

Planning and Highways Committee

Tuesday 24 June 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), David Baker, Tony Downing (Deputy Chair), Ibrar Hussain, Bob Johnson, Peter Price, Joyce Wright, Nasima Akther, Terry Fox, Denise Reaney, Tim Rippon, Jack Clarkson and Roger Davison

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
24 JUNE 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 meetings of the Committee held on 3 June and 4 June 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. Applications Under Various Acts/Regulations** (Pages 11 - 80)
Report of the Director of Regeneration and Development Services
- 8. Enforcement of Planning Control: Multiple Locations in the City including Staniforth Road, Earl Marshal Road, Page Hall Road, Walkley Lane** (Pages 81 - 92)
- 9. Record of Planning Appeal Submissions and Decisions** (Pages 93 - 96)
Report of the Director of Regeneration and Development Services
- 10. Date of Next Meeting**
The next meeting of the Committee will be held on 15 July 2014

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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.

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 Gillian Duckworth, Interim Director of Legal and Governance on 0114 2734018 or email gillian.duckworth@sheffield.gov.uk.

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Planning and Highways Committee

Meeting held 3 June 2014

PRESENT: Councillors Alan Law (Chair), David Baker, Tony Downing (Deputy Chair), Ibrar Hussain, Bob Johnson, Bryan Lodge, Peter Price, Peter Rippon and Joyce Wright

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

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 David Baker declared a personal interest in an application for planning permission for demolition of fire damaged buildings, levelling of ground and associated filling over extent of former buildings, viewing area and amenity building at Sheffield Ski Village, Vale Road (Case No. 13/03814/FUL) as he knew one of the objectors.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the meeting of the Committee held on 13 May 2014 were approved as a correct record.

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 23rd June 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, granted or refused as stated in the report to this Committee for this date in respect of Case Nos. 14/00868/FUL, 14/00867/FUL, 14/00145/LBC and 14/00144/FUL and other applications considered be amended as in the minutes of this meeting, and the requisite notices issued; the granting of any permission or consent shall not constitute approval, permission or consent by this Committee or the Council for any other

purpose;

(b) following consideration of a Section 106 update and, subject to an amended Open Space financial contribution for the development of £60,255.00 and additional conditions as contained within a supplementary report circulated at the meeting, an application for planning permission for demolition of existing buildings and erection of mixed use development with 52no residential units above ground floor ancillary residential facilities and commercial A1/A3/A4 use at 72 Russell Street be granted, conditionally, subject to legal agreement;

(c) (i) an application for planning permission for retention of 2 no. buildings to be used for storage (Use class B8 and 1 building for auto electrical works (Use class B1) (retrospective application) at Unit 5, 6 and 7 Elliot Business Park, Chambers Lane (Case No. 13/03839/FUL) be refused as the Committee considered that when viewed from Upwell Street to the north the proposed structures represented poor additions in the street scene and were not suitably reflective of the established character. The proposals were therefore contrary to Policies IB9 and BE5 of the Sheffield Unitary Development Plan and Policy CS74 within the Sheffield Development Framework, (ii) 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 3 buildings known as Unit 5, 6 and 7 Elliot Business Park, Chambers Lane, Sheffield, S4 8DA and (iii) the Head of Planning, in liaison with the Chair of this Committee, be authorised to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control; and

(d) (i) following representations from four local residents speaking against the application and the applicant speaking in support of the application, and, notwithstanding the officers recommendation, an application for planning permission for demolition of fire damaged buildings, levelling of ground and associated filling over extent of former buildings, viewing area and amenity building at Sheffield Ski Village, Vale Road (Case No. 13/03814/FUL) be refused as the Committee considered that the development would change the nature of the site and was therefore contrary to policy LR5 and (ii) delegates authority 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 clean up of the site.

7. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

7.1 The Director of Regeneration and Development Services submitted a report detailing (a) the planning appeals recently submitted to the Secretary of State and (b) the outcome of recent planning appeals, along with a summary of the reasons given by the Secretary of State in his decision.

8. DATE OF NEXT MEETING

8.1 It was noted that the next meeting of the Committee will be held on Tuesday, 24th June 2014 at 2.00 pm at the Town Hall.

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SHEFFIELD CITY COUNCIL

Planning and Highways Committee

Meeting held 4 June 2014

PRESENT: Councillors Alan Law (Chair), Tony Downing (Deputy Chair), David Baker, Ibrar Hussain, Bob Johnson, Peter Price, Joyce Wright, Nasima Akther, Terry Fox, Tim Rippon, Roger Davison, Jack Clarkson and Denise Reaney

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1. APPOINTMENT OF CHAIR AND DEPUTY CHAIR

1.1 **RESOLVED:** That Councillor Alan Law be appointed Chair and Councillor Tony Downing be appointed Deputy Chair of the Committee for the 2014/15 municipal year.

2. TO FIX DAY AND TIME OF THE MEETING

2.1 **RESOLVED:** That meetings of the Committee be held on Tuesday 24th June 2014 and every three weeks thereafter at 2.00pm.

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SHEFFIELD CITY COUNCIL

Planning and Highways Committee

Report of: Director of Regeneration and Development Services

Date: 24/06/2014

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.
14/01361/FUL (Formerly PP-02915307)	Land Between Broadfield Close And Little London Road Broadfield Close Sheffield	15
14/01254/FUL (Formerly PP-03238873)	Hazlehurst Residential Home 1 Dyche Drive Sheffield S8 8DN	37
14/00637/CHU (Formerly PP-03207713)	Townfield Head Farm Long Lane Dungworth Sheffield S6 6GR	56
13/04226/LBC (Formerly PP-02706018)	Gladstone Building 1 St James' Row Sheffield S1 2EU	69
13/04225/FUL (Formerly PP-02706018)	Gladstone Building 1 St James' Row Sheffield S1 2EU	72

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To the Planning and Highways Committee
Date Of Meeting: 24/06/2014

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	14/01361/FUL (Formerly PP-02915307)
Application Type	Full Planning Application
Proposal	Erection of part single storey/part two storey restaurant/public house (Use Class A3/A4) with ancillary residential accommodation at first floor, and associated play areas, car parking, landscaping and ancillary works (As amended 06/06/2014)
Location	Land Between Broadfield Close And Little London Road Broadfield Close Sheffield
Date Received	11/04/2014
Team	South
Applicant/Agent	Walsingham Planning
Recommendation	Grant Conditionally

Subject to:

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

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:

Drawings (JDA):

1532/03 Rev D (Site Plan)
1532/04 Rev D (Landscaping Plan)
1532/05 Rev D (Lighting Plan)
1532/06 (Ground Floor Plan)
1532/09 Rev A (Yard Details)
1532/07 (First Floor Plan)
1532/08 (Roof Plan)
1532/10 Rev A (Elevations)
1532/11 Rev A (Elevations)
1532/12 (Proposed Sections)

Drawing (Greene King):

056077 Rev A (Kitchen Ventilation System)

Flood Risk Assessment (RDA Dec 2013)

Renewable Planning statement (King Associates ref E1885, 16 Oct 2013)

Environmental Noise Impact Assessment Report (ENL August 2013)

Access Statement (JDA Nov 2013) (excluding disabled parking figures)

Materials Schedule Rev B (JDA 2 Dec 2013) (excluding Sandtoft Tuscan roof tile)

Reason; In order to define the permission.

- 3 No development shall commence until full details of measures to protect the existing trees and shrubs to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate

root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees or shrubs 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.

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

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

- 5 Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

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

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

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

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

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

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

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

- 9 The finished ground floor levels shall be set no lower than 77.5m above Ordnance Datum.

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

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

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

- 11 The building shall not be used unless the car parking accommodation for 79 cars as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

- 12 Surface water draining from areas of hardstanding shall be passed through a trapped gully or series of trapped gullies, prior to being discharged into any watercourse, soakaway or surface water sewer. The gully/gullies shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the gully/gullies.

Reason; To prevent pollution of the Water Environment.

- 13 The building shall not be used unless the cycle parking accommodation for 18 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, in accordance with Unitary Development Plan for Sheffield and Core Strategy.

- 14 Prior to the occupation of any part of the development, a detailed Travel Plan(s), designed to: reduce the need for and impact of motor vehicles, including fleet operations; increase site accessibility; and to facilitate and encourage alternative travel modes, shall have been submitted to and approved in writing by the Local Planning Authority. Detailed Travel Plan(s) shall be developed in accordance with a previously approved Framework Travel Plan for the proposed development, where that exists.

The Travel Plan(s) shall include:

1. Clear and unambiguous objectives and modal split targets;
2. An implementation programme, with arrangements to review and report back on progress being achieved to the Local Planning Authority in accordance with the 'Monitoring Schedule' for written approval of actions consequently proposed,
3. Provision for the results and findings of the monitoring to be independently verified/validated to the satisfaction of the Local Planning Authority.
4. Provisions that the verified/validated results will be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.

On occupation, the approved Travel Plan(s) shall thereafter be implemented, subject to any variations approved in writing by the Local Planning Authority.

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

- 15 The building 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.

- 16 The public house/restaurant shall not be used unless the access and facilities for people with disabilities shown on the plans have been provided in accordance with the approved plans and thereafter such access and facilities shall be retained.

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

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

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

- 18 The development shall be carried out in accordance with King Associate's Renewable Planning Statement dated 16 October 2013 which identifies the proposed method of providing a minimum of 10% of the development's predicted energy needs from decentralised and renewable or low carbon energy. The 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 and 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.

- 19 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.

- 20 The public house/restaurant shall be used only between 0900 hours and 0000 hours Monday to Saturday and 0900 hours and 2300 hours on Sundays and Public Holidays.

Reason; In the interests of the amenities of the locality and to define the permission

- 21 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 the scheme of sound insulation measures detailed in the submitted Environmental Noise Impact Assessment Report (ENL August 2013) have been implemented and retained in accordance with the details submitted and approved in writing by the Local Planning Authority.

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

- 22 No amplified sound shall be played within the building except through an in-house amplified sound system fitted with a sound limiter, the settings of which shall have received the prior written approval of the Local Planning Authority. There shall be no external speakers or entertainment of any kind outside the building within the curtilage of the site.

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

- 23 No deliveries to the building 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.

- 24 No movement, sorting or removal of waste bottles, materials or other articles, nor movement of skips or bins shall be carried on outside the building/s within the site of the development (shown on the plan) between 2300 hours and 0700 hours (on the following day) Sundays to Fridays and between 2300 hours and 0900 hours (on the following day) on Saturdays and the day before a Public Holiday.

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

- 25 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, Part 3, or any Order revoking or re-enacting that Order, the building shall not be used for any purpose within Class A1 of the Use Classes Order without prior planning permission being obtained from the Local Planning Authority.

Reason; To protect the vitality and viability of nearby District and Local Shopping Centres.

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

You should apply for a consent to: -

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

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

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

The notice should be sent to:-

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

For the attention of Mr P Vickers

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

5. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms

on the Council website. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk. Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

6. The 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.
7. 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.
8. 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.
9. The developer is advised that in the event that any un-natural ground or unexpected contamination is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority.

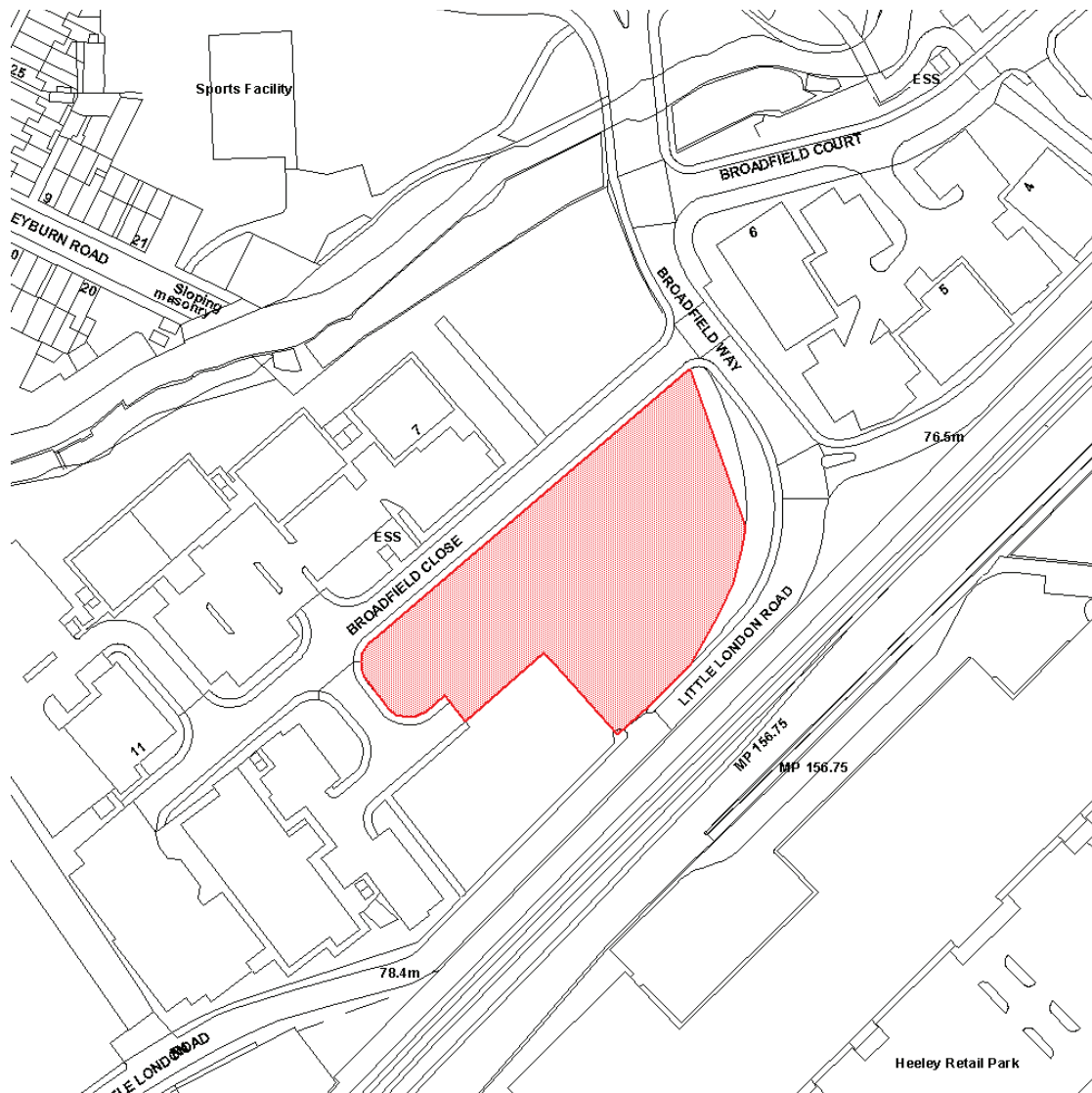
10. The developer's attention is drawn to:
- (i) Sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970, as amended; and
 - (ii) the code of Practice for Access of the Disabled to Buildings (British Standards Institution code of practice BS 8300) or any prescribed document replacing that code.

Section 4 sets requirements for access to, and facilities at, premises. Section 7 requires a notice or sign to be displayed, indicating that provision is made for the disabled.

If you require any further information please contact Brian Messider or Simon Ovendon on Sheffield 2734197.

11. The applicant is advised that the signage indicated on the submitted drawings is not approved as part of this permission and will require separate Advertisement Consent. To discuss arrangements for obtaining such consent, and to request application forms, the applicant should contact Development Control Section, Development Services, on Sheffield (0114) 2039183 or go to www.sheffield.gov.uk/in-your-area/planning-and-city-development
12. The occupiers are recommended to sign up to the Environment Agency's Flood Warning Service - Floodline. They should telephone Floodline on 0845 9881188 to register for Floodline Warnings Direct.

Site Location



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LOCATION AND PROPOSAL

The site is a level vacant plot within the Broadfield Business Park. It covers approximately 0.43 hectares and is predominantly covered with self-seeded vegetation although there is some planned planting to part of the perimeter. The site is bounded by Little London Road, Broadfield Close and Broadfield Way. On the opposite side of Little London Road are brick and natural stone walls which retain land directly adjoining the railway. Beyond the railway is Heeley Retail Park. On the opposite sides of Broadfield Way and Broadfield Close are large scale business units (Class B1). There is also an area of open space at the opposite

junction of Broadfield Close and Broadfield Way. A vacant plot directly adjoins the site to the south west.

The Business Park covers approximately 6.7 hectares and was created in phases starting some 10 years ago on former industrial land. It includes some 7000m² of office space (Class B1) and a 5575m² leisure unit, currently occupied by Virgin Active (Class D2). The completed buildings are all occupied and comprise Phases 1 to 4 of the development. This application represents Phase 5. An adjoining, much smaller plot will ultimately represent the final phase (Phase 6).

The completed buildings are of similar appearance and vary between 2 and 3 storey heights. They are predominantly red brick with grey rainscreen cladding and shallow mono pitch roofs. They all have large car parks of between approximately 20 and 50 spaces. The car parks are typically, but not exclusively, to the fronts of the buildings. Virgin Active has a much larger car park (approx 200 spaces).

The application is for the erection of a public house/restaurant with ancillary living accommodation (2 flats) and 79 car parking spaces. The development will be part of the 'Hungry Horse' chain owned by Greene King brewery. The Hungry Horse product is a family orientated food and drink offer which has over 200 premises across the country, including 3 in Sheffield.

RELEVANT PLANNING HISTORY

Outline planning permission for the business park was granted in April 2002 (ref 99/01364/OUT). The permission was for a leisure unit, diner, police station, 6 office units and 2 general industrial units.

Phases 1 - 3 were subject to reserved matters submissions:

Phase 1 - 2 x 2 storey office blocks and leisure unit (ref 01/10188/REM). The leisure unit is occupied by Virgin Active.

Phase 2 - 3 x 2 storey office blocks (ref 03/04756/REM)

Phase 3 - 3 x 2 storey and 1 x 3 storey office blocks (ref 05/02064/REM)

Phase 4 was the subject of an application for full planning permission and comprises 1 x 2 storey block for mixed office/non-residential institution use (ref 06/00792/FUL). The implemented institution use is occupied by the NHS and includes provision for kidney dialysis treatment.

Phases 1 - 4 have been implemented.

SUMMARY OF REPRESENTATIONS

3 objections have been received from local residents:

- Nature of development is type normally found in out of town retail/business areas or large urban retail parks - site is small business park bordering increasingly vibrant Abbeydale Road area which has several relatively new independent businesses, particularly around Broadfield Road junction, bringing visitors from around the City
- Queries comments in submitted supporting statement about land use policy principles, merits of the chain pub offer and lack of acknowledgement of other pubs in area (Broadfield PH) - proposal is largely superfluous and of limited value to local community
- Need to consider whether proposal is to serve local neighbourhoods or much wider area and either reduce car parking or improve traffic calming and enhance cycle route - suggests segregated cycle path in highway and consultation with Cycle Sheffield
- Excessively large car park is incongruous and disturbing - designed to fit company model based on other out of town locations and shows that proposal is designed to be based around customers arriving by car
- Job creation figures debatable as local businesses will suffer
- No local need - will have negative impact and will inevitably compete with The Broadfield
- Customers coming from Woodseats/Meadowhead/Chesterfield area likely to use rat run (Little London Road) which will increase pressure on cyclists and walkers on signed cycle route
- Concern about additional traffic in the 'lakes' roads which includes a road closure (Rydal Rd) - requests more signs to stop right turns off Abbeydale Road
- Size and style of building out of place - more in keeping with a non-residential setting such as motorway or business/retail park
- Area already well served by local licensed premises of suitable scale and character - insufficient justification for proposal
- Against Council's land use policies and development of unique Antiques Quarter
- Car park will increase likelihood of antisocial behaviour when premises closed and lighting will cause light pollution for local residents

1 representation supporting the application has been received from a local resident:

- Welcome addition to area and will complement current regeneration
- Welcome employment opportunities in area of regeneration of formerly deprived area
- Reasonable distance from Antiques Quarter - no antiques themed establishments in business park
- Room for another licensed premises - Broadfield is the only licensed premises in the area at present
- No considerable issues resulting from increase in traffic - Broadfield Way already a heavily used thoroughfare and business park is away from residential area - may be an increase in on street parking on the business park during busy periods but no major concerns - doesn't seem to be an issue with the Broadfield
- Light pollution to residential property unlikely due to separation distances

- Welcomes new business to area and will provide patronage

PLANNING ASSESSMENT

Policy

The site lies within a Fringe Industry & Business Area (FIBA) as defined in the Unitary Development Plan (UDP). A Business and Industrial Area designation is proposed in the Local Plan Draft Proposals Map. No special designations affect the site.

The site lies within Flood Zone 2 as identified in the Strategic Flood Risk Assessment.

The most relevant UDP and Local Plan Core Strategy policies are referred to in the Planning Assessment below.

The Local Plan draft City Policies and Sites document (pre-submission version) has not been submitted for final approval and is not an adopted document. Its policies therefore carry limited weight and are not considered in detail as part of this assessment. Nevertheless, the most relevant policies do not raise any additional requirements for this proposal over and above the adopted local policies and national policies in the National Planning Policy Framework (NPPF).

The NPPF provides the context for formulation and consideration of the Council's policies. Reference to the NPPF is made throughout the assessment where deemed necessary.

Principle of Proposed Use

The most relevant UDP and Local Plan Core Strategy policies are:

IB6 (Development in Fringe Industry and Business Areas)
IB9 (Conditions on Development in Fringe Industry and Business Areas)
CS3 (Locations for Office Development)
CS30 (Jobs and Housing in the Sheaf Valley and Neighbouring Areas)

The NPPF requires Local Planning Authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. 'Main town centre uses' are defined in the NPPF (Annex 2) as including restaurants and public houses. The NPPF also requires an impact assessment of such uses that have a gross floor area exceeding 2500m². As the proposed building will have a gross floor area of only 843m² an impact assessment is not required.

The sequential approach set out in the NPPF means that proposals should be located 'in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered'. The applicant has identified and examined 4 potential in-centre sites in the catchment area, of which 3 are in the London Road District Centre and one is in the Abbeydale Road Local

Centre. They show that none of these sites are available and suitable for the business format proposed by the applicant.

Edge of centre locations are second best in the sequential approach. The NPPF defines 'edge of centre', for uses such as this, as being within 300 metres of a town (district) centre boundary. The site is therefore an edge of centre location as it is 160m from Abbeydale Road Local Centre and 270m from Heeley District Centre. The proposal therefore complies with national and local planning guidance on the location of main town centre uses.

The preferred use in FIBAs are business (Class B1), general industry (Class B2) and warehouses (Class B8) in accordance with Policy IB6. Food and drink outlets are listed as an acceptable land use in accordance with Policy IB6. Policy IB9(a) requires that the preferred Class B1, B2 and B8 uses are dominant in the Area. However, Core Strategy Policy CS3 supersedes this to some degree as it has not identified the area within its specified locations for significant levels of office (Class B1(a)) development.

Accordingly, the Local Plan draft City Policies and Sites document has taken forward the UDP approach only in part by proposing to designate the area as a Business and Industrial Area where Class B1b, B1c, B2 and B8 uses are preferred. Therefore, the proposal is not for a use promoted by the Core Strategy and the preferred uses do not currently dominate in the area as the majority of the buildings are in Class B1(a) office use.

However, as the site is within an established office park it could provide a useful facility that could serve the business park. Policy CS30d identifies the general area as one where existing businesses should continue to provide for local jobs and enterprises. The proposals will provide 76 new jobs which are expected to be primarily taken by people in the local area. Greene King have provided an Employment Note with comprehensive details of recruitment and training policies which include links with JobCentre Plus.

One of the objections questions the nett gain in jobs on the grounds that other businesses will suffer. There is no evidence to substantiate this. Any impact could reasonably be expected to be primarily confined to other public houses in the area. The Broadfield is the nearest public house. Since a change of ownership, the Broadfield has built a strong customer base and a good reputation. No objections have been raised by the Broadfield and its more bespoke offer is not expected to be undermined by the Hungry Horse outlet. The public houses in Chesterfield Road are less food and family orientated and are aimed at a different market.

Overall, the proposal is expected to add to the local economy rather than detract from it and therefore complies with Policy CS30.

Design and Sustainability

The most relevant UDP and Local Plan Core Strategy policies are:

BE5 (Building Design and Siting)
BE6 (Landscape Design)
BE7 (Design of Buildings Used by the Public)
GE15 (Trees and Woodland)
IB9 (Conditions on Development in Fringe Industry and Business Areas)
CS63 (Responses to Climate Change)
CS64 (Climate Change, Resources and Sustainable Design of Developments)
CS65 (Renewable Energy and Carbon Reduction)
CS74 (Design Principles)

The building has been designed in a traditional style with pitched tiled roofs, half dormers and regular window openings. A small conservatory with dual pitch roof is proposed on the front elevation facing Broadfield Close. The elevations are to be constructed in a good quality rustic mixed red brick. The main entrance area is proposed to be rendered along with the side elevations. The roofing materials have been simplified from a combination of tiles to a slate tile, and 'oak' upvc opening treatments are proposed. Artstone heads and cills are proposed to the openings.

The building will face Broadfield Close with the screened service areas located to the rear of the building facing Little London Road. There are large expanses of car park between the front elevation and Broadfield Close and further parking areas to the side, all accessed from the head of Broadfield Close. To the opposite side of the building is a sizeable fenced beer garden and children's play area. The layout has been developed having regard to 'Secured by Design' criteria.

Locating the building closer to the Broadfield Close frontage would be preferred. This would prevent the front of the building from being dominated by car parking and would move the service areas further away from the Little London Road frontage. The applicant considered this approach but concluded that it would result in a significant reduction in the beer garden and children's play area which would be pushed to the front of the site where less space is available due to the wide highway verge in Broadfield Way. Whilst this stance is not entirely convincing, it is accepted that the proposed location of the beer garden and play area is best separated from the road frontage to improve amenity for customers and prevent dominance of the front elevation of the building.

The location of car parking to the front of the building is undesirable but is consistent with the general layout of buildings in Broadfield Close and is therefore deemed acceptable. The alternative would result in additional car parking to the Little London Road frontage which is equally prominent. In these circumstances, and in the absence of any strong building lines, the siting is considered acceptable.

The design is very similar to the applicant's new public house at Richmond Park Road. Whilst a more bespoke contemporary building would be preferred to complement the modern buildings within the wider development, the materials are good quality and the more traditional design approach is of sufficient quality to be considered acceptable on this prominent corner site. Overall, the proposals comply with Policies BE5, IB9 and CS74.

The perimeters of the site have previously been planted quite comprehensively. The planting includes several young trees. The proposals are likely to result in a loss of planting, primarily as a result of the need for capping to address contaminants on the site. The submitted plan seeks to retain the existing trees and provide additional trees and a mixed hedge treatment to the site boundary in Broadfield Close. Additional ornamental planting is provided within the car park layout and around the building. The plan also confirms that any loss of trees to address soil capping will be replaced. Overall, the proposals are acceptable in accordance with Policies BE6 and GE15.

A BREEAM pre-assessment has been carried out and indicates that the development is capable of achieving a 'very good' rating. This is consistent with the requirements of Policy CS65 for this scale of development and includes an anticipated improvement of marginally over 10% on the target emission rate for the building. Other energy efficiency measures include the proposed recycling of cooking oil to provide fuel and a heat recovery system to provide hot water. A consultant's report confirms that these measures will achieve a minimum of 10% renewable energy which is consistent with the objectives of Policies CS63, CS64 and CS65.

The design provides or is capable of providing fully inclusive access for all users. The exception is the absence of a lowered section of counter to the bar area which would have been assistance to wheelchair users. The applicant has refused to make this concession but points to the waiter service that they offer to cater for such needs. Elsewhere, the level of provision for inclusive access is very good. Revisions to the external layout have ensured a legible pedestrian environment with appropriate delineation and 5 disabled parking spaces. Overall, the proposals comply with Policy BE7.

Flood Risk

The most relevant UDP and Local Plan Core Strategy policies are:

GE20 (Flood Defence)
CS67 (Flood Risk Management)

The site lies within Flood Zone 2 which means there is 'medium probability' of flooding. The submitted Flood Risk Assessment contends that the site should be within Flood Zone 1 ('low probability') based on current evidence. However, this would require a successful formal challenge to the Environment Agency's Flood Map in order to be a material consideration for the Council.

The NPPF requires sequential testing of alternative sites with the objective of directing development to sites within Flood Zone 1. In accordance with the NPPF Planning Practice Guidance, the area to apply the Sequential Test will be defined by local circumstances relating to the catchment area for the type of development proposed.

The applicant has provided evidence that the proposal is based on a business case for the surrounding South West area of the City, and considers the catchment

area for the development would need to be within 1 mile of the site as this is the area the development will most likely serve. The proposed location is intended to give them a presence in this specific area with a target area of Meersbrook, Nether Edge, Brincliffe, Sharrow, Carter Knowle, Heeley, Highfield, Lowfield, Norton Woodseats and Norton Hammer. The company has Hungry Horse outlets in Beighton, Handsworth and Intake and is currently considering a further site in the North area of the City.

The company also has very specific operational criteria which it applies to all Hungry Horse venues. These include:

- Freehold site;
- Highly visible sites adjacent to main roads and arterial routes;
- Prominent and easy access from main roads;
- A projected population within the catchment area of the development proposals (1 mile radius) of in the region of 20,000 people;
- Situated in close proximity to existing residential development, employment areas, leisure sites, new housing developments and / or district centres to help drive trade; and
- A minimum site size of approximately 0.4 ha to accommodate all elements of the development, growing to a maximum of 0.6 ha to accommodate a larger format premises

Given the operator's very clear operational requirements, and national and local policy objectives of locating main town centre uses within or at the edge of town centres, the narrower search area is considered appropriate in this instance. The search area is therefore justifiably narrowed to sites within a 1 mile radius of the site and within or at the edge of the closest Shopping Centres. The Environment Agency's Flood Maps have been used to compare relative flood risk between each site. The results are consistent with the Sequential Test undertaken in respect of alternative sites for main town centre uses referred to earlier in this report and indicates that the identified sites are not sequentially preferable by reason of higher flood risk, capacity, physical problems, and/or availability.

In the above circumstances it has been demonstrated that the development cannot be steered to Flood Zone 1 in the agreed area. The site location is therefore justified and passes the Sequential Test.

The submitted Flood Risk Assessment demonstrates that the site can be developed safely without increasing flood risk elsewhere. Broadfield Close is within Flood Zone 1 and a safe escape route can be provided from the front of the building in the event of flooding. The Environment Agency have raised no objections subject to conditions and a recommendation that the occupiers sign up to the Flood Warning Service.

Surface water discharge will inevitably increase from present but the existing infrastructure was designed to include discharge from this site as part of the overall business park development. Permeable surfacing has been discounted due to the necessary ground remediation works but surface water storage can be provided. The submitted Flood Risk Assessment identifies a need for 25m² capacity in order

to reduce surface water discharge to account for climate change. This can be located beneath the car park. Details can be conditioned.

Overall, the proposals satisfactorily deal with flood risk and surface water discharge and the proposals comply with Policies GE20 and CS67.

Ground Conditions

The most relevant UDP policy is GE25 (Contaminated Land). The Core Strategy has no particularly relevant policies.

Intrusive investigations have revealed significant levels of contamination on the site consistent with demolition debris, including asbestos. The Environmental Protection Service recommend further investigation in respect of other possible contaminants. A Phase 1 report can be conditioned to establish the extent of works required. Remediation works are proposed in the form of excavation to a depth of 1m and capping with imported material. This will disturb the existing site levels and is likely to require the removal and replacement of the perimeter planting. The submitted ground investigation reports demonstrate that the contamination can be satisfactorily dealt with in accordance with Policy GE25.

Air Quality

The most relevant UDP and Local Plan Core Strategy policies are:

GE23 (Air Pollution)
CS66 (Air Quality)

The urban location is within the city wide Air Quality Management Area. The large car park suggests that the proposed use will generate significant levels of traffic. However, the submitted Transport Statement indicates that the development is expected to generate less than one vehicle per minute during peak operating hours (evenings and weekends). This should ensure that there is no measurable impact on air quality in the area and, for this reason, an Air Quality Assessment is not considered necessary and has not been requested.

Highway Matters

The most relevant UDP and Local Plan Core Strategy policies are:

BE9 (Design for Vehicles)
IB9 (Conditions on Development in Fringe Industry and Business Areas)
T21 (Car Parking)
T22 (Private Car Parking in New Development)
CS53 (Management of Demand for Travel)
CS55 (Cycling Routes)

The level of car parking provision has been designed to serve the perceived operational needs of the business and is consistent with other Hungry Horse premises in various locations, including at Richmond Park Road (Handsworth). 79

car parking spaces are proposed, including 5 disabled bays. 10 cycle parking spaces are proposed in a covered shelter and a further 8 cycle spaces are proposed in the secure service yard.

The Council's current Car Parking Guidelines indicate maximum provision of between 99 and 172 spaces to serve a development of this size. The proposed 79 spaces are significantly below the maximum permitted provision but is aimed at meeting operational requirements having regard to the experiences of other Hungry Horse establishments.

Vehicle tracking indicates that a 10m rigid vehicle can manoeuvre acceptably within the car park. A larger vehicle would be likely to encroach into some of the parking spaces. However, the Transport Assessment confirms that all servicing will take place outside the opening hours of the restaurant/public house so this is not expected to be problematic.

As stated earlier, the development is expected to generate less than one vehicle per minute during peak operating hours. The peak operating hours will be outside the peak hours of vehicular activity associated with the surrounding office uses. The Transport Assessment anticipates that there is potential for 35% linked trips during the weekday peak and 20% during the Saturday peak. In these circumstances, and having regard to the new infrastructure that has been provided to serve the business park as a whole, traffic is not expected to have any material adverse impact on the surrounding network. The applicant has indicated that a Travel Plan will be prepared to promote more sustainable modes of travel. This can be conditioned.

The residents' comments about rat running in Rydal Road and the adjoining streets are noted. However, there is no evidence to suggest that traffic associated with the development will be significant and visitors are likely to be either familiar with the road closure or more inclined to stick to the main road network. Similarly the proposals are not expected to adversely affect the use of the designated and recommended cycle route. The cycle network has been developed in this area as part of the wider business park scheme.

Consideration has been given to the potential for enhancement of existing cycle routes to better serve the site, including widening an existing footpath link from Little London Road to the west of the site. However, the footpath does not adjoin the site, and the land required to enhance it is not in the applicant's control. It is therefore considered that it would not be a reasonable request of this application, but would more readily be applied to any subsequent application for development of the adjacent site.

There is acceptable access to the application site for cyclists, within the current cycle route layout.

In view of the above, the proposals comply with the quoted policies.

Residential Amenity

The most relevant UDP policy is IB9 (Conditions on Development in Fringe Industry and Business Areas). The Core Strategy has no particularly relevant policies.

The site is well separated from residential properties which are to the north of the business park in Leyburn Road and beyond the railway and Heeley Retail Park to the south of the site. The proposed opening hours are 0900 - midnight (Mon-Sat) and 0900 - 2300 (Sun/Public Holidays).

The submitted Noise Assessment indicates that noise will not be an issue for any residential property although an acoustic scheme is recommended for the condensing units within the service yard. The report also confirms that no amplified sound or entertainment is proposed in the beer garden area. This can be conditioned.

A lighting plan and assessment has been provided and demonstrates that the external areas can be effectively illuminated with minimum light spillage.

In view of the above, the proposals comply with Policy IB9(b).

SUMMARY AND RECOMMENDATION

The proposal represents Phase 5 of the Broadfield Business Park development. The proposal is a 'main town centre use' and is not a 'preferred' use in this area. However, sequential testing has demonstrated that there are no preferential sites that are suitable and/or available for this type of development. Sequential testing has also been undertaken in respect of flood risk as the site is in Flood Zone 2 ('medium' probability of flooding).

The site is in a sustainable location and easily accessible to a large catchment. It could provide a useful facility to serve the business park and will create 76 jobs, most of which are expected to be taken by local workers.

The traditional design of the building is acceptable and will achieve a BREEAM 'very good' rating. It will also utilise renewable energy in accordance with policy requirements.

The car parking provision is designed to meet operational requirements based on the needs of other similar establishments operated by the applicant. Adequate provision is also made for cycle parking and disabled car parking.

The proposals will have no impact on any residential property, due to the distance of the site from such properties, and there are no air quality issues.

Overall, the proposals comply with the quoted policies and the NPPF and it is recommended that planning permission is granted subject to conditions.

Case Number	14/01254/FUL (Formerly PP-03238873)
Application Type	Full Planning Application
Proposal	Erection of 42 dwellings in 4 terraces with associated landscaping and parking accommodation
Location	Hazlehurst Residential Home1 Dyche DriveSheffieldS8 8DN
Date Received	04/04/2014
Team	South
Applicant/Agent	BBA
Recommendation	GRA GC subject to Legal Agreement

Subject to:

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

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:

The drawings numbered:

307/04 (02) 001
307/04 (02) 002
307/04 (02) 005
307/04 (02) 006
307/04 (02) 007
307/04 (02) 008
307/04 (02) 010
307/04 (02) 011
307/04 (02) 012

307/04 (02) 013
307/04 (02) 014
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307/04 (02) 030
307/04 (02) 031
307/04 (02) 032
307/04 (02) 033
307/04 (02) 034 rev A
307/04 (02) 035 rev A
11978-5006-100 rev A
11978-5006-101 rev
11978-5006-102 rev
11978-5006-103 rev
11978-5006-104 rev
PL 1324. M. 101
PL 1324. M. 102

Reason; In order to define the permission.

- 3 No development shall commence unless and until all interests in the development site are subject to and bound by the terms of a section 106 agreement or undertaking in the form of the draft section 106 undertaking annexed to the agreement related to this planning permission which is entered into pursuant to section 111 of the Local Government Act 1972 dated [INSERT DATE] between Sheffield City Council and South Yorkshire Housing Association Limited.

Reason; In order to meet the requirements of policies H16 of the Unitary Development Plan and CS40 of the Core Strategy.

- 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 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 and 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 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.

- 6 Before construction works commence full details of all the proposed external materials shall have been submitted to and approved in writing by the Local Planning Authority.

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

- 7 Large scale details, including materials and finishes, at a minimum of 1:50 of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:

Window reveals
Doors
Eaves and verges

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

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

- 8 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.

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

- 9 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.

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

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

- 11 Full details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall thereafter be retained.

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

- 12 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.

- 13 The dwellings shall not be used unless the car parking accommodation for 24 cars as shown on the approved plans has been provided in accordance with those plans. 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.

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

Highway Improvements:

Dyche Road - provision of footway
Dyche Drive - provision of footway

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.

- 15 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.

- 16 There shall be no gates or barriers erected at the means of access to the site.

Reason; To ensure access is available at all times.

- 17 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.

- 18 The occupation of the units shall be in accordance with the terms of paragraph 3.1 of the Planning Statement dated March 2014 by Indigo Planning.

Reason; In order to define the permission.

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. To ensure that the road and/or footpaths on this development are constructed in accordance with the approved plans and specifications, the work will be inspected by representatives of the City Council. An inspection fee will be payable on commencement of the works. The fee is based on the rates used by the City Council, under the Advance Payments Code of the Highways Act 1980.

If you require any further information please contact Mr S A Turner on Sheffield (0114) 2734383.

3. 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. 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

5. 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

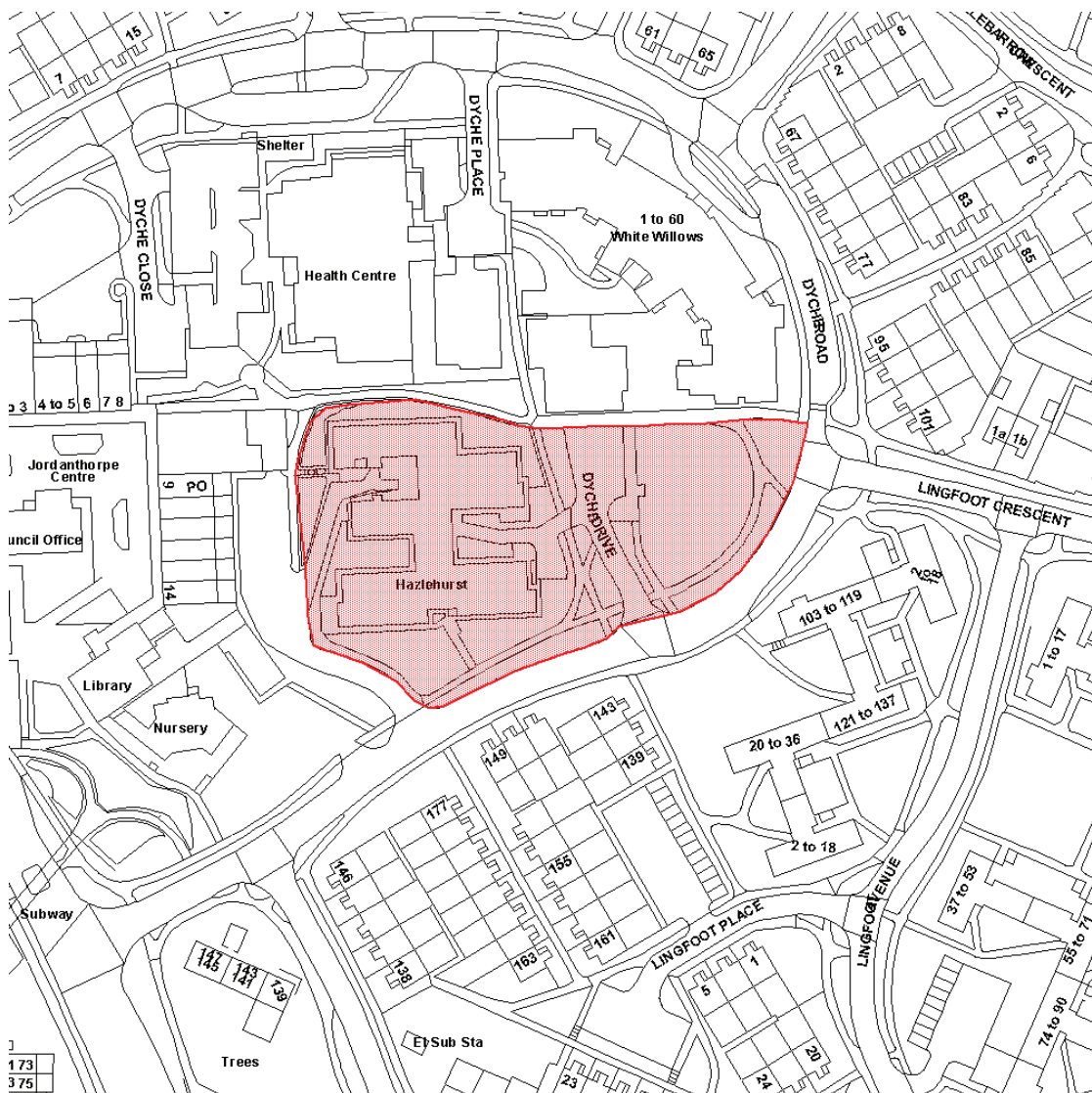
For the attention of Mr P Vickers

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.

6. 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.
7. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at www.sheffield.gov.uk/planning or apply online at www.planningportal.gov.uk. The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.

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

Site Location



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LOCATION AND PROPOSAL

The application relates to a site which is currently owned by Sheffield City Council and which is in the process of being sold to South Yorkshire Housing Association. The application seeks planning permission to erect 42 dwellings of varying sizes within 4 rows of terraces. The units are to have an end use as social housing and would replace an existing Council owned residential building. The site has previously played host to a block of flats; these were demolished at some point in the last four years.

The site is approximately 0.68 hectares in size and set to the north and west of Dyche Drive. The site currently comprises of a flat roofed brick built building set to

the western edge of the site with a large area of hard standing separating the main complex from an area of grassland. The building is to be demolished and the entire site re-landscaped around 4 rows of terraced dwellings. The current entrance to the site is not proposed to be changed significantly.

The site is currently fairly green in nature and is interspersed with trees of varying sizes and species. None of the trees are protected by Tree Preservation Orders and the green nature of the site has limited ecological value in its current form.

The wider surrounding residential areas are characterised by wide grass verges; however, the area surrounded by Dyche Drive is fairly built up with community facilities which complement the wider residential uses.

Although directly north of the site there is the White Willows residential buildings, the buildings to the west of the site are mostly community facilities with retail units forming the Jordanthorpe Centre.

The site is a sustainable brownfield site which is located approximately 10km from Sheffield City Centre. The site is fairly flat and surrounded by pedestrian links to the local surrounding facilities and the public transport network. A bus stop is located at the front of the site and another bus stop on Dyche Road, approximately 100 metres away, has frequent services into the city centre.

The site is identified in the Local Planning Authority's Unitary Development Plan as being within a Housing Area. The Local Planning Authority is currently in the process of implementing the Sheffield Local Plan (SLP); however, it is not proposed to use the land for anything other than Housing.

PLANNING HISTORY

The eastern corner of the site was previously built up with a residential tower block. The demolition of Chantrey Towers was approved in the application 10/01100/DPNRG3. The building has since been demolished and the land re-instated into a grassed verge.

The applicant has worked with the Local Planning Authority before submitting the planning application and pre-application advice was given to the applicant regarding the overall layout, house types and design. The pre-application advice was referenced 14/00368/PREAPP

Although outside of this application's red line boundary, the proposal for the White Willows site was granted consent in 2007. The application referenced 07/03993/FUL is relevant to this planning application as it has determined the scale and massing of buildings within this area and defines the character and setting of the subject site. The White Willows application proposed 60 care flats and was submitted by South Yorkshire Housing Association. The flats have been completed and are currently occupied.

SUMMARY OF REPRESENTATIONS

The application has been advertised in accordance with national planning guidance and the Council's Statement of Community Involvement. Various site notices have been posted around the site; however, no comments relating to this planning application have been received.

At pre-application stage the applicant met with local Councillors and residents to discuss the proposed design and layout. The feedback is shown in a supporting statement to this application and is positive. It outlines some of the concerns that were raised by neighbours and how the issues have been addressed.

Owing to the number of people who attended the consultation process, caution is held with regards to the content of the consultation report being a true representation of the wider community; however, with no other representations received through the formal planning process, these views are given weight in the following planning assessment.

PLANNING ASSESSMENT

Principle of Development

Central Government requires local planning authorities to facilitate housing provision. There is a requirement for planning authorities to maintain a flexible and responsive supply of land for housing and to make every effort to identify and meet the housing, business and other development needs of local communities.

The proposal involves the re-development of a site that was originally occupied by residential units. The National Planning Policy Framework (NPPF) promotes the use of previously developed land; however, it places a strong emphasis on sustainability.

The NPPF makes a presumption in favour of sustainable development and this would prevail here. The principle of a residential scheme on this particular site, given the nature and scale of the previous development, is therefore considered acceptable in light of national planning policies.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) has been fully adopted. The NPPF is a material consideration to be taken into account in determining all planning applications.

It is important to acknowledge that the key message that can be taken from the NPPF is a 'presumption in favour of sustainable development'. The document summarises delivering sustainable development as planning for prosperity (economic role), for people (social role), and for places (environmental role). Specifically with regard to Housing, the NPPF confirms the Government's key objective as being to increase significantly the delivery of new homes. The housing delivery should include increasing the supply of housing; delivering a wide choice

of high quality homes and opportunities for home ownership; and creating sustainable, inclusive and mixed communities.

In addition, the NPPF attaches great importance to the design of the built environment. It seeks to ensure planning decisions optimise site potential to accommodate development, whilst responding to local character and the identity of local surroundings.

Housing Land Availability

Based upon the most current information available for Sheffield, a deliverable supply of housing land over the coming 5 years cannot be demonstrated. The net supply for this period is less than 50% of the net housing requirement.

Paragraph 49 of the Framework advises that relevant policies relating to housing supply should not be considered to be up to date if a five year supply cannot be demonstrated and that the presumption in favour of sustainable development should apply.

This issue of a shortage in housing land availability supports the principle of residential development at this site and it can be agreed that the proposal would provide a meaningful contribution to the local supply of housing land.

Affordable Housing

The Core Strategy policy document, which is an adopted section of the SLP, states within policy CS40, that a contribution to affordable housing is necessary where the residential development is for more than 15 units.

The proposal has been put forward by a social housing provider. Accordingly, the proposal seeks to build social housing which by virtue of the nature of the proposal would ensure that all the 42 units are by definition, affordable.

The land is currently being sold to South Yorkshire Housing Association by Sheffield City Council. To date, the sale has not been completed and the Council still has an interest in the land. A Section 106 Agreement would need to be entered into by the applicant ensuring that should planning consent be granted, and subsequently sold with the site to a third party, the third party would be bound to provide the affordable housing. As the land is not currently owned by SYHA, a Section 106 Agreement cannot be legally entered into by the applicant and a Section 111 Agreement should therefore be entered into by the applicant instead. The Section 111 Agreement would then bind the applicant into entering the Section 106 Agreement once the sale of the land has been completed.

Provided that a Section 111 Agreement is signed, completed and submitted to the Local Planning Authority, in this instance, the proposal could be considered to satisfy the requirements of policy CS40.

Efficient Use of Land

Policy CS26 of the Core Strategy promotes efficient use of housing land, but identifies that high densities are not acceptable where they would be out of character with the surrounding area.

With regards to density, based upon the site area as defined in the application the proposal would involve a density of 61 dwellings per hectare. CS26 states that a density range of 40 – 60 dwellings per hectare is acceptable in urban areas where the proposal reflects the character of the area and is sited near high frequency public transport routes.

There are flats to the north of the site and these play an important role when trying to determine the character of the area. The subject site is within close proximity to a very frequent bus service and it is therefore considered to be a sustainable location. The scheme reflects the general character of the area and is a sustainable location. Accordingly, it is therefore considered to represent an efficient use of land that would satisfy policy CS26.

Principle within the Unitary Development Plan and the SLP Core Strategy
The application is located within a Housing Area under the provisions of the adopted Unitary Development Plan. Policy H10 of the UDP states that Housing is the preferred use in this location. Therefore, the principle of residential development would be considered to be acceptable. However, this would be subject to the provisions of Policy H14 'Conditions on Development in Housing Areas'.

Policy CS24 of the Core Strategy emphasizes the need for sustainable use of resources. It makes it clear that the priority will be given to the use of previously developed land. Although part of the site is a grassed open land, the majority of this was host to a large residential building up until a few years ago.

Since the application for the demolition of the tower block was approved, the land has been the subject of negotiations relating to the regeneration of the site. The demolition of the land was approved given that the details of remedial works were satisfactory. The grass verge was a temporary solution and this site is considered to be previously developed land as defined in the policy CS24.

As such, the proposal is not considered to be contrary to the provisions of policy CS24 of the Core Strategy.

Overall, the principle of the proposed development would be considered to be acceptable, and there are not considered to be any reasons to resist the proposed scheme in relation to these issues. Indeed the delivery of a reasonable number of new housing units would support the aim of recent Government Policy.

Sustainability Issues

The proposed development of the site is to be assessed against Core Strategy policies CS64, CS65 and CS67. These policies are concerned with the

sustainability of a proposal and the impact of the proposal on climate change. They are in line with the guidance provided in the NPPF.

Policy CS64 would require the development to achieve Code for Sustainable Homes Level 3 as a minimum. The applicant has outlined in the application drawings and supporting information, how the scheme would achieve this. In order to ensure that any development meets the requirements of policy CS64, an appropriate condition could be added to any consent granted.

CS65 requires the provision of a minimum of 10% of a development's predicted energy needs to be from decentralised and renewable or low carbon energy. The applicant is confident that this can be achieved and the submission of precise details, including yield data etc from such measures, could be conditioned within any consent granted. This would ensure that policy CS65 was satisfied.

The Climate Change Supplementary Planning Document, in Guideline CC1, requires developments exceeding 10 dwellings to incorporate a green roof which covers at least 80% of the total roof area. However, in this application, the pitched roofs of the terraced properties are important features which ensure that the proposal respects the character of the surrounding area. Green/ Brown roofs are not therefore viable in this instance for maintenance and aesthetic reasons, and it is considered that the benefits would not outweigh the design considerations in this case. In this instance, for the above reasons, it would not therefore be reasonable to refuse the scheme on this reason alone.

Policy CS67 relates to management of flood risk, and for sites of less than 1 hectare, such as this, requires surface water run-off to be reduced as far as is feasible by design measures such as attenuation or permeable paving. The scheme incorporates various landscaped areas and amount of hard standing is not considered to be vastly greater than the previous development. Such measures needed to comply with this policy are considered to be achievable through the proposed design. The fine details can therefore be required from the applicant by a suitable planning condition attached to any approval.

Design Issues

Policy BE5 of the UDP states that the new buildings should complement the scale, form and architectural style of surrounding buildings.

Policy H14 states that new development should be (a) well designed and in scale and character with neighbouring buildings, and (c) not result in the site being over-developed.

Policy H15 reinforces policy H14 and emphasises the need for good layouts of new residential developments.

The NPPF seeks to promote sustainable development; however, in breaking the definition of sustainability down into three, it also places a significant emphasis on good design and protecting and enhancing the natural and built environment within which the development is set. It further requires proposals to respond to the

surrounding local character and be visually attractive as a result of good architecture.

The proposal seeks planning consent to erect four rows of terraces in 2/3 storey high units. The proposal will include 42 dwellings broken down into 6 different house types. The properties would vary in size, but all dwellings would either be 1 or 2 bedroomed units. The units would replace an existing red brick, flat roofed building which is dilapidated and currently a source of visual disamenity to the area. The demolition and replacement of this structure is therefore welcomed.

The terraces are set around the perimeter of the site and this creates a strong presence within the street. The area is mostly residential in character and the White Willows site to the north follows the curvature of the road. The proposed layout would have high quality landscaped areas within the middle of the site and the car parking area is discreetly placed to the northeast so that it doesn't visually dominate the scheme. The strong presence of the buildings facing the road follows the overall character of the area. It is therefore considered that the siting, height and massing of the buildings would not be out of character with the wider character of the Jordanthorpe residential area.

The units would be constructed from a variety of materials which can be found within the surrounding architecture. The use of different coloured bricks, tiles, aluminium windows and glass canopies, are considered acceptable. The windows on the elevations show that they would be set back into the dwelling. These details are considered to liven up the elevations and the exact details of the materials and the depths of the reveals can be requested in a condition, should approval for the scheme be granted. This would ensure that the proposal is of the highest quality.

The site is crossed with various paths that run through the site. They link the proposed dwellings with each other and the communal spaces that are to be created. The layout enables access to the local shopping centre and the local transport networks. The layout is logical and accessible and accordingly, it is considered to meet the requirements of UDP policy H15.

Bin stores are located throughout the site. They will be enclosed so as to ensure that they are not unsightly features within the site. Furthermore, they are also located so that they can be accessed easily by all residents.

The scheme would be bound by walls and fencing and the details currently provided are considered to be acceptable. They would be similar to the White Willows scheme and they would make the site layout more legible to pedestrians. The details of the boundary wall should be requested in a condition to ensure that they are of a high quality.

Accessibility

Policy H7 seeks to improve access for people with disabilities. The properties will meet the requirements of Part M of Building Regulations and can be easily adapted to suit people's needs. The purpose of policy H7 is to achieve a flexible scheme

which can adapt to people's needs. It states that 25% of the proposed units should be mobility housing where it is feasible.

The proposal states that 66% of the dwellings would be Lifetime Home Compliant whilst 35% of the dwellings would meet the requirements set out in the Mobility Housing guidance. This is not strictly true as some of the units are not set on the ground floor and cannot be accessed by wheelchairs. However, the design has made a great effort to provide accommodation which can be adapted to the needs of individuals as and when needed. This flexibility is in line with the spirit of the policy and the application has tried to accommodate these requirements as much as possible without compromising the design and layout of the entire scheme. It is considered that on balance, the scheme is satisfactory with regards to policy H7.

Amenity of Residents

Policy H14 seeks to protect the existing amenities of the neighbouring properties, whilst ensuring that the amenity provided for the future occupants is of a high standard. UDP policy H14 seeks to protect the amenities of the neighbouring properties in terms of light, outlook and security and to help interpret this policy, guidance can be found in a Supplementary Planning Guidance document; Designing House Extensions. Although specifically used to for small scale residential extensions, the aims of the guidance are applicable to new build residential schemes as well.

The properties provided will be fairly spacious 1 and 2 bed units and will range in space between 54 and 81 square metres. The dwellings would meet the Code for Sustainable Homes Level 3 and overall, the design, size and layout are considered to provide good living environments for future occupants.

The proposal is sited to the south of the White Willows residential scheme and is more modest in height. The siting of the buildings has been chosen to ensure that the proposal would not be detrimental to the outlook and natural light of the White Willows units. The massing of the buildings is slightly smaller than the White Willows proposal and given that Dyche Road separates the proposal from the neighbours to the south and east, it is considered that the buildings would not deprive any existing resident of outlook or natural light.

The location and siting of the properties also ensures that the windows do not directly overlook any private amenity spaces belonging to the neighbouring residents. The windows facing the rear of the White Willows complex would increase security of the proposed and existing sites by overlooking the existing and proposed footpaths; however, the windows are not considered to compromise the enjoyment of the communal amenity spaces of the neighbouring residential flats.

The proposal outlines various communal spaces within the site and also some areas which will be fenced off and accessible to the dwellings to which they relate to. The communal areas will be landscaped and various new trees planted to offset the removal of the existing trees. The landscaping would also include drying areas and it is considered that the communal areas would provide satisfactory living conditions for future occupants of the dwellings.

The amount of external amenity space provided is considered to be sufficient given that the end user of the buildings will be people who are in their late 40's and 50's. They are not designed to cater for families and accordingly, the communal areas/private gardens are therefore considered to be adequate in this case.

The proposed units are fairly spacious units arranged in a layout which works well with the surrounding neighbouring residents. It is considered that the proposal would provide good living conditions for future occupants without compromising the existing living conditions of the neighbouring properties. Accordingly, in these respects, the proposal is considered to meet the requirements of UDP policy H14.

Ecology

The site is fairly open and the trees which are on the site at present are not considered to contribute significantly to the wider green character of the area.

Furthermore, given the previous use of the grassed area, the site is not considered to play host to any protected species. The proposal incorporates the re-planting of various trees and the soft landscaping proposed is considered to significantly enhance the site. As such, the proposal is considered to be acceptable in this respect.

Drainage

The proposal has incorporated various soft landscaped areas and the overall footprints of the buildings are not significantly different to the footprints of the previous developments. Furthermore, the paving can be conditioned to be permeable and with other measures, the surface water runoff from the site will be reduced, when compared to the previous development. A condition will ensure this.

In this respect, the proposal is considered not to give rise to any drainage issues.

Highways

The proposal would provide 24 car parking spaces within the site and this works out at approximately one space per two dwellings. The area is not a high car ownership area and furthermore, the assumption in favour of sustainable developments should apply here given that the bus stops and local facilities are within less than 50 metres of the site.

The proposed service road and car parking have been designed so that they are not particularly visible from the main public highway, but they are overlooked by the proposed development to provide security. The main road into the site would allow refuse and other service vehicles to enter and exit in a forward gear.

The number of spaces provided, and the arrangement of the parking facilities, is not considered likely to increase the numbers of vehicles parking on Dyche Drive to an unacceptable level. The proposal is not considered to be detrimental to

highway safety and is therefore considered to be acceptable in terms of UDP policy H14 (d), despite the reduced level of parking provision.

Open Space Contributions

Given that the development incorporates in excess of 5 dwelling units, it is subject to the provisions of UDP policy H16, which covers 'Open Space in New Housing Developments'. This policy states that the developer is expected to make an appropriate contribution to the provision or enhancement of recreation space in the catchment area of the site, where it can be demonstrated that a shortfall in provision exists, or existing facilities are in need of improvement.

An assessment has been carried out, which demonstrates that there is an under provision of informal recreation space and children's play facilities and the need to improve outdoor sport facilities within the catchment area to the site. A commuted sum of £27,171.40 would therefore be required in relation to informal recreation and children's play facilities and improvement of outdoor sport facilities. Should consent be granted, this will need to be subject to a completed legal agreement securing this payment.

At the time of writing, the applicant has not submitted a signed agreement. Failure to provide the agreement would be contrary to the provisions of UDP policy H16. The recommendation below reflects this.

Education Facilities

The proposal seeks permission for over 10 dwellings and accordingly, a contribution towards education facilities would normally be required. However, all but four of the properties will be occupied under nomination agreement with the Council by persons over the age of 55, with the remainder allocated for single residents over the age of 40. A planning condition will ensure this form of occupancy.

The dwellings will not therefore function as family dwellings, and will not place any undue pressure on the education facilities within the area and accordingly, it is not considered reasonable to request monies towards this infrastructure need. Policy CS43 of the Core Strategy is not therefore considered to be applicable in this respect.

Health Care Contributions

The NHS has been notified of the proposal and no evidence has been provided by them to show that the proposal would put a strain on the existing NHS infrastructure to the extent that a contribution towards health care provisions could be required. In this respect, Core Strategy policy CS44 is considered to have been adhered to.

The Requirement of a Section 111 Agreement

The above requested Section 106 Agreement for the contribution towards open space and, the Section 106 Agreement ensuring the accommodation shall remain in perpetuity as affordable housing, cannot be directly entered into by the applicant owing to the fact that they do not own the land at present. Accordingly, it is therefore necessary for the applicant to enter into a Section 111 Agreement which will bind the applicant into signing the above mentioned Section 106 Agreements, once the procurement of land has been carried out.

At the time of writing, the applicant has not submitted a signed agreement. Failure to provide the agreement would be contrary to the provisions of UDP policy H16, and Core Strategy Policy CS40. The recommendation below reflects this.

SUMMARY AND RECOMMENDATION

The proposal seeks permission to erect 42 dwellings on a site which has previously accommodated social housing. The provision of these units would be a helpful contribution to Sheffield's housing land supply and they would contribute to the diversity of the housing stock in the area. The principle of the development therefore fully complies with UDP and Core Strategy policies H10, CS24 and CS26.

Furthermore, the delivery of diverse, high quality residential development is considered to fall within the overarching aims of the National Planning Policy Framework. Moreover, the sustainable credentials of the scheme reflect the NPPF's presumption in favour of sustainable development.

The units are considered to be of an acceptable design which reflects the character of the area. They are set within good landscaped grounds and the amenities afforded to the future occupants are considered to be of a satisfactory standard.

The modern designs would meet the Code for Sustainability Level 3 and are considered to be compliant with the aims of the Local Planning Authority's policies regarding sustainability and climate change.

The siting and layout co-operates with the surrounding built environment and it is not considered that the neighbouring residents would suffer from loss of light, outlook and privacy. Regarding the design and its impact upon the amenities of future and neighbouring residents, the proposal is considered to meet the requirements of UDP and Core Strategy policies BE5, H7, H14, H15, CS64, CS65, CS67 and CS74.

The scheme is considered to comply with national and local planning policies and is therefore recommended for approval, subject to conditions.

Heads of Terms

Although the proposal meets the general requirements of the National Planning Policy Framework, Core Strategy and UDP policies stated above, policies H16 and CS40, which relate to open space and affordable housing contributions, can only be satisfied if the applicant enters into a legal agreement which binds them into

providing an open space contribution; and an agreement to provide affordable housing in perpetuity. The following Heads of Terms need to be met. They are:

1. The owner shall pay to the Council on or before the commencement of the development the sum of £27,171.40 to be used for the provision and improvement of open space in the locality of the site.
2. The development shall remain as affordable housing in perpetuity.

In the event that a satisfactory S111 legal agreement covering the Heads of Terms set out in the preceding paragraphs is not concluded before 4 July 2014 (in order to meet the Government's target time for the determination of the application), it is recommended that the application be refused for the failure to make adequate provisions in these respects.

Case Number	14/00637/CHU (Formerly PP-03207713)
Application Type	Planning Application for Change of Use
Proposal	Use of land for siting of event marquee/tents for up to 68 days per year
Location	Townfield Head Farm, Long Lane Dungworth Sheffield S6 6GR
Date Received	26/02/2014
Team	West and North
Applicant/Agent	Green Directions
Recommendation	Grant Conditionally

Subject to:

- 1 This permission relates to a period which expires on the 24th June 2015, unless a further planning permission is granted.

Reason: In order to allow the impacts of the proposal to be monitored.

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

Approved Drawing Title:
-Site Layout Plan

Reason; In order to define the permission.

- 3 The hosting of publicly or privately attended events and/or functions utilising marquees, tents or other temporary structures is limited to a maximum total of 28 days per calendar year.

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

- 4 Marquees, tents or other temporary structures shall be erected only within the field labelled Events Field on the approved plan.

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

- 5 Within one month of the date of this approval a Management Strategy Document shall be submitted to the Local Planning Authority. The document shall incorporate details of the duration of time period which the tents, marquees and other temporary structures shall remain in place. The document will be required to be approved by the Local Planning Authority and the agreed measures shall be adhered to for the life of the permission.

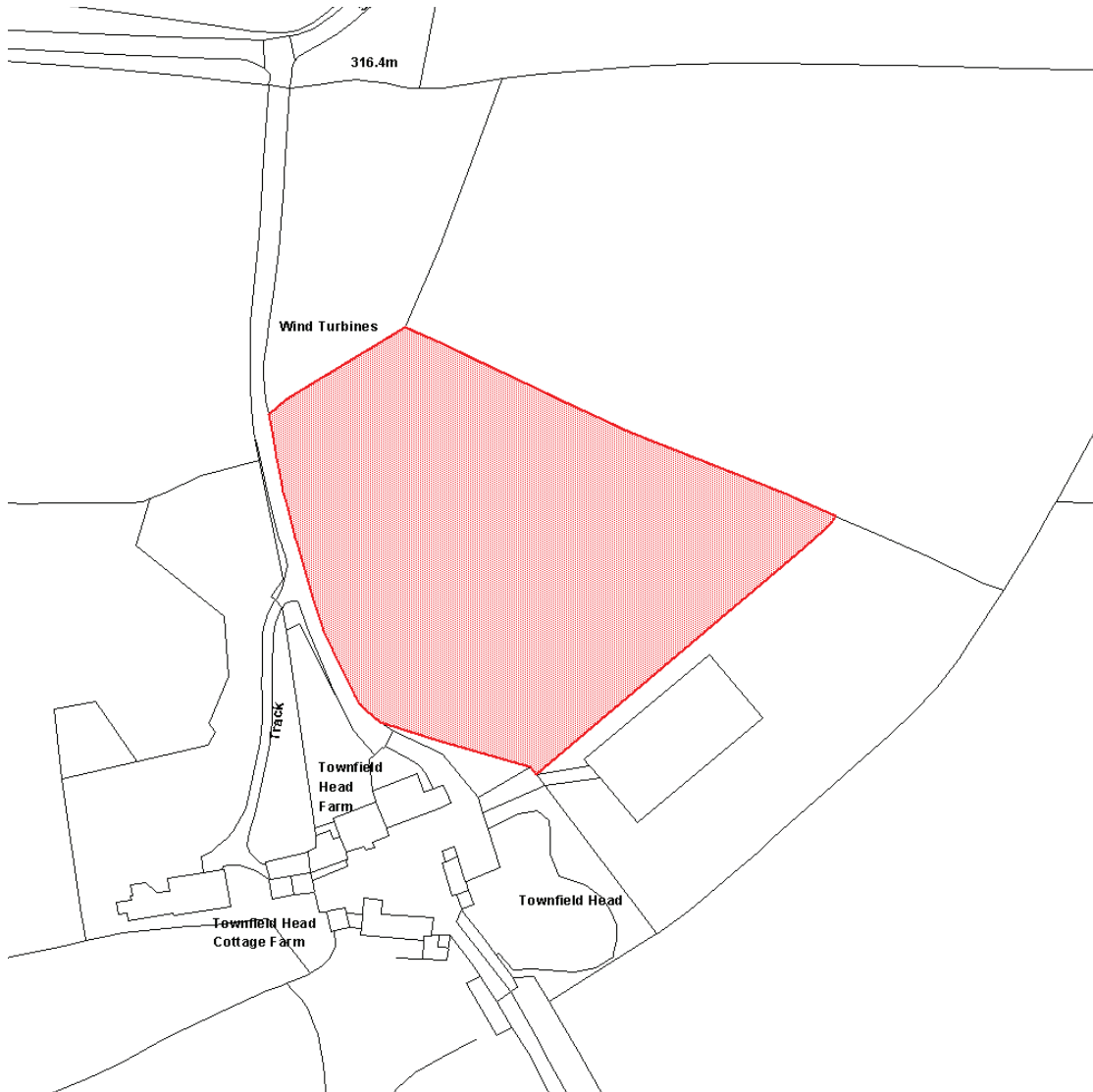
Reason; In the interests of the amenities of the locality and occupiers of adjoining property.

Attention is drawn to the following directives:

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

Site Location



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LOCATION AND PROPOSAL

The application relates to Townfield Head Farm, which is located approximately 2km west of Stannington and lies within the Green Belt. The site occupies a position to the south of the point where Short Lane becomes Long Lane. Access is taken directly from this road, via a narrow track some 150metres in length between open fields. A second access route is shown on the submitted drawings from Morwood Lane to the south. The land slopes downwards in a southerly direction away from Short Lane / Long Lane.

The application site is also designated as being within an Area of High Landscape Value in the Adopted Unitary Development Plan.

The buildings within the site include a typical collection of traditional farm buildings. The dwelling element forms a semi-detached property, with a second residence (Townfield Head Cottage Farm) being the adjoining property. To the east of the buildings are an informal car parking area and a horse training arena.

The existing buildings and wider site currently serve as a conference, meeting and training facility, along with land used for horse grazing and as a farm. Weddings and functions currently take place within tipi tents / marquees within the field immediately to the north-west of the existing horse training arena. These events legitimately take place without any planning permission, utilising the relevant aspect of the permitted development legislation. This legislation enables land to be used for these purposes on not more than 28 days a total calendar year.

The current planning application seeks full planning permission to allow tipi tents and/or traditional marquees to remain in place on non-event days, to allow the structures to remain on the land. This would prevent the need for structures to be taken down and re-erected for a subsequent event. Therefore, consent is sought to allow structures to be in place for a maximum of 68 days per year. The proposal does not include any intended increase in the number of event days above the allowable 28 days.

The Tipi Tents and marquees cover an area measuring approximately 30m x 12m, enabling wedding parties for between 100 and 150 people.

RELEVANT PLANNING HISTORY

92/00513/FUL; Alterations to two barns and outbuildings to be used as two dwellings
Approved 27.5.92

97/00670/FUL; Renewal of planning permission for the alteration of two barns and outbuildings for use as two dwellings
Approved 23.5.97

02/00225/FUL; Renewal of planning permission for the alterations of two barns and outbuildings to be used as 2 dwellings
Approved 18.2.03

04/01435/FUL; Alterations to barn to form extension to dwellinghouse

Approved 23.7.04 - This approval gave permission for the barn which was attached to the original farmhouse to be used as an extension to the farmhouse. (This was one of the barns originally intended to be converted into a separate dwelling).

08/01707/CHU; Use of part of ground floor of dwelling for educational purposes.

Approved 18.6.08

This approval gave permission for part of the extended dwelling to be utilised as a classroom offering courses in sustainable living and renewable energy.

13/01148/FUL; Alterations and extensions to existing barns for use as single dwellinghouse

Approved 18.6.13

The Design and Access Statement submitted with this application referred to the barns and outbuildings in question as being "redundant".

REPRESENTATIONS

Following neighbour notification and the placement of a series of site notices, ten representations have been received from seven different addresses in objection to the scheme.

The comments made can be summarised as follows:

NOISE

- Noise impacts from amplified music, contrary to tranquil nature of area.
- Neighbouring property at Townfield Head Cottage Farm is 34metres from field where events are held, and 20m away from the toilet block.
- Townfield Head Cottage farm experiences significant adverse impact from noise, generated by amplified music and PA systems, general disturbance from guests congregating in courtyard and from people leaving late at night.
- Previous events (one wedding per year) have resulted in excessive noise, leading to loss of sleep.
- Noise from guests' vehicles.
- No consultation by applicant about 2013's 'Pop-Up Restaurant' event.
- Rural nature of area means background noise is low.
- Tents offer no soundproofing
- Noise / light would prevent farm animals from breeding.
- Music is clearly audible. EPS officers have been called to recent events.

PARKING ISSUES

- Parking of cars can lead to restriction of access into site.
- Departing cars will lead to light pollution.

- Parking areas are grassy and will be unusable in wet weather, leading to concern about where cars will be parked. 'On-road' parking would not be safe.
- The northern parking area is undulating, includes a large wind turbine and other obstructions. Some cars will have difficulty in negotiating the field.
- Access drive is single width, and increase in traffic will lead to congestion on drive.
- There is no passing place available, which will create problems.
- A one-way system would not be acceptable, as it would involve the use of poor quality roads.
- Courtyard area can become over-congested with cars.

HIGHWAY SAFETY

- Road safety, given narrow and non-straight nature of roads.
- 'Satnavs' can direct cars to site from the south (Woodbank Road and Flash Lane), which are inappropriate. Vehicles have crashed off these roads in recent years.
- Roads are used by walkers, horses/riders, cyclists, farm traffic etc. They are valuable to people who cannot use stiles and deal with more difficult terrain. Also are used by farm traffic.
- Location of some of the proposed car parking would make arrival/departure via these roads more likely.

ADEQUACY OF FACILITIES

- Toilet facilities are inadequate for people attending events (three toilets are provided).
- People queue outside toilets, leading to noise disturbance to neighbouring occupiers.
- Suspected that males urinate elsewhere (near to neighbours dwelling).
- At Licensing Hearing, Applicant confirmed he may need to ring police to control noise in this area.
- The size and scale of events which are planned are not suited to the property, as it doesn't have the necessary facilities.
- Any temporary WC blocks will be a visual impact. Concern where sewage will go.
- Excessive numbers of campers may overdraw water supply.
- During previous events people have trespassed on neighbours' property, as they are not aware that the adjoining property is separate.
- Applicant quoted in Sheffield Telegraph, as aiming to cater for in excess of 499 people during the Tour De France.

CAMPING

- Other camping events are planned by Applicant, in addition to the Tour de France event.
- One of the camping fields is 20metres from a neighbouring house. Is also adjacent to outbuildings containing livestock, and flammable objects. Campers may take short-cuts across to the main, party field.

AGRICULTURAL USE

- Applicant claims field is used for hay making and agricultural purposes when not in use for events. However, field cannot possibly be used for both. Events can't take place in fields with grass to knee height, and cars cannot be parked there either. Large sections would need to be mowed before events, leaving little/no grass for hay.
- Field is used for grazing during rest of the year, however, this is by horses which is not considered as agriculture.

VISUAL INTRUSION

- Proposed tents will be highly visible from many locations, and they don't fit in with openness of the area. Tipis are ugly. If consent is granted, tents would be in place for a total of over two months.
- Parked cars will detract from character of the area.
- The temporary toilet blocks will be an eyesore.

SUSTAINABILITY ISSUES

- Events are not environmentally friendly, as noise would disturb nesting birds etc.
- Increased litter and sewage.
- Applicant confirmed that 300 cars (approximately) will park at the site during Tour de France, which isn't sustainable.
- Area attracts substantial numbers of species, and noise at nesting times would threaten them.
- Use of tipis and marquees is not sustainable.

LICENSING APPLICATION ISSUES

- Current application should be looked at alongside the refused Licensing application (refused due to public nuisance caused by noise, disturbance and inadequate parking facilities). Applicant will instead by restricted to making application for temporary events notices.

- Temporary Events Notices will be required for future events given the refusal of the Licensing Application. If tents are erected for any length of time, there will be a temptation to run unauthorised events.

COMMENTS ON LETTERS OF SUPPORT

- Letters of support are from those who would gain financially from application, and tipis would not be seen from those locations.

NON MATERIAL PLANNING ISSUES

- Application is only supported by those who would gain financially from the events.
- Proposal is only about financial gain, with no regard for surrounding neighbours.
- Economic benefits are said to outweigh noise impacts, but this is not justifiable.
- No awareness of the allowance to operate for up to 28 days. This would have been objected to.
- Seems inevitable that Applicant will increase the number of commercial events in the future.
- Events have been pre-booked without the relevant consents in place.
- Tipis would disrupt airflow to wind turbines.
- Anti-social / behavioural issues.

Rivelin Valley Conservation Group have made the following comments:

- Site is located in the Green Belt and an Area of High Landscape Value.
- Proposed development is inappropriate and by definition harmful to the Green Belt.
- It can only be approved if very special circumstances are demonstrated, and none have been put forward by Applicant.
- Would be contrary to relevant policies in the UDP, Core Strategy and City Policies and Sites documents.
- Site is highly visible across the Rivelin Valley and from parts of the Loxley Valley.
- Weddings and Tour de France events are not suited to a tranquil rural area. High numbers of people will be attracted to site.
- The site is not sustainable.
- Accessing the site from the south uses very narrow roads, without passing places, which would not be safe.
- Cars using some of the car parking may seek to use Flash Lane which is unsuitable.
- Noise impacts should be taken fully into account.

- A precedent would be set if application is approved.
- Applicants clearly hope that business will grow, and could lead to further extensions to time period being sought in the future.

Letters of Support:

Four letters of support have been received. One of these states that the application is supported, and the other three can be summarised as follows:

- If application is refused, tipis would need to be dismantled and removing contents, which is labour intensive. It takes one day to dismantle and one day to construct the tipis, to enforce this would have financial consequences. This would be inefficient and would have financial implications.
- Tipis are not a 'blot on landscape' unlike white, box marquees.
- Dismantling and re-erection would be disruptive.
- Having attended a previous event, it was well organised and safe.
- Tipis look good in the environment.
- No noise impacts have been experienced.
- Roads are capable of accommodating traffic.
- Events benefit local businesses.
- Makes sense to allow tipis to remain in place, rather than dismantling them to almost immediately re-erect, when events are close together.

PLANNING ASSESSMENT

Townfield Head Farm is sited within the Green Belt and an Area of High Landscape Value as defined by the Unitary Development Plan.

The most relevant planning policies in determining this application are:

GE1 'Development in the Green Belt'

This states that development will not be permitted, except in very special circumstances, where it would lead to unrestricted growth, contribute to merging of existing settlements, lead to encroachment of urban development into the countryside or compromise urban regeneration

GE2 'Protection and Improvement of the Green Belt Landscape' seeks the protection and improvement of the Green Belt landscape.

GE3 'New Building in the Green Belt' states that the construction of new buildings will not be permitted, except in very special circumstances for uses such as that proposed.

GE4 'Development and the Green Belt'

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.

GE8 'Areas of High Landscape Value and the Peak National Park'

States that in Areas of High Landscape Value the protection and enhancement of the area will be the overriding consideration.

Government guidance is contained within the National Planning Policy Framework (NPPF). This states that the fundamental aim of Green Belts is to prevent urban sprawl by keeping land permanently open; the essential characteristics of green belts is their openness and permanence. Paragraph 87 states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 states that these very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 89 refers to the construction of new buildings as inappropriate in the Green Belt, with exception to this relating to buildings for agriculture and forestry, appropriate facilities for outdoor sport, outdoor recreation and cemeteries, proportionate additions to an existing building, appropriate replacement buildings, limited infilling of villages and complete redevelopment of previously developed sites.

Principle of Proposed Development

It is worth re-iterating that the Applicant does not intend to increase the number of event days, and only seeks planning permission to leave the tipis / marquees in place for periods between events.

The number of event days would continue to be limited to 28, which is the maximum allowed under the relevant permitted development entitlement.

The level of agricultural activity at the site is not considered to constitute a significant agricultural activity. Therefore, the support for farm diversification would not apply in this situation.

Notwithstanding this, the erection of the tipis and marquees does not constitute the "construction of new buildings", and would therefore not be classified as "inappropriate development" – as per paragraph 87 of the NPPF.

Consequently, providing that the development does not materially impact on the openness of the Green Belt, the principle of allowing tipis and marquees to be erected at the site should be viewed as acceptable.

Impact on the Character and Openness of the Green Belt

The proposed field where events are held measures approximately 100m x 70m . However, the tipis typically take up an area of approximately 30m x 12m. They appear to stand at approximately 9 to 10 metres in height.

The number of tipis per event is obviously determined by the number of guests attending the function, however two tipis would be able to accommodate 120 guests.

The tipis are sited adjacent to the northern perimeter of the horse training arena within the site. For management and logistical reasons it is likely that the marquees will be located in this similar vicinity.

The tipis and marquees will be visible from the surrounding highway network, and network of public footpaths. These views will be achievable from short through to long range distances.

Whilst the events with tipis and marquees (up to a maximum of 28 days) have been taking place using permitted development entitlements, the current proposal seeks consent to allow the tipis and marquees to remain in situ between respective events. The presence on site for up to a maximum of 68 days, means that the additional 40 days per year and the impacts on the green belt are required to be assessed.

The tipis and marquees will clearly be visible from Green Belt locations, however, they do not have the appearance of a building and are by their very nature temporary. Their visual appearance is inherently transient, and there are no implications of any degree of permanence.

As a result, it is considered that any views of the tipis / marquees would not detract from the character and openness of the green belt. Instead, they would be viewed as having a very short term presence, with no probability of continuation. Consequently, their impacts would not detract from the Green Belt or the Area of High Landscape Value.

Some comments have been received relating to the visual impacts of a significant number of cars and other vehicles when they parked at the site. It is significant that the number of event days is not proposed to increase above that currently allowable. Therefore, the actual days when larger numbers of vehicles will be present would not increase and there would be no additional impact in this regard.

Any effect on the open character of the Green Belt is therefore considered to be minimal. On this basis it is considered that the proposal would potentially meet the requirements of the relevant policies.

However, there is scope for the 68 days to be bunched together, meaning that the tipis and marquees would be present for over two months. Whilst this would be considered to be unlikely it is considered that it would be appropriate to grant a temporary consent for 12 months. This would give opportunity to monitor the impacts of the proposal, in order to ensure that they were acceptable.

Additionally, any consent could include a condition requiring a management strategy to be submitted and agreed to ensure the duration of periods where the tipis / marquees remained on-site were not unacceptably lengthy.

Amenity Issues

Many of the representations objecting to the scheme have raised concerns about noise / disturbance arising from the events and associated behavioural impacts.

Again, it is relevant that the number of event days is not proposed to exceed twenty-eight. As a result, the scope for additional noise and disturbance impacts would not increase.

Providing that a condition was applied to any consent granted placing a limit on event days to 28, it would not be reasonable to resist the current application. It is also considered to be appropriate to limit the area in which the structures are erected to the designated area only. This would help to minimise noise propagation towards sensitive neighbouring properties.

Highways Issues

Concerns have been raised about the potential to increase usage of surrounding unsuitable roads. However, based on there not being an intensification of use, it is considered that there would not be any impacts upon highway safety within the surrounding vicinity.

As a result the proposal is considered to be acceptable in this regard.

RESPONSE TO REPRESENTATIONS

The majority of representations received in objection to the proposal have been addressed above. In relation to the outstanding items the following comments can be made:

- Camping events are understood to be proposed in relation to the Tour de France, and also on other occasions. These proposed events would be unrelated to the current application, and therefore no comment is required at this point. Obviously the period which tipis and/or marquees were erected at the site would be counted against the 28 and 68 day periods.
- Comments made disputing whether the field fulfils an agricultural function, is not relevant to the current proposal given that permitted development allowances entitle the applicant to change the use of land for a limited period.
- As the number of events will not increase there would be no scope for noise impacts to harm local wildlife.
- The Applicants Licensing Application is not relevant to the current assessment.

The letters in support of the application are noted, and have been taken into account as part of the assessment of the application.

SUMMARY AND RECOMMENDATION

The applicant seeks planning permission to allow tents / marquees to remain erected on site for a maximum of 68 days. Officers are adequately satisfied that the tipis / marquees would avoid having a detrimental impact on the character and openness of the Green Belt and Area of High Landscape Value. In order to allow the visual impacts and management of the arrangements relating to the tipis and marquees to be monitored, it is considered to be appropriate to recommend that a temporary consent is granted for 12 months.

It is not considered that the proposal would harm the amenity of surrounding residential occupiers, or undermine local highway safety.

Overall, the proposal is considered to meet the provisions of the relevant Unitary Development Plan policies government guidance given in the NPPF. On this basis the scheme is recommended for conditional approval.

Case Number	13/04226/LBC (Formerly PP-02706018)
Application Type	Listed Building Consent Application
Proposal	Alterations and conversion of first to sixth floors of building to form 37 studio apartments (Use Class C3) (As amended 15/02/2014)
Location	Gladstone Building1 St James' RowSheffieldS1 2EU
Date Received	18/12/2013
Team	City Centre and East
Applicant/Agent	SLA Design
Recommendation	Grant Conditionally

Subject to:

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

Reason; In order to comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Regulations 1990.

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

Drawings by SLA Design:

No 100 Proposed Ground Floor Received 19.12.2012
No 101 Rev A Proposed First Floor Received 19.12.2012
No 102 Proposed Second Floor Received 19.12.2012
No 103 Proposed Third Floor Received 19.12.2012
No 104 Proposed Fourth Floor Received 19.12.2012
No 105 Proposed Fifth Floor Received 15.02.2014
No 106 Proposed Sixth Floor Received 19.12.2012
No 018 Proposed Elevations Received 19.12.2012

Reason; In order to define the permission.

- 3 Any proposed alterations to the windows, arising from the requirement to provide a suitable internal noise level in bedrooms and living rooms, shall have first received the prior written approval of the Local Planning Authority. The alterations shall thereafter only be carried out in accordance with those approved details.

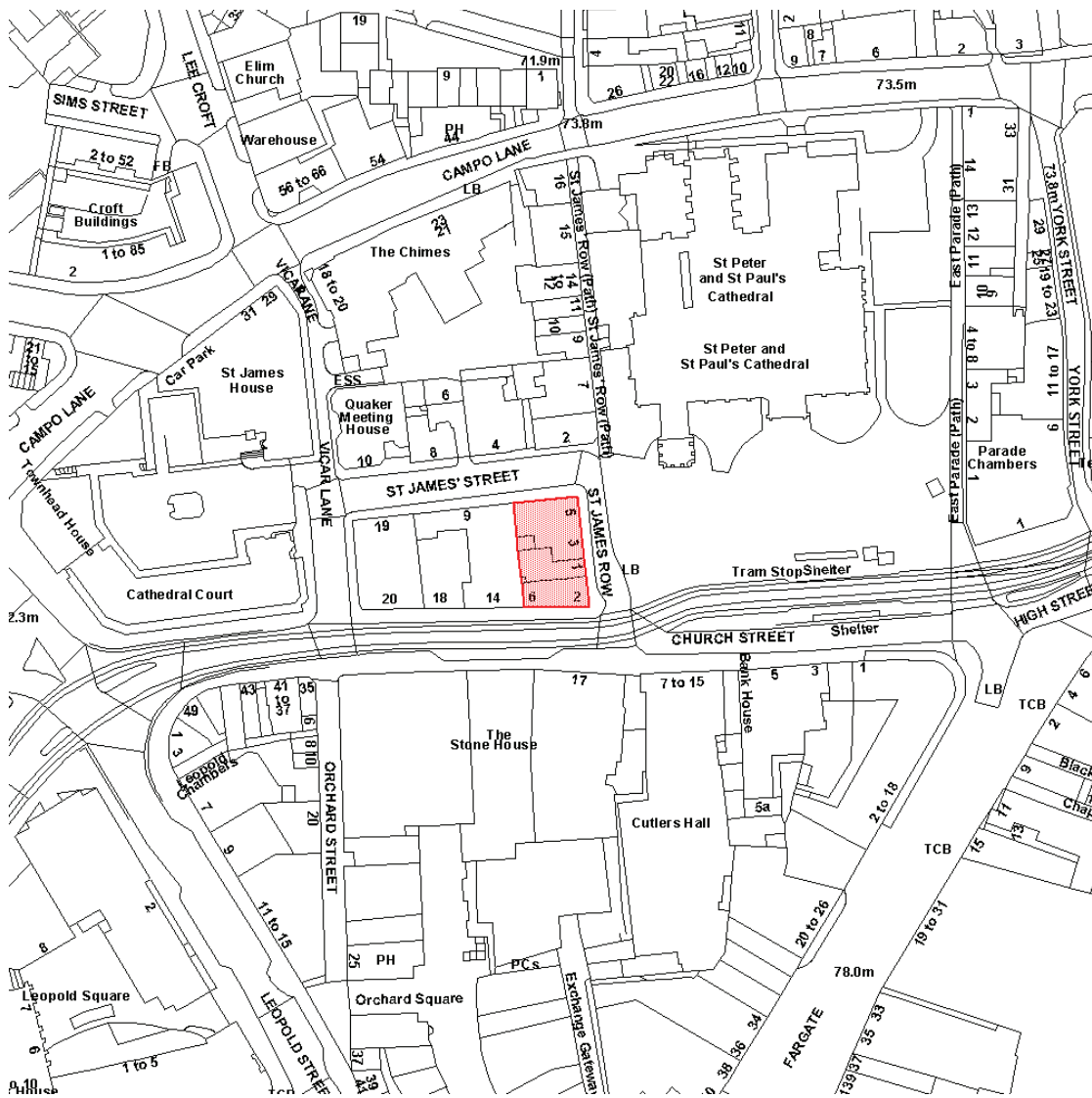
Reason; In order to ensure an appropriate quality of development.

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.

Site Location



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For report please see 13/04225/FUL

Case Number	13/04225/FUL (Formerly PP-02706018)
Application Type	Full Planning Application
Proposal	Alterations and conversion of first to sixth floors of building to form 37 studio apartments (Use Class C3) (As amended 15/02/2014)
Location	Gladstone Building1 St James' RowSheffieldS1 2EU
Date Received	18/12/2013
Team	City Centre and East
Applicant/Agent	SLA Design
Recommendation	Grant Conditionally

Subject to:

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

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:

Drawings by SLA Design:

No 100 Proposed Ground Floor Received 19.12.2012
No 101 Rev A Proposed First Floor Received 19.12.2012
No 102 Proposed Second Floor Received 19.12.2012
No 103 Proposed Third Floor Received 19.12.2012
No 104 Proposed Fourth Floor Received 19.12.2012
No 105 Proposed Fifth Floor Received 15.02.2014
No 106 Proposed Sixth Floor Received 19.12.2012
No 018 Proposed Elevations Received 19.12.2012

Reason; In order to define the permission.

- 3 The development shall not be used for the purposes hereby permitted unless all the bin stores shown on the drawings hereby approved have been provided and thereafter retained. The bins shall be placed on the Highway for collection only in accordance with the approved Method Statement received 21.02.2014.

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

- 4 No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs of the completed development will be 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 and 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 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.

- 6 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.

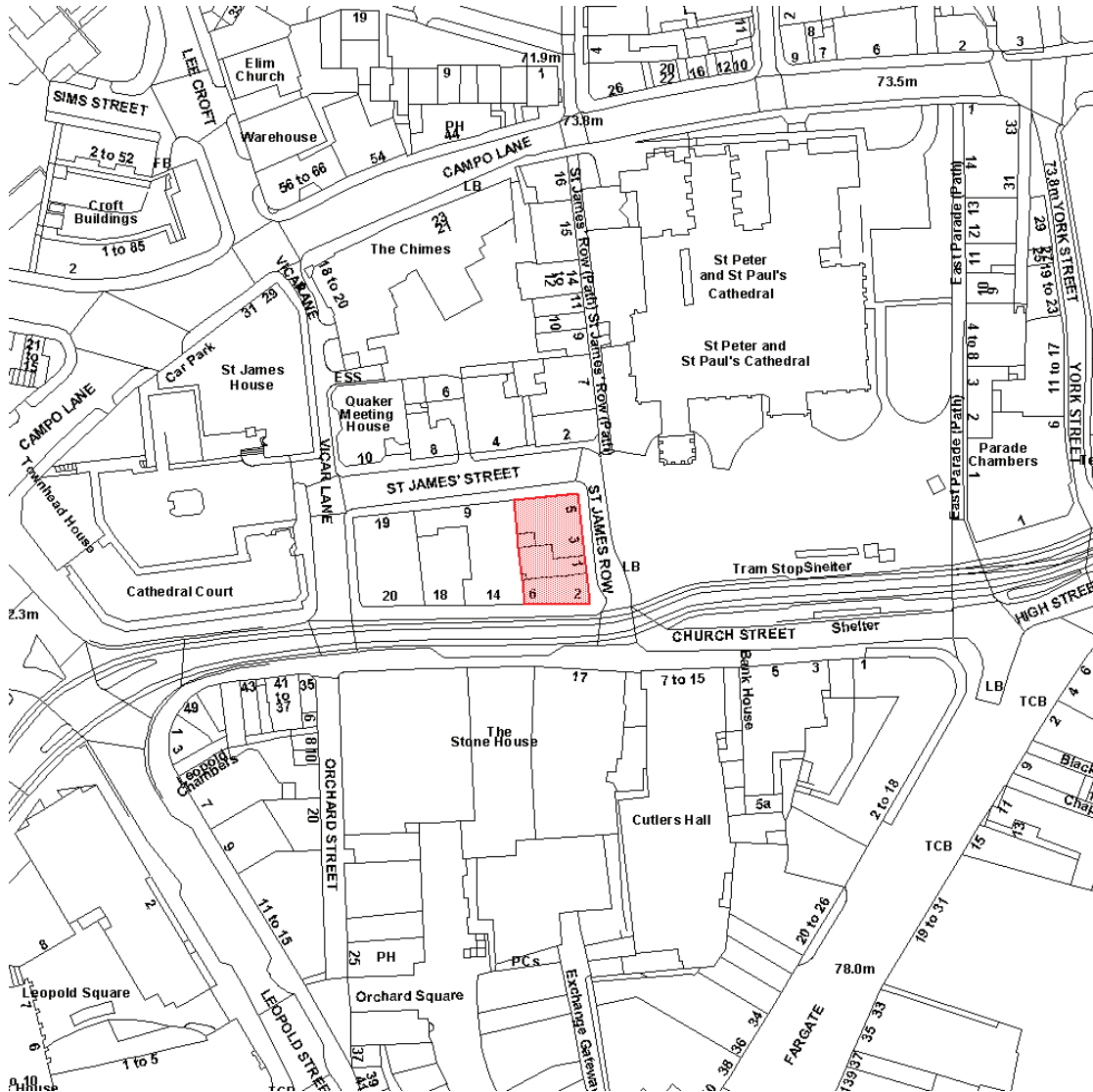
Reason; In order to protect the health and safety of future occupiers and users of the site.

Attention is drawn to the following directives:

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

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

Site Location



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LOCATION AND PROPOSAL

This application seeks permission to convert the Gladstone Building which is a five storey Grade II Listed Victorian building which fronts St James Row and faces the Anglican Cathedral. The property is occupied at ground floor by an Employment Agency (A2). The upper floors are vacant office space, which have been unoccupied for a number of years.

It is proposed to retain the ground floor commercial use and convert the upper floors to form 37 studio apartments (Use Class C3). Some works to convert the building have already been carried out on the back of a former approval for cluster flats (see planning history section below).

The building is Grade II Listed, however the interior has been completely gutted resulting in retention of the façade of the building only. The alterations were undertaken in the 1980's which comprised of stripping out the floors in order to accommodate an additional floor within the volume of the existing building. These alterations have removed all of the original internal features of the building.

The site is located in a Business Area and the City Centre Conservation Area as defined in the adopted Sheffield Unitary Development Plan. The site also falls in the Cathedral Quarter Action Plan area. The building faces the Cathedral and is surrounded by a number of listed buildings.

PLANNING HISTORY

Upper floors were formerly the St James Club until early 1980's.

App No 81/00116/FUL: Planning permission granted 11.3.81 for office use.

App 82/02774/FUL: Listed Building Consent granted 22.12.82 for removal of paint from exterior stonework and installation of new ground floor windows.

App No 84/00669/LBC: Listed Building Consent granted 26.4.84 for replacement and alteration of upper floor windows.

App No's 12/03764/FUL & 12/03765/LBC: Planning permission and Listed Building Consent granted 19.2.13 for alteration of upper floors to form 5 cluster flats (Class C4).

REPRESENTATIONS

None

PLANNING ASSESSMENT

Land Use

Policy Issues

Policy IB7 'Development in Business Areas' identifies housing uses on upper levels as acceptable uses in the policy area. Policy CS17 'City Centre Quarters' part b) identifies that the Cathedral Quarter will be strengthened by the introduction of a richer mix of uses including residential uses. The Cathedral Quarter Action Plan also seeks to encourage the establishment of a permanent residential population in the quarter and seeks to provide a diverse resident population with a mix of accommodation types.

Policy CS27 on Housing in City Centre aims to expand city centre housing in Cathedral Quarter, with a mix of tenures and sizes of unit, including affordable housing, as part of a mix of uses.

Policy CS41 on Creating Mixed Communities promotes a mixture of house prices, sizes, types and tenures, and (a) a broad range of smaller houses in the City Centre. Part (d) of CS41 limiting conversion to purpose-built student accommodation does not apply.

In light of the above the principle of residential accommodation on the upper floors of the building is supported.

Design and impact on Listed Building

Policy BE16 'Development in Conservation Areas' and Policy BE19 'Development Affecting Listed Buildings' primarily seek to ensure that proposals preserve and enhance the character and appearance of the Listed Building and Conservation Area. The proposal does not give rise to any design or listed building issues. No external changes are proposed to the building and the interior has been gutted and modernised previously and as such no internal features of interest remain apart from 2 columns retained in the entrance hall.

Amenity Issues

Policy IB9 'Conditions on Development in Industry and Business Areas' seeks to ensure that residents would not suffer from unacceptable living conditions. All of the bedrooms have adequate outlook and natural lighting. The applicant has carried out a noise assessment which indicates that acceptable living conditions can be provided for residents and details will be secured by planning condition. As such the proposal is considered acceptable from an amenity perspective.

Sustainability

Policy CS64 on Climate Change and Sustainable Design requires all conversions of existing buildings to reduce emissions of greenhouse gases and function in a changing climate, including the achievement of a high standard of energy efficiency.

Policy CS65 on Renewable Energy and Carbon Reduction requires all significant developments to provide a minimum of 10% of predicted energy needs from decentralised and renewable or low carbon energy. This will be secured by planning condition.

Mobility Housing and Inclusive Access

Because of the 3 steps up from the street and limited internal space it is not practicable to provide Mobility Housing or to improve Inclusive Access. The steps to the front entrance are an integral part of the character of the building. It is considered that they should stay as they are.

Bins and Recycling

The initial proposal included internal bin stores to a good standard with tiled walls and ducted ventilation to floors 1-4. According to Veolia, this proposal would

require, on basis of 2 residents per flat, 15 x 360 litre (large domestic bins for 6+ households) and 10 x 140 litre blue recycling bins on collection day. This number of bins is a great concern in the City Centre Conservation Area close to many listed buildings. In fact the bin stores are too small to accommodate the large domestic bins (360 litre) and normal black bins are used.

Following a site meeting with applicant, it is accepted that in practice not all flats will accommodate 2 persons although some will and the practical need is for fewer bins. However, more bin stores space is still needed, and the revised proposal converts the toilets on the 5th floor (presently underused) to a bin store, which meets Veolia's requirements.

Present arrangements on collection day are for 8 normal domestic black bins and 8 blue recycling bins to be put on St James' Street by the applicant on alternate weeks at 0600-0700 and taken in by the applicant after emptying by arrangement with Veolia before 0900 hours. No complaints have been received.

The revised proposal is for 13 black bins and 8 blue bins. This is acceptable.

A Method Statement covers arrangements on collection day, as above.

Highways

There are no highways objections to this proposal. The site is in a very sustainable location, such that car parking is not required. Future residents will not be entitled to a parking permit and this is reinforced by the imposition of a condition. Ideally some indoor cycle storage should be provided but there is insufficient room to accommodate this on the ground floor and it would not be practical to provide such facilities on the upper floor. This is a negative aspect of this proposal but there is no practical way of addressing this shortfall.

Affordable Housing

The District Valuation Office (DVO) has assessed the viability of the scheme in order to determine whether it is possible to provide a contribution to affordable housing in accordance with Core Strategy Policy CS40. Their appraisal concludes that the scheme is projected to make a loss so is not capable of making a contribution. This conclusion concurs with the Council's own research on viability in the city centre.

Open Space

Policy H16 of the Unitary Development Plan seeks a financial contribution towards the provision or enhancement of open space within the vicinity of the site (the city centre) for the benefit of the residents when no open space is to be provided on site, as is the case here. The amount of the contribution is set by Appendix 2 (August 2013) of the City Centre Living Strategy at £1125 per one bedroom dwelling, giving a total of £42,873.75 including a 3% administration charge.

In this case the DVO has stated that the scheme is projected to make a loss. Their appraisal includes the open space policy requirement.

The applicant has put forward a statement of case to argue why a contribution towards the enhancement of open space should not be required in this case. Their key points are as follows:

- The viability of the scheme is already a problem
- The minimum guidelines for open space cannot be achieved in the city centre in any event
- There is sufficient well-managed, high quality open space within the catchment area
- The scheme will bring a listed building back in to long-term viable use
- There is not currently a 5 year supply of housing land in the city
- Had this been an unlisted building the conversion of offices to residential would have been 'permitted development' not requiring planning permission (only prior notification) so no contribution would have been possible.

Having reviewed the particular circumstances of this case, taking account of the views of the applicant given above and the assessment provided by the DVO on the overall financial viability of the scheme it is considered unreasonable in this context to require a contribution to public open space from this scheme. In reaching this conclusion particular regard has been had to the fact that this is a listed building and there are significant regeneration benefits to its long-term re-use, and the fact that had this been an unlisted office building the scheme would have been permitted development in any event, due to recent government changes

SUMMARY AND RECOMMENDATION

This application seeks planning permission and listed building consent to convert the upper floors of a vacant office building to 37 flats.

The principle of the conversion of the upper floors of the building to residential accommodation is considered acceptable in accordance with Policies IB7 and IB9 of the UDP, Policy CS17 of the Core Strategy and the Cathedral Quarter Action Plan all of which support the provision of residential accommodation on upper floors in the city centre.

The development is not considered to harm the character or appearance of the existing building as no external alterations are required and the interior of the building has previously been gutted to form an additional floor within the building. Appropriate living conditions will be provided for residents and the development is in a very sustainable location.

Despite the shortfalls of the scheme, in terms of the lack of cycle parking and the lack of a contribution towards the enhancement of public open space in accordance with Policy H16 of the UDP, it is considered that the benefits of bringing a listed building back into long-term use and the contribution of the scheme towards the 5 year housing land supply outweigh these shortfalls in this case.

As such it is recommended that both the planning application and the listed building application are granted subject to the listed conditions.



SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Director of Regeneration & Development Services

Date: 24th June 2014

Subject: Enforcement Report

Author of Report: Lee Brook

Summary: Unauthorised installation of external Wall insulation (cladding) to houses, Staniforth Road, Earl Marshal Road and Page Hall Road.

Recommendations:

That the Director of Regeneration and 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:

- (i) the prevention of further harmful unauthorised external wall insulation to house elevations fronting to a highway,
- (ii) the removal of harmful unauthorised external wall insulation from any house elevation fronting to a highway, (except those listed below)
- (iii) authority to take no further action in relation to external wall insulation at the following addresses:
 - 368, 392, 401, 403, 405, 407, 409, 416, 447, 451, 453, 463, 465, 471, 476, 480, 482, 489, 500 Staniforth Road
 - 397, 399, 403, 405, 409, 415, 423, 427, 429 Earl Marshal Road
 - 107 and 111 Page Hall Road

The Head of Planning is designated 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 INSTALLATION OF EXTERNAL WALL INSULATION (CLADDING) TO HOUSES, STANIFORTH ROAD, EARL MARSHALL ROAD, AND PAGE HALL ROAD

1. PURPOSE OF THE REPORT

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. LOCATION

- 2.1 So far, at the time of writing, officers are aware of 31 houses that have been fitted with external cladding to insulate external walls, including the front elevations facing the road. There are 19 on Staniforth Road, 10 on Earl Marshal Road, and 2 on Page Hall Road.

3. BACKGROUND

- 3.1 The 'Green Deal' is a Government programme to retrofit homes with measures designed to cut energy usage and reduce the UK's CO² emissions. Sheffield Council is committed to support this scheme in a bid to improve energy efficiency, reduce CO² emissions and reduce fuel poverty. Some of the measures include the addition of external insulation, which involves cladding over the outside of the house walls with an insulation material and then finishing off with a top coat, typically a render material of some sort.
- 3.2 Awareness that external wall insulation, (EWI), cladding has been fitted to the front walls of homes facing the highway came when officers in the Council's Building Standards Service advised some installers that planning consent might be required for such work; planning enforcement was then notified. At that point a number of houses in Darnall and Grimesthorpe had already been completed or substantially completed.
- 3.3 Planning Contravention Notices were served on two companies in connection with these works already carried out to houses in Staniforth Road and Earl Marshal Road to establish the details.
- 3.4 Letters have been sent to all 40 companies listed on the Council's list of potential contractors in this field of work advising that external cladding to the front elevations of houses will need planning permission

if the conditions under 'permitted development' rules are not adhered to, (described at 4.0 to 4.4 below).

- 3.5 Letters have also been sent to householders on Staniforth Road and Earl Marshall Road advising that planning permission is needed for the work carried out on their homes. The letter goes on to say that, on this occasion, enforcement action will only be considered against the installer and the householders will not be facing enforcement action / legal proceedings due to particular circumstances identified. It has transpired, due to feedback obtained, that the installation companies have poorly advised householders and in particular have not informed them about planning permission and building regulations.
- 3.6 Any new breaches at other properties may result in action being taken against home owners and / or installers.
- 3.7 The work is carried out under the Government's Green Deal Oversight and Registration Body (GD ORB), on behalf of the Secretary of State, who manages the authorisation scheme for participants in the Green Deal and is responsible for a number of functions aimed at providing effective administration and oversight of the scheme. The GD ORB is responsible for maintaining a register of all authorised providers, assessors, certification bodies and installers and for maintaining the Green Deal Code of Practice; ongoing monitoring of Green Deal Participants against the Code of Practice; producing an annual Green Deal report; and gathering evidence of non-compliance and referring participants to the Ombudsman or the Secretary of State where appropriate and imposing sanctions when directed.
- 3.8 In addition to writing to the installers directly, officers will consult GD ORB about the quality of some of the installations already carried out on Staniforth Road in particular, which has seen the worst examples so far of poor visual quality. The two installers known to the Local Planning Authority operating in Staniforth Road and Earl Marshal Road in March and April have informed officers that they have no more installations planned for those streets at this time.
- 3.9 Legal advice has been taken in connection with an enforcement strategy in the event that such action is required.
- 3.10 Since April other houses that have come to the attention of officers are 107 and 111 Page Hall Road.
- 3.11 In addition to these there have been a number of pre-application enquiries for external cladding to front elevations, (not implemented) and there are now at least five planning applications to clad front elevations, (decisions pending / not implemented). However, of all the unauthorised works, only 111 Page Hall Road is subject to a planning application, (building regulations application also submitted).

4. LEGISLATION AND POLICY

- 4.1 The Town and Country (General Permitted Development) order 1995, ('GPDO'), sets out a raft of planning permissions for development that can be undertaken without the need to submit a planning application to the Local Planning Authority. This is a range of permissions already deemed to be granted. This is known as 'permitted development' or PD. To benefit from PD the development has to be wholly on land that is within the curtilage of the house. If the EWI or 'cladding' overhangs a neighbouring property or the highway, then PD rights cannot apply.
- 4.2 Government guidance published in January 2013 and since amended in April 2014, (Permitted Development for Householders Technical Guidance'), makes it clear that this insulation is to be treated as an 'improvement' rather than an 'enlargement' or 'extension' to a house, under the GPDO. This guidance gives some flexibility on when a planning application to the Local Authority is required, depending on where the building is located and on the types of materials used. Building Regulations is usually required for such works.
- 4.3 Conditions apply to the exercise of PD rights. The condition that is relevant in respect of EWI requires that the materials used in any external work "be of a similar appearance to those used in the construction of the exterior of the house".
- 4.4 To benefit from PD, it is the view of this Authority that the replacement materials used to finish the EWI at the front need to be of the same or similar colour and style as the existing material on the front elevation of the house. A brick property would need to have a similar brick or brick 'like' finish to it. If the property is a rough cast render to begin with, then the finish of the insulation would need to be a similar rough cast rendered finish to be PD.
- 4.5 The relevant local policies are BE5 of the Sheffield Unitary Development Plan, (UDP) and the Sheffield Development Framework, (SDF), Core Strategy Policy CS74.
- 4.6 UDP policy BE5, Building Design and Siting, states that good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions.
- 4.7 Policy CS74 of the SDF, Design Principles, says that high-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods, including amongst other things:

CS74c. the townscape and landscape character of the city's districts, neighbourhoods and quarters, with their associated scale, layout and built form, building styles and materials; and

CS74d. the distinctive heritage of the city, particularly the buildings and settlement forms associated with: CS74d(iii) Victorian, Edwardian and Garden City suburbs.

- 4.8 When assessing planning applications factors such as whether original features like heads and sills, decorative brickwork or stonework are to be lost, how windows and other junctions will be treated and whether the render (or other finish), will look out of character in the street scene, will be considered.
- 4.9 In a lot of cases it will be appropriate to apply non matching external insulation to the side and rear elevations of a property, if it is not visible from the public highway and will not have a significant effect upon the character of the property. However internal wall insulation will be the only option; at least to the front elevation, in some cases.
- 4.10 Where housing is constructed with a render or pebbledash finish, without ornate features, it is likely to be suitable for EWI and, if a material with a similar finish is used, it will likely be PD.
- 4.11 The Council is supporting the Green Deal and wants to work with registered providers, landlords and home owners to ensure work is carried out quickly and where possible within PD rules, not requiring a planning application. It is our intention to assist this by establishing clearer guidance on acceptable solutions. We particularly want to support approaches and standards that seek to retain the quality of the street scene whilst also achieving the large-scale energy efficiency improvements that are clearly needed.
- 4.12 The Planning Service is working with the Council's Sustainable Development Service on this wider agenda, and any positive contribution from installers is welcomed. This may include examples of good practice/innovation developed elsewhere as it is appreciated that this is a fast developing field.

5. ASSESSMENT

- 5.1 The EWI carried out so far on all but one house is considered not to benefit from PD. The exception is 389 Earl Marshall Road, which already had existing cream coloured smooth render finish, in place for many years, which covered the traditional architectural features. That has now been clad over with new EWI and finished in a cream coloured smooth render finish, which is considered to be PD.
- 5.2 There are 28 other addresses in Staniforth Road and Earl Marshal Road that have EWI considered to be a breach of planning control. The attached Appendix A shows a few examples. The EWI carried out here is considered to cause significant visual harm to the character of the individual properties and the character of street scene for the following reasons.

- 5.3 Staniforth Road, Earl Marshal Road and Page Hall Road are examples of Victorian / Edwardian terraced house street scenes that typify the character of many of Sheffield's districts. It is acknowledged that over the years incremental minor changes have occurred to many of the houses, particularly on Staniforth Road, such as the removal of chimneys, addition of roof dormers of varying styles, addition of front porches, painting of brick work, altered bay windows etc however there are major concerns with the EWI work carried out on these properties at a highly visible level that irreversibly alters the character and appearance of the properties in a negative way.
- 5.4 The materials used in all the cases identified are not similar to the traditional existing red brick and stone and therefore planning permission is required as they do not meet the conditions attached to PD, (described at 4. above).
- 5.5 Staniforth Road, (19 houses). Red brick houses have been over-clad and finished in smooth reddish colour render. Stone window sills, window and doorway head stones have been lost as have stone heads and arch features above some passageways and other stone ribbons and name plaques. Bay windows, soil pipes, boiler vents and junctions with railings have also been clumsily boxed around. This is visually unattractive, it looks awkward and spoils the appearance of the properties harming the character of the street. There is also an inconsistent approach to the treatment of stone archways to passageways. Some are clad over and some are clad around, further spoiling the look of the terraces on both streets.
- 5.6 Earl Marshal Road, (9 houses). These previously red brick houses, (except no.415, which had been painted cream), have been similarly treated to those at Staniforth Road with similar results. Traditional features including stone heads / sills / passage archways have been over clad with insulation and cream coloured render finish applied, which contrasts with the majority remaining red brick houses. The results are considered to be visually harmful to the character and appearance of the houses and the street.
- 5.7 No applications for planning permission or building regulations have been submitted for any houses on Staniforth Road or Earl Marshal Road.
- 5.8 107 and 111 Page Hall Road The traditional stone heads and sills detail and the red brick front of both houses has been over clad / lost, giving a blank finish to the front elevation, spoiling the look and character of the property and the wider terrace as a whole. The finish is cream coloured render at 107, which contrasts with the otherwise red coloured brick on the majority of the terrace. No.111 is finished in red colour render. Planning and Building Regulations applications are submitted for no.111. There are no applications for 107.

- 5.9 In each of the cases at Staniforth, Earl Marshal and Page Hall Road, the appearance and character of the houses has been harmed for the reasons stated. This is considered to be contrary to policy BE5 of the Unitary Development Plan and Core Strategy policy CS74 of the Sheffield Development Framework.
- 5.10 Temporary Stop Notices were considered in some cases, but the works were so advanced that it was not considered appropriate under the circumstances. Most were either completed or nearly completed and it is clear that the householders were poorly advised by the installers. Enforcement action would ultimately fall on the house owners and it would appear that they were not being advised about the planning application versus PD position or about the alternative internal insulation method.
- 5.11 In response to PCN's served the two installation companies responsible for 29 of the properties identified, replied by letter explaining that many of the homeowners in Darnall and Grimesthorpe are in fuel poverty and some elderly owners were even without proper central heating at all. These installers are now in no doubt as to the LPA's view on when a planning application is required and when the work already has permission under PD. No further breaches are expected by these two companies.
- 5.12 The Council website has been updated under the 'What's New' section with clear advice about EWI and all the known installation companies have been sent a letter each also advising that a planning application could be required.
- 5.13 Although the work described at Staniforth, Earl Marshal and Page Hall Roads is considered to cause visual harm the recommendation in this report has taken into account the feedback gained so far from six households about how the installation companies advised their clients. It also takes into account the fact that enforcement action is likely to fall upon the householders who were poorly advised by the private installation companies. That said, harmful unauthorised development that further erodes the traditional character of Sheffield streets cannot be allowed to go unchecked and the recommendation reflects the need to balance the effect of the EWI on the appearance of the city's streets with the need for energy conservation. It also takes account of the unfortunate predicament faced by the householders, who appear to have agreed to the work in good faith.

6. REPRESENTATIONS

- 6.1 In response to letters, sent in May, to 29 houses in Staniforth Road and Earl Marshal Road there have been responses from six private home owners, all from Staniforth Road. All have said that the representatives of the installation companies made no mention of the possibility that planning permission or building regulations might be needed.

6.2 No complaints have been received from the public at the time of writing about the visual effect. One of the responders on Staniforth Road has expressed concern about the finished product at his home not being what he was hoping for in terms of quality, texture and colour.

7. ASSESSMENT OF ENFORCEMENT OPTIONS

7.1 Section 171C of the Town and Country Planning Act 1990, ('the Act') provides for the service of a Planning Contravention Notice. The notice requires information about the suspected breach of planning control and about property ownership. It also gives an opportunity for the recipient to meet with officers to make representations.

7.2 Section 171E of the Act provides for the service of a Temporary Stop Notice, which can be used at short notice in order to bring a temporary stop of 28 days, (no more), to work whilst the LPA assesses and decides on an appropriate course of action. Such a notice can only be used once for a particular development.

7.3 Section 172 of the Act provides for the service of an Enforcement Notice (EN). In this case such a notice would require the remedial measures to make good the harm caused by the unauthorised development. In this context it would mean the removal of the unauthorised external materials altogether. There is an appeal process inbuilt to the EN.

7.4 An EN must be served on the owner and any other person with a material interest in the property. In this case the EN would not be served on the installation company as under planning law they would not be considered to have 'a material interest'. This course of action would be solely against the home owner.

7.5 Section 183 of the Act provides for the service of a Stop Notice in conjunction (only) with an enforcement notice (S172). In this case the works at houses identified are already completed, so such a notice isn't proposed for any of the known cases to date. Should new authorised work begin elsewhere a Stop Notice can be considered. Legislation states it can only be served in conjunction with an EN.

7.6 Section 187A of the Act provides for the service of a breach of conditions notice, (BCN), if it is claimed that the development is reliant on planning permission contained with the General Permitted Development Order, (PD described at para.4.0 to 4.4 above). The condition in breach would be the one requiring use of similar materials. There is no right of appeal inbuilt to this type of notice.

7.7 Section 187B of the Act allows the Planning Authority to apply to the Sheffield County Court to restrain a breach of planning control. In this case an injunction would be a last resort if either any stop notice/s served were ignored or if an installer was to disregard clear advice and continue to cause multiple unauthorised developments of a similar

nature. Injunctive action would be a quicker way to stop further unauthorised harmful activity, (than by prosecution for non-compliance with the stop notice).

7 EQUAL OPPORTUNITIES

7.1 There are no equal opportunity implications arising from the recommendation in this report.

8. FINANCIAL IMPLICATIONS

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

8.2 Where an EN and Stop Notice is served, compensation may be payable, following appeal, in respect of a stopped activity only if:

(a) the EN is quashed on grounds other than the granting of planning permission, (one such example is if the Planning inspector decided that the development was PD),

(b) the EN is varied so that matters alleged to constitute a breach of control cease to include an activity stopped by the notice,

(c) the EN is withdrawn by the Council otherwise than in consequence with the grant of planning permission by the Council for the development to which the notice relates; or

(d) the stop notice is withdrawn

9. RECOMMENDATION

9.1 That the Director of Regeneration and Development Services or Head of Planning be authorised to take any appropriate action including if necessary, enforcement action, the service of stop notices and the institution of legal proceedings to secure:

(iv) the prevention of further harmful unauthorised external wall insulation to house elevations fronting to a highway,

(v) the removal of harmful unauthorised external wall insulation from any house elevation fronting to a highway, (except those listed below)

(vi) authority to take no further action in relation to external wall insulation at the following addresses:

- 368, 392, 401, 403, 405, 407, 409, 416, 447, 451, 453, 463, 465, 471, 476, 480, 482, 489, 500 Staniforth Road
- 397, 399, 403, 405, 409, 415, 423, 427, 429 Earl Marshal Road
- 107 and 111 Page Hall Road

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

Maria Duffy
Head of Planning

10 June 2014

Appendix of Photographs

Staniforth Road – Examples



Example of EWI on Staniforth Road, which is typical of the installations in this road.

Sill & head stones lost to 1st floor window
Stone Head over passageway lost (previously painted red)

Brick coursing detail lost (previously painted red)
Clumsy boxing around boiler vent and bay roof.

Paint overspill onto neighbouring house to disguise awkward box finish next to passage entrance. Also capping plastic clumsily left overhanging neighbouring house.



Staniforth Road – Shows contrast between EWI and traditional design but also shows how some houses were painted in the past.



Earl Marshal Road (below)

Shows contrast between traditional red brick and cream smooth render. Some Heads / Sills lost.





SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 24 June 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
24 June 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 delegated decision of the City Council to refuse planning permission for erection of a dwellinghouse (amended scheme to 13/03429/FUL) at land Between 20 And 24 Moonshine Lane Sheffield S5 8RD (Case No 14/00642/FUL)
(ii) An appeal has been submitted to the Secretary of State against the decision of the Council at its meeting of the 11 March 2014 to refuse with Enforcement Action planning consent for erection of 9 apartments with associated undercroft car parking accommodation (As amended by plans received 26/02/2014) at land Between 1 To 3 And Nos 5 And 7 Dover Road Sheffield S11 8RH (Case No 13/03930/FUL)
(iii) An appeal has been submitted against an Enforcement Notice served in respect of the erection of a wall without planning permission at land between 1 to 3 and 5 and 7 Dover Road, Sheffield (Case No. 14/00171/ENUD)

3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the delegated decision of the Council to refuse planning consent for erection of a dwellinghouse at Land To The Rear Of 33 To 35 Nottingham Cliff Sheffield S3 9GU (Case No 13/03341/FUL)
Officer Comment:- The Inspector considered that the main issues in this case were the effect on the character and appearance of the local area and on the living conditions of future occupiers especially in respect of light , outlook and private amenity space and the occupiers of 33 and 35 Nottingham Cliff primarily with regard to light, outlook sense of enclosure and potential noise and disturbance He considered that the proposal for a single storey building within a confined space would be incompatible with the existing built form and would appear cramped. It would not improve the character and quality of the area and so

was contrary to the National Planning Policy Framework and UDP policy H14 and Core Strategy Policy CS74.

The Inspector stated that the light to the two main rooms would be poor and the use of obscure glazing to prevent overlooking would create unacceptably poor external outlook. The use of obscure glazing would also make the rooms gloomy and uninviting.

With regard to the occupiers of 33 and 35, the use of obscure glazing to the proposed bedroom would do little to diminish their perception of being overlooked and would seriously impinge on their enjoyment of their properties because they would perceive an unacceptable loss of privacy.

The new dwelling would cause more disturbance to adjoining occupiers in terms of both noise and night time light and the front wall would heighten a feeling of enclosure in the rear yards on 33 and 35.

The Inspector felt that these matters constituted an overdevelopment of the site and would not provide reasonable living conditions for occupiers of the proposed dwelling or for the occupiers of 33 and 35.

(ii) An appeal against the delegated decision of the Council to refuse planning consent for conversion of roof space including formation of gable end, raised ridge height and erection of rear dormer window 87 Shenstone Road Sheffield S6 1SP (Case No 13/04148/FUL)

Officer Comment:-

The main issue in this appeal was the effect of the proposal on the character and appearance of the area and the host property.

Whilst the change of roof style from hipped to gable would be different to the hipped roofs on the properties at the end of this cul-de-sac, the fact that it is a detached property and the houses at either side are angled away would not, on its own, detract from the character of the area. However, the proposed increase in height, change in roof shape plus the lack of bargeboard and minimal eaves detailing would result in a discordance of scale between the roof and the walls of the host property drawing attention to the disparity with neighbouring properties. For these reasons, the Inspector considered the proposal would be out of character and contrary to UDP policy H14, the Supplementary Planning Guidance and the principles of the NPPF and so dismissed the appeal.

4.0 RECOMMENDATIONS

That the report be noted

Maria Duffy
Acting Head of Planning

24 June 2014

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