 and some detailed discussions with Officer did occur about the permission's implementation but work on the development halted because of the recession. The redevelopment scheme required the developer to secure the implementation of a programme of archaeological works which have been carried out and comprised extensive examination of findings, taking several months to complete. This work, unfortunately, involved the removal of all the buildings on the site. The findings are understood to be important and relate to the origins of the steel industry in Sheffield but they have yet to be published.

In 2011, a planning application to extend the time limit for the implementation of the above planning permission for a further 3 years was granted (ref. 11/02904/FULR).

2. Temporary Car Park Facility. In 2009, a temporary planning permission (2 years) for use of part of the land as a car park was granted by the Council (ref. 09/03422/CHU).

In 2012, an application to continue the temporary use of the whole site as a long stay car park was refused by the Council (ref. 12/02490/CHU). The reasons for refusal related to:

1. Encouragement of long-stay commuter parking leading to more car miles and potential traffic congestion at peak times, which would be detrimental to the Council's aim to manage car parking and to promote the sustainable transport methods.
2. Creation of a new access/egress point leading to Cotton Street, which was considered an unacceptable access to the existing local highway network to the detriment of highway safety.
3. Failure to demonstrate that a safe, efficient and environmentally acceptable car park facility would be provided to promote all aspects of personal safety and security as well as an adequate parking layout.

This decision was appealed by the applicant but the Planning Inspectorate upheld the Council's decision in October 2013.

3. Enforcement History

In 2012, an Enforcement Notice was served on the site owner following the demolition of a wall on the Cotton Street boundary and subsequent creation of a new access/egress point for the car park.

In 2013, an Enforcement Notice was served on the site owner which required the cessation of the car park following the 2012 refusal.

An appeal was made in relation to both notices but they were dismissed by the Planning Inspectorate in October 2013 and the Enforcement Notices upheld. The car park use had to cease and the wall re-built.

SUMMARY OF REPRESENTATIONS

The application has been advertised by site notice, neighbour notification letters and press advertisement.

In total 4 representations have been received and these are all from the following businesses that surround the application site:

Atkinson Walker

The company does not object to the application but does have some concerns about how this development would impact on the smooth running of their business, both during construction and after completion. The concerns relate to:

1. Noise - Atkinson Walker manufacture saws and tools, which means that relatively high noise levels are unavoidable. It is requested that noise conditions be applied to any decision, as per previous applications, to ensure that acoustic measures are put in place to insulate the new dwellings and protect them from the noise environment at this location.

2. Boundary Wall - Concern about the removal of the site's boundary wall adjacent to Cotton Mill Row. It is advised that there have previously been several near accidents on Cotton Mill Row as a result of the wall's removal and creation of a vehicle access point for the temporary car park. Therefore, it is considered that the wall should be reinstated to its previous 3m height in order to reduce noise levels during the period of construction and prevent construction traffic using the Cotton Street/Cotton Mill Row route.

AW Tools

The company does not object to the application and view it as part of the continual improvement of the area. However, as owner and user of both adjacent properties at Globe Steel Works and the terrace of former Alms houses on Alma Street, the company has raised concerns about the considerations that have been made for access to these buildings for their business and their tenants, which is important to the businesses that occupy these buildings. It is advised that the occupiers rely heavily upon access for their daily activities and there is concern that increased traffic in this area and residents parking will impede the access of vehicles.

Therefore, it is asked that the development considers the practicalities of the final use of the access road and ensures that access is maintained during the construction period and upon completion of the project.

Paul Glossop and Co.

This company objects because of their concerns about access into their workshops that are positioned at Globe Steel Works. If the scheme goes ahead without the allowance for parking and deliveries it will make it impossible to carry out operations. This is a traditional Sheffield business of manufacturing silversmiths and they have five people around the city that depend on the business for work.

Paul McCarthy Bespoke

This company objects to the proposal as an occupier of one of the Alms houses in the terrace on Alma Street and referred to above. There is concern that the new application turns the yard area into an access road and that this will cut off access to the Company's workshop, which would close down the workshop.

It is advised that the Company needs access for deliveries to be able to load/unload at any time, and not to be blocked in or out by cars parked from the new development.

Local Resident

The removal of the car park from this land is ill thought out and will lead to more parking problems in the area, especially when new developments are completed.

Sheffield Conservation Advisory Group

This application was considered at the Group's meeting in July 2013. The Group considered that the development was a deplorable example of block planning, consisting of a suburban development being shoehorned into an urban site, with a superficial approach to detail, including an inappropriate saw tooth roof on one of the blocks. The Group felt that the scheme could include houses, provided that it had a more urban character, perhaps involving a courtyard arrangement.

PLANNING ASSESSMENT

1. Land Use Issues

Unitary Development Plan (UDP)

The application site is located within a General Industry Area as defined in the UDP. Policy IB5 'Development in General Industry Areas' states that housing (use class C3) is an unacceptable use for these areas.

However, the industrial character of this part of the Kelham/Neepsend area has been significantly diluted by non-industrial development in recent years. There have been a number of large, predominantly residential developments approved around the application site. As such, the vision for the area has changed since the UDP designation.

Core Strategy

The Core Strategy provides the overall spatial strategy over the period 2008 to 2026. This document was published in 2008 and contains updated policies and new visions for the City. Indeed, there are now policies supporting the changes that have occurred around the application site and actively encourage new housing in the Kelham/Neepsend area and discourage the expansion of manufacturing and industry. These are discussed below:

Policy CS 6 'Manufacturing and the City Centre' states that manufacturing in the City Centre transition areas should not expand where it would detract from the regeneration of the centre and it will be encouraged to relocate, provided that suitable alternative sites and premises are available in the city. Transition areas include part of Kelham/Neepsend.

Policy CS 17 'City Centre Quarters' sets out the distinctive and fundamental roles of different 'quarters' of the City Centre and expects that these be consolidated and strengthened. Part j. refers to Kelham/Neepsend and indicates that it is becoming a focus for new riverside housing and jobs with the Inner Ring Road being a catalyst to redevelopment. It also acknowledges that existing small businesses will continue to perform an important economic role for the City as a whole.

Policy CS 27 'Housing in the City Centre' identifies locations for further expansion of City Centre living, with a mix of tenures and sizes of unit, including affordable housing, as part of a mix of uses. Part a. refers to the Kelham/Neepsend area.

Policies CS 22 'Scale of the Requirement for New Housing', CS 23 'Locations for New Housing', CS 24 'Maximising the use of Previously Developed Land for Housing', and CS25 'Priorities for Releasing Land for New Housing' all promote residential development in Sheffield in appropriate and sustainable locations in order to assist the delivery of suitable sites for housing within the City over future years.

Overall, the application proposal is considered to be consistent with the aims of the SDF Core Strategy

Draft City Policies and Sites Document

The draft Sheffield Local Plan City Policies and Sites (Pre-Submission) document identifies the site as being within a Central Housing Area, which is a new proposed allocation area.

It should be noted that this Local Plan has not been submitted for final approval and it is not an adopted document. Its content has limited weight because it is a draft but it helps to demonstrate the future aspiration for the site.

Overall, the application proposal is considered to be consistent with the emerging aspirations of the Draft City Policies and Sites Document.

Kelham Neepsend Action Plan (2008 - 2018)

This document sets out the Council's vision for the area and presents an opportunity to manage, at a finer grain level, the transition from the UDP to the replacement Local Plan. As such, the land use allocations for the purpose of the delivery of this action plan's objectives follow the land use principles being established by the new Local Plan.

At Kelham Riverside, it is recognised that the majority of available sites in the area have already been developed for housing, or have approval for residential development. Therefore, to maintain a commercial presence in the area it is encouraged that proposals for large scale and single-use residential development in the area be resisted unless there are demonstrable heritage benefits.

The application is a mixed use development and although the number of residential units outweighs the commercial floor space proposed, it is considered that the heritage benefits of achieving new development on this derelict site in the Conservation Area is the overriding consideration in this instance. There is also an overriding need for new housing given a current lack of a 5 year supply.

National Planning Policy Framework (NPPF)

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The key goal is the pursuit of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.

With regard to the conflict between UDP and SDF aspirations for the site, the NPPF applies. It advises that weight should be given to the emerging residential allocation because the site's UDP allocation is based on an out-of-date planning policy. The NPPF is clear that "where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate the development should be restricted."

In light of the above, there is considered to be sufficient national and local policy (including emerging policy) as well as an action plan to support the mix of proposed uses at this site.

2. Density Issues

Core Strategy Policy CS 26 'Efficient Use of Housing Land and Accessibility' requires new housing development to make an efficient use of land but accepts that the density of new developments should be in keeping with the character of the area and support the development of sustainable, balanced communities. Therefore, a minimum density of 70 dwellings per hectare in the city centre is required.

The proposed development has a density of approximately 62 dwellings per hectare, which is clearly short of the density aim. However, it is considered that this can be justified by the quality of development proposed and the need for a mixture of house types to appeal to a wider market, rather than higher density flat developments. Such higher density housing already exists within proximity of the site so it is considered a benefit to provide an alternative on this site to provide variety in the market.

It is concluded that the proposed minor shortfall in density provision is acceptable and does not conflict with the aspirations of Policy CS 26.

3. Design Issues

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

Policy BE16 'Development in Conservation Areas' requires new development to preserve or enhance the character or appearance of the conservation area.

Similarly, Policy BE19 'Development Affecting Listed Buildings' states that the proposals affecting the setting of a listed building should preserve the character and appearance of the building and its setting.

Core Strategy Policy CS 74 'Design Principles' reiterates the expectation of high quality design as well as recognising that new development should take advantage of and enhance the distinctive features of the city.

The proposed development is considered to be a contemporary addition to the conservation area. It will replace a vacant parcel of land which in its current state detracts from the special character of the area. It is welcomed in principle and will repair and enhance the conservation area in a way that reflects its industrial heritage, while introducing a range of properties and uses that will enhance the existing Kelham Island community and setting.

Following lengthy design discussion and design development, the design approach is now considered to be acceptable and compliant with the relevant policies described above subject to the imposition of conditions to secure control over the quality of the development.

Layout

A key feature of this development is the reintroduction of the historic Kelham Street to link Alma Street and Russell Street through the site and increase permeability through the area for residents and visitors. These are the principal streets within the development and new building lines are kept to the back of pavement in order to reflect historic street patterns and successfully respond to the character of surrounding development within the conservation area.

At the centre of the development an additional internal street is proposed, which will be of a shared surface design and is intended to be more of a mews than a conventional residential street with carriageway and pavements. This section of the site is a difficult shape and it is accepted that this could be described as somewhat of a suburban layout that is not entirely in-keeping with the urban character of the area.

However, the shape of the site is very challenging and awkward at this point because of the existing buildings that surround it. As a result, the site has limited public views from surrounding public streets and it is hoped that the suburban layout will be offset by the quality of the built form, the use of hard landscaping materials and limited soft landscaped front gardens.

Scale

The scale of buildings within the development is closely related to the proposed layout and hierarchy of streets and spaces. As such, there are 3-storey properties situated on the principal streets of Russell Street/Alma Street/Kelham Street, but the scale reduces to 2-storey properties on the internal mews street. This relationship between layout and scale is intentional and has been encouraged through the design development process.

The proposed scale of the properties is consistent with the guidance set out in the City Centre Urban Design Compendium in terms of building height and massing. The Compendium recommends that building heights should range between 2-5

storeys with taller buildings situated along the Inner Ring Road to help reinforce the gateway route.

Architecture

The new residential accommodation aims to widen the housing on offer in Kelham, in particular providing housing that has its own front door and varied types of amenity space, including private roof terraces, yards and gardens. In terms of materials, all of the properties will incorporate the same material palette including red brick, natural slate roof finish, timber windows and doors, and metal cladding to infill panels between the windows.

A variety of house types are proposed, ranging from tall narrow 3 storey, 3 & 4 bedroom terraces, some with a distinctive saw-tooth roof and some with flat roofs. All incorporate integrated roof terraces, some have a small yard/garden area and a number have Juliet balconies, whilst others have an integrated garage. The mews area is characterised by more traditional 2 storey pitched roof houses with chimneys and in-curtilage parking. There are also a number of mobility units which are also two storeys high but have the saw tooth roof design. The taller units are concentrated on the original streets (Alma / Russell / Kelham) and will add to the urban grain of the area.

The commercial units replicate the design character of house types albeit with a commercial/shop front at ground floor level.

4. Sustainability Issues

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

Policy CS 65 relates to 'Renewable Energy and Carbon Reduction' and requires new significant developments to provide 10% of their energy needs from decentralised and renewable or low carbon energy.

Conditions are recommended in order to ensure that these policy requirements are fulfilled. It is concluded that the proposals will comply with the requirements of CS 64 and CS 65.

Guideline CC1 of the Council's supplementary planning guidance 'Climate Change and Design (2011)' requires green roofs to be incorporated into large scale developments, if appropriate. There are no green roofs provided as part of this development but given the design/shape of the roofs and the conservation context it is accepted that these cannot be practically achieved as part of this development.

5. Amenity Issues

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

The proposed scheme comprises of high density urban housing on an irregular shaped site, which is surrounded by other existing commercial land uses that are outside the applicant's control. As such, it is considered that suburban levels of separation between habitable room windows (21 metres) and generous garden sizes (50 square metres) cannot be reasonably expected at this site. Indeed, to require these standards would wholly change the development character of the site and reduce the density of the development. Furthermore, to reduce density would mean that the proposal is contrary to Policy CS26, and would also be out of character at this location. It is not realistic to aspire to suburban characteristics at a city centre location, where varying types of housing are encouraged.

Privacy

It is considered that the overall privacy levels achieved across the site are comfortable and will be sufficient to ensure that the future amenity of residents is maintained in a manner that can be reasonably expected at this location. Indeed, it is considered that the relationship between the dwellings is consistent with the character of many traditional terraced streets in Sheffield. For example, there is a minimum of 11 metres between dwellings across streets and 15 metres between the rear of proposed properties and the existing alms houses on Alma Street. These distances are considered to be acceptable for the location and it is not expected that they will prejudice the future redevelopment of adjacent sites.

Notwithstanding the above, it has to be acknowledged that there are parts of the site whereby the relationship between habitable room windows is close; a particular case being between the rear of the residences to be positioned at the junction of Kelham Street and Alma Street. However, whilst a better relationship would be preferred, this is not considered to be a justification for refusal, taking into account the aforementioned reasons and acknowledging that a compromise has to be made given the irregular shape of the site and the desire to achieve a development that reinforces the idea of tight urban grain on the site's principal streets. Furthermore, the windows mostly affected will be secondary windows to main habitable rooms and hallway areas positioned at oblique angles to one another and, therefore, it is considered that the actual impact will be limited for future occupiers.

In terms of the development's relationship to existing residents and uses, it is considered that the scheme will not have a detrimental amenity impact on the closest existing properties, which are the living quarters of the Kelham Island Tavern PH and the Fat Cat PH. Privacy distances and orientation are such to ensure that the residents' existing amenity will not be compromised in an unsatisfactory manner. Indeed, the proposed development of the land will most

likely improve the existing environment and security for these properties by removing a derelict site.

Outdoor Amenity Provision

The character of the proposed outdoor amenity spaces vary across the site and will include small yard areas, larger gardens, and roof terraces. Given the contemporary urban character of this development, it is concluded that the nature of the outdoor amenity space proposed is acceptable. Indeed, it is considered that people who wish to occupy a property with traditional suburban gardens and conventional outdoor space would not be attracted to this location.

The submitted boundary treatment drawing indicates that the rear garden areas are intended to be secured by robust boundary treatments, including 2.4m high boundary walls, 1.8 metre high close boarded timber fencing, and secure access gates.

Surrounding Environment

A noise report accompanies the application and identifies that the site is largely affected by noise from the surrounding local industrial/commercial sources as well as traffic. However, the report concludes that the measured noise levels at the site are generally low and it is accepted that good internal noise levels can be achieved through a scheme of sound attenuation works. These include sufficient boundary treatments, cavity masonry construction, passive acoustic ventilation, and appropriate glazing.

The Environmental Protection Service has considered the content of the submission and is happy with the noise report and its recommendations, subject to the final details of these measures and subsequent validation of the installed works being reserved by condition.

6. Archaeology

UDP Policy BE22 relates to 'Archaeological Sites and Monuments' and states that these will be preserved, protected and enhanced. Where disturbance of an archaeological site is unavoidable, the development will be permitted only if (a) an adequate archaeological record of the site is made; and (b) where the site is found to be significant, the remains are preserved in their original position.

We know, from work carried out as part of the extant planning consent for this site, that the application site has a long history of industrial usage and that this left archaeological evidence. Indeed, a 2007/2008 evaluation to test the extent of archaeological survival on the site revealed industrial remains dating back to the 17th Century and evidence of 19th Century terraced housing. As a consequence, an excavation strategy to investigate both the area of former housing and the complex industrial archaeology on the site was agreed between the developer and South Yorkshire Archaeology Service. This work was carried out in 2007 but has never been reported on nor findings published and archived in a museum. Given

the significant archaeology revealed on the site it is obviously important to ensure that the programme of archaeological works is completed satisfactorily.

In light of the above, and in order to comply with Policy BE22, it is recommended that the outstanding important archaeological works be agreed, fulfilled and completed in accordance with a Written Scheme of Investigation that will be secured by condition. No development will be allowed to occur until the WSI has been agreed and the development shall not be brought into use until its strategy has been fulfilled.

7. Highway Issues

UDP Policy IB9 'Conditions on Development in Industry and Business Areas', part (f), states that new development or change of use will be permitted provided that it would be adequately served by transport facilities and provide safe access to the highway network and appropriate off-street parking.

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

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

The 51 dwellings proposed are served by 49 car parking spaces, which are provided in a variety of ways; 14 of these are integral to residential units, 19 are provided in curtilage and the others are provided in a communal parking area behind the properties on Alma Street/Kelham Street/Russell Street. The parking ratio is less than 1 to 1, which is low given that the scheme includes 3-bedroom and 4-bedroom properties that could be attractive to families. However, the site is within the area where city centre parking standards should be applied because the site has a sustainable urban location.

South Yorkshire Passenger Transport Executive (SYPTTE) welcomes the development and supports the limited car parking provision. It advises that the site is within a 400m walking distance from the bus stops on Gibraltar Street and Mowbray Street. These bus stops are on the Core Public Transport Network and provide site users with access to an attractive level of public transport, including access to tram services which provide direct links to the city centre, Sheffield Station, Universities and Meadowhall.

In light of the above, it is considered that the level of car parking proposed is acceptable and thus consistent with the requirements of policies IB9, CS23 and CS53. However, to ensure that future residents take up the on-site parking provision, they will not be eligible for permits as part of any future Local Authority permit scheme.

8. Public Art

UDP Policy BE12 'Public Art' encourages the provision of works that can be readily seen by the public and can be an integral part of the design of major developments. The applicant has indicated a willingness to integrate public art within the development. Given the size and nature of the proposal it is considered that there are ample opportunities to integrate public art within the scheme. As such, it is recommended that this be secured by condition.

9. Flood Risk Issues

The application site falls within Flood Zone 2, which means that it has a medium risk of flooding. Core Strategy Policy CS67 relates to 'Flood Risk Management' and seeks to reduce the extent and impact of flooding. The policy permits housing in areas with a medium flood risk probability subject to a sequential test being passed and an acceptable Flood Risk Assessment.

The sequential test for this site has been passed as it demonstrates that there are no reasonably available sites, which offer a lower probability of flooding in the Kelham/Neepsend area. The Flood Risk Assessment includes matters relating to safe refuge, flood resilience and resistance (including the provision of raised floor levels), and flooding sources. The content of this assessment is considered to be satisfactory.

Surface water drainage from the application site will be subject to a reduction of at least 30% compared to the existing peak flow. This requirement is consistent with Policy CS67, which seeks to ensure that new developments significantly limit surface water run-off.

Finally, it is noted that the submitted documents identify the Kelham Goit as a potential receptor for surface water run-off from the development site. There is some concern that this could have implications for the quality of the Goit and the wildlife that uses it, including bats and otters. Therefore, any future drainage works that intend to use the Goit must assess the ecological implications of doing this.

The final details relating to flood risk management and drainage (including ecological assessment of any works affecting the Kelham Goit) are reserved by condition.

10. Ecology Issues

UDP Policy GE11 'Nature Conservation and Development' states that the natural environment will be protected and enhanced. Therefore, the design, siting and landscaping of development should respect and promote nature conservation and include measures to reduce any potentially harmful effects of development on natural features of value.

The existing site is vacant with no natural features of value; there are no buildings on the site. As such the development works on the land will not be detrimental to nature conservation.

In order to improve biodiversity, bat boxes should be included within the development and this will be secured by condition.

Therefore, the proposal is considered satisfactory in terms of Policy GE11.

11. Landscaping Issues

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

The proposal is largely hard landscaped. This type of environment has been encouraged because of the strong industrial heritage of the Kelham Island Conservation Area. Large areas of tree planting and soft landscaping would be uncharacteristic of this urban area.

The Urban Design Compendium designates the site within the primary material palette zone. This includes Pennine Sandstone paving, granite kerbs and channels, granite setts to the carriageway, and high quality street furniture and lighting. As such, it is expected that this specification be applied to the replacement footways along the development frontage on Alma Street and Russell Street as well as the footways and carriageway of the reinstated Kelham Street. These are the key historic routes within the development. Remaining areas will be expected to be constructed from an alternative high quality material palette that befits the Conservation Area setting. These details are reserved by condition.

12. Affordable Housing Issues

Core Strategy Policy CS 40 'Affordable Housing' states that, in all parts of the city, new housing developments will be required to contribute towards the provision of affordable housing where practicable and financially viable. It proposes a target of 30 - 40% affordable housing on sites of more than 15 units. However, the developer felt that they were unlikely to be able to provide any affordable housing for reasons of economic viability. As such the scheme has been appraised by the District Valuation Office (DVO) who has concluded that the scheme would make a profit equating to 12.51% on gross development value, which is lower than normal target expectations (15%). Accordingly, it is advised that the project is unable to deliver any affordable homes.

13. Mobility Housing

UDP Policy H7 'Mobility Housing' seeks to ensure that a proportion (25%) of mobility housing will be encouraged as part of new developments except where the physical characteristics of a site or existing buildings make it difficult.

In this case 13.5% (7 dwellings) of properties have been identified as mobility houses. These are House Types C* and they are all positioned at the eastern end of the site. Despite continued requests by officers to increase the quantity/variety/position, the applicant has been very reluctant to do this. Instead, they have used 2011 Census data to try and demonstrate that the provision of mobility housing within the scheme is entirely reflective of the need in the S3 area. Specifically, it is argued that only 12.3% of people in S3 have a disability or health problem and the proposed 13.5% provision should be accepted on this basis.

The applicant's case is considered to be an unacceptable justification for the low provision proposed. Limiting consideration to the S3 area relies upon everybody moving into this new development to be moving from elsewhere in S3. This is unrealistic and highly unlikely. Statistics must be based on Sheffield as a whole. The 25% set out in Policy H7 includes an allowance to remedy the lack of existing suitable housing, which currently exists. Indeed, housing units constructed in the City since Policy H7 was adopted in 1998 form a small proportion of the overall housing stock in Sheffield and, therefore, the percentage of mobility units available across the City will be lower than the number of people in need of this type of housing.

Notwithstanding the above, it is considered that the percentage shortfall and subsequent weak justification are not sufficient reasons to refuse the application having regard to the fact that it is not an 'absolute' requirement in policy terms (seeking to encourage rather than require). It is acknowledged that the characteristics of the site - namely the irregular shape and surrounding context - mean that achievement of a suitable layout within the Conservation Area setting has proved challenging. The positive benefits of redeveloping this derelict site outweigh the disappointing shortfall in this instance. The final details of the mobility units will be secured by condition.

14. Education Provision

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

It is recognised that new housing developments may exacerbate demand on existing community facilities, including schools. As a result of population growth, it is advised that the catchment schools (Netherthorpe Primary School at primary level and Tapton School at secondary level) are already at capacity. There is also expected to be a shortfall in the supply of school places in the wider area. Therefore, the School Organisation Team considers that a claim is justifiable for a Section 106 contribution against all dwellings in the development for both primary provision, at £2548 per dwelling, and secondary provision, at £2743 per dwelling. There is, however, an extant consent for 172 one and two bedroom apartments on the application site with no related contribution toward education provision. It is also considered that the proposed two bed properties in this location will generally appeal to couples and single households rather than families. Consequently, it is considered appropriate to omit the proposed two bedroom dwellings from the calculation of contributions towards education provision and, on this basis, the

applicant is required to pay to the Council the sum of £153,439.00 and this will be secured by the applicant entering into a unilateral undertaking. The monies will be spent on primary and secondary provision.

15. Open Space Enhancement

UDP Policy H16 'Open Space in New Housing Developments' requires that the developer makes a contribution towards the provision or enhancement of public space on or within the vicinity of the application site.

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

Core Strategy Policy CS 46 'Quantity of Open Space' encourages that as opportunities arise, new open space will be created where a quantitative shortage of open space is identified and where it is required for extending the City's Green Network.

Therefore, it is expected that this scheme provides a contribution towards open space in the local area of £94,445.85. This will be secured by the applicant entering into a unilateral undertaking.

RESPONSE TO REPRESENTATIONS

With regard to the main concerns about access for existing businesses in the area, the applicant has clarified that they own the land that is contained within the red line boundary. Therefore, issues regarding rights of access/egress are considered to be a private legal matter between the Owner of the site and the business users who have a right of access across it. However, in order to try and prevent any potential issues occurring upon completion of the development, a condition is recommended which will require the applicant to submit a management strategy for this area to detail how they propose this space to be used, how the area will be secured (design/position/operation of gates etc.), and any other measures to ensure a harmonious relationship between the existing and proposed uses. Issues relating to the noise environment for the future properties are addressed in the 'Amenity' section of this report.

The concern about the loss of the car park facility is noted but no longer considered to be relevant because the car park has now closed, as required by the Planning Inspector's decision in October 2013. It is the case that such a land use was never considered to be a suitable long term vision for the development of this site because of its impact on the special character of the Conservation Area. The concerns about the removal of the wall on Cotton Mill Row are resolved because the applicant is currently in the process of rebuilding it, as required by the Planning Inspector's decision in October 2013.

SUMMARY AND RECOMMENDATION

The proposed development will provide 51 new houses and some commercial units on a prominent vacant site that is situated within the Kelham Island Conservation Area. Following extensive discussions with the applicant, it is considered that the proposals now represent an acceptable and suitably contemporary development scheme which will replace the existing unattractive parcel of land that is an eyesore and will make a positive contribution to the Kelham Island community.

As described in this report, the proposals raise no detrimental concerns in relation to land use, design, amenity, sustainability, highways, flood risk and ecology matters. It is also considered that outstanding matters relating to the archaeology position at this site will be able to be addressed and resolved as part of this development.

Financial contributions to support open space policies and education provision in the catchment area will be secured.

It is considered that the shortfall in mobility housing units is disappointing (13.5% rather than 25%) but given the acceptability of the scheme in all other respects and the benefits of the development for the Conservation Area, it is considered that this is not a sufficient reason to resist the application.

The proposals are considered to comply with the relevant policies in the UDP and Core Strategy, and Members are therefore recommended to approve planning permission subject to the listed conditions and completion of a Legal Agreement with the following Heads of Terms.

Heads of Terms:

1. The Owners shall pay the Council [on or before the commencement of Development] the sum of £94,445.85 to be used by the Council towards the provision or enhancement of recreation space in the locality of the site. This shall be provided in accordance with the principles set out in the Council's supplementary planning guidance 'Open Space provision in new Housing Development' and the 'City Centre Living Strategy.'
2. The Owners shall pay the Council [on or before the commencement of Development] the sum of £153,439.00 to be used by the Council towards the provisions of primary and secondary education in the locality of the site. This shall be provided in accordance with the principles set out in the Council's supplementary planning guidance 'Planning Obligations and Education Provision'.



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 1 April 2014

Subject: Enforcement Report

Author of Report: Khalid Mahmood

Summary: Unauthorised erection of a first floor balcony at the rear of 85 Robin Lane, Sheffield, S20

Reasons for Recommendations:

Little progress has been made to resolve this issue and it is now considered that the matter should be reported for further enforcement action.

Recommendations:

That authority be given to the Director of Regeneration & Development Services or the 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 unauthorised first floor balcony.

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

Background Papers: None

Category of Report: OPEN

1 APRIL 2014

ENFORCEMENT REPORT

UNAUTHORISED ERECTION OF A FIRST FLOOR BALCONY AT THE REAR OF 85 ROBIN LANE, SHEFFIELD, S20.

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 85 Robin Lane is a three storey end terrace property located within a residential area. The ground floor of the property is being used as a hair dressers with separate living accommodation upstairs. The property lies within a Housing Area as designated in the Sheffield Unitary Development Plan.
- 2.2 A complaint has been received regarding a balcony that has been erected at the rear of the property. Officers have visited the site and noticed that a balcony had been erected at first floor level at the rear of the off shot extension.
- 2.3 Letters have been sent to the owner asking for the balcony to either be removed or an application to be submitted for formal consideration. An application 13/03528/FUL was submitted 17 October 2013 and is currently invalid. The architect acting on behalf of the owner on several occasions has assured officers that the details will be submitted to validate the application. Only after the threat of enforcement action some details have been submitted but not sufficient to validate the application.

3. ASSESSMENT OF BREACH OF CONTROL

- 3.1 The property is located within a Housing Area as designated in the Sheffield Unitary Development Plan. Planning permission is required for raised a platform which is above 30 cm from ground level.
- 3.2 The first floor balcony projects 3.1 metres from the rear off shot extension and is 3.7 metres in width and the base is 3.2 metres high from ground level with the balustrade height of approximately 1.1 to 1.8

metres at the highest point. There are close boarded timber panels on both sides and clear glass panels at the front of the balcony.

- 3.3 It is considered that the height of the balcony and its close proximity to neighbouring properties has a level of overlooking and overbearing impact on the neighbouring gardens and properties. The panels other than the 1.8 metre panel closest to rear elevation are not high enough to protect overlooking into the ground floor windows at No 83 and the neighbouring rear gardens. The balcony is also visible form the street scene.
- 3.4 The modern design of the balcony is appropriate for the building; however, it is out of character with neighbouring buildings which do not have any high level structures and are all of a similar design.
- 3.5 Unitary Development Plan Policy H14 'Conditions on Development in Housing Areas' states that development should be well designed and in scale and character with neighbouring buildings and not deprive residents of privacy.
- 3.6 The supplementary Planning guidance: Designing House Extensions Guideline 1 indicates that development should be compatible with the character and built form of the area. Guideline 2 indicates that development should not detract from the general appearance of the street scene or locality and Guideline 6 states that extensions should protect and maintain minimum levels of privacy. The guideline also states that it is important to maintain the privacy of rear garden areas particularly near the house. Rear balconies that give wide views over neighbouring gardens will not be permitted.
- 3.7 The Photographs below show the property in question and clearly demonstrate the height of the balcony is potentially unacceptable as it creates overlooking and is out of character with other properties in the area.



4. REPRESENTATIONS

- 4.1 A complaint has been received regarding a large balcony at this property; the complaint is not from a local resident.

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 removal of the balcony. There is a right of appeal to the Planning Inspectorate against the service of an Enforcement Notice. However it is considered that the Council would be able to successfully defend any such appeal.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no additional financial implications expected as a result of this report. If an appeal is made against the enforcement notice, costs can be made against the Council if it is shown that they have behaved “unreasonably” in the appeal process, it is unlikely that this will happen. However, in the unlikely event compensation is paid, it would be met from the planning revenue budget.

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 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 balcony at 85 Robin Lane, Sheffield, S20.
- 8.2 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.

This page is intentionally left blank



SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Director of Regeneration & Development
Services

Date: 1 April 2014

Subject: Unauthorised siting of 2 caravans and 4 Metal Containers on land at Oak Lodge Farm Livery Yard, Thompson Hill, High Green Sheffield S35 4JT

Author of Report: Brendan Gillespie

Summary:

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

Recommendations:

That authority be given to the Director of Regeneration & Development Services or the 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 unauthorised caravans and containers within the land site 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

Background Papers:

Category of Report: OPEN

ENFORCEMENT REPORT

UNAUTHORISED SITING OF 2 CARAVANS AND 4 METAL
CONTAINERS ON LAND, OAK LODGE FARM LIVERY YARD.
THOMPSON HILL, HIGH GREEN

1. PURPOSE OF THE REPORT

The purpose of this report is to inform Board Members of a breach of planning control and to make recommendations on any further action required.

2. BACKGROUND

- 2.1 Oak Lodge Farm lies within the Green Belt between the busy A61 Westwood New Road and housing at Oak Lodge Road, which is at the western edge of High Green. Houses at Oak Lodge Road and Thompson Hill overlook the site.
- 2.2 The Council received a complaint in June 2012 that 2 residential caravans had been put on the land where a recent application for a telecommunications mast had been submitted. It was alleged that the new occupier of the farm had been living in one of the caravans with his family. The complainant also mentioned that a container/cabin had been placed on the land containing a toilet and was concerned over the health and hygiene aspects of this development.
- 2.3 A further complaint was received in October 2012 regarding the piling of a large amount of tyres and their use as a manure store on the land. As well as being unsightly from the busy adjacent highway, it was considered by the complainant to be an unacceptable use of the land within a Green Belt area.
- 2.4 Following advice from officers from the Environment Agency and the Council's Planning Service, the occupant firstly moved the tyre stack away from a stream running through the land, to the western part of the site, however after further complaints were received, alleging the tyres could still be seen from the road, the occupant agreed in a meeting on 11th April 2013 to plant a screening hedge and also gradually remove the tyres altogether from the site within the next 2 years.
- 2.5 During this time a number of meetings were arranged with the occupant to try and establish the current use of the land and the

situation regarding the siting of the caravans, the containers and the reasoning behind the tyres being stored on the land. Officers were finding it increasingly difficult to gain sufficient information during these discussions to form a clear judgment on the use of the land and how long the caravans and containers had been sited within it.

- 2.6 On 27th March 2013 a Planning Contravention Notice (PCN) was sent to both the owner, as identified from Land Registry Records and the current occupier of the land, to ascertain further relevant information.
- 2.7 On 11th April a meeting was arranged to discuss the Planning Contravention Notice with the owner, the land occupier, and their solicitor. Unfortunately, the current land occupier refused to answer any of the questions within the PCN at this time because the address on it was incorrectly named, even though Officers offered to correct the incorrect page and reissue it accordingly. Further discussions about the disposal of the tyres from the land then ensued and the meeting ended with the occupant and the owner of the land, agreeing to take a further PCN away with them and returning it within the stipulated 21 days, with a further meeting arranged for the 24th April, if they required it.
- 2.8 On the 24th April the occupant and the owner who was also living on the site, returned to the town hall for their PCN meeting as arranged. Officers went through each question of the PCN with the owner and occupant, and the reason for asking it and duly read back to the parties each answer they had given.
- 2.9 At this point, the merits of the possibility of a certificate of lawful use application for the use of the land and the siting of the green container unit stationed on it were discussed. Following which an application pack was taken away along with the 2 PCNs which the parties again, did not want to submit at this time.
- 2.10 On the 1st May the land occupier brought in his, and his partner's copies of the PCNs, together with a package of documents, that were photocopied and signed for, in his presence, by the receiving officer.
- 2.11 Assessment of the information received established that it contained mostly evidence and information the Council already held regarding the planning history of the land and the information that the Council had sent to the Occupier in response to a recent Subject Access Request.
- 2.12 Officers were able to establish from the information gathered and knowledge of the site that the continued use of the land as a Livery Yard and Stables, although much more intensified in its operation from the original planning permission granted on appeal in 1988, was acceptable. However, Officers were still unable to establish fully how long the first caravan had been used on the land, what other buildings and container units were situated within the land and their respective uses within it.

- 2.13 In June 2013 a further complaint was received regarding a further large container trailer unit situated on the land, which was being used as a workshop and the resulting noise suffered by the neighbours because of it. It was alleged that barns were being converted and a poly tunnel had recently been erected without planning permission.
- 2.14 The occupier of the land then contacted the Planning Department requesting planning advice on proposals he has for building new stables on the land. A meeting was arranged to meet him on site with a Principal Planning Officer but it was pointed out that the outstanding unauthorised containers and caravans still on site, would also have to be addressed.
- 2.15 On the 8th October 2013 Officers were escorted around the site by the owner and the land occupier. Discussions centred around the continued use of the land as a Livery Yard and their desire to build further barns/stables that would enable all the unauthorised containers to either be removed or, if needed, moved within the barns. The unauthorised containers and caravans were listed and pointed out to the occupier and the owner, and it was agreed that following their return from holiday, their appointed Planning Consultant would contact the Council, to formulate their proposals. They also agreed to provide written evidence on their return, aiding the investigation, and proving how long both the caravans have been in place and used on the land.
- 2.16 Despite numerous emails, letters and requests since this meeting, no further information has been received from the owner, occupier or their representatives, and to all intents and purposes the unauthorised use of the caravans and containers on the land for residential purposes and storage is continuing unabated.

3. ASSESSMENT OF THE BREACHES OF CONTROL

- 3.1 Oak Lodge Farm lies within the Green Belt between the busy A61 Westwood New Road and housing at Oak Lodge Road, which is at the western edge of High Green. Houses at Oak Lodge Road and Thompson Hill overlook the site.
- 3.2 The Council's policies for development in the Green Belt are contained in the Sheffield Unitary Development Plan (UDP). Policies GE1, GE2, and GE4 of the UDP are relevant. Policy GE1 states that development will not be permitted where it would lead to unrestricted growth of the built up area, contribute towards merging of existing settlements, lead to encroachment of urban development in the countryside or compromise urban regeneration. Policy GE2 seeks the protection and improvement of the Green Belt landscape. Policy GE4 requires the scale and character of any development to be in keeping with the area and, wherever possible conserve and enhance the landscape and natural environment. The Government planning policy guidance is contained within National Planning Policy Framework (NPPF).

- 3.3 From the information available it is not clear how long the first caravan has been sited within the land. It has been established that the second caravan was brought onto the land by the current occupiers in 2012 and has been used by staff working on the site for providing tea making facilities and temporary shelter. Investigations have failed to ascertain how long the first caravan currently being occupied by the owner's family has been in position and used for residential purposes there.
- 3.4 The NPPF (paragraph 87) states that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. The creation of a dwelling with a residential curtilage is inappropriate development in the Green Belt.
- 3.5 The appearance, design and siting of the metal containers at this location is not in keeping with the character and appearance of this part of the Green Belt and their retention would be contrary to policy GE2 and GE4 of the Sheffield Unitary Development Plan.
- 3.6 The siting of the metal containers in close proximity to the rear garden boundary of adjacent residential properties is considered to cause unacceptable harm to the visual amenities of the locality and the living conditions of nearby residents

4. REPRESENTATIONS

- 4.1 A total of 4 named local residents have submitted complaints to the enforcement team regarding the caravans and the unauthorised containers in use on the land.

5. ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 Section 171C of the Town & Country Planning Act 1990, ('the Act') provides for the service of a Planning Contravention Notice, (PCN). It requires information about the breach of control and property ownership. It also gives an opportunity to meet with officers to make representations. In this case a notice was served on the landowners to establish the exact use of the land, and to ascertain how long the caravans and containers had been in place, and what they were needed for. The Notice was returned together with partial information regarding the recent history of the land. Remedies have been discussed but negotiations have not resolved the harm.
- 5.2 The questions in the PCN relating to the length of time the first caravan had been on the site were not adequately answered. The occupiers have had their attention drawn to the possibility of submitting a Certificate of Lawful Use or Development application (CLUD) but have not submitted one. As apparently used as a dwelling, the use of the first caravan would be lawful after 4 years continuous use. Because of not answering all the questions in the PCN it would be possible to prosecute for non-compliance with the PCN. However, given the harm and the 4 year time limit, it is recommended that an Enforcement

Notice be served. This doesn't prevent the occupier submitting a CLUD if they feel it is appropriate.

- 5.3 Section 172 of the Act provides for the service of an enforcement notice, (EN). In this case such a notice would require the removal of the caravans, and the metal containers from the land.
- 5.4 Section 183 of the Act provides for the service of a Stop Notice. In this case such a notice could be used to stop the use of the caravans and containers almost immediately. It is not considered to be appropriate in this case as a reasonable amount of time should be given for the occupiers of the caravan to organise alternative accommodation or to be towed to an alternative authorised caravan pitch, and taking into account the level of harm and business needs. The compliance period in an enforcement notice would take this into account.

6. EQUAL OPPORTUNITIES

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

7. FINANCIAL IMPLICATIONS

- 7.1 There are no additional financial implications expected as a result of this report. If an appeal is made against the enforcement notice, costs can be made against the Council if it is shown that they have behaved "unreasonably" in the appeal process, it is unlikely that this will happen in this case. However, in the unlikely event compensation is paid, it would be met from the planning revenue budget.

8 HUMAN RIGHTS ACT 1998

- 8.1 The proposed enforcement action will mean the removal of somebody's living accommodation. Members will need to consider the following:

- 8.2 Article 8 of the Act refers to the Right to respect for private and family life. Everyone has the right to respect for his private and family life, his home and his correspondence.

- 1 There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 1 (First Protocol)

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law.

- 8.3 The proceeding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

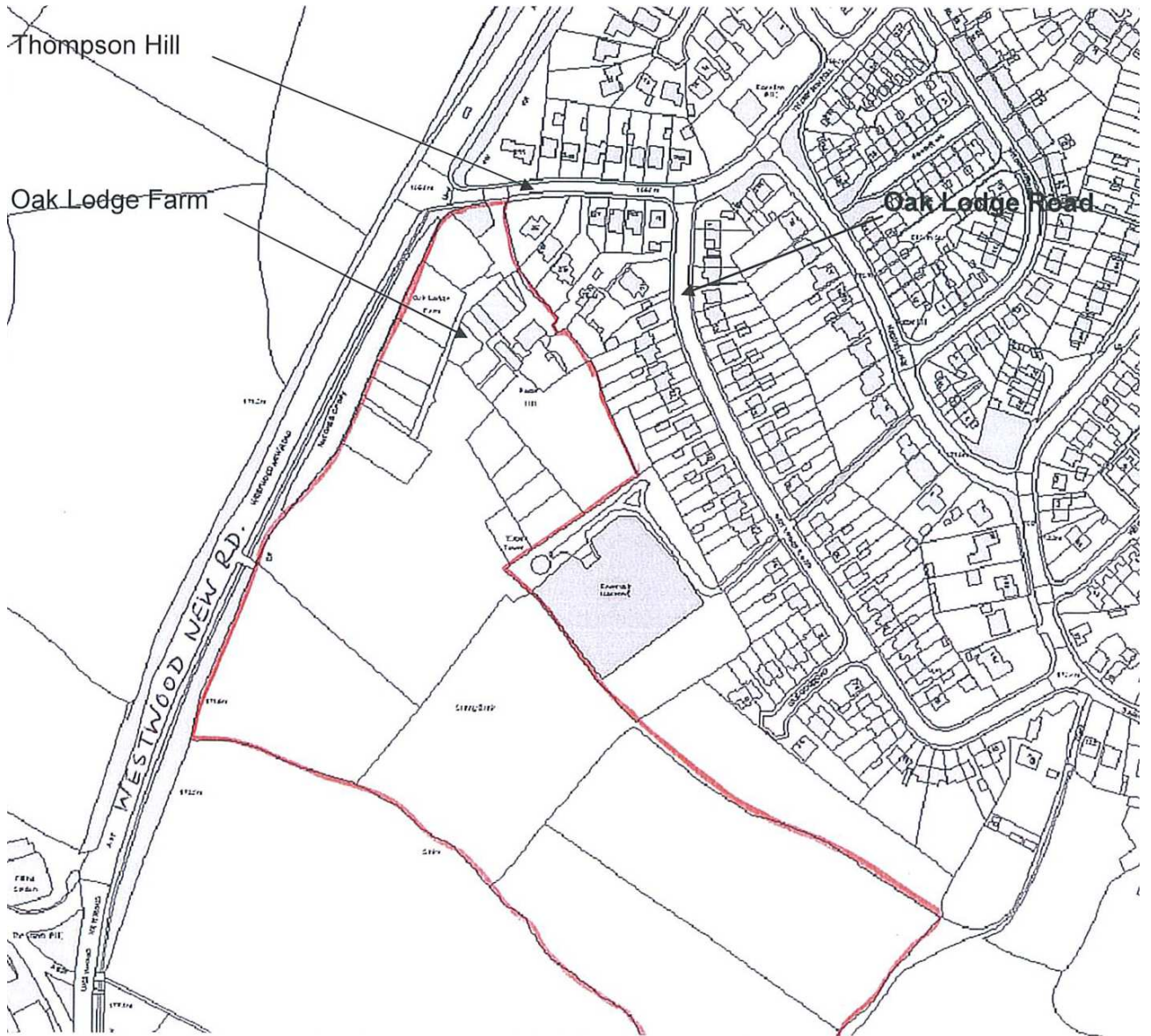
The rights protected by Articles 8 and 1 (First Protocol) in the 1998 Act are qualified in terms of restrictions imposed in the public interest. In this case the interference with the rights of any occupiers of the building is in accordance with planning law and is legitimate and proportionate to the breach of planning control. The use for siting a caravan as a dwelling is only possible due to unauthorised development contrary to planning policies set out in this report.

- 8.4 As previously stated, the use of the land for the siting of caravans is unacceptable development in this Green Belt area. It is therefore in the wider public interest to ensure that the unauthorised development is removed; interference with the occupiers Human Rights is necessary and justified because the surrounding environment is not acceptable for residential use.

9 RECOMMENDATION

- 9.1 That the Director of Development Services or Head of Planning be authorised to take any appropriate action including, if necessary enforcement action and the institution of legal proceedings to secure the cessation of the use of the land for stationing caravans for residential accommodation and provision of welfare facilities, their removal and for the removal of the unauthorised containers also sited within the land.
- 9.2 The Head of Planning be 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.

Site Plan



Maria Duffy
Interim Head of Planning

20 March 2014



SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Director of Development Services

Date: 01st April 2014

Subject: Enforcement Report

Author of Report: Abby Wilson

Summary: Replacement of the natural slate tiles with artificial tiles.

Reasons for Recommendations

Officers consider that the artificial tiles are an inappropriate modern material and of poor design in any conservation area and as such are contrary to policies S10, BE5, BE15, BE16 and BE17 of the Unitary Development Plan and CS74 of the Core Strategy for Sheffield.

Recommendations

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 artificial roof tiles at 13 College Street.

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.

Background Papers:

Category of Report: OPEN

ENFORCEMENT REPORT

UNAUTHORISED REPLACEMENT ROOF TILES AT 13 COLLEGE STREET IN THE BROOMHILL CONSERVATION AREA.

1. PURPOSE OF THE REPORT

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

2. BACKGROUND AND LOCATION

- 2.1 13 College Street is a traditional mid 19th Century two storey end-of-terrace property, which is located to the south of College Street in the Broomhill Conservation Area and lies within a Housing Area as designated in the Unitary Development Plan. The property is included in the Broomhill Article 4(1) Direction as the property is used as separate flats.
- 2.2 The property has recently undergone changes to reduce the 3 flat property to create 2 flats by converting the ground floor and basement flats into a single flat, with a first and second floor flat (13A College Street). Planning permission was granted for a lightwell at the front of the property, the replacement of external stairs up to the first floor level at the rear elevation and the construction of a two storey rear extension at lower ground and ground floor levels.
- 2.3 The application did not include the replacement of the natural slate tiles with artificial tiles. Flats do not benefit from permitted development rights and these changes materially affect the appearance of the property and therefore planning permission is required.
- 2.4 An anonymous complaint was received in July 2013 advising planning enforcement that the roof at 13 College Street had been replaced with artificial slates. An officer visited the site and confirmed the roof had recently been replaced with what appeared to be artificial roof slates. but this could not be determined as although the roof was complete, scaffolding remained and prevented identifying the slates as artificial. A letter was sent to the owner of the property to advise them of the potential breach and requested a replacement roof covering using natural slate tiles.
- 2.5 A response was received from an agent acting on behalf of the owner. They requested information on similar cases in the area to persuade the owner to replace with natural slate rather than to attempt to retain the existing artificial roof tiles.

2.6 To date no application has been received and no further correspondence has been received by the owner or the architect. The approved works to the property are complete but the artificial tiles remain

3 ASSESSMENT

3.1 The property is set on a residential street within a designated Housing Area and the Broomhill Conservation Area. The issue is to be assessed, therefore, against Unitary Development Plan policies H14, BE5, BE15, BE16 and BE17.

3.2 In March 2009, the Core Strategy Policy Document was adopted and this forms part of the Sheffield Development Framework, which is in accordance with the principles of the National Planning Policy Framework. Core Strategy policy CS74 is therefore also relevant to the assessment of these changes.

3.3 UDP policy H14 permits new development that is in scale and character with neighbouring buildings and BE5 states that any development will be high quality and well designed and of a scale and nature that is appropriate to the site that enables a proposal to fit in comfortably with their surroundings, without being detrimental to the visual amenities of the area. Similarly, policy CS74 of the Core Strategy further reiterates the need for high quality designs and strengthens the Local Planning Authority's position regarding the preservation of Sheffield's built heritage.

3.4 Policy BE15 Areas and Buildings of Special Architectural or Historic Interest, says that development that would harm the character or appearance of Conservation Areas will not be permitted. Policy BE17 Design and Materials in Areas of Special Architectural or Historic Interest, requires a high standard of design using traditional materials with Policy BE16 Development in Conservation Areas, stating that development in Conservation Areas is required to preserve or enhance the character and appearance of that Conservation Area.

3.5 The Broomhill Conservation Area Appraisal which was adopted on 17 December 2007 refers to the loss of natural roof slate as a small scale alteration to properties that has incrementally eroded the character of the Conservation Area.

3.6 The loss of traditional materials and design features threatens the character and appearance of the Conservation Area, and is in direct conflict with the purpose of the Article 4(2) direction.

3.7 The roof tiles used at number 13 are made from a cement base and have a uniform, shiny, unnatural appearance which contrasts strongly with the natural appearance of neighbouring roofs as can be seen in the photos.

3.8 Officers consider that the artificial tiles are an inappropriate modern material and of poor design in any conservation area and as such are contrary to policies S10, BE5, BE15, BE16 and BE17 of the Unitary Development Plan and CS74 of the Core Strategy for Sheffield.

3.9 The photo images below show the property in question before and after the changes and demonstrate that the unauthorised changes are not appropriate for

the property and their appearance is deemed not to be in keeping with the character of the Conservation Area.

- 3.10 It is worth noting that previous enforcement action taken in the Broomhill Conservation area, in similar circumstances, was supported by the planning inspectorate following appeal, at 54 Marlborough Road where the inspector agreed that the change in roof covering materially affected the external appearance of the property. In addition the inspector concluded that the unnatural shiny appearance of the roof covering, and its uniformity were out of character and harmful to the appearance of the Conservation Area.

4 REPRESENTATIONS

- 4.1 One anonymous complaint was received about the replacement roof.

5 ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 The service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 enables the Local Planning Authority to issue an Enforcement Notice where there has been a breach of planning control. In this case the notice would require remedial measures to ensure that the perceived harm is remedied. In this case this would be that the artificial roof slates are removed at 13 College Street. There is a right of appeal to the Planning Inspectorate against the service of an Enforcement Notice. Appeal decisions however have supported the Council in taking similar action.

6 EQUAL OPPORTUNITIES

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

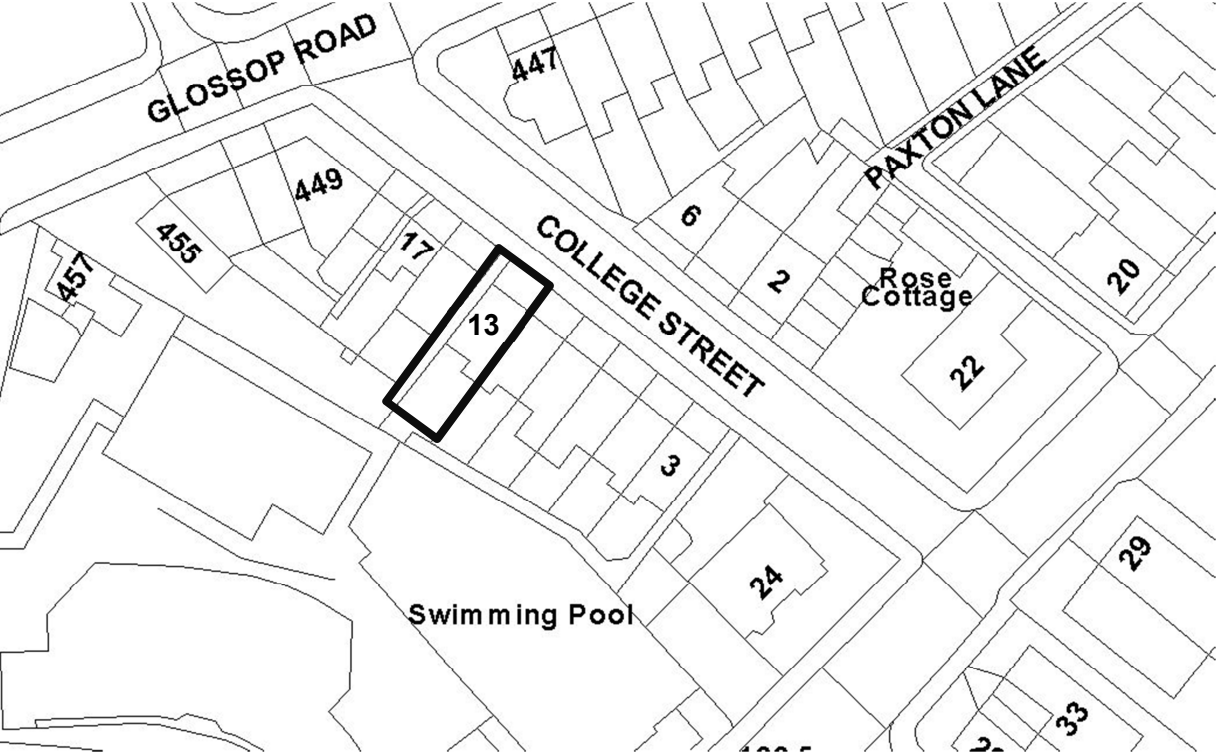
7 FINANCIAL IMPLICATIONS

- 7.1 There are no additional financial implications expected as a result of this report. If an appeal is made against the enforcement notice, costs can be made against the Council if it is shown that they have behaved “unreasonably” in the appeal process. It is unlikely that this will happen as Officers do not consider unreasonable behaviour has occurred. However, in the unlikely event compensation is paid, it would be met from the planning revenue budget.

8 RECOMMENDATION

- 8.1 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 artificial roof tiles at 13 College Street.
- 8.2 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.

Appendix A - Number 13 College Street Outlined in Black



Appendix B – Photo of 13 College Street



Appendix C - Photo of roof covering at 13 College Street 2010





SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Director of Regeneration & Development
Services

Date: 01 April 2014

Subject: Enforcement Report

Author of Report: John Williamson

Summary:

To provide an update and recommendation to Members on an outstanding debt under Section 106 of the Town and Country Planning Act 1990 (as amended)

Reasons for Recommendation

Following exhaustive but unsuccessful debt recovery actions, legal advice has been received relating to the possibility of success of any further action.

Recommendation:

That in relation to the outstanding debt of £6,050 under Section 106, Members endorse the recommendation to write off the outstanding debt.

Background Papers:

Category of Report: OPEN

01 APRIL 2014

ENFORCEMENT REPORT ON AN OUTSTANDING DEBT UNDER
SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990

1.0 INTRODUCTION

Members will recall that reports were presented to the previous Area Planning and Highways Committees in December 2010 explaining what measures were being put in place to try to recover developer contributions secured through the signing of Section 106 legal agreements, but where the developer had gone into liquidation or there were complications in the legal agreement that resulted in the contributions being unpaid beyond the trigger point inserted into the agreement.

1.1 The reports highlighted the fact that where all avenues available to the Council to recover the outstanding contributions had been exhausted, the debt may have to be written off, but the individual cases would be reported to the Committee for a final decision. This report relates to such a case.

1.2 Members will be aware that a complete review of Section 106 procedures has taken place that resulted in revised processes being adopted in an attempt to prevent instances such as this occurring in the future. This includes a requirement for land ownership to be proven at the time of signing the agreement to a level accepted by civil courts, a full quarterly review of outstanding development subject to legal agreements and the involvement of Legal services in case reviews.

2.0 PLANNING PERMISSION 02/03814/FUL

2.1 Planning permission was granted on 10 June 2004 for the erection of 22 flats on a site at the junction of Herries Road and Wordsworth Avenue. A legal agreement was signed that required:

2.1.1 “within 28 days of the date on which the planning permission (granted pursuant to the written application set out above) is implemented (being the date of commencement of the Development as set out in clause 6 of the agreement) the owner will pay to the Council the sum of £6,050.00 (the “Open Space Contribution”)

2.2 The development has been completed and occupied for a considerable time but the agreed contribution has not been paid. The original

developer went into liquidation and the current owner has been pursued but has not cleared the debt. Discussions have taken place with the Council's Debt Recovery team and Legal Services and on examination of the legal agreement, it was found that it had not been properly executed and, as a result, the liability did not pass with the land as the deed had not been validly entered into. This means that the current owners are not responsible for the debt.

2.3 Based on the evidence and legal advice received it is recommended that no further enforcement action is taken and that the debt is written off as there are no other options available to recover the sum owed.

3.0 EQUAL OPPORTUNITIES IMPLICATIONS

3.1 There are no equal opportunities implications arising from the report

4.0 FINANCIAL IMPLICATIONS

4.1 The financial implications relate to the loss of a £6,050 contribution towards the enhancement of open space in the locality of the development. No specific site or project had been identified for this contribution. There is no implication for the core funding of the Council.

5.0 RECOMMENDATION

5.1 That Members endorse the writing off of the outstanding Section 106 debt of £6.050 in relation to planning application 02/03814/FUL and that the Director of Finance is advised accordingly.

This page is intentionally left blank



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 1 April 2014

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

DEVELOPMENT SERVICES

REPORT TO PLANNING &
HIGHWAYS COMMITTEE
1 APRIL 2014

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 Council at its meeting of the 17 December 2013 to refuse with Enforcement Action planning consent for retention of UPVC windows, soffits and fascias to front elevation and repainting stone lintels and string course at 261a, 1st Floor Flat 269 Fulwood Road, Flats 1, 2 And 3, 271 - 273 Fulwood Road Sheffield S10 3BD (Case No 13/02775/FUL)

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the Council to refuse planning consent for retention of balcony to rear of dwellinghouse (retrospective application) at 523 Loxley Road Sheffield S6 6RR (Case No 13/00974/FUL)

3.0 APPEALS DECISIONS - DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for alterations to building to form No. 3 self-contained flats at 27 Filey Street Sheffield S10 2FG (Case No 13/00250/FUL) has been dismissed

Officer Comment:-

The Inspector considered the main issues to be the effect on the character and appearance of the area, and whether the proposal provided satisfactory living conditions, with particular regard to external amenity space.

She considered that the substantial extension would have a dominant scale and its roof form would not reflect the traditional pitched roof of the original property. Whilst not visible from Filey Street, it would be visible from Hanover Way, adjacent church grounds, and private views from neighbouring residential properties. She concluded on this matter that the development would be an incongruous addition that would be harmful to the street scene contrary to policies BE5, H14, and BE18 of the UDP.

In terms of living conditions, the proposal reduced the external amenity space

to 17 sqm which would be shared by 9 occupants, for sitting out, bin storage, clothes drying etc. The Inspector noted that figure fell significantly short of the 80 sqm required by the South Yorkshire Residential Design Guide and agreed with the Council that this level of provision was inadequate and that the scheme represented overdevelopment of the site contrary to H5 and H14 of the UDP.

The small contribution the development would make to the housing stock in a sustainable location was noted but did not outweigh her overall concerns.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning consent for enlargement of domestic curtilage to provide parking space to side of dwellinghouse, including construction/formation of a means of vehicular access across existing verge at 78 Abbey Brook Drive Sheffield S8 7UT (Case No 13/02498/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue was the effect of the development upon the character and appearance of the area.

He noted that Abbey Brook Drive was an attractive street characterised by woodlands and green spaces. He agreed with the council that the curtilage extension into the woodland would not have a detrimental impact.

He also agreed that a 3m wide tarmac or concrete strip would have a stark appearance that would conflict with the green character of the area, detracting from its setting.

The presence of other access points or hard standings was noted however the Inspector felt these were in areas where the character was considerably more built up than the appeal site.

He concluded that the development would have an adverse visual impact, contrary to policy CS74 of the Cores Strategy and to the NPPF which seeks to secure high quality design.

(iii) To report that an appeal against the delegated decision of the Council to refuse planning consent for an application for extension of opening hours of hot food takeaway to 1100 hours - 0300 hours (the following day) Mondays to Saturdays 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) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be whether the condition (no3) on

the original permission, restricting use to between 0900 hrs and 2330 hrs (and to 2300 hrs on Sundays) follows the advice of the conditions circular 11/95 and is therefore necessary, relevant and reasonable, particularly with reference to the reason given for the condition – to protect local resident's amenities.

She also considered the impact of allowing a variation of the condition to allow use until 0300 hours (and 0200 hours on Sundays and Bank Holidays) upon resident's amenity.

She noted the busy district centre and main road location of the property, the range of late night uses, and the proximity of flats above the appeal property.

She also noted that the Council had attempted to strike a balance between business needs and those of residents regarding reasonable living conditions. She noted a consistent application of a 2330 closing time for other businesses and that previous appeal decisions had upheld this position.

The Inspector agreed with the Council that the extension of operating hours would lead to extra custom noise and disturbance around the appeal property. She noted a nearby bar (Menzel's) was open later into the night, and accepted it generated activity, but felt that the consolidated and intensified use around the takeaway would cause harm to local residents.

She therefore dismissed the appeal.

(iv) To report that an appeal against the decision of the Council at its meeting of 13 August 2013 to refuse planning consent for erection of two detached dwellinghouses (C3 Use), including private access road and associated landscaping at Curtilage Of 7 Stocks Green Court And Land Rear Of 3-7 Stocks Green Court Sheffield S17 4AY(Case No 13/00660/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the development upon the living conditions of existing and future occupants of no7 Stocks Green Court with particular regard to noise disturbance.

He noted the main access serving the two dwellings would be passing between a detached garage and no7. This gives rise to the potential for noise disturbance to no7 and he noted the appellant's reference to the small scale nature of the scheme but noted also the potential for three bedroom houses to host two vehicles, plus deliveries, and visitors and also that such activity could occur at unsocial hours.

He particularly also noted the gradient of the proposed drive would have an effect on vehicle noise (higher revs) that at such close proximity to no7 would cause an unacceptable level of noise disturbance. He did not consider however that there would be a loss of privacy from the juxtaposition of the

drive and windows to no7.

He also noted the absence of a 5 year deliverable housing land supply in the city, meaning the Council's housing policies are out of date (para 49 NPPF) and that the NPPF requires a presumption in favour of sustainable development unless the impact of doing so would outweigh the benefits. He notes however that whilst the development would make a small contribution to housing supply it would cause significant harm to the living conditions of existing and future occupants of no7 which would demonstrably outweigh such benefits.

He therefore dismissed the appeal.

4.0 APPEALS DECISIONS - ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for an application under Sec 73 to remove condition 18 (provision of green/brown roofs) imposed by 09/00805/FUL (Erection of 8 dwellinghouses with garages and new access road) at Land At The Junction Of Stumperlowe Crescent Road And Storth Lane Stumperlowe Crescent Road Sheffield S10 3HW (Case No 13/00037/FUL) has been allowed conditionally.

Officer Comment:-

The main issue in this appeal was whether the condition was necessary in the sense intended by Circular 11/95 "The Use of Conditions in Planning Permissions, having regard to the intentions of the development plan and other relevant policy.

In this case, the Inspector was of the opinion that due to the location of the houses, the roofs were barely visible so the lack of the green roofs would not harm the character and appearance of the conservation area.

In terms of the impact on the sustainability of the development, the Inspector noted the provisions in the Core Strategy and the Supplementary Planning Document "Climate Change and Design" and the fact that on smaller residential developments, green roofs were encouraged, but not required. The Inspector also considered that the reason why it was proposed to remove the green roofs was commercial preference rather than a viability issue.

It was considered that the ultimate test was whether the development would have to be refused permission if the green roofs were not provided, In this respect, the Inspector reasoned that there would not be a harmful effect on the character and appearance of the area nor would this significantly add to the urban heat island effect or undermine the mitigation of such, enhance biodiversity or reduce surface water run-off. So, in the absence of sound reasons to retain the condition, the Inspector allowed the appeal

5.0 RECOMMENDATIONS

That the report be noted

Maria Duffy
Acting Head of Planning

1 April 2014