

Planning and Highways Committee

Tuesday 16 June 2015 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), Peter Rippon (Chair), Nasima Akther, David Baker, Jack Clarkson, Tony Damms, Roger Davison, Adam Hurst, Ibrar Hussain, Bryan Lodge, Peter Price, Joyce Wright, Denise Reaney and Chris Rosling-Josephs

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
16 JUNE 2015**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 1 - 4)
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 5 - 10)
Minutes of the meeting of the Committee held on 26 May 2015
- 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. Tree Preservation Order No. 398 - 442 Glossop Road** (Pages 11 - 38)
Report of the Director of Development Services
- 8. Applications Under Various Acts/Regulations** (Pages 39 - 206)
Report of the Director of Regeneration and Development Services
- 9. Enforcement of Planning Control: 1 Blackmore Street** (Pages 207 - 212)
Report of the Director of Development Services
- 10. Enforcement of Planning Control: New Age Travellers Site, Wallace Road** (Pages 213 - 218)
Report of the Director of Development Services
- 11. Record of Planning Appeal Submissions and Decisions** (Pages 219 - 224)
Report of the Director of Regeneration and Development Services
- 12. Date of Next Meeting**
The next meeting of the Committee will be held on 7 July 2015

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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, 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 26 May 2015

PRESENT: Councillors Alan Law (Chair), Jack Clarkson, Roger Davison, Adam Hurst, Ibrar Hussain, Bryan Lodge, Peter Price, Denise Reaney, Peter Rippon, Joyce Wright and Vickie Priestley (Substitute Member)

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor David Baker and Councillor Vickie Priestley attended the meeting as the duly appointed substitute. Apologies for absence were received from Councillors Nasima Akther, Tony Damms and Chris Rosling-Josephs but no substitutes were appointed.

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 There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the meeting of the Committee held on 5 May 2015 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 15 June 2015, in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

6. SHEFFIELD CONSERVATION ADVISORY GROUP MINUTES

6.1 The Committee received and noted the minutes of the meeting of the Sheffield Conservation Advisory Group held on 17 March 2015.

7. TREE PRESERVATION ORDER NO. 399 - SITE OF 61 ENDCLIFFE VALE ROAD

7.1 **RESOLVED:** That no objections having been received, the Tree Preservation Order No. 399 made on 26 February 2015, in respect of trees at the site of 61 Endcliffe Vale Road be confirmed as an unopposed Order.

8. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

8.1 **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 No. 15/00257/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 additional information, as outlined in a supplementary report circulated at the meeting, and following consideration of representations from a local Ward Councillor speaking against the application, an application for outline planning permission for the demolition of existing dairy and outbuildings, use of existing farmhouse as a dwellinghouse and erection of up to 13 dwellinghouses at Cowmouth Farm, 33 Hemsworth Road (Case No. 15/00158/OUT) be granted, conditionally and the detailed design be submitted to a future meeting of the Committee for consideration;

(c) following consideration of additional representations, and subject to an additional condition that 'The raised terrace area to the rear of the property which forms the roof of the swimming pool area will be finished at a level not greater than 205.5 AOD', as outlined in a supplementary report circulated at the meeting, and following consideration of representations from a local Ward Councillor and two local residents speaking against the application, an application for planning permission for the demolition of dwellinghouse and garage, and erection of a new dwellinghouse with integrated garage and provision of associated external hard and soft landscape works at 45 Stumperlowe Crescent Road (Case No. 15/00157/FUL) be granted, conditionally;

(d) following consideration of representations from two local residents speaking against the application and from the applicant speaking in favour of the application, an application for planning permission for the erection of 6 apartments in a 3-storey block at land adjacent to 76 Cannon Hall Road and 367 Barnsley Road (Case No. 14/03289/FUL) be granted, conditionally;

(e) following consideration of representations from the applicant speaking in favour of the application, an application for demolition of former police station and public toilets, and erection of detached dwellinghouse at site of South Yorkshire Police, Fulwood Road (Case No. 14/03181/FUL) be granted, conditionally;

(f) following consideration of representations from a local Ward Councillor and two local residents speaking in support of the officer recommendation to refuse the application and from the applicant's agent speaking against the officer recommendation to refuse, an application for outline planning permission for the erection of two semi-detached dwellinghouses (additional information regarding access and driveway arrangements, ecology and trees) (as amended 6.3.15, 24.4.15 and 5.5.15) at land to the rear of 328 Bole Hill (Case No. 14/02959/OUT)

be refused for the reasons outlined in the report;

(g) following consideration of representations from two local residents speaking against the application and from the applicant speaking in favour of the application, an application for planning permission for outdoor seating area to rear of café and erection of fencing to side and rear boundaries at Village News, 176-178 Main Street (Case No. 14/02191/FUL) be granted, conditionally;

(h) subject to the inclusion of an additional condition as outlined in a supplementary report circulated at the meeting, and an additional condition to ensure that the taxi is secured, an application for planning permission for alterations to building for A2/B1 use (Professional/Business) including external cladding, new shop front, front canopy and siting of redundant taxi to roof at 259 Abbeydale Road (Case No. 15/00680/FUL) be granted, conditionally;

(i) subject to the inclusion of additional directives, an amendment to condition 9, and following consideration of a clarification in terms of landscape and additional consultation response, all as outlined in a supplementary report circulated at the meeting, an application for planning permission for residential development including erection of 9 apartments and 83 dwellinghouses, with associated access, parking and landscaping at land between Park Grange Road and Beeches Drive extending to Samuel Drive (Case No. 15/00665/FUL) be granted, conditionally;

(j) following consideration of an amendment to the report and additional consultation response, as outlined in a supplementary report circulated at the meeting, an application for planning permission for erection of 24 apartments in 1 x 3 storey block with associated car parking and landscaping at site of Park Grange Old Peoples Home, 100 Park Grange Road (Case No. 15/00663/FUL) be granted, conditionally; and

(k) following consideration of additional information and additional recommendations, and, subject to the inclusion of additional conditions, as outlined in a supplementary report circulated at the meeting, (i) an application for planning permission for erection of 59 dwellinghouses with associated access roads, footpaths, car parking accommodation and landscaping works including sustainable urban drainage system (SUDS) storage pond at land between Earl Marshal Road and Barnsley Road, adjacent to Fir Vale School Playing Fields (Case No. 15/00659/FUL) be granted, conditionally, (ii) no objections be raised to the proposed stopping-up of the areas of highway shown hatched on the plan 15/00659/FUL – Stop Up now exhibited, subject to satisfactory arrangements being made with Statutory Undertakers with regards to such of their mains and services that may be affected and (iii) the Director of Legal and Governance be authorised to take all necessary action on the above matter under the relevant powers contained within Section 247 of the Town and Country Planning Act 1990.

9. ENFORCEMENT OF PLANNING CONTROL: 14 MARKET SQUARE, WOODHOUSE

9.1 The Director of Development Services submitted a report informing Members of a

breach of planning regulations in respect of the erection of unauthorised signs and lighting on a grade two listed building at 14 Market Place, Woodhouse.

- 9.2 The report stated that a complaint, from a Conservation Officer, was received on 13 January 2014 concerning the fixing of three unauthorised signs, and attendant overhead lighting that had been fixed to the principal and side elevations of the property.
- 9.3 Correspondence was entered into with the owners of 14 Market Place informing them that, because this property is a Grade II listed building, that planning permission and listed building consent were required for a development of this nature. It also explained that because the signs and lighting were not in keeping with the character of the building, it was unlikely that planning permission and listed building consent would be granted.
- 9.4 The owner responded to this letter, and engaged an agent to liaise with Conservation Officers in order to put forward a design for signs and lighting that would be considered to be more in keeping with the character of the building.
- 9.5 In spite of attempts to help the property owner to achieve an acceptable solution to this matter, they had, to date, declined to cooperate further and replace the unauthorised signs and lighting with those agreed as part of the initial consultation process.
- 9.6 **RESOLVED:** That (a) 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 the removal of the unauthorised signs and overhead lighting at 14 Market Place, Woodhouse; and
- (b) the Head of Planning, in liaison with a Joint Chair of this Committee, be delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

10. ENFORCEMENT OF PLANNING CONTROL: 352 SHARROW LANE

- 10.1 The Director of Development Services submitted a report informing Members of a breach of the planning regulations in relation to the installation of UPVC windows at 352 Sharrow Lane within the Nether Edge Conservation Area.
- 10.2 The report stated that a complaint, from a member of the public, was received on 29 October 2014 concerning the installation of new UPVC windows in the Sharrow Lane elevation of the ground floor flat.
- 10.3 A site visit was made that same day and the contractors, who were installing the windows, were advised that the property was in a conservation area; and that because of this, the replacement of the existing timber box sash window with UPVC frame would not be considered as acceptable by the Local Planning Authority. They were also advised to stop work until a further site meeting could

be arranged to discuss this matter with the property owner.

- 10.4 Following this initial visit, the property owner was contacted and made aware of the situation, and a further site meeting was arranged to discuss the situation.
- 10.5 The site meeting took place on 27 November 2014 where it was explained to the owner that because the property was situated in the Nether Edge Article 4 and Conservation Area, any replacement windows that were installed would have to be in timber and match the style of the original sliding box sash window, in spite of the fact the windows on the first and second floors had been replaced with UPVC frame approximately 12 years ago.
- 10.6 A further meeting took place in January 2015 between the owner, planning enforcement officers and a conservation officer in which further help and advice was offered on how the matter could be resolved in a manner that would be acceptable to all parties involved. However, to date, the owner has declined to replace the UPVC frames with ones that would be more in keeping with the historic character of the Conservation Area.
- 10.7 **RESOLVED:** That (a) 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 the removal of the unauthorised UPVC window frames at 352 Sharrow Lane and their replacement with more acceptable timber sliding box sash windows; and
- (b) the Head of Planning, in liaison with a Joint Chair of this Committee, be authorised to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

11. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 11.1 The Committee received and noted a report of the Director of Regeneration and Development Services 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.

12. DATE OF NEXT MEETING

- 12.1 It was noted that the next meeting of the Committee will be held on Tuesday, 16 June 2015, at 2.00 pm, at the Town Hall.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Director of Regeneration & Development Services

Date: 16 June 2015

Subject: Tree Preservation Order No. 398,
442 Glossop Road, Sheffield, S10 2PX

Author of Report: Andrew Conwill, Urban and Environmental Design
Team

Summary: To report objection received relating to Tree Preservation Order No. 398 at 442 Glossop Road, Sheffield, S10 2PX. Following consideration of the objection now reported it is recommended Tree Preservation Order No. 398 should not be confirmed and be revoked as soon as practicable.

Reasons for Recommendation

The structural inspection report submitted with the objection has found that Lime Tree T1 subject to Tree Preservation Order No. 398 has no useful long term future and the tree requires to be removed to re-build the side boundary retaining wall between 442 Glossop Road and 1 Beech Hill Road.

Recommendations Tree Preservation Order No. 398 should not be confirmed and be revoked as soon as practicable.

Background Papers: A) Tree Preservation Order No. 398 with plan attached.
B) Objection received 12th February 2015 with structural inspection report received 11th March 2015 attached.

Category of Report: OPEN

REGENERATION & DEVELOPMENT SERVICES

REPORT TO PLANNING & HIGHWAYS COMMITTEE

16 June 2015

TREE PRESERVATION ORDER NO. 398

442 GLOSSOP ROAD, SHEFFIELD, S10 2PX

1.0 PURPOSE

1.1 To report an objection to Tree Preservation Order No. 398.

2.0 BACKGROUND

2.1 442 Glossop Road is located within the Broomhill Conservation Area and on the 18th September 2014 a notice (Tree Notice 14/03478/TCA) was received to remove two lime trees located to the front of the above property.

2.2 The reason given in the tree notice for their removal was that the trees are damaging the side boundary retaining wall between 442 Glossop Road and 1 Beech Hill Road. No written technical evidence with respect to structural damage to the wall was provided with the tree notice or when requested from the applicant.

2.3 Your officers had no objection to the removal of one of the lime trees because of its close proximity to 442 Glossop Road and because it is obscured by the other lime tree when viewed from Glossop Road. A decision notice agreeing to its removal was sent to the applicant's agent on 22 January 2014.

2.4 The other lime tree is growing approximately 6.50 metres from the property and Provisional Tree Preservation Order No.398 was served on 22 January 2015 to protect the tree, referred to as T1 in the order, because of its visual amenity value.

3.0 OBJECTION TO TREE PRESERVATION ORDER

3.1 An objection to the tree preservation order has been received from Mr P Hattam who is the owner of neighbouring property 1 Beech Hill Road. Submitted with the objection letter is a structural inspection report prepared by Dr M Seaton, Chartered Structural Engineer, PhD BEng(Hons) CEng MiStructE, which refers to the side boundary retaining wall between 442 Glossop Road and 1 Beech Hill Road. The full text of the structural inspection report is attached as Appendix B.

3.2 The conclusions and recommendations of the report include the following:
"That the two lime trees threaten the long-term stability of the wall and that the trees should be removed to enable the wall to be rebuilt."

4.0 OFFICER RESPOSE TO OBJECTION

4.1 Dr M Seaton's structural inspection report has been considered by Sheffield City Council's Building Control Team who are in general agreement with the report and note that the wall is in a state of disrepair, is structurally unstable and if not repaired will continue to deteriorate. Also the wall cannot reasonably be rebuilt without damaging tree roots nor would it be possible to safely re-build the wall without removing support to the tree and thereby creating a risk of the tree failing during the works.

5.0 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 There are no equal opportunities implications.

6.0 ENVIRONMENTAL AND PROPERTY IMPLICATIONS

6.1 The submitted structural inspection report has found that lime tree T1 has no useful long term future and its removal to prevent nuisance and to enable repairs to property is considered reasonable.

7.0 FINANCIAL IMPLICATIONS

7.1 There are no financial implications.

8.0 LEGAL IMPLICATIONS

8.1 A local authority may choose to not confirm a Tree Preservation Order it has made. If an order is not confirmed, it will expire and cease to have legal effect 6 months after it was originally made.

8.2 Where it is known that an order should not be confirmed, a local authority may revoke an order which it has made in advance of its expiry. Revoking an order will cease its effect immediately and there will no longer be an order protecting the trees which the order concerns. The relevant interested parties will be notified of this, including any objectors to the order.

9.0 RECOMMENDATIONS

9.1 After due consideration of the objection now reported it is recommended that Tree Preservation Order No.398 should not be confirmed and be revoked as soon as practicable.

Maria Duffy
Interim Head of Planning

16 June 2015

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12 FEB 2015

12 FEB 2015

1 Beech Hill Road
Sheffield
S10 2SA

Legal Services Department
Legal and Governance
Sheffield City Council
Town Hall
Pinstone Street
Sheffield
S1 2HH

05/02/2015

Your Ref: LS/RC/70882

Dear Mr Cannon,

I am writing, in response to your communication dated 22 January 2015, to object to Tree Preservation Order No. 398, which was imposed on a single lime tree in the grounds of the neighbouring property (442 Glossop Road) on Thursday 22nd January 2015 in response to a notification of proposed works to two trees at the property, which is in a conservation area (Yr Ref: 14/03478/TCA4806).

The tree covered by TPO No. 398 stands close to a retaining wall that occupies the boundary between No. 442 Glossop Road and my own property, No. 440 Glossop Road. The wall constitutes part of my property and is protected by virtue of the statutory listing of No. 440 as a building of special architectural and historic interest.

We have recently obtained a professional report on the retaining wall from a structural engineer. This advises that: *"The [two] large Lime trees immediately behind the wall [ie the two trees the subject of notification Ref: 14/03478/TCA4806] ... threaten the long-term stability of the wall due to increased surcharge loading, mechanical root action and leverage of the wall under wind action"*. The report also notes that one section of the protected wall has already failed and that the remainder exhibits significant bulging and a general, though variable, lean towards the car park, which *"demonstrates that the wall is unstable and vulnerable to collapse"*. The report also notes that both trees, including the recently protected tree, are reliant on the failing wall for their own stability.

Given the proximity of the recently protected tree to the buildings and to the car park at No. 440 (now known as 1 Beech Hill Road), which is used on a daily basis by employees and clients of my physiotherapy business at 1 Beech Hill Road, the current situation clearly represents a present and developing hazard. Indeed, the structural engineer concludes that both lime trees should be removed in order to avoid further damage and permit restoration of the listed structure.

It is our intention to apply for listed building consent to undertake the restoration of the wall, as part of an ongoing and comprehensive scheme of conservation of the property, which will safeguard its heritage value, including that of its setting, and its contribution to the special character and appearance of Broomhill Conservation Area for the future.

I know that the Council raised no objection in 2013 to the felling of eight trees along the frontage of No.442 Glossop Road on similar grounds to those that apply in relation to the trees near the wall between Nos 440 and 442 (although the frontage wall is not listed) and that the officer's report said: "*to enable necessary repairs and to prevent further damage to the wall it is considered that the trees have outgrown their location and require to be removed.*"

I also note that no objection has been raised by the Council to the recently proposed felling of one of the two lime trees at No.442 and given that there is little to choose between the two in terms of the contribution they make to amenity, this suggests to me that the TPO made in respect of the other lime tree is not "*expedient in the interests of amenity*", as required by the relevant legislation.

In the light of all the above, I trust that the reasoning applied in the case of the tree which has been made the subject of TPO No 398 will be revisited and that the Council will decide that sustaining the recognized national significance of the listed building and its contribution to the special interest of the Conservation Area outweighs the questionable, and indeed replaceable, amenity value of an over-mature, ivy-clad lime, which is compromising a historic structure.

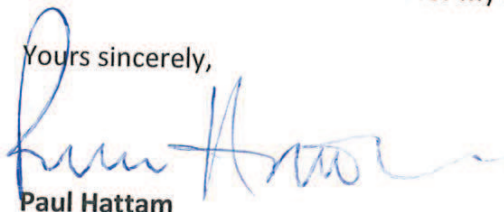
On these grounds, I am therefore writing to object to TPO No.398 and to request that it should not be confirmed.

Incidentally, I received no fewer than four separate notices about the TPO:

- By special delivery to this address
- By special delivery to our previous address (1 Taptonville Road) which we left 6 years ago
- By special delivery to my home address (with incorrect addressees)
- By hand to this address.

I am slightly bewildered by this and would like to advise you that further communications should be sent for my attention at this address only.

Yours sincerely,



Paul Hattam

11 MAR 2015

1 Beech Hill Road
Sheffield
S10 2SA

Richard Cannon
Professional Officer
Resources: Legal and Governance
Town Hall
Sheffield
S1 2HH

March 7, 2015

Your Ref: RC/070882

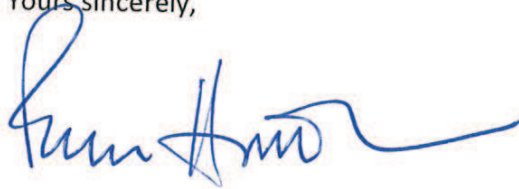
Dear Mr Cannon,

Re: Tree Preservation Order No 398 – 442 Glossop Road, Sheffield S10 2PX

Further to your letter dated 19th February, please find the structural inspection report you have requested for your further consideration.

I look forwards to hearing from you.

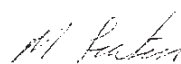
Yours sincerely,



Paul Hattam



**Boundary Wall Adjoining
1 Beech Hill Road, Sheffield. S10 2SA**

Prepared for Mr P. Hattam
Report Date 23rd January 2015
Inspection Date 13th January 2015
Prepared by Dr M Seaton PhD BEng(Hons) CEng MIStructE
Occupation Chartered Structural Engineer
Signed 
Date 23-01-15

EXECUTIVE SUMMARY

- This report is intended for the specific purpose of recording the observed condition of the boundary retaining wall adjoining property between 1 Beech Hill Road and 442 Glossop Road.
- The report has been commissioned by Mr P. Hattam who is the owner of the property at 1 Beech Hill Road. It is proposed to landscape the existing car park and garden area to the front of the site and this work will need to be considered in context with work required to the boundary retaining wall. The premises are used as a physiotherapy practice and consequently members of the public visit the property and make use of the car park in front of the boundary retaining wall.
- The boundary wall retains a difference in ground level of approximately 1.7 metres between 1 Beech Hill Road and 442 Glossop Road. The wall has a significant lean and a section of wall to the lower part of the site adjacent to Glossop Road has already collapsed. It is therefore concluded that the boundary retaining wall has become unserviceable and is vulnerable to further collapse.
- The proximity of the two Lime trees which have since reached maturity, growing close to the back of the retaining wall is ill advised and it is inevitable that their presence will threaten the long-term stability of the wall due to increased surcharge loading, mechanical root action and leverage of the wall under wind action.
- The report further identifies that the trees are reliant on the wall for stability of their root system. There remains a significant risk that these trees could fall onto the property or the adjoining car park.
- The proximity of the trees will potentially prevent the safe reconstruction of the wall, since there is potential for root system to become destabilised or damaged during excavation work.
- It is therefore recommended that permission to remove the trees should be obtained since the trees are reliant on support from the retaining wall, the condition of which is questionable. Thereafter, the wall should be taken down and rebuilt using reclaimed material to match the existing appearance. Recommendations are made regarding the re-construction of the retaining wall and an indicative cross-section through the wall construction is provided in Appendix A.

CONTENTS

EXECUTIVE SUMMARY

- 1.0 INTRODUCTION
- 2.0 DESCRIPTION OF EXISTING BOUNDARY WALL
- 3.0 OBSERVATIONS
- 4.0 CONCLUSIONS
- 5.0 RECOMMENDATIONS

PHOTOGRAPHS

APPENDIX A Indicative Cross Sections Through Proposed Retaining Wall Construction

1.0 INTRODUCTION

- 1.1 This report is intended for the specific purpose of recording the observed condition of the boundary retaining wall adjoining property between 1 Beech Hill Road and 442 Glossop Road.
- 1.2 The report has been commissioned by Mr P. Hattam who is the owner of the property at 1 Beech Hill Road. The premises are used as a physiotherapy practice and consequently members of the public visit the property and make use of the car park in front of the boundary retaining wall.
- 1.3 It is proposed to landscape the existing car park and garden area to the front of the site and this work will need to be considered in context with any work required to the boundary retaining wall.
- 1.4 The property lies within the Broomhill Conservation Area and therefore any work to the boundary wall will require Planning Consent. It is understood that this report may be submitted as part of the Planning Application.

2.0 DESCRIPTION OF EXISTING WALL

- 2.1 The listing record for the property dates the building circa 1840. The 1890 (1:500 scale) map shows the two adjoining properties and the boundary retaining wall is clearly marked.
- 2.2 The wall runs in a straight line north-west to south-east and forms the boundary between 1 Beech Hill Road and 442 Glossop Road; refer to Front Cover Photograph.
- 2.3 The immediate site topography slopes in a south-easterly direction down towards Glossop Road and the corner of Beech Hill Road. To the front of the property the ground levels between the two sites are approximately level, however as the land to 1 Beech Hill Road steps down towards Glossop Road, the boundary wall retains an increasing difference in ground level, with the maximum difference in height of approximately 1.7 metres; refer to Photograph 1.
- 2.4 The wall is approximately 20 metres in length between Glossop Road and the property frontage and the wall continues between the buildings as a freestanding boundary wall; refer to photograph 2. This part of the wall between the buildings has not been inspected.
- 2.5 The wall is constructed in random un-coursed rubble sandstone, laid originally in a lime-sand mortar. The top of the wall is finished with the original sandstone coping stones and these have been shaped to follow the curved profile of the wall where the wall height steps on elevation; refer to Photograph 3.

3.0 OBSERVATIONS

- 3.1 Localised areas of the stonework have been repointed in the past and the pointing is unsightly and not to a good standard; furthermore the pointing appears to have used a strong cement-sand mortar which is not compatible with the relatively soft sandstone; refer to Photograph 3.
- 3.2 The base of the wall on the low side adjoining 1 Beech Hill Road is covered by a shallow soil slope leading down to the car park; refer to Photograph 4. It is considered that the soil has been retained in order to not undermine the base of the wall when the original car park was created.
- 3.3 Immediately adjacent to the high side of the boundary retaining wall there are two mature Lime trees and a holly tree. The Lime trees are covered in ivy and do not appear to be in particularly good condition; refer to Photograph 5 & 6.

- 3.4 A section of the wall towards the Glossop Road end has collapsed and several of the stones have fallen out; refer to Photograph 7. In this location the ground level to the higher side of the wall has been artificially raised at some time in the past. There is evidence that an improvised retaining wall, in the form of large stone boulders, has been constructed on top of the wall to retain the raised ground level; this will have placed an increased surcharge load on the back of the retaining wall.
- 3.5 The vertical profile of the wall varies along its length due to bulges in the stonework and a general tilt towards the car park on the low side; refer to Photograph 8. At the point of maximum displacement the verticality of the wall was measured using an 1800mm long spirit level and this demonstrated an eccentricity of approximately 170mm over the length of the spirit level; representing an angle of tilt of approximately 5.5 degrees; refer to Photograph 9.

4.0 CONCLUSIONS

- 4.1 It is considered that the wall construction is original, dating the wall at over 150 years old. Other than some evidence of re-pointing, there is no indication that the wall has been altered from the original construction. The re-pointing to areas of the wall with cementitious mortar will be detrimental to the continued durability of the wall construction and weathering of the stonework. Furthermore, the original wall construction will have been relatively free draining, while the later cement-sand pointing will be impervious, allowing water pressure to build up behind the wall.
- 4.2 The large Lime trees immediately behind the wall further threaten the long-term stability of the wall due to increased surcharge loading, mechanical root action and leverage of the wall under wind action. Furthermore, the position of the trees present a logistical problem when considering reconstruction of the wall, since removal of the wall could compromise the stability of the root ball. It is therefore recommended that the trees should be removed as they are reliant on support from the retaining wall, the condition of which is questionable.
- 4.3 The overall thickness of the wall is approximately 350mm, however it is not known whether the wall increases in cross-section below the upper ground level. The degree of eccentricity of 170mm shows that the centre of gravity of the wall is outside the middle-third of the assumed overall thickness, indicating that the wall is unstable and vulnerable to collapse.
- 4.4 The earth slope in front of the base of the wall to the low side, discussed in Paragraph 3.2, appears to have been retained in order to cover the base of the wall. It is considered however that the depth of this fill material is not sufficient to protect the wall foundation from the influence of frost. Furthermore, there is insufficient mass of fill material at the base of the wall to resist lateral pressures exerted by the retained material behind the wall. It is therefore recommended that the foundations to new wall should be taken deeper and subsequently the new wall stem should be designed to take account of the increase in retained height. Similarly the raised ground level on the high side of the wall, discussed in Section 3.4, will cause an increased surcharge loading on the back of the retaining wall and this will also need to be taken into consideration when designing the new retaining wall.

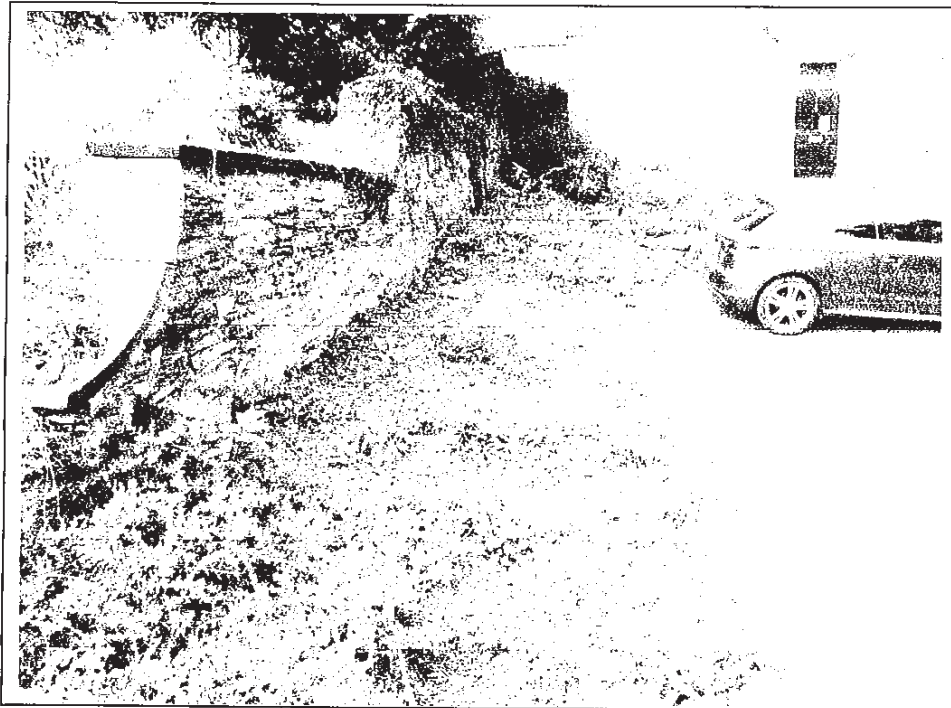
- 4.5 The new retaining wall should retain the appearance of the original wall and where possible utilize the existing coping stones and reclaimed sandstone. In order to construct the new wall as a pure gravity retaining structure, similar to the original construction, the wall thickness required would be considerable and this would involve excavation and removal of a large volume of the adjoining garden in order to create working room and ensure stability of the temporary soil slope behind the wall. It is therefore recommended that the new retaining wall should be constructed with a reinforced concrete wall stem, cast between blockwork walls; the wall can then be faced up using reclaimed sandstone laid in a lime-sand mortar. The structural stem of the wall will need to incorporate vertical movement joints at typically 6 metre centres, however it should be possible to avoid movement joints in the facing stonework by laying this in a low strength lime:sand mortar. Appendix A contains an indicative cross-section through the proposed construction of a new boundary retaining wall. The wall profile shown is intended for pricing purposes only and the final construction detail will need to be confirmed by further structural calculation.
- 4.6 In conclusion, the boundary retaining wall has become unserviceable and is vulnerable to collapse. The proximity of the two Lime trees which have since reached maturity, growing so close to the back of the retaining wall is ill advised and it is inevitable that their presence will lead to collapse of the wall as discussed in Paragraph 4.2. Furthermore, the trees are vulnerable to instability, since they are reliant on the wall for anchorage of their root system. There remains a significant risk that these trees could fall onto the property or the adjoining car park. The proximity of the trees prevents the wall from being rebuilt on the existing boundary line, since there is a significant risk that their root system will become destabilised or damaged during excavation work. It is therefore recommended that permission to remove the trees should be obtained and then the wall should be taken down and a new retaining wall constructed using reclaimed material to match as far as possible the original wall appearance and profile.
- 4.7 The provision of The South Yorkshire Act 1980 (Clause 34) requires any new wall retaining a height difference in excess of 1.5 metres to be designed by a competent person and details of the proposed wall will need to be submitted to the Local Authority for approval, prior to starting work.

5.0 RECOMMENDATIONS

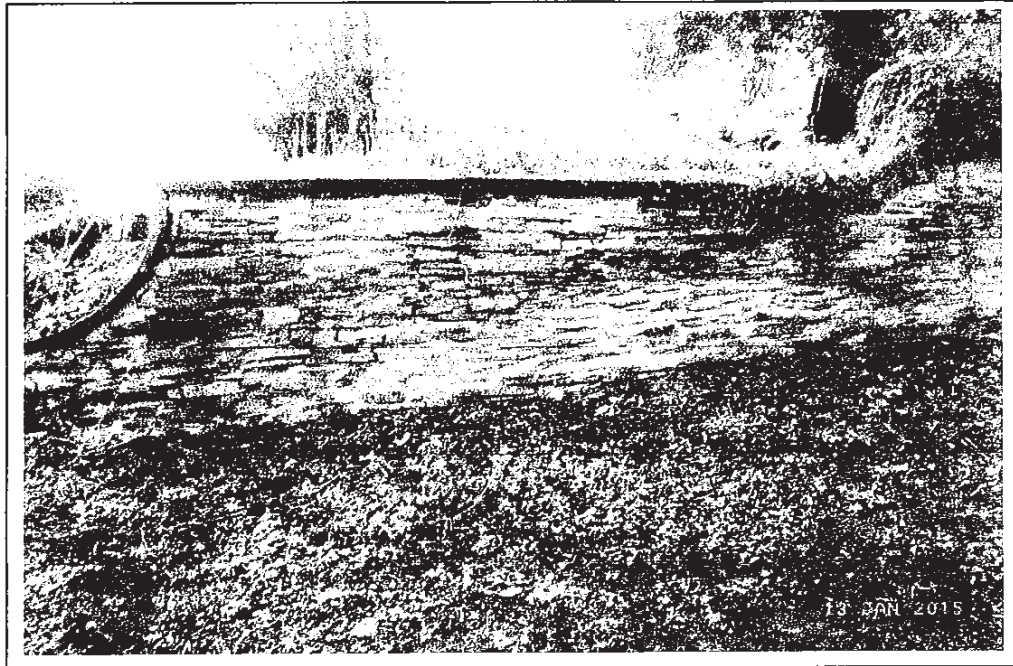
- 5.1 Permission to remove the two Lime trees should be obtained at the earliest opportunity and prior to developing a detailed design for the retaining wall.
- 5.2 Once the trees have been removed the existing boundary wall should be taken down and the existing coping stones should be carefully marked and set aside for re-use. Similarly the existing sandstone blocks should also be retained and cleaned for re-use.
- 5.3 The existing ground should be battered back in order to form a stable slope and a new concrete foundation should be constructed in accordance with the design specification. Two leaves of blockwork should then be constructed off the foundation and the cavity between the leaves infilled with reinforced concrete, to form a reinforced stem. Once the concrete has gained sufficient strength the rear of the wall should be backfilled with free draining granular material. The front face of the wall should then be faced up using the existing sandstone laid in a hydraulic lime-sand mortar to match the existing. The original sandstone coping stones should then be re-bedded in their original sequence.



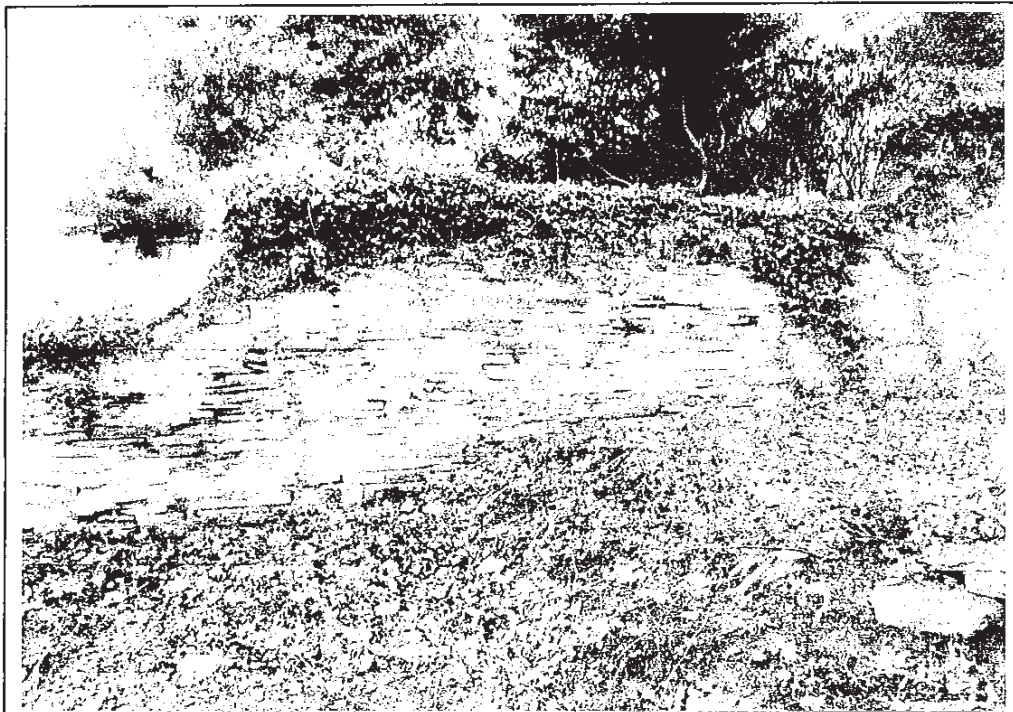
Photograph 1:
Showing Elevation on Boundary Retaining Wall From Car Park.



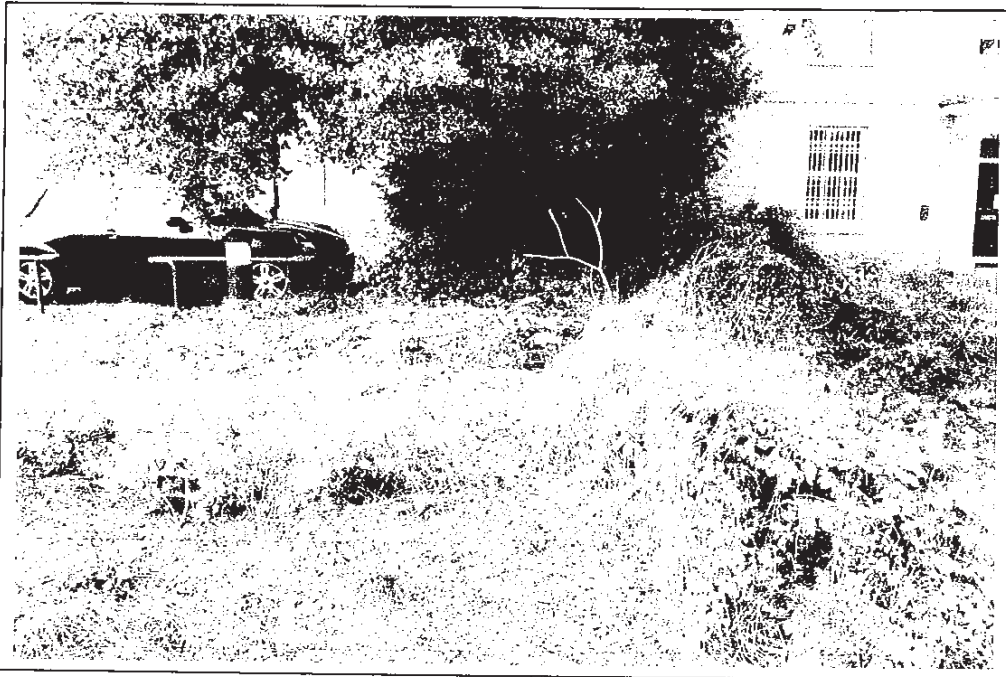
Photograph 2:
Showing Boundary Wall Continuing Between Properties.



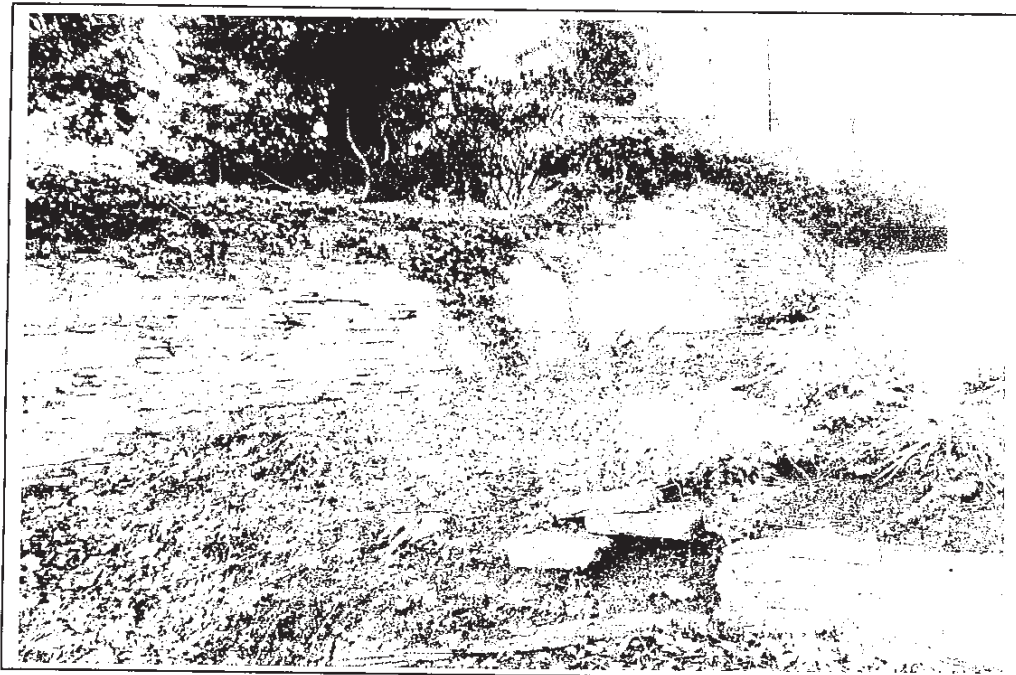
Photograph 3:
Showing General Condition of Wall and Areas of Unsightly Re-pointing.



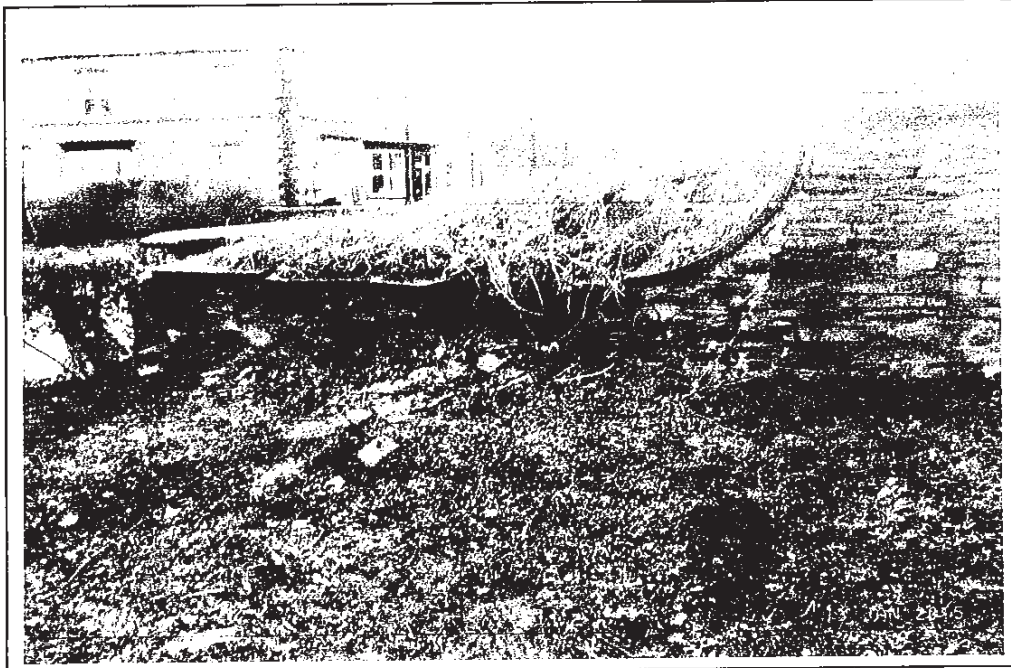
Photograph 4:
Showing Retained Soil Slope to Base of Wall.



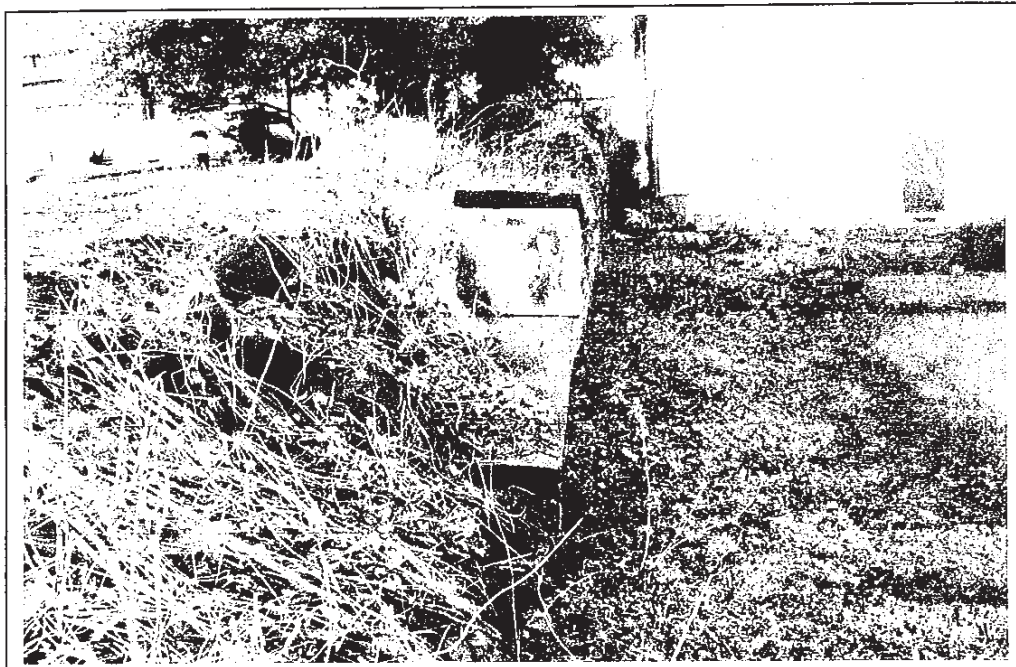
Photograph 5:
Showing Ground Level on High Side of Wall and Proximity of Trees to Rear of Wall.



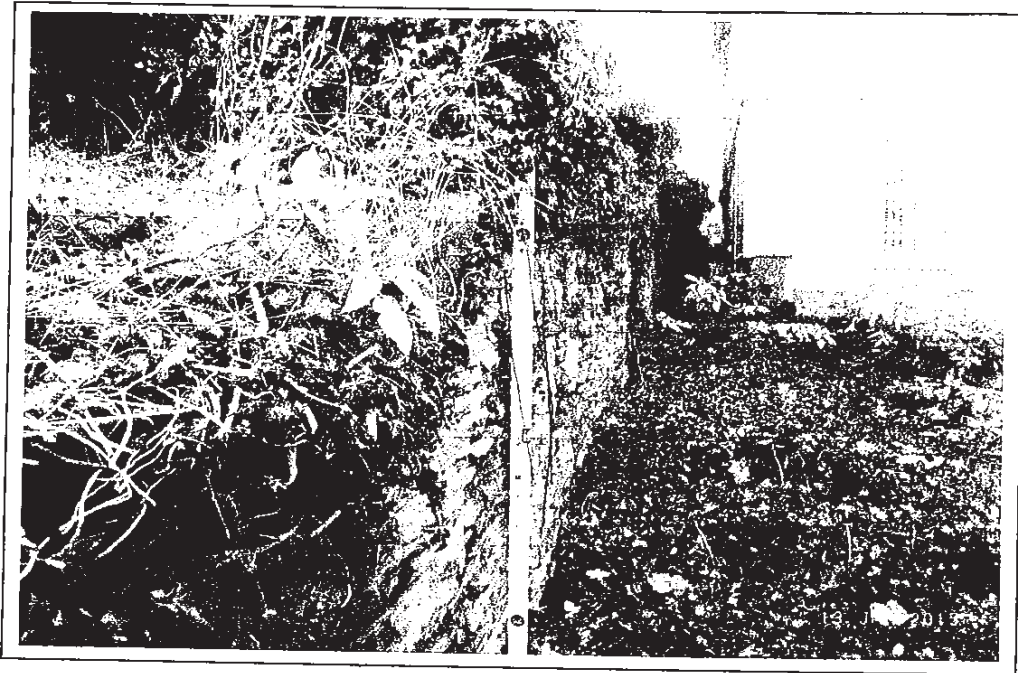
Photograph 6:
Showing Proximity of Lime Trees to Wall and Existing Buildings.



Photograph 7:
Showing Collapsed Section of Wall and Raised Ground Levels Above.



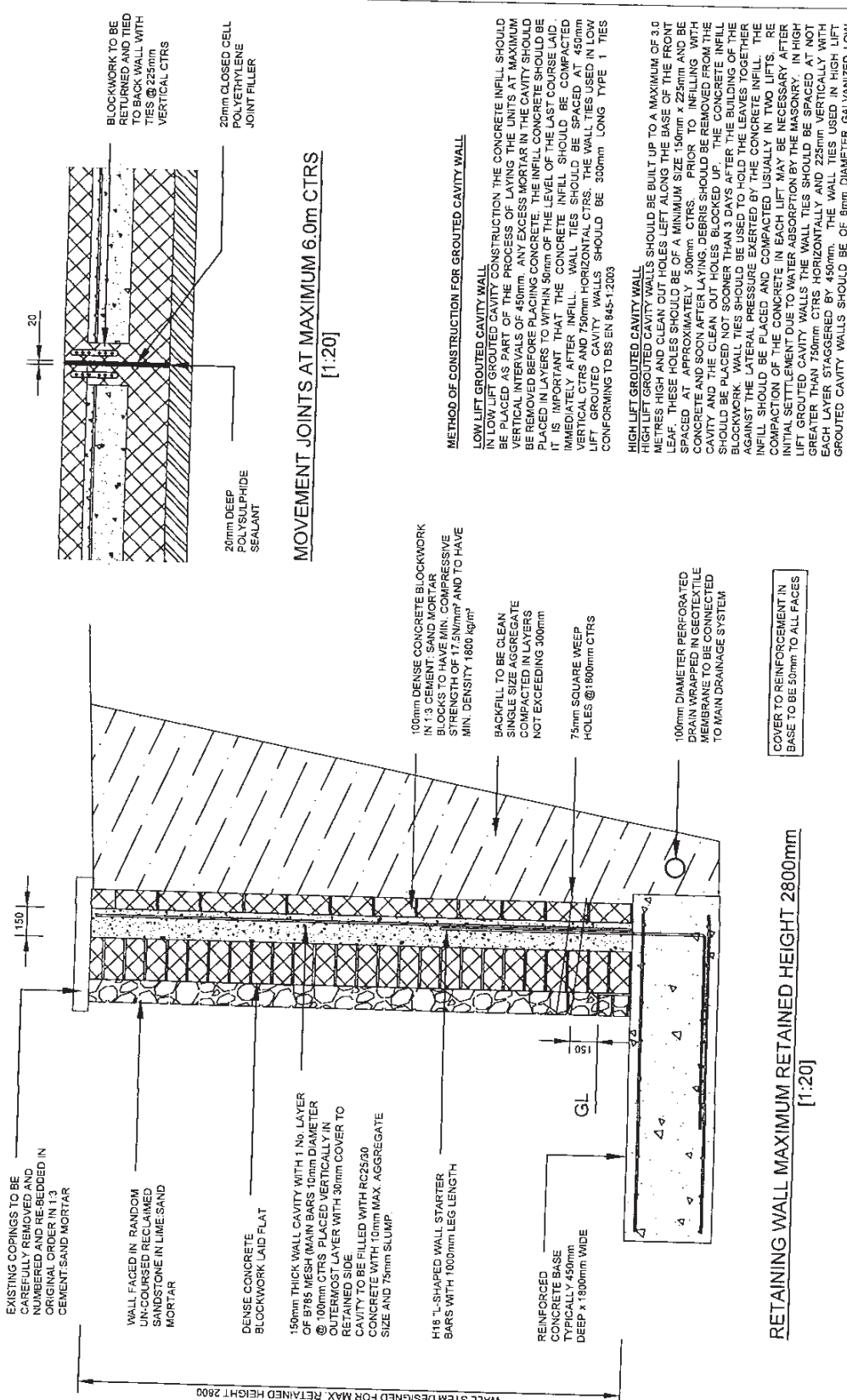
Photograph 8:
Showing General Outward Lean of Retaining Wall.



Photograph 9:
Showing Lean of Retaining Wall Relative to an 1800mm Long Spirit Level.

APPENDIX A

Indicative Cross Section Through
Proposed Retaining Wall Construction



SEATON STRUCTURAL LTD. FERNLEA, ROSLYN CRESCENT HATHERSAGE HOPE VALLEY S32 1BX T: 01439 651036 / 07710 889125 E: seatonstructural@btinternet.com	REV	DWL	REVISIONS	CLIENT	STATUS	FEASIBILITY	A3
	MR P. HATTAM	23-01-15	1:20	DATE	23-01-15		
GENERAL NOTES				PROPOSED REPLACEMENT TO BOUNDARY RETAINING WALL		DOCS NO	
<ul style="list-style-type: none"> Do not scale from this drawing All dimensions are shown in millimetres All dimensions are to be confirmed on site by Contractor and Fabricator Structural Engineer to agree to any variation to specified works 				14/079		REV	
				01		-	

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Tree Preservation Order
Town and Country Planning Act 1990
The Tree Preservation Order No 398 (2015)
442 Glossop Road, Sheffield, S10 2PX

The Sheffield City Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as Tree Preservation Order No 398 (2015) – 442 Glossop Road, Sheffield, S10 2PX.

Interpretation

2. (1) In this Order “the authority” means the Sheffield City Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
(aa) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
(bb) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 22nd day of January, 2015

EXECUTED AS A DEED)
By Sheffield City Council)
whose common seal was)
hereunto affixed in the presence of)

SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Tilia Species (Lime)	OS Grid Ref: SK 337866

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

Groups of trees

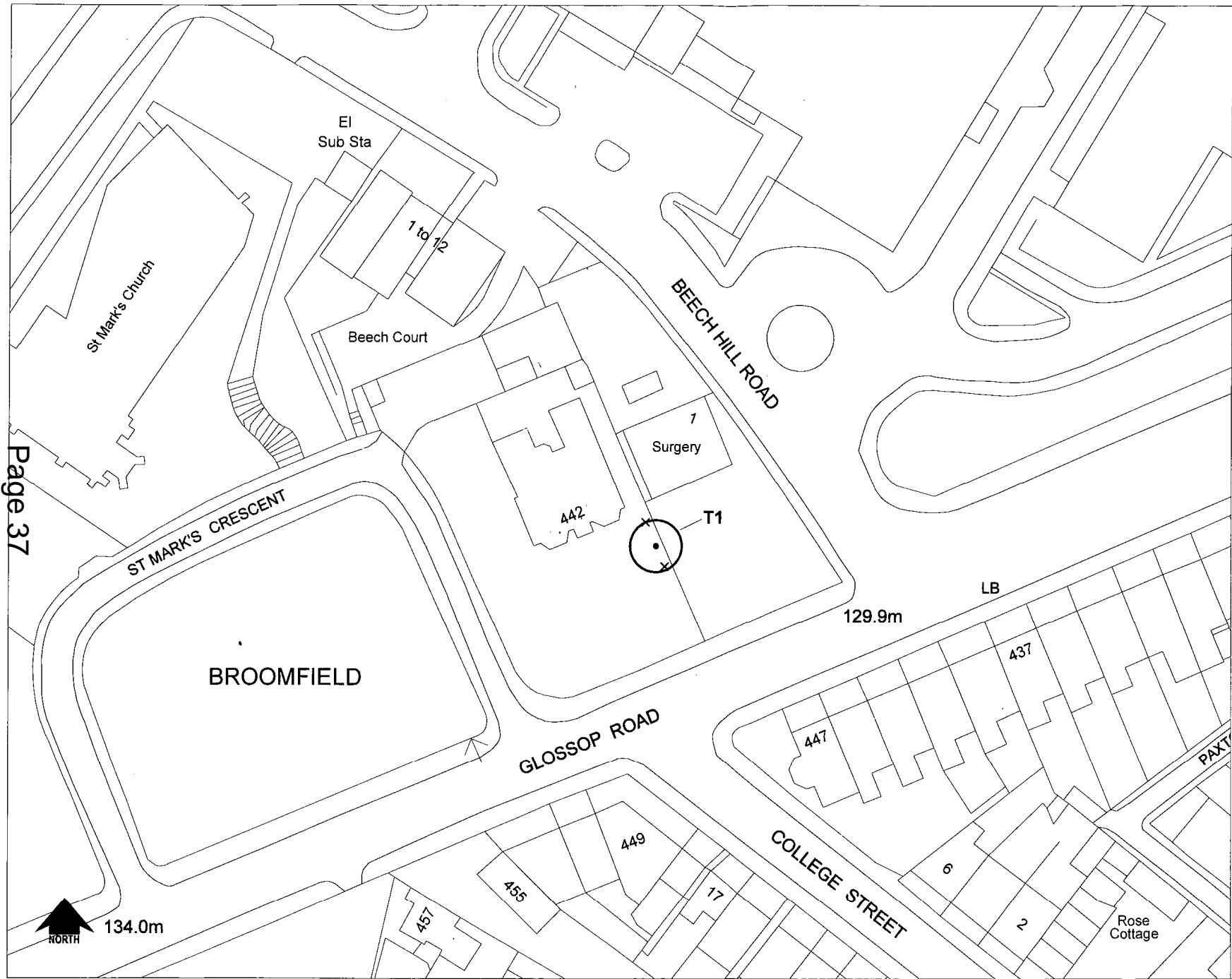
(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
	None	

Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	



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NOTES / REVISIONS:

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 a. Copyright Sheffield City Council, All rights reserved in Chapter IV of the Copyright, Designs and Patents Act 1988 have been generally asserted
 b. Do not scale from this drawing
 c. All dimensions to be checked on site
 d. Report any discrepancies or omissions to the Landscape Architect and Contract Administrator before proceeding
 e. This document is to be read in conjunction with the specification and all other contract documentation.

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TREE SCHEDULE

○ TREE SPECIFIED INDIVIDUALLY (Encircled in black on the map)

T1 TILIA SPECIES (LIME)

TREES SPECIFIED BY REFERENCE TO A GROUP - None

TREES SPECIFIED BY REFERENCE TO AN AREA - None

TREES SPECIFIED BY REFERENCE TO WOODLAND - None

✕ INDIVIDUAL TREE EXCLUDED FROM TPO

OS Grid Reference SK 337866

SHEFFIELD CITY COUNCIL		
REGENERATION & ENVIRONMENTAL SERVICES URBAN & ENVIRONMENTAL DESIGN		
TREE PRESERVATION ORDER No. 398		
TITLE	442 GLOSSOP ROAD SHEFFIELD S10 2PX	
SCALE	1:500 @ A3	
Drawn by:	Checked by:	Date: 19.1.2015
Drawing No A3 / UED / 808 / 398		

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SHEFFIELD CITY COUNCIL

Planning and Highways Committee

Report of: Director of Regeneration and Development Services

Date: 16/06/2015

Subject: Applications under various acts/regulations

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

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.
15/00979/LBC (Formerly PP-04019014)	Provincial House, Solly Street, Sheffield, S1 4BB	43
15/00978/FUL (Formerly PP-04019014)	Provincial House, Solly Street And 90 Garden Street, Sheffield	61
15/00950/FUL (Formerly PP-04058180)	United Reformed Church Wadsley, 83 Carlton Road, Sheffield, S6 1WR	84
15/00684/RG3 (Formerly PP-03794921)	Thornccliffe Recreation Ground, Mortomley Close, Sheffield, S35 3HZ	98
15/00650/FUL (Formerly PP-03973207)	Site Of St Philips Social Club, Radford Street, Sheffield, S3 7JP	113
15/00303/FUL (Formerly PP-03941630)	134 Abbeydale Road, Sheffield, S7 1FF	134
14/04577/FUL (Formerly PP-03864272)	Curtilage Of 12 Chatsworth Road, Sheffield, S17 3QH	142
14/01141/FUL	St Mary's Lofts, 252 Burgoyne Road, Sheffield, S6 3QF	155

14/00632/FUL (Formerly PP-03212210)	Land At The Junction Of Middlewood Road And Middlewood Drive, Sheffield	162
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13/01674/OUT (Formerly PP-02648174)	Land South Of Arnold Lavers Oxclose Park Road North, Rear Of 1-47 Ox Close Gardens, Rear Of 63-81 Deepwell Avenue And Adjoining 5-7 Ox Hill, Sheffield, S20 8GN	176
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SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To the Planning and Highways Committee
Date Of Meeting: 16/06/2015

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	15/00979/LBC (Formerly PP-04019014)
Application Type	Listed Building Consent Application
Proposal	Alterations to Provincial House including four-storey rear extension to create 55 apartments with associated facilities and common room
Location	Provincial House Solly Street Sheffield S1 4BB
Date Received	19/03/2015
Team	City Centre and East
Applicant/Agent	DLP Planning Ltd
Recommendation	Grant Conditionally

Subject to:

1. The development shall be begun not later than the expiration of 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:

As amended plans received 2/06/15 and 21/05/15

Site Plan

3007-5 (PL)08 Rev A

Elevations

3007-5 (PL)19 Rev D

3007-5 (PL)18 Rev D

3007-5 (PL)20 Rev C

3007-5 (PL)21 Rev C

Floor plans

3007-5 (PL)09 Rev A

3007-5 (PL)10 Rev A

3007-5 (PL)011 Rev A

3007-5 (PL)12 Rev A

3007-5 (PL)13 Rev A

3007-5 (PL)14 Rev A

3007-5 (PL)15 Rev A

Studio Plans

3007-05 (PL)25

3007-05 (PL)26

3007-5 (PL)27

3007-5 (PL)28

3007-5 (PL)29

3007-5 (PL)30

3007-5 (PL)26

Elevation concepts

3007-05 (PL)23

3007-05 (PL)31

3007-05 (PL)32

3007-05 (PL)05

3007-5 (PL)20 Rev C

3007-05 (PL)22

3007-05 (PL)23

3007-05 (PL)24

Sections
3007-5 (PL)32
3007-5 (PL)16 Rev A
3007-5 (PL)17 Rev A

Reason: In order to define the permission.

3. The works of demolition hereby authorised shall not be carried out before a contract for the carrying out of the works of redevelopment of the site has been made, evidence that such a contract has been made has been submitted to and approved by the Local Planning Authority and planning permission has been granted for the redevelopment for which the contract provides.

Reason: To ensure that premature demolition does not take place and result in an undeveloped site, some time before rebuilding, which would be detrimental to the visual character of the locality.

4. Before any works on the building(s) commence a full Schedule of Works, identifying all of the works inside and outside the building(s) including drawings and specifications, shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved Schedule of Works.

Reason: In order to ensure the protection of the original fabric of the Listed Building

5. Details of all proposed external materials and finishes, including samples when requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

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

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

Windows
Door and window reveals
Doors
Edges and verges
Brickwork detailing
Balconies
Rainwater goods
External wall and railings
Glazed link
Entrance canopies
Glazed curtain walling

Any external services

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

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

7. Masonry shall be pointed or bedded using a lime mortar mix that is weaker than the surrounding masonry. The colour of the new mortar should match the original mortar before weathering. No proprietary coloured mixes of pigments shall be used. A sample panel of proposed pointing shall be approved in writing by the Local Planning Authority before the development commences.

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

8. Details of the extent and specification of brick/stone repair and cleaning shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works and shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure that the fabric of the building is not damaged.

9. Details, specifications and finishes of all new doors, including frame section sizes, reveal depths and any mouldings and architraves at a minimum of 1:20 scale shall be approved in writing by the Local Planning Authority before that part of the development commences. Thereafter, the new doors shall be installed in accordance with the approved details.

Reason: In order to ensure an appropriate quality of development

10. Details of the new internal floor structure and its abutment with the existing building structure shall be approved in writing by the Local Planning Authority before that part of the development commences.

Reason: In order to ensure an appropriate quality of development

11. Details of how cornices, skirtings, architraves, picture rails, dados, and other decorative features are to be repaired, replaced, altered, reproduced and protected during building works shall be approved in writing by the Local Planning Authority before that part of the development commences. The development shall then be carried out in accordance with the approved details.

Reason: In order to protect the character of the original building.

12. The design and location of all new internal and external light fittings shall be approved in writing by the Local Planning Authority before that part of the development commences. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In order to protect the character of the original building.

13. Details of the location, specification and appearance of all new services to the building (including meter boxes, outlets and inlets for gas, electricity, telephones, security systems, cabling, trunking, soil and vent stacks, fresh and foul water supply and runs, heating, air conditioning, ventilation, extract and odour control equipment, pipe runs and internal and external ducting) shall be approved in writing by the Local Planning Authority before installation.

Reason: In order to protect the character of the original building.

14. Chimney stacks and pots shall be retained in situ and, where repaired, should be reinstated to their original appearance using materials to match existing.

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

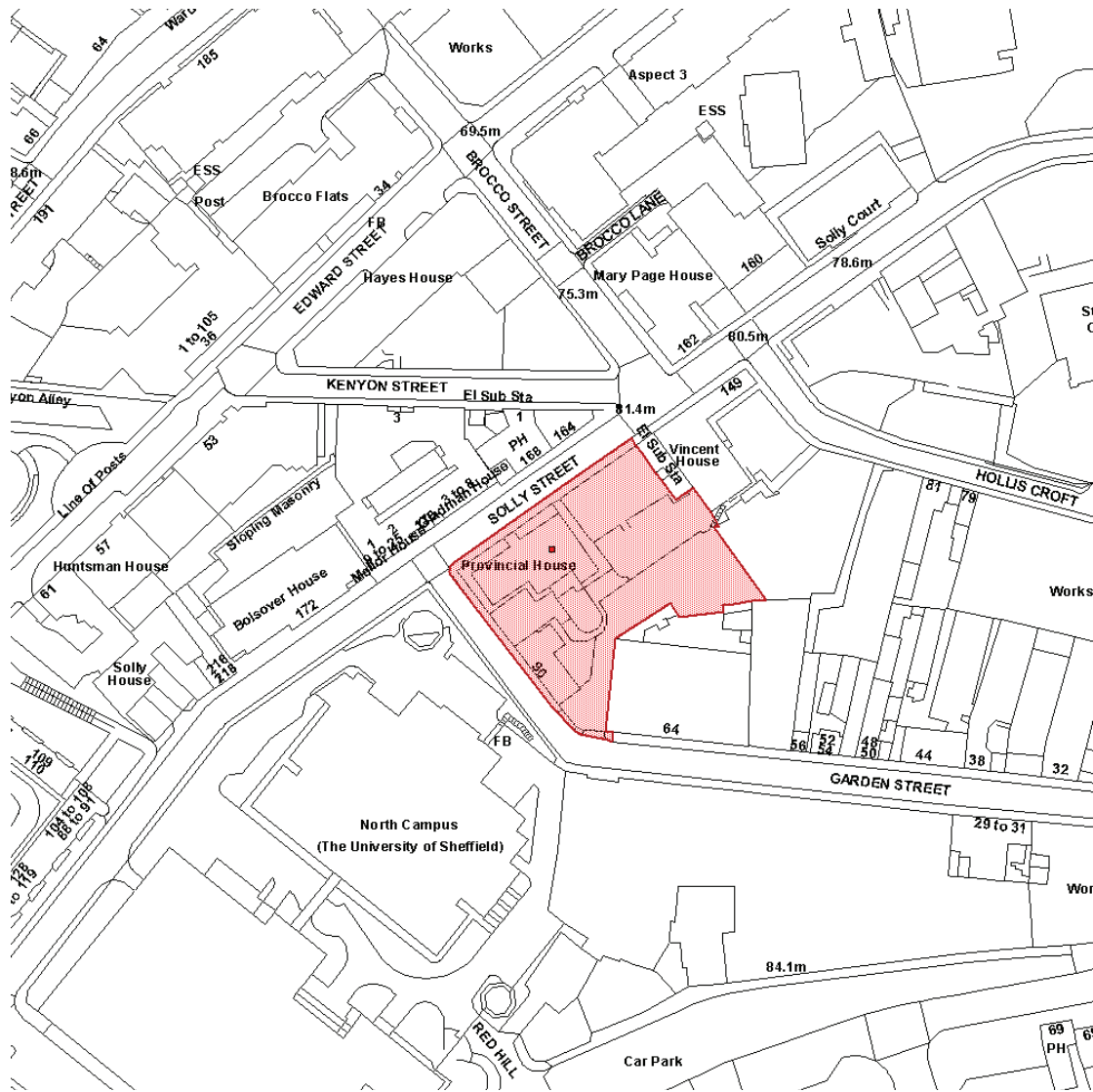
15. Existing windows shall be retained and repaired.

Reason: In order to ensure that the fabric of the building is not damaged.

16. All internal and external doors shall be retained.

Reason: In order to ensure the protection of the original fabric of the Listed Building.

Site Location



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LOCATION AND PROPOSAL

The application site comprises an area of land bounded by Garden Street to the southwest and Solly Street to the northwest and occupies a total area of approximately 0.22 hectares.

Provincial House, a grade II Listed Building is located at the junction of Garden Street and Solly Street with its main elevation facing Solly Street. This building was constructed in 1878 as a Presbytery for the nearby St. Vincent's church which opened in 1853. Architecturally the brick building is in the Italianate style and is four storeys high and six bays wide with a central porch and with a single-storey oratory to the rear. The buildings significance derives from its historic, aesthetic and communal interest. The Listed Building is currently in use as office accommodation.

At present there is a two-storey flat roof red brick building to the rear of Provincial House which runs parallel to Garden Street, this dates from the 1950s and is currently unoccupied. To the side of this building is an access drive which leads to a car park. An area of steeply sloping landscaping separates this car park from a lower car park which is accessed off Solly Street. All these components form part of the development site.

The site occupies an elevated position on the ridge between Netherthorpe and Broad Lane. There are significant level differences across the site with land levels falling from south west to north east and from south east to north west. Overall the site falls 8.5 metres from its highest point which is on the top car park off Garden Street to the lowest point which is on the lower car park accessed off Solly Street.

The surrounding area comprises building of varied ages, sizes, appearances and uses. To the west of the site is the recently converted HSE laboratories, now fully occupied by the University of Sheffield whilst to the east is a three storey red brick building which is in office use. Directly opposite the site on Solly Street are modern apartments and the Redhouse Public House. Garden Street to the rear of the site is a quiet, narrow highway characterised by a variety of building dating from the 19th century through to the mid 20th century, a number of which are Grade II Listed including Nos. 48-50 and Nos. 52, 54 and 56, construction work is also ongoing on Garden Street.

The site is located in the St Vincent's section of the city and the Well Meadow Conservation Area.

The wider St Vincent's Area has seen a raft of planning applications introduce significant amounts of residential/student accommodation and complementary uses into the area over recent years.

Planning permission is sought for the conversion of Provincial House to residential accommodation and the construction of three new buildings to form a total of 107 residential studios. The new buildings comprise a four-storey block to the south of Provincial House fronting Garden Street and linking to the Listed Building via a

glazed link; a five-storey block on Solly Street and a three-storey block set on the raised plateau behind the Solly Street and Garden Street blocks.

RELEVANT PLANNING HISTORY

There is no relevant planning history for the site.

SUMMARY OF REPRESENTATIONS

The application has been advertised by way of neighbour consultation letters which were sent to 41 properties. A site notice was also displayed and a notice published in the Sheffield Telegraph. Additional consultation letters were sent out following the receipt of amended plans.

No letters of representation have been received.

PLANNING ASSESSMENT

Land Use Policy

The relevant local policy documents are the adopted Unitary Development Plan (UDP, 1998) and the Sheffield Development Framework (SDF) Core Strategy document (2008). The Core Strategy is more up-to-date, providing the overall spatial strategy for the SDF over the period 2009 to 2026. Regard must also be had to the National Planning Policy Framework (NPPF).

The application site lies within a Fringe Industry and Business Area as defined in the UDP. Policy IB6 "Development in Fringe Industry and Business Areas" sets out the preferred, acceptable and unacceptable uses in these areas. This policy defines offices and industrial uses as preferred whilst housing is acceptable subject to the development complying with other relevant criteria.

Unitary Development Plan Policy IB9 "Conditions on Development in Industry Areas" is also relevant and states that the preferred uses should be dominant; this is taken to be at least 50% of units within the preferred uses. The current balance of uses is analysed in the Background Report on Economic Prosperity and the City Region.

This shows that residential accommodation accounts for around 35% of all uses in the area and that the proposed development could increase this to over 40%. Core Strategy Policy CS6(a) "Manufacturing and the City Centre – Transition Areas" is also relevant, St Vincent's is defined as a transition area where "Manufacturing... should not expand where it would detract from the regeneration of the centre and it will be encouraged to relocate, providing suitable alternative sites and premises are available in the city".

Core Strategy Policy CS17(h) "City Centre Quarters" seeks to promote St. Vincent's as a mixed business, residential and educational area with links to the University of Sheffield and the legal and professional quarter.

The St. Vincent's Action Plan (SVAP) was approved by Cabinet in December 2004 with the purpose of identifying a concise route for regeneration of the area. The site is located in a Business Area in the Plan; in this area new development must consist predominantly of the preferred use which is identified as business. Although the proposal is not in accordance with the SVAP it is highlighted that this document was produced in 2004 prior to the downturn of the economy; in the current climate there is little demand for offices/business uses in the St. Vincent's Area and there is a need to be flexible. Furthermore, the site lies immediately adjacent to a Housing Area and so the overspill to the proposed site seems like a logical expansion.

On balance it is considered that the proposal is acceptable, however it is noted that further similar development could lead to the character of the area changing from business use to residential use.

The site is classed as previously developed brownfield land and the reuse of such land is encouraged in the NPPF. This is reflected in Core Strategy Policy CS24 "Maximising the Use of Previously Developed Land for New Housing" which states that 88% of new housing should be developed on brownfield sites.

Housing Density

Core Strategy Policy CS26 "Efficient Use of Housing Land and Accessibility" aims to make efficient use of land for new housing and sets out appropriate density ranges dependent on location and accessibility. The recommended density for City Centre sites is at least 70 dwellings per hectare. This site achieves a density of approximately 413 dwellings per hectare and therefore meets the policy requirement.

House Type Mix

In terms of creating mixed communities CS41 "Creating Mixed Communities" promotes a mix of housing which meets a range of needs and does not lead to concentration of certain forms of residential development.

Part (a) of CS41 states that housing should provide for a broad range of smaller households in the City Centre with no more than half of new homes in larger developments (60 or more dwellings) consisting of a single house type. The scheme proposed 107 studio flats which comprise 25 large studios, 33 deluxe studios, 15 standard studios, 14 boutique studios and 19 one bed apartments.

Large scale sections and floor plans of each of the accommodation types aforementioned have been submitted. These show that the boutique studio is significantly different to the other studios owing to the inclusion of a stud wall separating the bedroom area from the living area. As such this can be classed as a different type of accommodation to the other studios and results in the scheme providing 69% studios of varying sizes, 13% boutique studios and 18% one bed apartments.

Although this is not ideal on balance it is considered acceptable given the regeneration benefits of the scheme and the fact that the development will secure the long term re-use of the Listed Building.

Part (d) of CS41 seeks to ensure an area is not imbalanced by the overprovision of shared housing, which includes student accommodation. The current concentration of shared units within a 200 metre radius is 40% (including permissions). The provision of non-shared housing in this proposal would lower the density to 36%.

Design

Policy CS74 “Design Principles” of the Core Strategy states that high quality development will be expected which respects, takes advantage of and enhances the distinctive features of the city, its districts and neighbourhoods. It also states that development should contribute to place making and contribute to a healthy, safe and sustainable environment which promotes the city’s transformation and helps to transform the character of physical environments that have become run down and are lacking in distinctiveness. Development should also enable all people to gain access safely and conveniently, providing, in particular for the needs of families , children, disabled and elderly people and should contribute towards creating attractive, sustainable and successful neighbourhoods.

Unitary Development Plan Policy BE5 “Building Design and Siting” states that good design and the use of high quality materials will be expected in all new buildings. Policy BE16 “Development in Conservation Areas” states that new development that affects the setting of a conservation area should preserve or enhance the character of that conservation area.

Policy BE19 “Development Affecting Listed Buildings” requires development to preserve the character and appearance of the building and where appropriate to preserve or repair original details and features of interest”.

Policy IB9 “Conditions on Development in Industry and Business Areas” states that new development should be well designed and be of a scale and nature appropriate to the site.

The Sheffield Urban Design Compendium sets out general and specific design guidance for the City Centre and the St Vincent’s Quarter. Specifically for the St Vincent’s Quarter the compendium states that innovative and contemporary infill developments should be encouraged.

The SVAP also sets out general and site specific guidance for the quarter. Page 19 of the Action Plan states that materials, colours, finishes, building alignments, proportions, scale and massing are all important design considerations in new development, which should all relate specifically to their setting and context.

As detailed previously the development proposed three separate buildings which will all be assessed separately. A range of amendments have been made to the proposals during the course of the application in order to ensure they are of a high quality in this sensitive location.

A glazed link joins the listed building to the Garden Street block. The glazed link is set down below the eaves level of the listed building and main block and is also set in to ensure that it appears subservient to the main buildings. The link comprises large vertically proportioned glazing in a finely detailed frame which will allow glimpses through to the oratory to the rear.

The main Garden Street block is four-storeys high and set at a similar height as the eaves of the listed building. The scale of the building is proportionate to the listed building and is such that Provincial House will still be the prominent feature in the street scene. The mass of the building is broken up through articulation in the front elevation, deep window reveals and the use of a glazed top storey which is set back slightly from the main elevation. A simple materials palette will be used and high quality red brick will reflect the appearance of the listed building.

The Solly Street block is five-storeys in height and steps down the hill so that it is lower than Provincial House but higher than Vincent House to the east. The width of the proposal is proportionate to adjacent buildings and it will be set on the same building line. A simple approach to design has been taken with the building being constructed from brick work with a glazed set back to the top floor and large windows with deep reveals. The use of high quality materials will ensure that the character of the Conservation Area and adjacent Listed Building are maintained.

The smaller Hollis Croft Block will be located on an elevated plateau in the south east corner of the site to the rear of the Solly Street and Garden Street blocks. This building will be three storeys high but owing to the slope of the land will be higher than the Solly Street block. This is considered to be acceptable owing to the topography of the site and the building will still be lower than Provincial House and the Garden Street block thus ensuring that the listed building remains the dominant building. Owing to its location this building will not be overly prominent in the street scene. The building will be constructed from the same materials palette as the other buildings.

Alterations to the listed building are minimal. Internal alterations comprise minor alterations to layout, however almost all principal internal walls are retained; of particular note is the main spine wall which separated the en-suites from the wing area. Importantly, the grand staircase has been retained, although some modernisations are required in order to bring it in line with current safety standards.

Externally nominal alterations are proposed and consist principally of new doorways (formed from existing windows) to link the building to the glazed section. The alterations are sensitive to the listed building and the residential use will ensure its long term future and maintenance.

A central courtyard area will provide amenity space and the inclusion of trees within this area will add to the appearance.

A small 1950s building on Garden Street will be removed, this is of little architectural merit and its loss will not be harmful to the character of the area.

Historic England

Historic England objected to the original plans as they were concerned that the Garden Street block would result in a substantial addition to the listed building. The main concerns revolved around the loss of the view of the rear elevation of the Listed Building and in particular the oratory chapel; the height and massing of the block dominating the listed building and the architectural treatment failing to enhance the aesthetic significance of the listed building. Historic England concluded that the “four storey extension will result in harm to the significance of Provincial House due to the scale, massing, siting and architectural treatment of the development...this harm is not justified as required by paragraphs 132 and 134 of the NPPF and does not address sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Following these comments amended plans have been received and Historic England have been re-consulted. They have commented that the alterations to the glazed link will improve the visual separation between the listed building and the proposed extension. However they do still have some concerns regarding the height, massing and architectural treatment of the proposed Garden Street Building. Overall Historic England consider that the four storey extension will result in minor harm to the significance of Provincial House due to the scale, massing and architectural treatment of the development. Such harm will require a convincing justification.

Historic England have stated that the application can now be determined in line with our expert conservation advice and they do not wish to be consulted again unless there are material changes.

The National Planning Policy Framework paragraph 132 states that the significance of a heritage asset “can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification”.

As detailed above Historic England have raised concerns that the development will cause minor harm to the listed building. It is highlighted that externally the alterations to the listed building are minimal with the key alteration being the connection to the new Garden Street block by a narrow glazed link. As detailed previously the glazed link is well detailed and will allow views through to the rear of the building and in particular the oratory. Furthermore, the Garden Street block has been designed so that it is no higher than the Listed Building. As such Provincial House will still be viewed as the dominant building on the site.

Provincial House is currently in use as serviced offices, however the location of the offices and the constraints and costs imposed by its listed status has reduced its attractiveness to prospective tenants. It is considered that the proposed conversion and residential use of Provincial House will allow for its long term maintenance and that the development of the remainder of the site is necessary to enable the conversion to be economically viable.

On balance it is considered that the proposal offers a solution for the long term maintenance of the listed building and that this outweighs any minor harm which may be caused.

Sheffield Conservation Advisory Group

The group considered that the proposed treatment of the listed building was acceptable in principle but that the new building was too high and bland in design terms. The group felt a more contemporary design would be more acceptable and could enhance the setting of the Listed Building. The group also considered that the south west elevation to Garden Street was crude and could be improved. Amendments to the scheme have been received since these comments were received.

Overall it is considered that the scale, massing and detailing of the proposed buildings are acceptable and that they will not be harmful to the character of appearance of the Listed Building or Conservation Area. The scheme complies with relevant design policies.

Amenity

Policy IB9 “Conditions on Development in Industry and Business Areas” states that new development or change of use applications will be permitted provided that they would not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

Policy IB11 “Housing and Residential Institutions in Industry and Business Areas” is also relevant and states that Housing will be permitted only where the development would not suffer from unacceptable living conditions including, ground contamination, noise, other nuisance or risk to health and safety.

The plans illustrate that all rooms will have a source of natural light and outlook and appear to be of sufficient size to provide adequate levels of amenity. Furthermore a reasonable amount of external amenity space is to be provided for residents.

A noise report has been submitted in support of the scheme. This demonstrates that road traffic noise is the predominant source of noise during both daytime and night time periods across the site. Plant noise was also audible during daytime and night time periods. Noise from the Redhouse Public House opposite the site was found to be minimal, the noise survey was undertaken during an “open mic” night, internal amplified music within the premises was barely audible at any façade. General “people noise” arising from speech was an environmental noise source during late evening hours. The noise report identifies a suitable mitigation scheme and appropriate conditions will be attached to ensure that residents do not suffer unacceptable noise or disturbance.

A Phase One Risk Assessment has been submitted, which assessed land contamination. This has been assessed and whilst the information submitted is helpful some key information is not included and therefore the submission of a

more detailed phase I report and a phase II report and remediation scheme will be conditioned as part of any approval. Such work will be completed before the site is occupied ensuring issues of contamination are fully dealt with.

In light of the above the scheme complies with policies IB9 and IB11 and will provide acceptable living conditions for future residents.

Highways

Section (f) of Policy IB9 states that new development or change of use applications will be permitted provided that they are adequately served by transport facilities and provide safe access to the highway network and appropriate off-street parking. The development does not provide any off-street parking, however the site is located in a city centre location and convenient access to varying modes of transport exists, including the Sheffield Supertram. This lack of car parking is also evident with similar developments in this vicinity and does not cause any concern. The scheme will provide 57 long stay secure cycle parking spaces within the development for resident and visitors. Such provision is welcome and will allow for sustainable modes of transport to be utilised.

In addition, the footways adjoining the site will be re-surfaced in line with the materials palette identified in the Urban Design Compendium.

The proposal is therefore considered to be in compliance with section f) of Policy IB9.

Access and Mobility Housing

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

A total of 24 units (22%) of units will be readily convertible for mobility housing. This is slightly below the 25% identified in Policy H7 and whilst not ideal it is not considered to be a reason for refusal. Furthermore, the proposal will provide level access into all buildings and lift access into all but the smallest block.

Sustainability

Policy CS64 of the Core Strategy deals with climate change and the sustainable design of developments. This says that development should achieve a high standard of energy efficiency, make the best use of solar energy, passive heating and cooling, natural light and ventilation and minimise the impact on existing renewable energy installations.

This policy originally required new build residential development such as the proposal to achieve Code for Sustainable Homes Level 3. However, Code for Sustainable Homes has very recently been scrapped and the scheme must now be assessed on its individual elements.

With regard to the proposed design and construction, it is confirmed that the new buildings will be designed to minimise energy consumption, as required by Policy CS 64. Furthermore the scheme is set in a highly sustainable location with easy access to local amenities and a number of transport modes. The scheme also provides features such as landscaping and cycle parking which further aid its sustainability credentials.

Policy CS65 of the Core Strategy says that all significant development will be required to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy. The Design and Access Statements shows that this has been considered and will be incorporated ideally by connecting the Veolia district heating network. However if this is unviable a combined heat and power plant and or photo voltaic panels will be considered. It is considered that the proposal meets the sustainability policy requirements set out within the Sheffield Development Framework Core Strategy.

Drainage

Core Strategy Policy CS67 deals with flood risk management and requires the use of Sustainable Drainage Systems on all sites where feasible and practical. A condition will be attached to any approval requiring a reduction of 30% in surface water discharge. This could be accommodated through the use of permeable surfacing or the lateral shedding onto planted areas. The British geological maps indicate ground suitable for general infiltration through surfaces.

Archaeology

Policy BE22: Archaeological Sites and Monuments within the UDP sets out how archaeological interest will be safeguarded from the impacts of development.

A desk based assessment assessing the archaeological potential of the site has been submitted in support of the scheme. The assessment identifies that the site is likely to contain buried remains relating to 18th century development on the plot and of subsequent phases of 19th century development as a mix of residential and industrial premises. A suitable condition will be attached to ensure the archaeological interests of the site are protected.

Ecology

The existing buildings within the site have been identified as medium risk for roosting bats, as such a bat survey has been carried out. The dusk emergence and dawn re-entry surveys completed in May 2015 have not recorded any roosting bats within

Provincial House or the attached Chapel building and only minimal bat activity within the vicinity of the buildings involved. Internal examination of the roof space found no evidence of roosting bats. The report recommends that if bats are encountered in the building during construction works all work on site must stop and advice sought from Natural England. It is also recommended that contractors are given a toolbox about bats, what to look for when conducting their works and

how to behave if bats were to be encountered during construction works. This should form part of the site induction given to contractors working on site.

In order to increase the biodiversity of the site a condition will be attached to any approval to ensure that bat/bird boxes are provided.

Open Space Provision

Unitary Development Plan Policy H16 “Open Space in new Housing Development” requires the developer to make a contribution to the improvement or creation of recreation space in the locality, in line with details set out in the Supplementary Planning Guidance (SPG) on Open Space Provision in New Housing Development and the City Centre Living Strategy. This is because the development does not provide any on site public open space and, as a result, such provision needs to be made elsewhere in the city centre to meet the direct needs of the growing city centre population. In this respect the applicant has agreed to provide a financial (Section 106) contribution of £127,292.55.

The scheme that has been identified for this contribution is the Montgomery Fountain Project. This project is identified within an umbrella document known as the City Centre Breathing Spaces Strategy, which sets out a strategy for providing a network of public open spaces of varying characteristics within the city centre to the direct benefit of people living in the city centre (as well as indirectly benefiting visitors to it).

The Community Infrastructure Levy Regulations 2010 (CIL) have to be considered in respect of this contribution.

Firstly, CIL limits the ability of a local authority to pool more than five S106 contributions towards a single infrastructure project. It can be confirmed that five contributions are yet to be pooled towards the Montgomery Fountain Project. In addition, Regulation 122 within the CIL Regulations states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) Necessary to make the development acceptable in planning terms.
- (b) Directly related to the development.
- (c) Fairly and reasonably related in scale and kind to the development.

In response to section a), the necessity for new residential developments to contribute towards open space within the city centre is set out in planning policy and is based on the fact that very few city centre schemes provide on-site public open space provision. One of the key reasons is to ensure the ever growing residential population in the city centre is provided with the infrastructure needed to create a sustainable environment.

In response to b), although the scheme is not immediately adjacent to the development site, it is part of a wider strategy to create new and improve existing open spaces throughout the city centre to form a network of spaces to suit a variety of needs, as promoted within the City Centre Breathing Space Strategy. This identified project will continue to create the infrastructure needed to support this

and other residential schemes in a sustainable way going forward. Therefore it can reasonably be viewed as being directly related to the development proposals. In relation to c), the contribution has been worked out on the basis of the number and size of units and thus is proportionate to the scale and of the development. It is therefore considered that this contribution is compliant with the CIL Regulations.

It is noted that a signed Section 106 agreement has not yet been provided by the applicant.

Public Art

UDP Policy BE12 (Public Art) encourages the provision of these works in places that can be readily seen by the public and as an integral part of the design of major developments.

The applicant has agreed to provide a financial (section 106) contribution of £21,400.00 towards the provision of public art in the locality. The scheme that has been identified for this contribution is the Montgomery Fountain Project as detailed in the preceding section.

As above the CIL regulation need to be considered in respect of this contribution. It is confirmed that there are not more than 5 projects which will contribute to the same scheme.

Furthermore in respect to point a) above the necessity for new residential developments to contribute towards public art is set out in planning policy and is based on the fact that this will help to create a sense of place, add to the character of a neighbourhood and promote the image of the City.

In response to b) although the scheme is not immediately adjacent to the development site, it is part of a wider strategy to create new and improved public art in city centre and will add to the overall sense of place and character of the city. In relation to c), the contribution has been worked out on the basis of the number and size of units and thus is proportionate to the scale of the development. It is noted that a signed Section 106 agreement has not yet been provided by the applicant.

SUMMARY AND CONCLUSION

The application seeks planning permission for the conversion of the listed building to residential accommodation and the construction of 3 new blocks to form a total of 107 residential units.

The scale, siting, massing and detailing of the proposed building are acceptable and will preserve the character of the listed building and conservation area. The applicant has demonstrated that with suitable mitigation an appropriate environment can be provided for future occupants, this includes matters concerning noise and ground contamination.

The site is in a highly sustainable location close to a range of local amenities and excellent public transport links. Furthermore, secure cycle storage will be provided.

The applicant is to contribute £127,292.55 towards open space at the Montgomery fountain project and £21,400 towards public art at the same project and this is to be secured through a section 106 agreement

RECOMMENDATION

Grant Conditionally with Legal Agreement

Case Number	15/00978/FUL (Formerly PP-04019014)
Application Type	Full Planning Application
Proposal	Demolition of No. 90 Garden Street, alterations to Provincial House including four-storey rear extension to create 55 apartments with associated facilities and common room, erection of five-storey block fronting Solly Street to create 38 apartments and erection of three-storey block to create 14 apartments with associated landscaped courtyard and cycle parking accommodation (Amended plans received 21/05/2015)
Location	Provincial House, Solly Street And 90 Garden Street Sheffield
Date Received	19/03/2015
Team	City Centre and East
Applicant/Agent	DLP Planning Ltd
Recommendation	GRA GC subject to Legal Agreement

Subject to:

Time limit for Commencement of Development

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.

Approved/Refused Plan(s)

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

As amended plans received 2/06/15 and 21/05/15

Site Plan

3007-5 (PL)08 Rev A

Elevations

3007-5 (PL)19 Rev D

3007-5 (PL)18 Rev D

3007-5 (PL)20 Rev C

3007-5 (PL)21 Rev C

Floor plans

3007-5 (PL)09 Rev A

3007-5 (PL)10 Rev A

3007-5 (PL)011 Rev A

3007-5 (PL)12 Rev A

3007-5 (PL)13 Rev A

3007-5 (PL)14 Rev A

3007-5 (PL)15 Rev A

Studio Plans

3007-05 (PL)25

3007-05 (PL)26

3007-5 (PL)27

3007-5 (PL)28

3007-5 (PL)29

3007-5 (PL)30

3007-5 (PL)26

Elevation concepts

3007-05 (PL)23

3007-05 (PL)31

3007-05 (PL)32

3007-05 (PL)05

3007-5 (PL)20 Rev C

3007-05 (PL)22

3007-05 (PL)23

3007-05 (PL)24

Sections

3007-5 (PL)32

3007-5 (PL)16 Rev A

3007-5 (PL)17 Rev A

Reason: In order to define the permission.

Pre-Commencement Condition(s)

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

Reason: In the interests of protecting the free and safe flow of traffic on the public highway it is essential that this condition is complied with before any works on site commence.

4. 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 protecting the free and safe flow of traffic on the on site commence.

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

Reason: In the interests of the amenities of the locality and occupiers of adjoining property it is essential that this condition is complied with before any works on site commence.

6. 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 and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

7. 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 and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

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

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

9. No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post investigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority have confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed. It is essential that this condition is complied with before any other works on site commence given that damage to archaeological remains is irreversible.

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

Pre-Occupancy and Other Stage of Development Condition(s)

10. 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.

11. Details of all proposed external materials and finishes, including samples when requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

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

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

Windows
Door and window reveals
Doors
Edges and verges
Brickwork detailing
Balconies
Rainwater goods
External wall and railings
Glazed link
Entrance canopies
Glazed curtain walling
External services

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

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

13. A sample panel of the proposed masonry shall be erected on the site and shall illustrate the colour, texture, bedding and bonding of masonry and mortar finish to be used. The sample panel shall be approved in writing by the Local Planning Authority prior to the commencement of the building

works and shall be retained for verification purposes until the completion of such works.

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

14. Before first occupation details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details thereafter.

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

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

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

16. Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient cycle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the buildings shall not be used unless such cycle parking has been provided in accordance with the approved plans and, thereafter, such cycle parking accommodation shall be retained.

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

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

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

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

19. The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been installed and thereafter retained. Such scheme of works shall:
- a) Be based on the findings of approved noise survey- Sol Acoustics ref. P1631-REP01-Rev BSJF; 13/03/2015.
 - b) Be capable of achieving the following noise levels: Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours); Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours); Other Habitable Rooms: Noise Rating Curve NR35 (0700 to 2300 hours); Bedrooms: LAFmax 45dB (2300 to 0700 hours).
 - c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms. Before the scheme of sound insulation works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority.

[Noise Rating Curves should be measured as an LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]

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

20. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development shall not be brought into 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 Sheffield City Council 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.

21. A comprehensive and detailed landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority within six months of development commencing. This scheme shall include a management and maintenance plan.

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

22. The approved landscape works shall be implemented prior to first occupation or within an alternative timescale to be first approved by the Local Planning Authority. Thereafter the approved management and maintenance plan shall be implemented at all times.

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

23. Before development commences full details of how the development will provide a minimum of 10% of its predicted energy needs from decentralised and/or renewable or low carbon energy sources shall have been submitted to and approved in writing by the Local Planning Authority.

The agreed details shall have been implemented in full working order before the development is occupied, unless an alternative timeframe is agreed in writing by the Local Planning Authority, if it is the latter then the revised timeframe shall be adhered to.

Thereafter the agreed equipment, connection and/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.

24. The development shall be carried out in line with the recommendations made in section 6 of the "Supplementary Bat Presence/Likely Absence Assessment" carried out by RDF ecology.

Reason: In the ecological interests of the site

25. Details of bat/bird boxes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter such boxes shall be installed prior to the development being brought into use.

Reason: In the ecological interests of the site.

Other Compliance Conditions

26. No door, window or gate shall, when open, project over the adjoining footway.

Reason: In the interests of pedestrian safety.

27. No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof, including acoustic emissions data, have first been submitted to and approved in writing by the Local Planning Authority. Once installed such plant or equipment shall not be altered.

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

28. 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.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 Guidance Notes for the Reduction of Obtrusive Light. This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the resource pages of the Institute of Lighting Professionals website.
3. 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.

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:-

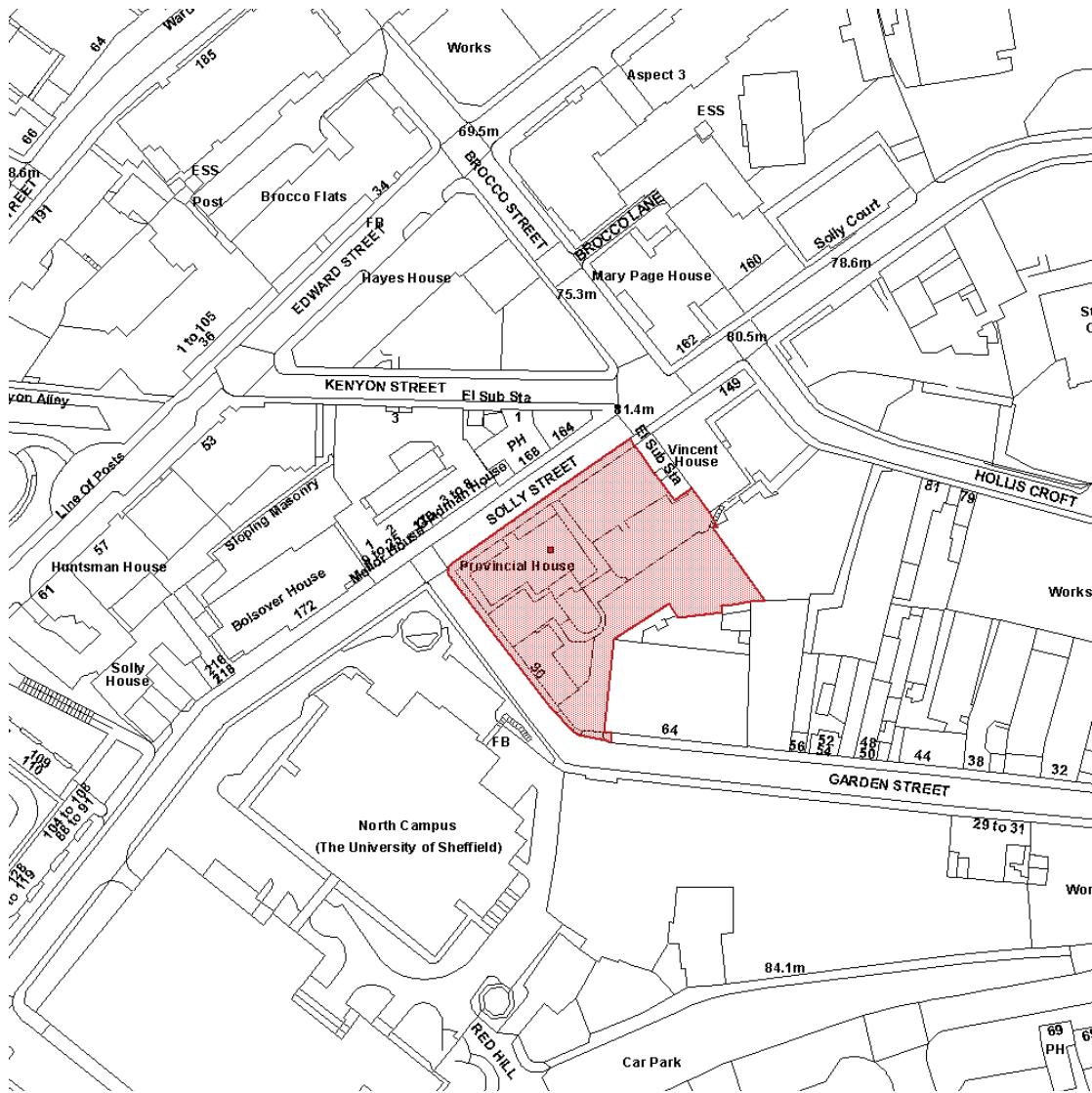
Sheffield City Council
2-10 Carbrook Hall Road
Sheffield
S9 2DB

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. 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.
7. 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. 0730 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 SCC Environmental Protection Service, 2-10 Carbrook Hall Road, Sheffield, S9 2DB: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.

Site Location



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LOCATION AND PROPOSAL

The application site comprises an area of land bounded by Garden Street to the southwest and Solly Street to the northwest and occupies a total area of approximately 0.22 hectares.

Provincial House, a grade II Listed Building is located at the junction of Garden Street and Solly Street with its main elevation facing Solly Street. This building was constructed in 1878 as a Presbytery for the nearby St. Vincent's church which opened in 1853. Architecturally the brick building is in the Italianate style and is four storeys high and six bays wide with a central porch and with a single-storey oratory to the rear. The buildings significance derives from its historic, aesthetic and communal interest. The Listed Building is currently in use as office accommodation.

At present there is a two-storey flat roof red brick building to the rear of Provincial House which runs parallel to Garden Street, this dates from the 1950s and is currently unoccupied. To the side of this building is an access drive which leads to a car park. An area of steeply sloping landscaping separates this car park from a lower car park which is accessed off Solly Street. All these components form part of the development site.

The site occupies an elevated position on the ridge between Netherthorpe and Broad Lane. There are significant level differences across the site with land levels falling from south west to north east and from south east to north west. Overall the site falls 8.5 metres from its highest point which is on the top car park off Garden Street to the lowest point which is on the lower car park accessed off Solly Street.

The surrounding area comprises building of varied ages, sizes, appearances and uses. To the west of the site is the recently converted HSE laboratories, now fully occupied by the University of Sheffield whilst to the east is a three storey red brick building which is in office use. Directly opposite the site on Solly Street are modern apartments and the Redhouse Public House. Garden Street to the rear of the site is a quiet, narrow highway characterised by a variety of buildings dating from the 19th century through to the mid 20th century, a number of which are Grade II Listed including Nos. 48-50 and Nos. 52, 54 and 56, construction work is also ongoing on Garden Street.

The site is located in the St Vincent's Quarter of the city and the Well Meadow Conservation Area.

The wider St Vincent's Area has seen a raft of planning applications introduce significant levels of residential/student accommodation and complementary uses into the area over recent years.

Planning permission is sought for the conversion of Provincial House to residential accommodation and the construction of three new buildings to form a total of 107 residential studios. The new buildings comprise a four-storey block to the south of Provincial House fronting Garden Street and linking to the Listed Building via a

glazed link; a five-storey block on Solly Street and a three-storey block set on the raised plateau behind the Solly Street and Garden Street blocks.

RELEVANT PLANNING HISTORY

There is no relevant planning history for the site.

SUMMARY OF REPRESENTATIONS

The application has been advertised by way of neighbour consultation letters which were sent to 41 properties. A site notice was also displayed and a notice published in the Sheffield Telegraph. Additional consultation letters were sent out following the receipt of amended plans.

No letters of representation have been received.

PLANNING ASSESSMENT

Land Use Policy

The relevant local policy documents are the adopted Unitary Development Plan (UDP, 1998) and the Sheffield Development Framework (SDF) Core Strategy document (2008). The Core Strategy is more up-to-date, providing the overall spatial strategy for the SDF over the period 2009 to 2026. Regard must also be had to the National Planning Policy Framework (NPPF).

The application site lies within a Fringe Industry and Business Area as defined in the UDP. Policy IB6 “Development in Fringe Industry and Business Areas” sets out the preferred, acceptable and unacceptable uses in these areas. This policy defines offices and industrial uses as preferred whilst housing is acceptable subject to the development complying with other relevant criteria.

Unitary Development Plan Policy IB9 “Conditions on Development in Industry Areas” is also relevant and states that the preferred uses should be dominant; this is taken to be at least 50% of units within the preferred uses. The current balance of uses is analysed in the Background Report on Economic Prosperity and the City Region. This shows that residential accommodation accounts for around 35% of all uses in the area and that the proposed development could increase this to over 40%.

Core Strategy Policy CS6(a) “Manufacturing and the City Centre – Transition Areas” is also relevant, St Vincent’s is defined as a transition area where “Manufacturing... should not expand where it would detract from the regeneration of the centre and it will be encouraged to relocate, providing suitable alternative sites and premises are available in the city”.

Core Strategy Policy CS17(h) “City Centre Quarters” seeks to promote St. Vincent’s as a mixed business, residential and educational area with links to the University of Sheffield and the legal and professional quarter.

The St. Vincent's Action Plan (SVAP) was approved by Cabinet in December 2004 with the purpose of identifying a concise route for regeneration of the area. The site is located in a Business Area in the Plan; in this area new development must consist predominantly of the preferred use which is identified as business. Although the proposal is not in accordance with the SVAP it is highlighted that this document was produced in 2004 prior to the downturn of the economy; in the current climate there is little demand for offices/business uses in the St. Vincent's Area and there is a need to be flexible. Furthermore, the site lies immediately adjacent to a Housing Area and so the overspill to the proposed site seems like a logical expansion.

On balance it is considered that the proposal is acceptable, however it is noted that further similar development could lead to the character of the area changing from business use to residential use.

The site is classed as previously developed brownfield land and the reuse of such land is encouraged in the NPPF. This is reflected in Core Strategy Policy CS24 "Maximising the Use of Previously Developed Land for New Housing" which states that 88% of new housing should be developed on brownfield sites.

Housing Density

Core Strategy Policy CS26 "Efficient Use of Housing Land and Accessibility" aims to make efficient use of land for new housing and sets out appropriate density ranges dependent on location and accessibility. The recommended density for City Centre sites is at least 70 dwellings per hectare. This site achieves a density of approximately 413 dwellings per hectare and therefore meets the policy requirement.

House Type Mix

In terms of creating mixed communities CS41 "Creating Mixed Communities" promotes a mix of housing which meets a range of needs and does not lead to concentration of certain forms of residential development.

Part (a) of CS41 states that housing should provide for a broad range of smaller households in the City Centre with no more than half of new homes in larger developments (60 or more dwellings) consisting of a single house type. The scheme proposed 107 studio flats which comprise 25 large studios, 33 deluxe studios, 15 standard studios, 14 boutique studios and 19 one bed apartments. Large scale sections and floor plans of each of the accommodation types aforementioned have been submitted. These show that the boutique studio is significantly different to the other studios owing to the inclusion of a stud wall separating the bedroom area from the living area. As such this can be classed as a different type of accommodation to the other studios and results in the scheme providing 69% studios of varying sizes, 13% boutique studios and 18% one bed apartments.

Although this is not ideal on balance it is considered acceptable given the regeneration benefits of the scheme and the fact that the development will secure the long term re-use of the Listed Building.

Part (d) of CS41 seeks to ensure an area is not imbalanced by the overprovision of shared housing, which includes student accommodation. The current concentration of shared units within a 200 metre radius is 40% (including permissions). The provision of non-shared housing in this proposal would lower the density to 36%.

Design

Policy CS74 “Design Principles” of the Core Strategy states that high quality development will be expected which respects, takes advantage of and enhances the distinctive features of the city, its districts and neighbourhoods. It also states that development should contribute to place making and contribute to a healthy, safe and sustainable environment which promotes the city’s transformation and helps to transform the character of physical environments that have become run down and are lacking in distinctiveness. Development should also enable all people to gain access safely and conveniently, providing, in particular for the needs of families , children, disabled and elderly people and should contribute towards creating attractive, sustainable and successful neighbourhoods.

Unitary Development Plan Policy BE5 “Building Design and Siting” states that good design and the use of high quality materials will be expected in all new buildings. Policy BE16 “Development in Conservation Areas” states that new development that affects the setting of a conservation area should preserve or enhance the character of that conservation area.

Policy BE19 “Development Affecting Listed Buildings” requires development to preserve the character and appearance of the building and where appropriate to preserve or repair original details and features of interest”.

Policy IB9 “Conditions on Development in Industry and Business Areas” states that new development should be well designed and be of a scale and nature appropriate to the site.

The Sheffield Urban Design Compendium sets out general and specific design guidance for the City Centre and the St Vincent’s Quarter. Specifically for the St Vincent’s Quarter the compendium states that innovative and contemporary infill developments should be encouraged.

The SVAP also sets out general and site specific guidance for the quarter. Page 19 of the Action Plan states that materials, colours, finishes, building alignments, proportions, scale and massing are all important design considerations in new development, which should all relate specifically to their setting and context.

As detailed previously the development proposed three separate buildings which will all be assessed separately. A range of amendments have been made to the

proposals during the course of the application in order to ensure they are of a high quality in this sensitive location.

A glazed link joins the listed building to the Garden Street block. The glazed link is set down below the eaves level of the listed building and main block and is also set in to ensure that it appears subservient to the main buildings. The link comprises large vertically proportioned glazing in a finely detailed frame which will allow glimpses through to the oratory to the rear.

The main Garden Street block is four-storeys high and set at a similar height as the eaves of the listed building. The scale of the building is proportionate to the listed building and is such that Provincial House will still be the prominent feature in the street scene. The mass of the building is broken up through articulation in the front elevation, deep window reveals and the use of a glazed top storey which is set back slightly from the main elevation. A simple materials palette will be used and high quality red brick will reflect the appearance of the listed building.

The Solly Street block is five-storeys in height and steps down the hill so that it is lower than Provincial House but higher than Vincent House to the east. The width of the proposal is proportionate to adjacent buildings and it will be set on the same building line. A simple approach to design has been taken with the building being constructed from brick work with a glazed set back to the top floor and large windows with deep reveals. The use of high quality materials will ensure that the character of the Conservation Area and adjacent Listed Building are maintained.

The smaller Hollis Croft Block will be located on an elevated plateau in the south east corner of the site to the rear of the Solly Street and Garden Street blocks. This building will be three storeys high but owing to the slope of the land will be higher than the Solly Street block. This is considered to be acceptable owing to the topography of the site and the building will still be lower than Provincial House and the Garden Street block thus ensuring that the listed building remains the dominant building. Owing to its location this building will not be overly prominent in the street scene. The building will be constructed from the same materials palette as the other buildings.

Alterations to the listed building are minimal. Internal alterations comprise minor alterations to layout, however almost all principal internal walls are retained; of particular note is the main spine wall which separated the en-suites from the wing area. Importantly, the grand staircase has been retained, although some modernisations are required in order to bring it in line with current safety standards.

Externally nominal alterations are proposed and consist principally of new doorways (formed from existing windows) to link the building to the glazed section. The alterations are sensitive to the listed building and the residential use will ensure its long term future and maintenance.

A central courtyard area will provide amenity space and the inclusion of trees within this area will add to the appearance.

A small 1950s building on Garden Street will be removed, this is of little architectural merit and its loss will not be harmful to the character of the area.

Historic England

Historic England objected to the original plans as they were concerned that the Garden Street block would result in a substantial addition to the listed building. The main concerns revolved around the loss of the view of the rear elevation of the Listed Building and in particular the oratory chapel; the height and massing of the block dominating the listed building and the architectural treatment failing to enhance the aesthetic significance of the listed building. Historic England concluded that the “four storey extension will result in harm to the significance of Provincial House due to the scale, massing, siting and architectural treatment of the development...this harm is not justified as required by paragraphs 132 and 134 of the NPPF and does not address sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Following these comments amended plans have been received and Historic England have been re-consulted. They have commented that the alterations to the glazed link will improve the visual separation between the listed building and the proposed extension. However they do still have some concerns regarding the height, massing and architectural treatment of the proposed Garden Street Building. Overall Historic England consider that the four storey extension will result in minor harm to the significance of Provincial House due to the scale, massing and architectural treatment of the development. Such harm will require a convincing justification.

Historic England have stated that the application can now be determined in line with our expert conservation advice and they do not wish to be consulted again unless there are material changes.

The National Planning Policy Framework paragraph 132 states that the significance of a heritage asset “can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification”.

As detailed above Historic England have raised concerns that the development will cause minor harm to the listed building. It is highlighted that externally the alterations to the listed building are minimal with the key alteration being the connection to the new Garden Street block by a narrow glazed link. As detailed previously the glazed link is well detailed and will allow views through to the rear of the building and in particular the oratory. Furthermore, the Garden Street block has been designed so that it is no higher than the Listed Building. As such Provincial House will still be viewed as the dominant building on the site.

Provincial House is currently in use as serviced offices, however the location of the offices and the constraints and costs imposed by its listed status has reduced its attractiveness to prospective tenants. It is considered that the proposed conversion and residential use of Provincial House will allow for its long term

maintenance and that the development of the remainder of the site is necessary to enable the conversion to be economically viable.

On balance it is considered that the proposal offers a solution for the long term maintenance of the listed building and that this outweighs any minor harm which may be caused.

Sheffield Conservation Advisory Group

The group considered that the proposed treatment of the listed building was acceptable in principle but that the new building was too high and bland in design terms. The ground felt a more contemporary design would be more acceptable and could enhance the setting of the Listed Building. The group also considered that the south west elevation to Garden Street was crude and could be improved. Amendments to the scheme have been received since these comments were received.

Overall it is considered that the scale, massing and detailing of the proposed buildings are acceptable and that they will not be harmful to the character of appearance of the Listed Building or Conservation Area. The scheme complies with relevant design policies.

Amenity

Policy IB9 “Conditions on Development in Industry and Business Areas” states that new development or change of use applications will be permitted provided that they would not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

Policy IB11 “Housing and Residential Institutions in Industry and Business Areas” is also relevant and states that Housing will be permitted only where the development would not suffer from unacceptable living conditions including, ground contamination, noise, other nuisance or risk to health and safety.

The plans illustrate that all rooms will have a source of natural light and outlook and appear to be of sufficient size to provide adequate levels of amenity. Furthermore a reasonable amount of external amenity space is to be provided for residents.

A noise report has been submitted in support of the scheme. This demonstrates that road traffic noise is the predominant source of noise during both daytime and night time periods across the site. Plant noise was also audible during daytime and night time periods. Noise from the Redhouse Public House opposite the site was found to be minimal, the noise survey was undertaken during an “open mic” night, internal amplified music within the premises was barely audible at any façade. General “people noise” arising from speech was an environmental noise source during late evening hours. The noise report identifies a suitable mitigation scheme and appropriate conditions will be attached to ensure that residents do not suffer unacceptable noise or disturbance.

A Phase One Risk Assessment has been submitted, which assessed land contamination. This has been assessed and whilst the information submitted is helpful some key information is not included and therefore the submission of a more detailed phase I report and a phase II report and remediation scheme will be conditioned as part of any approval. Such work will be completed before the site is occupied ensuring issues of contamination are fully dealt with. In light of the above the scheme complies with policies IB9 and IB11 and will provide acceptable living conditions for future residents.

Highways

Section (f) of Policy IB9 states that new development or change of use applications will be permitted provided that they are adequately served by transport facilities and provide safe access to the highway network and appropriate off-street parking. The development does not provide any off-street parking, however the site is located in a city centre location and convenient access to varying modes of transport exists, including the Sheffield Supertram. This lack of car parking is also evident with similar developments in this vicinity and does not cause any concern.

The scheme will provide 57 long stay secure cycle parking spaces within the development for resident and visitors. Such provision is welcome and will allow for sustainable modes of transport to be utilised.

In addition, the footways adjoining the site will be re-surfaced in line with the materials palette identified in the Urban Design Compendium.

The proposal is therefore considered to be in compliance with section f) of Policy IB9.

Access and Mobility Housing

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

A total of 24 units (22%) of units will be readily convertible for mobility housing. This is slightly below the 25% identified in Policy H7 and whilst not ideal it is not considered to be a reason for refusal. Furthermore, the proposal will provide level access into all buildings and lift access into all but the smallest block.

Sustainability

Policy CS64 of the Core Strategy deals with climate change and the sustainable design of developments. This says that development should achieve a high standard of energy efficiency, make the best use of solar energy, passive heating and cooling, natural light and ventilation and minimise the impact on existing renewable energy installations.

This policy originally required new build residential development such as the proposal to achieve Code for Sustainable Homes Level 3. However, Code for

Sustainable Homes has very recently been scrapped and the scheme must now be assessed on its individual elements.

With regard to the proposed design and construction, it is confirmed that the new buildings will be designed to minimise energy consumption, as required by Policy CS 64. Furthermore the scheme is set in a highly sustainable location with easy access to local amenities and a number of transport modes. The scheme also provides features such as landscaping and cycle parking which further aid its sustainability credentials.

Policy CS65 of the Core Strategy says that all significant development will be required to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy. The Design and Access Statements shows that this has been considered and will be incorporated ideally by connecting the Veolia district heating network. However if this is unviable a combined heat and power plant and or photo voltaic panels will be considered. It is considered that the proposal meets the sustainability policy requirements set out within the Sheffield Development Framework Core Strategy.

Drainage

Core Strategy Policy CS67 deals with flood risk management and requires the use of Sustainable Drainage Systems on all sites where feasible and practical. A condition will be attached to any approval requiring a reduction of 30% in surface water discharge. This could be accommodated through the use of permeable surfacing or the lateral shedding onto planted areas. The British geological maps indicate ground suitable for general infiltration through surfaces.

Archaeology

Policy BE22: Archaeological Sites and Monuments within the UDP sets out how archaeological interest will be safeguarded from the impacts of development. A desk based assessment assessing the archaeological potential of the site has been submitted in support of the scheme. The assessment identifies that the site is likely to contain buried remains relating to 18th century development on the plot and of subsequent phases of 19th century development as a mix of residential and industrial premises. A suitable condition will be attached to ensure the archaeological interests of the site are protected.

Ecology

The existing buildings within the site have been identified as medium risk for roosting bats, as such a bat survey has been carried out. The dusk emergence and dawn re-entry surveys completed in May 2015 have not recorded any roosting bats within Provincial House or the attached Chapel building and only minimal bat activity within the vicinity of the buildings involved. Internal examination of the roof space found no evidence of roosting bats. The report recommends that if bats are encountered in the building during construction works all work on site must stop and advice sought from Natural England. It is also recommended that contractors are given a toolbox about bats, what to look for when conducting their works and

how to behave if bats were to be encountered during construction works. This should form part of the site induction given to contractors working on site.

In order to increase the biodiversity of the site a condition will be attached to any approval to ensure that bat/bird boxes are provided.

Open Space Provision

Unitary Development Plan Policy H16 “Open Space in new Housing Development” requires the developer to make a contribution to the improvement or creation of recreation space in the locality, in line with details set out in the Supplementary Planning Guidance (SPG) on Open Space Provision in New Housing Development and the City Centre Living Strategy. This is because the development does not provide any on site public open space and, as a result, such provision needs to be made elsewhere in the city centre to meet the direct needs of the growing city centre population. In this respect the applicant has agreed to provide a financial (Section 106) contribution of £127,292.55.

The scheme that has been identified for this contribution is the Montgomery Fountain Project. This project is identified within an umbrella document known as the City Centre Breathing Spaces Strategy, which sets out a strategy for providing a network of public open spaces of varying characteristics within the city centre to the direct benefit of people living in the city centre (as well as indirectly benefiting visitors to it).

The Community Infrastructure Levy Regulations 2010 (CIL) have to be considered in respect of this contribution.

Firstly, CIL limits the ability of a local authority to pool more than five S106 contributions towards a single infrastructure project. It can be confirmed that five contributions are yet to be pooled towards the Montgomery Fountain Project. In addition, Regulation 122 within the CIL Regulations states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) Necessary to make the development acceptable in planning terms.
- (b) Directly related to the development.
- (c) Fairly and reasonably related in scale and kind to the development.

In response to section a), the necessity for new residential developments to contribute towards open space within the city centre is set out in planning policy and is based on the fact that very few city centre schemes provide on-site public open space provision. One of the key reasons is to ensure the ever growing residential population in the city centre is provided with the infrastructure needed to create a sustainable environment.

In response to b), although the scheme is not immediately adjacent to the development site, it is part of a wider strategy to create new and improve existing open spaces throughout the city centre to form a network of spaces to suit a variety of needs, as promoted within the City Centre Breathing Space Strategy. This identified project will continue to create the infrastructure needed to support this

and other residential schemes in a sustainable way going forward. Therefore it can reasonably be viewed as being directly related to the development proposals. In relation to c), the contribution has been worked out on the basis of the number and size of units and thus is proportionate to the scale and of the development. It is therefore considered that this contribution is compliant with the CIL Regulations.

It is noted that a signed Section 106 agreement has not yet been provided by the applicant.

Public Art

UDP Policy BE12 (Public Art) encourages the provision of these works in places that can be readily seen by the public and as an integral part of the design of major developments.

The applicant has agreed to provide a financial (section 106) contribution of £21,400.00 towards the provision of public art in the locality. The scheme that has been identified for this contribution is the Montgomery Fountain Project as detailed in the preceding section.

As above the CIL regulation need to be considered in respect of this contribution. It is confirmed that there are not more than 5 projects which will contribute to the same scheme.

Furthermore in respect to point a) above the necessity for new residential developments to contribute towards public art is set out in planning policy and is based on the fact that this will help to create a sense of place, add to the character of a neighbourhood and promote the image of the City.

In response to b) although the scheme is not immediately adjacent to the development site, it is part of a wider strategy to create new and improved public art in city centre and will add to the overall sense of place and character of the city. In relation to c), the contribution has been worked out on the basis of the number and size of units and thus is proportionate to the scale of the development. It is noted that a signed Section 106 agreement has not yet been provided by the applicant.

SUMMARY AND CONCLUSION

The application seeks planning permission for the conversion of the listed building to residential accommodation and the construction of 3 new blocks to form a total of 107 residential units.

The scale, siting, massing and detailing of the proposed building are acceptable and will preserve the character of the listed building and conservation area. The applicant has demonstrated that with suitable mitigation an appropriate environment can be provided for future occupants, this includes matters concerning noise and ground contamination.

The site is in a highly sustainable location close to a range of local amenities and excellent public transport links. Furthermore, secure cycle storage will be provided.

RECOMMENDATION

Grant Conditionally with Legal Agreement

Heads of Terms

- A contribution of £127,292.55 towards the enhancement of open space at the Montgomery fountain project in accordance with Policy H16 of the Unitary Development Plan, the City Centre Living Strategy and the Breathing Spaces Strategy
- A contribution of £21,400 towards public art at the Montgomery fountain project in accordance with Policy BE12 of the Unitary Development Plan

Case Number	15/00950/FUL (Formerly PP-04058180)
Application Type	Full Planning Application
Proposal	Alterations to former church including demolition of single storey extension to form 10 apartments with associated car parking (amended plans and email content received on 30/04/2015)
Location	United Reformed Church Wadsley, 83 Carlton Road, Sheffield, S6 1WR
Date Received	18/03/2015
Team	West and North
Applicant/Agent	Windle Cook Architects Ltd
Recommendation	Grant Conditionally

Subject to:

Time limit for Commencement of Development

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.

Approved/Refused Plan(s)

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

Drawing numbers:

- 15-543-C01 Revision A
- 15-543-C02 Revision B
- 15-543-C03 Revision B
- Bulkhead Image received 30/04/2015
- Email content received on 30/04/2015

Reason: In order to define the permission.

Pre-Commencement Condition(s)

3. Large scale details, including materials and finishes, at a minimum of 1:20 of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:
 - Windows and panels on the Front Elevation
 - Doors
 - Rear External wall construction and reveals

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

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

4. A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

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

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

Reason: In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change and given that such works could be one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences.

6. Before development commences, full details of 3 bat boxes, bat access tiles and artificial roosts and bird boxes (Swift, Swallow or House Martin) to be provided and integrated into the structure shall be submitted to and approved by the Local Planning Authority. The bat and bird facilities shall be provided and maintained and retained thereafter and photographic evidence of these, in site, shall be provided before first occupation.

Reason: In order to encourage biodiversity in the locality.

Pre-Occupancy and Other Stage of Development Condition(s)

Other Compliance Conditions

7. The materials to be used externally shall match those of the existing building in colour, shape, size and texture.

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

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

9. The three new windows on the East Elevation shall be shall be fully obscured to a minimum privacy standard of Level 4 Obscurity. The approved obscurity measures shall thereafter be retained and at no time shall any part of the glazing revert to clear glass.

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

10. The three new windows on the East Elevation shall be not consist of any opening elements. Thereafter, the windows shall remain fixed and shall not be altered to consist of any opening parts.

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

11. The apartments shall not be used unless the car parking accommodation for 8 vehicles and approved cycle parking as shown on the approved plans has been provided in accordance with those plans and thereafter such 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. The apartments shall not be used unless the bin storeas shown on the approved plans has been provided in accordance with those plans and

thereafter such parking accommodation shall be retained for the sole purpose intended.

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

Attention is Drawn to the Following Directives:

1. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

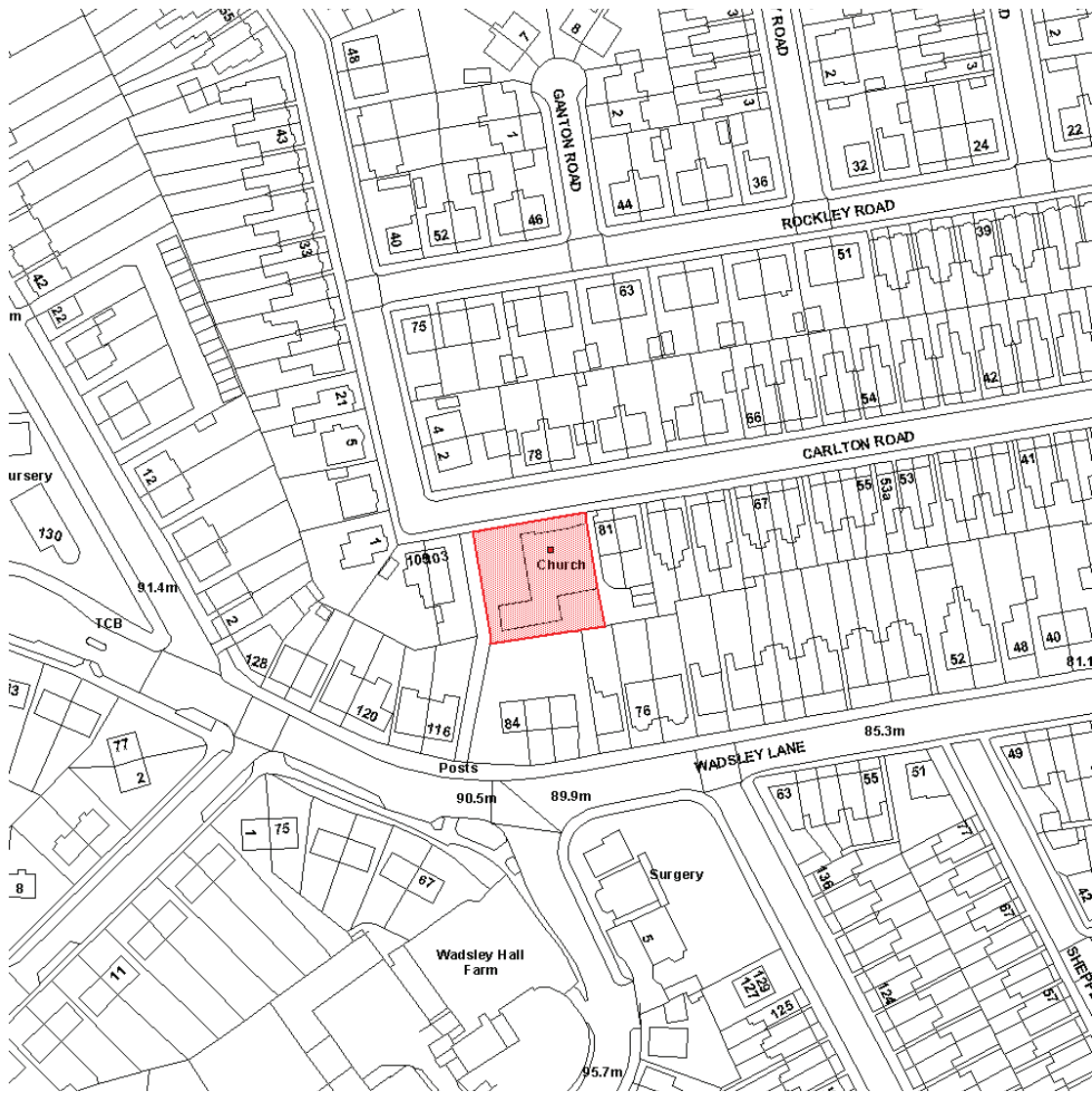
This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980, and dealt with by:

Development Services
Howden House
1 Union Street
Sheffield S1 2SH

For access crossing approval you should contact the Highway Development Control Section of Sheffield City Council on Sheffield (0114) 2736136, quoting your planning permission reference number.

2. 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.
3. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

Site Location



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LOCATION AND PROPOSAL

The proposal refers to a Church building and associated accommodation located close to the head of Carlton Road. The streetscene largely consists of blocks of terraced housing, although more modern hip-roofed semi-detached properties are present close to the application site. A public footpath lies to the side of the site. The land rises relatively steeply to the rear, with the properties behind effectively set up approximately 2m.

The subject building is noticeably taller than the neighbouring housing, effectively an additional storey. It features distinctive vertically proportioned windows on the rear elevation and sashes to the front elevation. An area of largely hard landscaping exists to the side of the building.

Deciduous trees lie to the rear of the site, but are not dense enough to block the light or outlook to the rear.

The proposal seeks to make alterations to the building, including the demolition of a single-storey add-on extension, alterations to the roof to form a flat roofed section, and the formation of new and amended windows to form 10 apartments. Amended plans received on 30/04/2015 have made some alterations including altering the rear fenestrations, amending the parking layout (to form 8 wider spaces rather than the 10 thinner spaces originally proposed), and adding a parapet to the flat roof extension. It is these that will form the basis of the assessment below.

A bat emergence study has been supplied, which demonstrates that there are no bats occupying the existing building.

RELEVANT PLANNING HISTORY

91/02554/FUL	Extension to form kitchen, WCs, Office and Entrance Area
	Granted Conditionally 28/10/1991

SUMMARY OF REPRESENTATIONS

Ten written representations have been received with regards to the initial submission, raising objections to the scheme. The objections are summarised below:

Highways

The proposal will not offer enough parking accommodation, and will result in heavy on-street parking, exacerbated by the use of the road by commuters for the tram during the day.

There is a risk that the proposed car park will be used by non-residents.

Construction vehicles using the site during the building works will cause traffic congestion.

Amenity of Neighbouring Residents

The proposal will overlook properties on Wadsley Lane behind the site. Overlooking into the rear windows and the gardens of these houses are noted within the representations.

The existing upper floor rear windows of the church have obscure glazing, which would be removed with this proposal, and would exacerbate privacy concerns to the rear.

The trees to the rear of the site are not of sufficient density to block any views to properties on Wadsley Lane

The proposal will cause noise problems for neighbouring properties.

The proposed new side windows will overlook neighbouring houses to the East.

Obscure glazing and moving the windows further forward might be considered to prevent overlooking to the properties to the East.

Building works on site will cause noise issues for neighbours.

Design

The existing rear windows are pleasingly proportioned, and the proposal would need to be sympathetic.

Views of the car park would be possible from 103 Carlton Road.

Other Matters

The bin store area should be provided at the front of the site to make it convenient for residents and reduce fly tipping.

Fly-tipping is common to the rear of the building, and efforts should be made to reduce this (a better quality fence or wall for instance)

Provision should be made for affordable housing on site.

Non Planning Related Matters

Further parking provision is needed for the whole street, and better enforcement of urban clearway signage and bus lay-bys on Middlewood Road – This is a matter for the highways section. It is not foreseen how additional on-street parking can be created.

Matters regarding the placement of scaffolding during construction works, and access for maintenance of a fence and wall (these require a civil agreement between neighbours, and are not a material planning consideration.)

The planning related matters covered above will be explored in the assessment below.

ASSESSMENT

Principle of Use

The site lies within a Housing Area, as defined within the Sheffield Unitary Development Plan. As such, policy H10 'Development in Housing Areas' applies.

Policy H10 defines which uses are acceptable in Housing Areas; of which Housing (C3) uses are a 'preferred' use. The former use of the building for community facilities fall under a D1 use, which is 'acceptable'. In principle, therefore, the development is acceptable on the basis that the new use is encouraged under policy H10.

As the previous use was for a community facility, weight needs to be given to policy CF2 'Keeping Community Facilities'. This resists development that would result in the loss of community facilities, unless the loss is unavoidable and equivalent facilities would be provided in the same area, or where the facilities are no longer required. In this case, the building is empty. It is known that, due to a dwindling congregation, the church has merged with another nearby church, and this provides evidence that these facilities are no longer required in this location. As such, the proposed change of use away from a community use can be justified.

Core Strategy policy CS24 'Maximising the use of previously development land for new housing' is also relevant. This gives priority for Brownfield development. In this case, the development will contribute to the target to deliver at least 88% of new housing on previously developed land.

CS26 'Efficient use of Housing Land and Accessibility' states that a site in Urban Area near to the Supertram route should ideally have a density of 40 to 60 dwellings per hectare. This proposal has a density of 128 dwellings per hectare, which is significantly above 60. However, it is noted that the policy is designed to ensure that the development is in character with the area. In the case of this proposal, the built form is already set by the built church. In addition, the policy is largely designed to cover large areas, and spikes above the upper density for apartments in a wider area are expected. As such, it is not considered that this policy is sufficient reason to refuse the scheme.

CS41 'Creating Mixed Communities' encourages the creation of a broad range of housing in new developments. In this case, the local area is dominated by 2/3 bedroom housing, so the concept of adding 1 and 2 bedroom apartments, including mobility capable units, is considered sufficient to meet the requirements of this policy.

CS40 'Affordable Housing' seeks to provide a proportion of affordable housing in new development, but only applies for developments of 15 units and above. This

proposal falls below this threshold. As such, there is no policy requirement to provide a proportion of affordable units on site.

Design

Core Strategy Policy CS74 'Design Principles' states that "High quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city...". In addition, UDP policy H14 'Conditions on Development in Housing Areas applies. The most relevant part of this policy with regards to design is under part a), which requires development to be well designed and in scale and character with neighbouring buildings. Policy BE5 'Building Design and Siting' stipulates that good design and the use of good quality materials are expected in all new buildings and extensions. Part I) states that the refurbishment of good, existing buildings will be normally encouraged, particularly where their loss would lower the quality of the street scene. Policy BE6 requires good quality landscape design to be utilised.

The existing building is of good quality, and adds significantly to the character of the streetscene, despite not being a listed building. The proposal seeks minimal alterations to the general fabric of the original building. External alterations comprise of the replacement of windows, changes to the rear fenestration to incorporate windows for the apartments, the addition of side windows, and the addition of flat roofed extensions to the roof, with an extension to the parapet.

The removal of the single-storey addition will have no immediate harm to the character of the site, given that this is a subservient modern addition, which is not integral to the appearance of the main building.

As part of the amended plans received on 30/04/2015, additional details have been received with regards to the replacement windows on the front elevation. It is proposed to utilise mock sash windows, which will replicate the general form of the originals. It is considered that, with adequate conditioned detailing to ensure a traditional sash profile, these will have an acceptable appearance. It is proposed to retain the panelled areas in form, details of which can also be conditioned. Alterations to the bulkhead above the main door are largely minor in their overall visual impact on the building.

The proposed flat roofed alterations are to the Carlton Road facing elevation of the church hall building, which will not be immediately visible from the streetscene, due to the position of the roof of the front element. Amendments to incorporate a parapet to the stone built flat roof extension will tie this element into the parapets of the original building form, and will result in a visually acceptable alteration. The proposed flat roofed element for the stairwell will be to the front of this, and will be clad in a material to match the colour of the roofing materials, which will ensure that this element will not be overly prominent from the streetscene.

To the rear elevation, amendments have been received to incorporate recessed elements and vertically proportioned windows. The recessed elements will successfully replicate the proportions of the existing windows, whilst the vertically proportioned windows will tie in with the proportions of the original building. As

such, it is considered that the amendments do successfully maintain the character of the rear elevation.

New windows to the side elevations will be on subservient fenestrations, and will not have a significant impact upon the appearance of the building. They will form small additions, which will not overdominate the form of the structure.

New rooflights are proposed, which are required to provide a suitable level of light to the top floor apartments. They will be generally well aligned, and are not considered to be overly prominent in their position or impact on the appearance of the building as a whole.

The landscaping details are limited due to the small size of land around the building, which minimises the possibility for new planting. To the West, a car park area will be formed. This will replace an area of largely hard landscaping. A new front wall and railings will replicate those visible to the front of the site, whilst the West retaining wall will be rebuilt with metal railings above. The amended plans to incorporate metal railings as opposed to a mesh fence will improve the outlook from the West pathway compared to the existing situation. Efforts to make the car park more attractive will be incorporated through the use of some block paving to break down the visible hardstanding area.

Private gardens proposed to the rear will be of a small area, and typical garden paraphernalia here will not look out of character with the local area.

The proposal includes a suitably sited bin store area, which will be out of view from the highway, but in an area that will be accessible from the apartments, being within the communal car parking area. Although a bin store to the front of the building would be more accessible, it would be visually incongruous in appearance as it would detract from the appearance of the main building.

Fly-tipping on the site should be more limited than the existing situation, given that a residential use will add more natural surveillance to the plot compared to the existing use, which results in an unoccupied site for greater time periods.

Amenity of Residents and Neighbours

UDP policy H14 (part c) requires development to not result in over-development or to deprive residents of light, privacy or security. Policy H5 'Flats, bed-sitters and Shared Housing' applies as apartments are sought, and requires that a) attention is sought to ensure that a concentration of these uses does not occur, and b) living conditions in the units would be satisfactory for occupants and neighbours.

The site neighbours residential properties on all sides. With regards to privacy, there is a need to ensure that the new apartments created will not cause significant privacy problems for neighbouring properties. To the West, the proposed windows will face towards the side aspect of number 103. The side elevation does consist of openings. However, these are visible and in clear proximity to the public footpath, and are not main openings to main habitable rooms. As such, any overlooking to these windows will not cause a substantial loss to the privacy of this

dwellinghouse, especially when it is considered that the elevation already suffers from a perception of overlooking from existing side windows in the church building. Opposite the church building, windows will look across the public street, with limited privacy implications for those houses opposite. The most impacted neighbours will therefore sit to the East of the site (79-81 Carlton Road) and to the rear (78-84 Wadsley Lane).

To the East, it is proposed to position three new windows to the side elevation, two of these being beyond the rear aspect of number 81. These have been amended to be obscure glazed, which will prevent direct overlooking to the site. Although they will face the rear garden area of number 81, the obscure glazing and conditions to ensure that they will be fixed shut is considered sufficient to prevent direct overlooking that would become problematic. As the space directly to the side is shared, with the church having access through a side door (which is to be blocked up) as well as shared access for numbers 79 and 81, it is not considered that the perception of overlooking from these windows, which will be set up from ground level (and so not in direct sight of people in the gardens) will be significant enough to warrant a refusal. The proposed retention of the top window as clear glazing is considered acceptable, as the height of this relative to the garden will not allow for direct views into this area. As the window is existing, the perception of any privacy impact compared to the existing situation will be limited.

Significant objections have been made concerning the potential for overlooking towards the houses on Wadsley Lane. Although trees are visible at the curtilage boundary with these houses, it is noted that they are not of significant enough density or size to prevent views through. As such, the assessment will assume they are not present. The land height differences between the properties are significant, and the additional stories of the church building are effectively compensated by the level differences, to the point that the relative height of the top floor windows is approximately level with the first-floor of the houses behind.

Consideration will be made towards the provisions of the Supplementary Planning Guidelines (SPG) upon 'Designing House Extensions', which are designed to provide detailed guidance into how policy H14 will be put into practice. Although written specifically with regards to house extensions, the guidelines are also relevant material considerations as to acceptable separation distances to avoid overlooking from new development, as the impact of overlooking from an extended dwellinghouse and a new dwellinghouse is effectively the same.

In terms of direct overlooking into the rooms of the houses behind, SPG guideline 6 states that a separation distance of 21m is usually considered sufficient to prevent direct overlooking. In the case of the houses on Wadsley Lane, the separation distance from the proposed windows to those opposite is 25m at its minimum point, which is above this distance. As such, an argument of direct overlooking into the rooms of the houses behind cannot be fully substantiated.

In terms of views into the rear gardens of the houses behind, a separation distance of 10m is recommended in guideline 4. However, material weight is also given to the Permitted Development regulations on two-storey rear extensions, which allow a separation distance of 8m to the rear boundary without the need for planning

permission – effectively suggesting that this distance is sufficient. The Permitted Development regulations date from 2008, and the SPG from 1998. In the case of this proposal, a separation distance of 9m exists from the position of the rear windows to the rear curtilage of the gardens behind. This distance is only slightly less than the 10m recommended by the SPG, and further weight is given to the fact that existing windows of the church already exist and provide a perception of overlooking, which will not be increased by the proposal (which offers to reduce the amount of glazing to the rear). As a result, an argument of overlooking to the rear cannot be substantiated. Juliette balconies are shown to the first-floor of the rear. These, however, will be effectively at ground floor level relative to the houses behind, and will not significantly add to any perceptions of overlooking.

The potential for noise from the new residents are highlighted in representations received. However, the use of the church for residential use should not cause any substantial noise issues, given that the propensity for noise will be similar to that from other existing properties in the area – many of which are closer to the houses on Wadsley Lane.

Noise from building works are noted as a potential issue. However, the level of external works are relatively limited. Controls under Environmental protection Law to avoid statutory nuisance will prevent significant problematic noise nuisance to neighbours.

The extension works sought will not be of significant scale to cause any substantial loss of light to neighbouring property.

The proposal will form apartments in an area dominated by separate housing, and so will not fall foul of policy H5 (part a).

With regards to the living conditions of the apartments, each one will have a suitable outlook, and will benefit from privacy.

Highways

UDP policies H5 and H14 (part d) require development to provide appropriate levels of off-street parking, whilst H14 (part d) also requires development to provide safe access to the highway network.

The proposal seeks to provide 8 parking spaces. Due to the confines of the site, the spaces are all 3m wide to enable suitable turning space into them, as opposed to the recommended 2.5m width. Due to this design, it is considered that there is suitable manoeuvrability on site for the spaces to be used.

UDP guidelines are that 1 space needs to be provided for every bedroomed apartment, plus 1 space per every 4 apartments for visitors. The proposal in this case is deficient of spaces by 4. However, these are maximum standards, and it is considered that a lower threshold can be supported in areas with good accessibility.

The location is close to the Supertram, and is in a very accessible location. As a result, the potential for every apartment to rely on parking is considered to be relatively limited. In addition, the former church use has no off-street parking, meaning that staff and congregations would have relied on an element of on-street parking. The demands caused by the 4 spaces should not be significantly greater than that caused by the former church use.

A provision of bicycle parking is proposed for the site, with an external area for visitors and internal for apartment users, which will help to promote sustainable travel.

The proposed access for the car park is shown in a relatively safe location on the road, with suitable visibility.

The proposed car park would be delineated by boundary fencing, and would obviously be part of the apartment complex. As such, the risk of non-residents using the spaces would be relatively limited. It is not considered that access controls would be positive given that it might discourage use of the car park by residents (due to the efforts of requiring access controls) and would also limit the number of spaces available further – as any access gate would take up room occupied by parking spaces in the present plan.

Construction vehicles and skips will likely occupy the road during construction works. Such inconvenience in terms of parking would be temporary, however, and would likely occupy a similar part of the road as staff and visitor parking for the church.

Sustainability

Core Strategy Policy CS64 'Climate Change, Resources and Sustainable Design of Developments' requires new buildings and conversions to reduce emissions of greenhouse gases and to be designed to use resources sustainably. The policy encourages the re-use of existing buildings.

The agent has confirmed that native planting and bird boxes will be incorporated in the development, in line with the general policy aims to promote sustainable development, whilst it is also noted that the proposed apartments will suitably reply on passive light and ventilation. The provision of bike stores and a suitable area for recycling bins is also in line with the policy aims.

Core Strategy CS65 'Renewable Energy and Carbon Reduction' sets out objectives to support renewable and low carbon energy production. The policy requires the development to provide a minimum of 10% of the predicted energy needs from decentralised and renewable or low carbon energy providing it is feasible and viable. The agent has committed to this requirement, which will be secured by way of an appropriately worded condition. Solar water heating and PV panels are indicated on the amended plans received on 30/04/2015.

Access and Mobility Housing

Policy H7 from the Unitary Development Plan (UDP) requires the provision of homes built to mobility standard. At least 3 of the apartments (of the 10 currently proposed) need to be designed and constructed in accordance with the Council's Mobility Housing SPG to achieve the minimum of 25% referred to in policy H7.

3 flats (nos. 1,2 and 4) have been marked up to show mobility requirements in the amended plans received on 30/04/2015. Suitable level access to these and suitable internal turning spaces will meet the general policy aims. Ideally, two disabled sized parking spaces should be provided for all three units. However, the confines of the site are such that only 2 spaces with an additional width can be provided. Given that the remaining spaces will be 500mm wider in any case, and that there is a high chance that one of the apartments will not be occupied by a occupier with a vehicle, it is not considered that this would be reason to refuse the scheme.

SUMMARY AND RECOMMENDATION

The proposed use is considered acceptable with regards to relevant policy requirements. The residential accommodation will provide adequate living conditions for occupiers and will not significantly negatively impact upon the amenities enjoyed by neighbouring property.

The alterations to the external fabric of the building will not detract significantly from its external appearance and will help to ensure the retention of the building, which is of significant visual benefit to the streetscene. The proposed parking arrangements are also considered acceptable.

The proposal is therefore recommended for conditional approval.

Case Number	15/00684/RG3 (Formerly PP-03794921)
Application Type	Application Submitted by the Council
Proposal	Erection of 2 artificial grass pitches with associated fencing, lighting and access; 2 new natural grass sports pitches; drainage improvements; single storey changing pavilion and social facilities, and associated parking and access road
Location	Thornccliffe Recreation Ground, Mortomley Close, Sheffield, S35 3HZ
Date Received	24/02/2015
Team	West and North
Applicant/Agent	JUMP Architects
Recommendation	Grant Conditionally

Subject to:

Time limit for Commencement of Development

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.

Approved/Refused Plan(s)

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

- A-101 Rev.E
- J14-022 A-201
- A-102 Rev.D
- A-100 Rev.A
- MMD-341330-E-DR-EC-ZZ-6301
- J14-022 A-105 Rev.G
- J14-022 A-106 Rev.D
- J14-022 A-200 Rev.E
- J14-022 A-900 Rev.E

Reason: In order to define the permission.

Pre-Commencement Condition(s)

3. Details of all proposed external materials and finishes, including samples when requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

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

4. Before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient cycle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the development shall not be used unless such cycle parking has been provided in accordance with the approved plans and, thereafter, such cycle parking accommodation shall be retained.

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

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

Highway Improvements:

- Works to street furniture including traffic signs, road markings and street lighting.
- Traffic Regulation Orders (waiting/loading restrictions and speed limit) including the provision of road markings and signs.

- Widening Pack Horse Lane to accommodate two way vehicle/cycle flow.
- Works to Pack Horse Lane/Mortomley Lane junction.
- Improvements to existing bus stop facilities close to Pack Horse Lane.

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, and in the interests of protecting the free and safe flow of traffic on the public highway it is essential that this condition is complied with before any works on site commence.

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

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

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

Reason: In the interests of protecting the free and safe flow of traffic on the public highway it is essential that this condition is complied with before any works on site commence.

8. Prior to the commencement of works on site, full details of the following shall have been submitted to and agreed in writing by the Local Planning Authority:

- Construction Method Statement.
- Phasing of Construction Works.
- Site Safety and Segregation.
- Location of Site Compound and Temporary Parking Arrangements for Contractors.
- Times when Construction Works and Movement of Construction Traffic will be Restricted.

Thereafter construction shall proceed in accordance with agreed details.

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

9. No development shall commence until full details of measures to protect the existing (variable: trees, shrubs, hedge/s) to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing

accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

Reason: In the interests of protecting the identified trees on site. It is essential that this condition is complied with before any other works on site commence given that damage to trees is irreversible.

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

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

Pre-Occupancy and Other Stage of Development Condition(s)

11. No development shall commence until an intrusive site investigation report relating to recorded mine entries within the site has been submitted to and agreed in writing by the Local Planning Authority. Such report shall include a scheme of treatment for the mine entries and shallow coal workings and any remedial works that are required shall be carried out prior to the commencement of the use.

Reason: In order to ensure that former mine workings are properly dealt with.

12. 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.

13. 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.

14. Prior to the commencement of the use and notwithstanding the approved drawings, details of an amended car park layout shall have been submitted to and agreed in writing by the Local Planning Authority. Such amended layout shall include a segregated pedestrian route and coach parking and shall be implemented prior to the commencement of the use and retained thereafter.

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

15. The development 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.

Other Compliance Conditions

16. The sports facilities shall be used between 08.00 and 22.00 hours Mondays to Fridays and 09.00 and 22.00 hours Saturdays, Sundays and Bank Holidays.

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

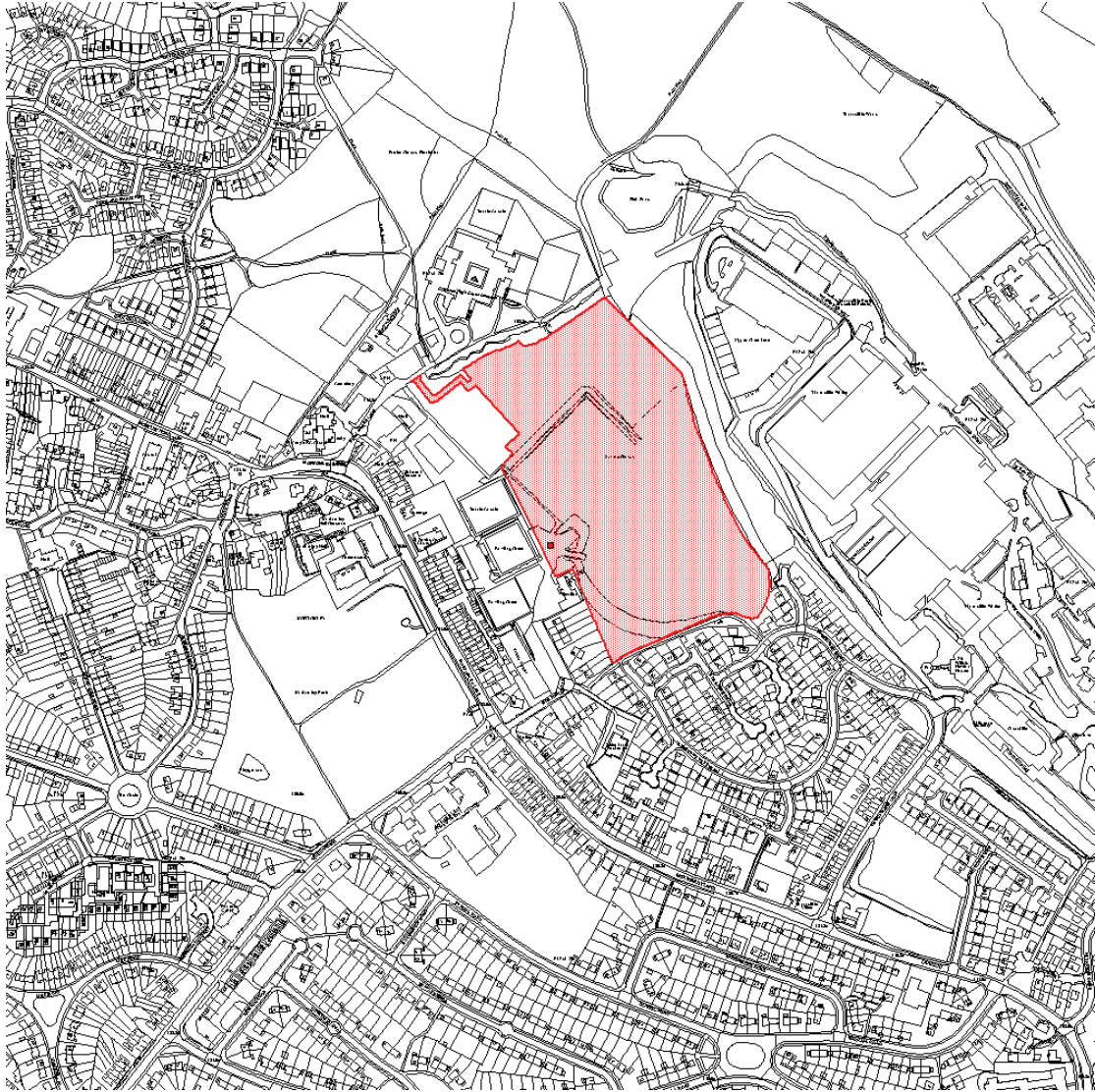
17. The changing facilities shall be available for use between the hours of 08.00 and 23.00 hours Mondays to Fridays and 09.00 and 23.00 hours Saturdays, Sundays and Bank holidays.

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

Attention is Drawn to the Following Directives:

1. The applicant is advised that there is potential for the new lighting to disturb the airborne movement of certain species and it is recommended that reference is made to the document produced by the Bat Conservation Trust and the Institute of Light Engineers entitled 'bats and Lighting in the UK.'
2. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

Site Location



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LOCATION AND PROPOSAL

The application site comprises part of the existing Thorncliffe Recreation Ground located in High Green. Access to the site is gained from Pack Horse Lane to the north and from Mortomley Close to the south. The application site excludes that part of the Recreation Ground to the north west because this is being developed as the new North Active sports hub.

The remaining Recreation Ground comprises some 5.72 hectares (14.1 acres) and is bounded to the north by Pack Horse Lane, a stream and a line of mature trees and to the south by housing on Ironstone Crescent and Ironstone Drive. To the west is housing on Mortomley Lane along with bowling greens and tennis courts and to the east are business premises.

The site is generally level, grassed over and is currently used for leisure purposes and laid out as sports pitches serving the local community. The site currently supports three football pitches and a cricket ground with smaller football pitches marked on the cricket outfield on an ad hoc basis during winter months.

This application, as amended, seeks planning permission to retain the sports and leisure use but to rationalise and intensify the provision by providing two full sized and floodlit artificial grass pitches (AGP), two natural grass pitches and a single storey pavilion with eight changing rooms, a club room and coaching space. There would also be associated access and parking.

With respect to access, this would be shared with the access from Pack Horse Lane which is already approved as part of the North Active development. It is proposed that car parking to the north east of the North Active building would also serve this new proposal and the new changing pavilion would be located on the south east edge of the car park.

A secondary access would be available from Mortomley Close to the south but this would be restricted to pedestrians.

The two AGP pitches would be sited close to the North Active hub thus concentrating all new development in the northern half of the existing playing fields and leaving the southern part for grassed pitches.

This proposal is intended to work alongside the new North Active facility and offer a variety of facilities to this part of Sheffield.

It is the case that the current level of provision would be replaced resulting in the loss of all three existing football pitches and the cricket ground.

With respect to the cricket ground, despite efforts made by the Council, there has been no take-up by an 'anchor club' and, after discussions with sports bodies, it has been agreed that cricket requirement can be catered for by a single non-turf wicket. The remaining area to the south of the proposed development would be used as two grass pitches which would be subject to drainage improvements, soil amelioration and additional works.

RELEVANT PLANNING HISTORY

14/03537/RG3. Erection of leisure facility (North Active) including swimming pool, learner pool, fitness suite, exercise/dance studio, multi-use studio, changing facilities, health consultation rooms, associated works, car parking and road improvements to Pack Horse Lane granted on 08.01.2015.

SUMMARY OF REPRESENTATIONS

Ecclesfield Parish Council has no objections to the application and there have been no representations from neighbours following the posting of site notices and sending individual letters to properties around the site.

Sport England have been consulted about the application and they do not object. Indeed, they take the view that there is a strategic need for this level of facility in this part of the city.

PLANNING ASSESSMENT

Planning Policy

The adopted Unitary Development Plan (UDP) shows that the whole site is designated as open space.

The National Planning Policy Framework (NPPF) provides national planning advice and is a material consideration.

Para. 13 says that the NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

Para. 14 says that there is a presumption in favour of sustainable development.

In para. 70, the NPPF says to deliver recreational facilities, decisions should plan positively for the provision of shared space, community facilities, sports venues and other local services to enhance the sustainability of communities.

It also says that decisions should guard against the loss of valued services and facilities, particularly where this would reduce the community's ability to meet its day to day needs.

NPPF para.74 deals specifically with existing open space, sports and recreational land, including playing fields and these should not be built on unless an assessment is carried out that shows that the land is surplus to requirements or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location or the development is for an alternative sports and recreation provision, the needs for which clearly outweigh the loss.

Saved UDP policy LR5 says that development in open space areas will not be permitted where it would result in the loss of open space which is of such quality

that it is of city wide importance or would result in over development or harm the character of an area.

The only loss of open space within the application site would be the 720 square metres footprint of the changing rooms pavilion but it is considered that this would be acceptable because it would contribute to significant improvements to the quality of formal sports provision. Not only would multi use floodlit pitches be provided but the remaining two grass football pitches would be improved to ensure a better quality playing surface.

The policies contained in the adopted Sheffield Development Framework Core Strategy are material to planning decisions. Policy CS47 seeks to safeguard open space and in section (a) says that development of open space will not be permitted where it would result in a quantitative shortage of either informal or formal open space in a local area.

Your officers have undertaken an assessment of open space per head of population in the local area and there is a significant shortage of formal open space within the area. It is the case with this application that there would be a significant improvement in formal sports provision so the proposal would fully comply with policy CS47.

The principle of the development is considered to be acceptable and the application satisfies relevant NPPF, UDP and Core Strategy policy criteria.

Design, External Appearance and Landscaping

UDP policy BE5 says that good design and the use of good quality materials are expected in all new buildings.

Core Strategy policy CS74 says that high quality development will be expected which would respect, take advantage of and enhance the distinctive features of the city. Development should also contribute to a healthy, safe and sustainable environment and towards creating attractive, sustainable and successful neighbourhoods.

The proposed development comprises two elements, the new changing rooms pavilion and the artificial grass pitches.

The pavilion would be located close to the North Active pool facing the car parking area and close to both the AGPs. It would be a single storey building with a split pitched/mono-pitch roof and the external materials would be similar to those used on the North Active pool.

The external walls would be of a buff brick with a high level feature band of rain screen cladding and the roof would be a grey profiled metal composite. The entrance would be rendered masonry and all openings and eaves would be in dark grey to complement the paler grey of the roof.

The pavilion would be much lower and smaller than the North Active pool and would, therefore, be subservient to this larger building. Also, its strong horizontal

emphasis would reflect the openness of the remaining sports area and grassed pitches.

The proposed AGPs each comprise a playing area capable of supporting a 100m x 64m football pitch or smaller pitches marked within the enclosure surrounded by a safety margin of 3m on all sides plus goal recesses and spectator areas. The AGP surface would be green as would the 4.5 metre high mesh fencing on all sides.

Each AGP would be served by six 15m high galvanised steel floodlighting columns to be located at each corner and in the middle of each side. The columns would have a slim profile to minimise their impact as they would be the highest elements of the combined development of both this proposal and the North Active hub.

The grass pitches are currently open in character and at the northern end of the site, this openness would be lost with the introduction of the more intensive sports provision. However, this would be built close to the line of mature trees along the north boundary which would absorb much of the impact particularly when viewed from the south. The trees would also provide screening when viewed from the north.

Similarly, the North Active building will provide screening from the north west. It is the case, however that the south western edge of one of the AGPs would be visible when viewed from the back of houses fronting Mortomley Lane. The visual impact is considered to be acceptable because there is 90 metres between the nearest house and the edge of the pitch, there are existing tennis courts, bowling greens and mature trees between the houses and proposed pitch and the application site is at a lower level than the houses.

There are also houses close to the southern edge of the site but their outlook onto the recreation ground would not significantly alter because grass pitches would remain in place. However, there is a need to introduce 1.2 metres high fencing around the grass pitches to prevent dog fouling and this would be controlled by a condition.

The design and scale of the pavilion, the pitches and fencing is considered to be acceptable. It is accepted that the lighting columns, at 15 metres high, will be clearly visible but their slim profile, partial screening, lower level and distance from nearby housing would render them acceptable.

Sustainability

Core Strategy policy CS64 deals with climate change and the sustainable design of development and this says that a high standard of energy efficiency should be achieved making the best use of alternative energy sources, solar power and other means.

To show compliance with this policy, the scheme will need to achieve a minimum BREEAM rating of very good which is the stated target of the proposal. The applicant has submitted a Renewable Energy and Sustainability report and this considers a number of options including photo-voltaic panels, ground source and

air source heat pumps, community energy, low energy lighting, improved U values in construction in building methods and other means.

Core Strategy policy CS65 addresses renewable energy and carbon reduction and to comply with this policy 10% of predicted energy needs should come from renewable and/or low carbon sources unless it is not feasible or viable. Heat generating technologies are likely to be the most appropriate for the scheme and the sustainability statement says that a gas fired CHP scheme would be the best way to achieve the 10% which is acceptable as low carbon technology.

The applicant has provided supporting information which demonstrates how these two conditions would be met. However, new legislation has recently been put in place which takes the matter of sustainability out of planning control and wholly under the umbrella of Building Regulations. Consequently, there is no longer any need to attach conditions with regard to this.

Impact on Neighbours' Amenities

Core Strategy policy CS74 says that new development should contribute to a healthy and safe environment and to the creation of sustainable neighbourhoods.

The visual impact of the proposal has already been assessed and is considered to be acceptable but there are also the issues of possible noise disturbance from sports activities and intrusion because of glare and overspill from the floodlights which could have a detrimental impact on neighbours' amenities. There is also the matter of hours of use of the proposal.

A Noise Survey has been submitted in support of the application and this measured background and residual noise levels. This was set against the likely levels of noise generation caused by participants, spectators and the noise caused by footballs being struck and rebounding. The report concluded that the noise generated would be no more than the existing background levels.

It is noted that the current use is for football pitches and the proposed use would appear to have a very similar impact in terms of noise as the existing grassed football pitches.

There is potential for light spillage to affect neighbours but an assessment of this has been carried out by the applicant. The lights will shine virtually directly down on to the AGPs and although there will be some ground spillage, this will significantly reduce by 20 metres away from the pitches and there would be none at the nearest application site boundary. In addition, there would be no upward light trespass.

The applicant seeks permission to operate the AGPs including floodlighting between 08.00 and 22.00 hours Mondays to Fridays and between 09.00 and 22.00 hours Saturdays, Sundays and Bank Holidays. The pavilion would remain open until 23.00 hours to allow players to shower, change and leave the site. These times are consistent with other similar sports facilities including the adjoining North Active sports hub elsewhere in the city and they are considered to be acceptable.

Although there would be the potential to use the facilities during these times, realistically, it is very unlikely that all the pitches would be used constantly during these hours and it is likely that there would be times of low or no activity.

Consequently, it is considered that there would be no harm to neighbours' amenities resulting from this application.

Highways, Access, Parking and Cycle Provision

Core Strategy policy CS51 sets out transport priorities and improving road safety is included as part of this.

Core Strategy policy CS53 seeks to manage the demand for travel.

The layout shows that the main entrance into the site will be taken from Pack Horse Lane and through the car park that would serve the North Active swimming pool currently under construction which, in turn, would lead to a car park of 128 spaces plus 10 disabled spaces.

The previously approved application secured off site improvements to Pack Horse Lane including road widening and other improvements, without which the road would not be able to serve the North Active development.

A further assessment of the access from Pack Horse Lane has been undertaken as part of this application and it is concluded that the improvements already agreed will also accommodate the vehicle and pedestrian movements generated by this new proposal without any additional improvements being required to Pack Horse Lane. However, the same condition requiring the off site works to Pack Horse Lane would be required as part of a consent for this new application.

The capacity of the 138 space car park has been guided mainly by the Football Association (FA) which has extensive knowledge of participation levels for this type of development. The participation levels have been separately examined and this confirms that the amount of parking provision is appropriate and the key aim of avoiding overspill parking on surrounding roads would be met.

A framework Travel Plan has been submitted in support of the application and further submissions with regard to this would be controlled by a condition.

Conditions would also require a slightly modified parking layout to ensure that coach parking and a segregated pedestrian route can be provided along with minor improvements to cycle parking.

It is considered that the proposed access, parking and cycle provision satisfies relevant policy criteria and is acceptable.

Air Quality

Core Strategy policy CS66 says that action to protect air quality will be taken in all areas of the city. Protection and improvement of air quality will be achieved particularly through decisions on planning applications that give rise to significant amounts of traffic.

In this instance, no significant additional traffic will result in the north area of the city because this proposal is an improved replacement facility for existing formal sorts provision. The anticipated additional traffic would not be a significant increase on existing or that associated with the North Active hub.

Consequently, there would be no implications on change to air quality in the area.

Ground Conditions and Former Mining Activity

The site lies in an area of former mine workings and the Coal Authority has confirmed that the application site falls within the defined Development High Risk Area and there are coal mining risks and hazards that need to be considered in relation to this application.

In this instance, the proposal will build over or very close to a recorded mine working and the Coal Authority originally lodged a formal objection because they required further information about the site constraints and the remediation measures which will be taken.

Further discussions with the Coal Authority have resulted in the withdrawal of their objection subject to a condition being attached requiring remediation measures to be agreed if necessary.

Flood Risk

Core Strategy policy CS67 seeks to reduce the risk of flooding.

The site lies within Flood Zone 1 as specified by the Environment Agency which has the least risk of flooding so no remediation measures are required.

Disabled Access

Core Strategy policy CS74 says that new development should enable people to gain access safely and conveniently providing, in particular, for the needs of disabled people.

The building would be constructed to a level that would allow full access by disabled people and there would also be 10 disabled car parking spaces close to the main entrance. The disabled provision would be controlled by an appropriate condition.

Ecology

A key principle of the NPPF is to conserve and enhance the natural environment and the planning system should contribute to this. Core Strategy policies CS72 and CS73 which deal with protecting countryside not in the Green Belt and the strategic Green network.

The application site borders a local wildlife site at Westwood and Thorncliffe Wood but the application does not propose any physical intrusion into the wildlife site nor does it involve any impact on trees. However, there is some possible impact because of increased lighting, the buffering capacity provided by the playing fields and a limited loss of foraging habitat.

Conditions are not considered to be necessary in this instance but a Directive would be added providing advice on the effect of lighting on certain species.

SUMMARY AND RECOMMENDATION

This application, as amended, seeks planning permission for two artificial grass pitches and associated access, fencing and lighting, two natural grass pitches and a single storey pavilion including changing facilities.

The siting, design and layout of the building are acceptable and the impact is acceptable in terms of neighbours' amenities and the character of the area. It would also be subservient to the approved North Active sports hub.

Access would be taken from Pack Horse Lane which is currently well below the required specification to provide a safe access but improvements would be carried out to widen the road, restrict parking and widen the footway along with wider highways works to provide a safe access and environment for vehicles and pedestrians. The improvements have already been agreed for the North Active sports hub being developed next to the application site and no additional improvements are needed as part of this new application.

The amount of car parking has been guided by the FA and is considered to be appropriate for the proposal.

It is accepted that there would be some loss of open space currently used as grassed sports pitches but this is considered to be acceptable because the quality of sports provision within this space would be significantly improved providing direct benefits to the local community. In addition the proposal would complement the adjoining North Active hub and provide a focus of good quality sports provision in this part of Sheffield.

The application satisfies all policy criteria and is considered to be acceptable. The application is, therefore, recommended for conditional approval.

Case Number	15/00650/FUL (Formerly PP-03973207)
Application Type	Full Planning Application
Proposal	Demolition of existing buildings and erection of student living accommodation comprising 192 units (305 bed spaces) in blocks ranging between 5 & 8 storeys with ancillary facilities, landscaping, access and other associated works
Location	Site Of St Philips Social Club, Radford Street, Sheffield, S3 7JP
Date Received	23/02/2015
Team	City Centre and East
Applicant/Agent	Deloitte LLP
Recommendation	GRA GC subject to Legal Agreement

Subject to:

Time limit for Commencement of Development

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.

Approved/Refused Plan(s)

2. The development shall be carried out in accordance with the following plans received on 20 May 2015.

Floor Plans

- Ground Floor Plan Ref: L(-)000578B (received on 20 May 2015)
- First Floor Plan Ref: L(-)001578B
- Second Floor Plan Ref: L(-)002578B
- Third Floor Plan Ref: L(-)003578B
- Fourth Floor Plan Ref: L(-)004578A
- Fifth Floor Plan Ref: L(-)005578A
- Sixth Floor Plan Ref: L(-)006578A
- Seventh Floor Plan Ref: L(-)007578A
- Eighth Floor Plan Ref: L(-)008578A
- Ninth Floor Plan Ref: L(-)009578A
- Roof Plan Ref: L(-)010578A

Elevations

- Elevation A Ref: L(-)200578B
- Elevation B Ref: L(-)201578B
- Elevation C Ref: L(-)202578B
- Elevation D Ref: L(-)203578B
- Elevation E Ref: L(-)204578B
- Elevation F Ref: L(-)205578B

Sections

- Façade Study 1 Ref: L(-)2210578B
- Façade Study 2 Ref: L(-)2220578B
- Façade Study 3 Ref: L(-)2230578B
- Façade Study 4 Ref: L(-)2240578B
- Façade Study 5 Ref: L(-)2250578B
- Section AA-AA Ref: L(-)300578A
- Section BB-BB Ref: L(-)301578A
- Section CC-CC Ref: L(-)302578A
- Section DD-DD Ref: L(-)303578A

Reason: In order to define the permission.

Pre-Commencement Condition(s)

3. No development shall commence until details of the means of ingress and egress for vehicles engaged in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the arrangements for restricting the vehicles to the

approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.

Reason: In the interests of protecting the free and safe flow of traffic on the public highway it is essential that this condition is complied with before any works on site commence.

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 and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

5. No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post investigation works.

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

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated. It is essential that this condition is complied with before any other works on site commence given that damage to archaeological remains is irreversible.

Pre-Occupancy and Other Stage of Development Condition(s)

6. Details of all proposed external materials and finishes, including samples when requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

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

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

- Entrance canopies
- Boundary treatments (railings shall be powder coated)
- External stairs
- Eaves and verges
- Ridge & valleys
- Rainwater goods
- Soffits
- Aluminium louvres to rooftop plant
- Doors leading to the bin store, cycle store and substation

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

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

8. Before first occupation details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details thereafter.

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

9. Within three months of development commencing the highway improvements listed below shall have either:

a) been carried out; or

b) details shall have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the building is brought into use (unless an alternative timeframe is agreed in writing with the Local Planning Authority).

1. Reconstruction of the footways that abut the site with Urban Design Compendium Secondary Palette.

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

10. Within six months of development commencing, or an alternative timeframe to be agreed in writing by the Local Planning Authority, a detailed Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall include:

- a) Clear & unambiguous objectives to influence a lifestyle that will be less dependent upon the private car;
- b) A package of measures to encourage and facilitate less car dependent living; and,
- c) A time bound programme of implementation and monitoring in accordance with the City Councils Monitoring Schedule.
- d) Provision for the results and findings of the monitoring to be independently validated to the satisfaction of the local planning authority.
- e) Provisions that the validated results and findings of the monitoring shall be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.

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

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

11. Before the building is first occupied a Servicing Management Plan, which shall include refuse vehicles, shall have been submitted to and approved in writing by the Local Planning Authority. The building shall operate in accordance with the agreed plan thereafter.

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

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

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

13. 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.

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

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

15. The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been installed. Such scheme of works shall:
- a) Be based on the findings of the approved Environmental Noise Study received on 26 February 2015 and prepared by Red Acoustics (Ref: R1014-REP01C-PB).
- b) Be capable of achieving the following noise levels:
- Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours).
 - Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours).
 - Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours).
 - Bedrooms: LAFmax - 45dB (2300 to 0700 hours).
- c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

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

16. 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.

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

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

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

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

19. 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 shall not be brought into 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 Sheffield City Council 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.

20. Within six months of developing commencing, or an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of proposals for the inclusion of public art within the development shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall then be implemented prior to the occupation of the development.

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

21. A comprehensive and detailed landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority within six months of development commencing. This scheme shall include a management and maintenance plan.

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

22. The approved landscape works shall be implemented prior to first occupation or within an alternative timescale to be first approved by the Local Planning Authority. Thereafter the approved management and maintenance plan shall be implemented at all times.

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

23. Before development commences full details of how the development will provide a minimum of 10% of its predicted energy needs from decentralised and/or renewable or low carbon energy sources shall have been submitted to and approved in writing by the Local Planning Authority.

The agreed details shall have been implemented in full working order before the development is occupied, unless an alternative timeframe is agreed in writing by the Local Planning Authority, if it is the latter then the revised timeframe shall be adhered to.

Thereafter the agreed equipment, connection and/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.

24. Notwithstanding the submitted details, 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 within three months of development commencing. This scheme shall include a management and maintenance plan and details of seating, retaining features and new walls and fences.

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

Other Compliance Conditions

25. With the exception of those identified on the hereby approved plans, no externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof, including acoustic emissions

data, have first been submitted to and approved in writing by the Local Planning Authority. Once installed such plant or equipment shall not be altered.

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

26. 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.

27. 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.

28. Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the water main, which crosses the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

29. Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3 (three) metres either side of the centre line of the sewer, within the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

30. The development shall be carried out in accordance with the submitted Drainage Design Strategy received on 26 February 2015 (Ref: 107576/02A).

Reason: In the interest of satisfactory and sustainable drainage.

31. The means of ingress and egress for vehicles engaged in the construction of the development shall be in accordance with the Proposed Site Setup Access & Egress Plan (Ref L(-)960/578) received via email dated 03 June 2015.

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

Attention is Drawn to the Following Directives:

1. Construction and demolition works that are audible at the site boundary shall only take place between 0730 hours and 1800 hours on Monday to Fridays, and between 0800 hours and 1300 hours on Saturdays, and not at any time on Sundays and Public Holidays.
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. 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

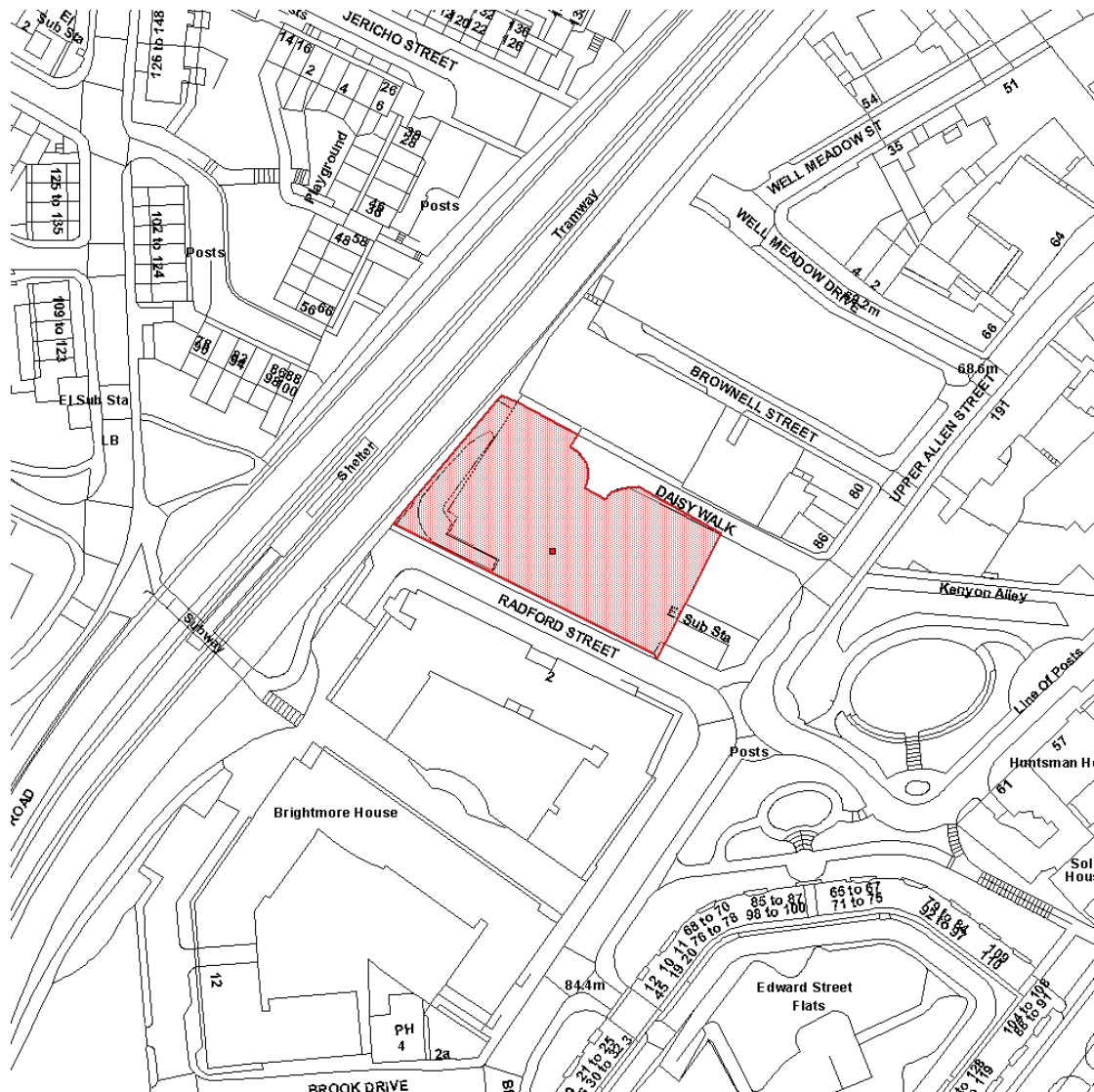
For the attention of Mr P Vickers

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. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.
6. 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.
7. 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. 0730 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 SCC Environmental Protection Service, 2-10 Carbrook Hall Road, Sheffield, S9 2DB: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.
8. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.

9. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

Site Location



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LOCATION AND PROPOSAL

The applicant is seeking full planning permission for the erection of a purpose build student development that ranges between five and eight storeys. The scheme, which would principally be built in red brick and zinc cladding, proposes 192 units (305 bed spaces) and the proposed mix of units would be:

1. 151 studio apartments.
2. 12 two bedroom units.
3. 6 three bedroom units.
4. 23 units providing between four and six bedrooms.

The proposed building also includes ancillary functions such as a gym and common room, along with associated infrastructure, including the provision of a small parking area accessed from Daisy Walk and hard and soft landscaping within the site.

The application site measures 0.24 hectares and has frontages onto the busy Netherthorpe Road, Radford Street and Daisy Walk. A large sub-station separates the site from Upper Allen Street, which is set to the east. This substation is outside of the application site boundary.

The site is within the St Vincent's Quarter of the city centre and the Well Meadow Conservation Area is set across Daisy Walk to the north-east. The recently refurbished Edward Street Park is set across Upper Allen Street. Atlantic One, which is a large residential/student development, is set directly across Radford Street to the south. The land to the north forms part of the wider development site (more details in Planning History below) and is now largely cleared.

The wider St Vincent's Area has seen a raft of planning applications introduce significant developments of residential/student accommodation and complementary uses over recent years.

RELEVANT PLANNING HISTORY

Outline planning permission for a comprehensive development of a wider site known as 'St Phillips' or 'Westgate', which included the application site, was approved in June 2010 under planning reference 10/00194/OUT.

This was a mixed use scheme comprising student accommodation (Sui Generis), residential accommodation (Use Class C3) and business use (Use Class B1). Associated works included the provision of pedestrian and vehicular access, basement parking and public realm areas.

This consent lapsed on 02 June 2015, but an application to renew this consent was submitted prior to that date and is currently under consideration.

SUMMARY OF REPRESENTATIONS

A response has been received from the Sheffield Chamber of Commerce supporting the application.

PLANNING ASSESSMENT

Land Use

In relation to land use, it is firstly noted that the scheme is for purpose built student accommodation, which is considered a sui generis use. As such it must be considered on its own merits. However, the use is most akin to housing and therefore the following land use policies help provide some context.

The application site lies within a Housing Area as defined within the Sheffield Unitary Development Plan (UDP). Policy H10 (Development in Housing Areas) identifies Housing as the preferred use.

The St. Vincent's Action Plan (SVAP) was approved by Cabinet in December 2004 with the purpose of identifying a concise route for regeneration of the area. Two new Housing Opportunity Areas are identified within the St. Vincent's Quarter and the application site is included within one of these areas. The SVAP identifies student accommodation as being acceptable in principle in such areas.

Policy CS17 (City Centre Quarters) within the Sheffield Development Framework Core Strategy (CS) identifies St Vincent's as an area that would be suitable for a mix of business, residential and educational uses.

Policy CS24 (Maximising the Use of Previously Developed Land for New Housing) within the CS places an emphasis on developing brownfield sites, with a target of 88%.

It is considered that the provision of this scheme on this brownfield site in the City Centre is consistent with the land use policies outlined above.

Housing Density

Policy CS26 (Efficient Use of Housing Land and Accessibility) within the CS requires appropriate housing densities to ensure the efficient use of land. The recommended density for City Centre sites is at least 70 dwellings per hectare. This site achieves 789 dwellings per hectare, which accords with this policy.

House Type Mix

Policy CS41 (Creating Mixed Communities) within the CS promotes development which meets a range of needs and does not lead to concentrations of certain forms of residential development. This policy has several requirements that are relevant to this scheme:

Section a) within CS41 states that housing should provide for a broad range of smaller households in the City Centre with no more than half of new homes in larger developments (defined as 60 or more dwellings) consisting of a single house type.

Section c) within CS41 encourages the provision of new purpose built student accommodation as part of a mix of housing development.

Section d) within CS41 seeks to ensure an area is not imbalanced by the overprovision of shared housing, which includes student accommodation. Section d) is partly achieved by ensuring that no more than 20% of residential units within 200 metres of any residential application site are occupied for shared housing.

In relation to Part a), this scheme proposes 151 studio units (79%), 12 two bedroom units (6%) and 29 Cluster flats (15%) so will be contrary to part a) of the policy.

Although this mix is not ideal, the applicant has made a case that identifies the benefit of allowing this vacant site, adjacent to the conservation area, to be developed, which will also ensure a much improved relationship with the recently completed Edward St Park. It has also been made clear that any dilution in the proposed mix will result in the site being left vacant owing to the current market conditions. It is therefore considered that on this issue alone it would not be reasonable to refuse the scheme, given these wider regeneration benefits on offer.

Part c) requires that new purpose-built student accommodation be primarily located in the City Centre and the areas directly to the north-west and south of the City Centre. As such this proposal conforms to this part of the policy.

In relation to Part d), the current concentration of shared units within a 200 metre radius is 30%, and this current proposal would lower this to 28% due to the scheme comprising of mainly non-shared units. This scheme therefore helps to reduce the over-concentration of shared units in the area.

Design

Policy BE5 (Building Design and Siting) of the UDP states that original architecture will be encouraged, but that new buildings should complement the scale, form and architectural style of surrounding buildings.

Policy BE16 (Development in Conservation Areas) states that new development that affect the setting of a conservation area should preserve or enhance the character of that conservation area.

Policy CS74 (Design Principles) within the CS states 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.

The Sheffield Urban Design Compendium sets out general and specific design guidance for the City Centre and the St Vincent's Quarter. Specifically for the St

Vincent's Quarter the compendium states that innovative and contemporary infill developments should be encouraged.

The wider outline scheme (see planning history above) included the application site and established scale and massing parameters that this scheme is in general compliance with. This includes stepping the building down to the east and north with the existing topography. This stepping also ensures the scheme reduces in scale as it approaches the neighbouring conservation area, which is welcomed.

In relation scale and the neighbouring conservation area, the applicant has provided supporting information to demonstrate how this scale would be reduced as part of delivering the remainder of the wider Westgate/St Philips site. This information shows that the key buildings within the conservation area will not be dominated by buildings of an inappropriate scale.

The tallest sections of the scheme front Netherthorpe Road, which is appropriate given the busy and wide nature of this highway. The height is also defined by the established Atlantic One development, which is set across Radford Street and this is appropriate.

In terms of detailing and modelling the applicant has designed a scheme that offers visual interest and good articulation. The best example of this is the projecting zinc and glass element on the Netherthorpe Road facade. This produces a high quality feature onto this key frontage. The scheme also includes the use of solar shading features and generous window openings.

The applicant has left the eastern façade blank in the hope that at a point in the future the substation will be removed and the building can be extended. This blank façade is finished in zinc, which is a suitable material, and will have modelling as a result of the cladding. This is considered to be the correct approach.

The use of the good quality materials, most notably red brick and zinc, is welcomed and the red brick is the key material in the adjacent conservation area.

In light of the above the proposal is considered to comply with the design and conservation policies discussed within this section of the report.

Highways

Section f) within Policy IB9 (Conditions on Developments in Industry and Business Areas) within the UDP states that new development or change of use applications will be permitted provided that they are adequately served by transport facilities and provide safe access to the highway network and appropriate off-street parking.

Although only very limited car parking is provided (3 spaces) the site has a central location with convenient access to varying modes of public transport, including the Sheffield Supertram. This lack of car parking is also evident within similar developments in this vicinity and does not cause any concern.

The applicant has provided 15 short stay cycle spaces and 60 long stay cycle spaces. These long stay spaces are within the footprint of the building, which is very welcome.

Owing to the restrictive nature of the turning head along Daisy Walk the length of servicing and refuse vehicles will be restricted to ensure tracking is successful. This is not uncommon and does not create any undue concern. A servicing management plan will be conditioned.

In addition, the footways adjoining the site will be re-surfaced in line with the materials palette identified in the Urban Design Compendium.

The proposal is therefore considered to be in compliance with section f) of Policy IB9.

Affordable Housing

Policy CS40 (Affordable Housing) within the CS states that developers of all new housing schemes will be required to contribute towards the provision of affordable housing where this is practical and financially viable.

The target within CS40 is between 30 & 40% of the units, but a more spatial approach to affordable housing provision is now adopted within the revised Affordable Housing Interim Planning Guidance (IPG). The IPG identifies affordable housing provision based on viability across a particular area. This site falls within the city centre area and sites within this area no longer have to contribute towards affordable housing.

Mobility Housing

Almost 5% of the units will be mobility compliant, or readily convertible, which is a recognised British Standard for student schemes.

One mobility parking space, level access into the building and lift access to all floors is provided.

The proposal is therefore considered to be acceptable from a mobility perspective.

Amenity of Future Residents & Effect on Adjacent Industrial Units

Policy IB9 (Conditions on Development in Industry and Business Areas) within the UDP states that new development or change of use will be permitted provided that it would not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

IB11 (Housing and Residential Institutions in Industry and Business Areas) within the UDP states that Housing will be permitted only where the development would not suffer from unacceptable living conditions including, ground contamination, noise, other nuisance or risk to health and safety.

The application has been accompanied by a noise report, which identifies traffic noise from Netherthorpe Road as the main noise source in the area. As a result a suitable mitigation scheme, which includes alternative ventilation, has been specified. In addition, due to the approval of several other residential schemes in the immediate vicinity, it is known that with relevant planning conditions suitable residential amenity can be provided to ensure noise nuisance does not occur.

A Phase One Risk Assessment has been submitted, which assessed land contamination. Before development commences, the applicant will be required to submit further information including a Phase 2 Risk Assessment to characterise in greater detail the contamination on site and propose a remediation scheme to ensure safe redevelopment. This work will have been completed before the site is occupied ensuring issues of contamination are dealt with.

Future residents will be afforded acceptable living conditions in terms of outlook, light and privacy. The scheme also provides a reasonable amount of external amenity space. In addition, Edward Street Park is located across Upper Allen Street and this will benefit the new residents.

The scheme is therefore considered to comply with Policies IB9 & IB11 within the UDP.

Sustainability

Policy CS64: Climate Change, Resources and Sustainable Design of Development within the CS sets out a suite of requirements in order for all new development to be designed to reduce emissions. As student housing is sui generis it is acceptable to achieve BREEAM 'Very Good', which the applicant is proposing to meet.

Policy CS65 (Renewable Energy and Carbon Reduction) within the CS sets out objectives to support renewable and low carbon energy generation and further reduce carbon emissions.

Policy CS65 requires, if it is feasible and viable, new developments to achieve the provision of a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy. A condition will be attached to ensure the applicant meets the requirements of this section of the policy.

In addition to the above the scheme is set in a highly sustainable location with easy access to local amenities and a number of transport modes. The scheme also provides features such as landscaping and cycle parking, which further aid its sustainability credentials.

Overall, it is considered that the proposal meets the sustainability policy requirements set out within the Sheffield Development Framework Core Strategy.

Drainage

The applicant has produced a Drainage Strategy, which commits to reducing surface water run-off from the site by 30%. The identified strategy shows this being

achieved through a combination of approaches, including attenuation tanks and the provision of new soft landscaped areas.

Yorkshire Water and the Council's Flood and Water Management Team have confirmed they are happy with this approach.

Archaeology

Policy BE22: Archaeological Sites and Monuments within the UDP sets out how archaeological interest will be safeguarded from the impacts of development.

The site has some archaeological potential, most likely for remains of residential courts built in the first half of the 19th century. However, the potential is expected to be limited owing to previous more recent development. A suitable condition will be attached to ensure the archaeological interests of the site are protected.

Ecology

Although cleared, the site could have some potential to host roosting bats owing to cracking within the concrete base and a retaining wall. A bat emergence survey has been produced by the application, which now rules out this potential.

Public Art

An element of Public Art will be incorporated into the development due to its scale and prominent location and this is secured by condition. It is likely this scheme will introduce a more attractive screen/entrance to the bin and cycle store, which have a prominent position.

Open Space Provision

Policy H16: Open Space in new Housing Development within the UDP requires the developer to make a contribution to the improvement or creation of recreation space in the locality, in line with details set out in the Supplementary Planning Guidance (SPG) on Open Space Provision in New Housing Development and the City Centre Living Strategy. This is because the development does not provide any on-site public open space and, as a result, such provision needs to be made elsewhere in the city centre to meet the direct needs of the growing city centre population. In this respect the applicant has agreed to provide a financial (Section 106) contribution of £249,525.00.

The scheme that has been identified for this contribution is the Castle Hill Park Project, which will see a public park created on the former Castle Market site. This project is identified within an umbrella document known as the City Centre Breathing Spaces Strategy, which sets out a strategy for providing a network of public open spaces of varying characteristics within the city centre to the direct benefit of people living in the city centre (as well as indirectly benefiting visitors to it).

The Community Infrastructure Levy Regulations 2010 (CIL) have to be considered in respect of this contribution.

Firstly, CIL limits the ability of a local authority to pool more than five S106 contributions towards a single infrastructure project. It can be confirmed that five contributions are yet to be pooled towards the Castle Hill Park Project.

In addition, Regulation 122 within the CIL Regulations states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) Necessary to make the development acceptable in planning terms.
- (b) Directly related to the development.
- (c) Fairly and reasonably related in scale and kind to the development.

In response to section a), the necessity for new residential developments to contribute towards open space within the city centre is set out in planning policy and is based on the fact that very few city centre schemes provide on-site public open space provision. One of the key reasons is to ensure the ever growing residential population in the city centre is provided with the infrastructure needed to create a sustainable environment.

In response to b), although the scheme is not immediately adjacent to the development site, it is part of a wider strategy to create new and improve existing open spaces throughout the city centre to form a network of spaces to suit a variety of needs, as promoted within the City Centre Breathing Space Strategy. For example, this approach has resulted in the upgrade of Edward Street Park, which is set across Upper Allen Street to the immediate east. This identified project will continue to create the infrastructure needed to support this and other residential schemes in a sustainable way going forward. Therefore it can reasonably be viewed as being directly related to the development proposals.

In relation to c), the contribution has been worked out on the basis of the number and size of units and thus is proportionate to the scale and of the development. It is therefore considered that this contribution is compliant with the CIL Regulations.

It is noted that a signed Section 106 Agreement not yet been provided by the applicant.

SUMMARY AND RECOMMENDATION

The provision of student accommodation on this brownfield site is in accordance with the land use policy context. Most notably the St Vincent's Action Plan identifies student accommodation as being acceptable in principle.

Although there is an overprovision of one bedroom studio units, overall the housing density and the house type mix is broadly in accordance with policy.

The scale and massing follows the general principles established within the earlier outline consent. The scale also steps appropriately with the topography of the land

and down towards the neighbouring conservation area. The scheme incorporates several features to ensure visual interest and suitable articulation is created. In addition, the use of high quality materials, including red brick, is befitting of the context and the adjacent conservation area.

The scheme will provide very limited car parking (3 spaces), which is supported in this central location. A notable amount of cycle parking, mostly secure, will also be provided.

The applicant proposes that the scheme will meet BREEAM 'Very Good' and 10% of the energy requirements through decentralised and renewable sources. In addition, the scheme is located within a highly sustainable central location.

The applicant has demonstrated that with suitable mitigation an appropriate environment can be provided for future occupants, this includes matters concerning noise and ground contamination.

The applicant is to contribute £249,525.00 towards the creation of the Castle Hill Park Project and this is to be secured through a Section 106 Agreement.

RECOMMENDATION

Grant Conditionally with Legal Agreement.

Heads of Terms

A contribution of £249,525.00 towards the creation of the Castle Hill Park Project in line with the requirements of Policy H16 of the Unitary Development Plan, the City Centre Living Strategy and the Breathing Spaces Strategy.

Case Number 15/00303/FUL (Formerly PP-03941630)

Application Type Full Planning Application

Proposal Change of use of dwellinghouse to retail unit (Class A1), demolition of bay window and erection of shop front (As per Amended Drawings and Site Location Plan - received on 7th April 2015) (AMENDED DESCRIPTION)

Location 134 Abbeydale Road, Sheffield, S7 1FF

Date Received 28/01/2015

Team South

Applicant/Agent Cero Architecture

Recommendation Refuse with Enforcement Action

Subject to:

For the following reason(s):

1. The Local Planning Authority consider that owing to its size and design, the replacement bay/shopfront would dominate the front elevation being an incongruous and detrimental feature to the character of the property itself and the street scene. It would therefore be contrary to Policies BE5 (c) and S10 (d) of the Adopted Unitary Development Plan and Policy CS74(c) of the Sheffield Development Framework Core Strategy.

Attention is drawn to the following directives:

1. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:

Drawing Reference Number:
07-0115-SK1.10A

2. Despite the Local Planning Authority trying to negotiate in a positive and proactive manner during the life of the application the proposal has shown insufficient regard for policy requirement(s), so it has not been possible to reach an agreed solution.

Site Location



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LOCATION AND PROPOSAL

The application site is located to the west of Abbeydale Road, and incorporates a terraced property. The Unitary Development Plan designates the site as being within a Local Shopping Centre.

The dwelling was most recently used as a dwelling house, however, construction works were commenced some months ago which involved the removal of the traditional bay window and termination of the property's use as a dwelling house. The opening created after the removal of the bay has been boarded-up, and following the involvement of the Planning Service's enforcement team, limited additional work has taken place.

The full planning application seeks consent for the change of use of the property from its authorised use as a dwelling house to a Class A1 retail unit. The proposal involves the demolition/removal of a bay window and the erection of a shop front. The application form proposes that the retail use would trade during the following times:

- 08:00 to 19:00 hrs (Mon to Fri)
- 08:00 to 18:00 hrs (Saturday)
- 09:00 to 16:00 hrs (Sunday)

The proposal shows that the existing dwelling would remain in a reduced form, including the rear half of the ground floor and the upper floor bedroom space etc. This would be accessed from the rear and would be separated from the proposed A1 use by blocking up the existing openings at ground floor level.

Either side of the application premises are dwelling houses.

RELEVANT PLANNING HISTORY

There is no planning history relating to the current application site.

SUMMARY OF REPRESENTATIONS

After neighbour notification, 1 written representation has been received. The comments made are summarised as follows:

- Neighbour was advised by application site landlord/owner that the works which had been done were to convert the property into 2 flats, which the owner suggested didn't need planning permission.
- Contact made with the Planning Department Enforcement Team, who advised owner to stop all works until an approval issued. However, works have continued.
- Believed that works would have continued if Planning Department hadn't been contacted.
- Proposed shopfront would directly disadvantage neighbouring property. Bay window would be 90cm from neighbouring bay, obstructing view and right to light. An unobstructed view has been enjoyed for over 100 years.

- Aware of a 45 Degree Rule regarding right of light, confirmation that this is considered is requested.
- Despite comments made in application, there are no retail properties adjacent to 134 Abbeydale Rd. The nearby retail properties do not have boundary to boundary shopfronts.
- Increased noise impacts, increased usage and footfall. Will harm enjoyment of the neighbouring property. Any consent should require provision of adequate sound proofing.
- Suggestion that shop would open on 7 days per week, having negative impact on neighbouring property.
- Quality of construction work causes concern. Despite contact being made with the Building Regulations dept, there is no sign of an improvement and there is much concern that the work is having a detrimental impact upon the neighbouring property.
- No notification received in regards to party wall issues, and should be made a requirement of any permission if consent is granted.
- Any consent and works would reduce value of neighbouring property. Would be unfair for applicant to financially gain, and neighbour to be harmed.
- The terrace in question already has a number of retail units, and for several years at least one has remained vacant. The proposed works would undermine appearance of terrace. There are few unaltered properties remaining, and the Victorian feel of terrace would be lost with any further changes.
- Believed that the owner of the application site has deliberately misled neighbour and shown disregard to planning process and building regulations.
- There would be no objection if the shop front was scaled back, and the proposed opening hours were restricted to 9am – 5pm Monday to Friday, and consent limited to non-food.

PLANNING ASSESSMENT

The application site is located in a Local Shopping Centre, and as a result the proposal is required to be assessed under the provisions of the following policies:

Policy S7 'Development in District and Local Shopping Centres'; refers to Shops / A1 uses as Preferred in those centres, this being subject to the provisions of Policy S10.

Policy S10 'Conditions on Development in Shopping Areas' states applications for changes of use will be permitted provided that, amongst other things:

- a) It would not lead to a concentration of uses which would prejudice A1 dominance as the preferred use in the LSC
- b) Not cause residents in any housing to suffer from unacceptable living conditions, including air pollution, noise, other nuisance or risk to health and safety
- d) Be well designed and of a scale and nature appropriate to the site.
- f) Provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

Policy BE5 'Building Design and Siting' in part (c) states that all extensions should respect the scale, form, detail and materials of the original building.

The Sheffield Development Framework Core Strategy states in Policy CS74, that development should respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods including the townscape and landscape character of the city's districts, neighbourhoods and quarters, with their scale, layout and built form, building styles and materials.

Retail Dominance Issue

The Local Shopping Centre (LSC) currently includes 67% of its units in A1 usage. The proposed formation of an additional A1 use would further increase this 67% figure. As a result, the principle of the change of use would be supported by Policy S7 and S10 (a), as it wouldn't prejudice the dominance of A1 uses in the LSC.

Design / Street Scene Issues

The proposed drawing shows the provision of a bay window across the full width of the site's frontage. It would be 'squared-off' at each corner, have a flat roof and an off-centre entrance door. The bay would project outward from the main elevation by approximately 0.75metre.

The terrace in question incorporates a significant proportion of the properties which retain their original bay window feature. However it is noted that some other properties have removed their bay window, and installed a window flush within the elevation or added shallow projecting features instead. Two retail uses have installed full width bay / shop front additions, using brick and glazing instead of the currently proposed full glazing.

The proposed bay addition would pay insufficient regard to the previously existing appearance of the property. The original bay feature formed a fundamental element of the property's character and appearance, and the number of remaining bays elsewhere in the terrace mean that they continue to form a key part of the overall terrace's character and appearance.

The original bays cover approximately 2/3 of the width of each individual terraced property. The proposed full width bay would dominate the appearance of the property frontage, appearing incongruous particularly when viewed alongside the adjacent property's original bay. It would appear as a 'bolted-on' addition, which failed to appear as a subordinate element or one which respected the original appearance of the property, the neighbouring units which have retained their bays and the wider terrace.

The presence of two other full-width shop front additions within the terrace is not considered to justify a further example. Since the number of these other examples is relatively limited, they are not the prevailing character of the terrace to an extent which would reduce the impact of an extra bay to an acceptable degree.

Overall, the proposed bay addition would be considered to have a detrimental impact upon the appearance of the subject property and the wider terrace. It would therefore be considered to conflict with the provisions of UDP policies BE5 (c) and S10 (d), and CS74 of the Core Strategy. In conclusion, this element of the proposal is considered to be unacceptable.

Neighbour Amenity Issue

As discussed above the principle of an A1 use in this location is considered to be acceptable. However, Policy S10 also requires proposals for changes of use to have an acceptable impact upon the residents of any housing.

No136 is directly attached, whilst No132 is segregated at the ground floor level by the passageway through to the rear yards/gardens.

The proposed opening hours identified above would not be considered to be excessively early or late to a degree which would undermine the amenities of neighbouring occupiers. There would almost certainly be additional 'coming and goings' to the property over and above the levels when the property was a dwelling, however, the proposed hours when these would take place would not be considered to impact on periods of the day which were particularly sensitive in general terms. It should also be noted that Abbeydale Road is a busy, arterial route which receives a significant number of vehicular movements currently. The additional impacts arising from people movements would not be considered to be sufficiently significant to support an argument for refusal.

As identified above the proposed A1 unit would occupy the front half of the ground floor level. Appropriate conditions would be able to be formulated to require the agreement and installation of sound insulation measures on the party wall shared with No 136. Similar measures would not be necessary in regards to No132, given the intervening passageway.

The bay window would project forwards by approximately 0.75metres. This would not be considered to have a detrimental impact in overbearing or overshadowing terms. Guideline 5 of the SPG specifies that single storey extensions abutting a boundary should not exceed 3m in depth, which significantly exceeds the proposed 0.75metres projection.

Concerns have been expressed about the blocking of views. However, there is no formal protection of a view in planning terms, and the bay would be considered to avoid an overbearing impact and any detrimental harm in this regard.

The correspondent refers to the '45 degree rule', however, this is set out within the Designing House Extensions Supplementary Planning Guidance as applying to 2 storey extensions, so wouldn't be a relevant tool in assessment of the current application.

Overall, the proposal would be considered to have an acceptable impact upon the amenities of neighbouring occupiers and to meet the requirements of Policy S10 (b).

Highways Issue

The proposed change of use may lead to further vehicle movements in association with the property from customers and deliveries etc. However, the road frontage outside the unit is double yellow lined and therefore any additional vehicle movements would not occur directly at the site frontage. There would therefore be an inevitable dispersal of the location of a small number of vehicle movements to different locations in the surrounding vicinity, and therefore the impacts of these additional highway movements would not be considered to be detrimental to local highway safety.

Therefore, the proposal would be considered to meet the relevant requirements of Policy S10.

RESPONSE TO REPRESENTATIONS

A number of the points raised within the neighbour's representation have been addressed in the above assessment. In regards to the remaining points, the following comments can be made:

- The Applicants' comments to neighbours about their intentions, the suggestion that the application was only submitted because of the involvement of the Enforcement Team, the continuation of works after that point, the apparent lack of improvement in quality of workmanship, party wall issues, and the vacancy levels in neighbouring retail units are not material planning considerations and therefore no comment is made in relation to these items.
- The issue of neighbouring property value is also not a material planning consideration, however, some of the factors which contribute to property value are material considerations and these have been assessed in the above report.

ENFORCEMENT

The works prior to the submission of the planning application involved the removal of the bay window. The opening is currently boarded up, making a poor contribution to the amenity of the street scene. In order to remedy this situation it is considered that a bay window should be re-installed at the property frontage. The replacement bay window would need to match the previously existing bay window. This would ensure that the appearance of the property would be made to be acceptable.

An appropriate timescale for the replacement of the bay would be 3 months, and this would need to be set out within the requisite enforcement notice.

In order to secure this it will be necessary for Members to authorise the Director of Regeneration and Development Services or Head of Planning to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the restoration of the ground floor elevation to its former condition including the reinstatement of the bay window.

SUMMARY AND RECOMMENDATION

The application relates to a terraced property located with the Abbeydale Road Local Shopping Centre. The application seeks planning permission for the change of use of the property from a dwelling house to an A1 retail use. The works involve the removal of the previously existing bay, and the replacement with a full width glazed bay across the entire front elevation.

The proposed change of use to a shop would be acceptable in principle, and would avoid a detrimental impact upon the amenities of neighbouring occupiers. The proposed bay would be considered to have a harmful impact upon the appearance of the property and the surrounding street scene, and it is therefore considered that the application should be refused. The bay window would be considered to avoid having detrimental impacts upon the amenities of neighbouring occupiers.

The scheme would have an acceptable impact in regards to its impacts upon local highway safety circumstances.

Overall, it is considered that the application is unacceptable due to the detrimental impacts of the bay window. As a result the proposal would fail to comply with UDP policies S10 (d), and BE5 (c), as well as policy CS74 of the Core Strategy, and therefore the scheme is recommended for refusal.

It is also recommended that Members authorise the Director of Regeneration and Development Services or Head of Planning to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the restoration of the ground floor elevation to its former condition including the reinstatement of the bay window.

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

Case Number 14/04577/FUL (Formerly PP-03864272)

Application Type Full Planning Application

Proposal Erection of a dwellinghouse

Location Curtilage Of 12 Chatsworth Road, Sheffield, S17 3QH

Date Received 17/12/2014

Team South

Applicant/Agent Mr Chris Meek

Recommendation Grant Conditionally

Subject to:

Time limit for Commencement of Development

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.

Approved/Refused Plan(s)

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

The amended drawings dated 19 March 2015

Reason: In order to define the permission.

Pre-Commencement Condition(s)

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

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

4. A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

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

Pre-Occupancy and Other Stage of Development Condition(s)

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

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

Other Compliance Conditions

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (and any order revoking and re-enacting the order) no windows or other openings shall be formed in the side elevations of the dwelling hereby permitted.

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

7. 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.

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

Reason: To ensure that the local planning authority can confirm when the maintenance periods specified in associated conditions/condition have commenced.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

Site Location



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LOCATION AND PROPOSAL

The application relates to a parcel of land which fronts Vernon Road. The land currently forms part of the curtilage of 12 Chatsworth Road which is sited on a corner plot where Chatsworth Road meets Vernon Road. The existing property is a render, stone and tile built property which has a principal elevation that addresses both Chatsworth Road and Vernon Road. The host property is set within large front, side and rear gardens and a garage is set to the rear of the dwelling. A large drive gives access to the garage from Vernon Road. Beyond the garage and driveway there is a sizable garden space which is defined by various boundary treatments. A hedge and high fence face Vernon Road, whilst a mature hedge wraps around the corner of the host property onto Chatsworth Road.

The street comprises of properties which vary in size and architectural style. To the southeast, along Chatsworth Road, there are mostly large stone built properties which are set within long front and rear gardens; however, Vernon Road is characterised by mostly brick and render faced semi-detached properties.

The area comprises of house designs from different periods and various infill plots have been built which also vary quite significantly in size and design. For example, to the east of the subject property there is a small bungalow which is very different to the large extended two storey detached property which adjoins the northwest boundary of the subject site.

The parcel of land for which this application relates to is set within a Housing Area as defined in Sheffield's Unitary Development Plan. The area is wholly residential in character.

This application seeks planning permission to separate the curtilage of 12 Chatsworth Road and erect one dwellinghouse to the northwest of the original dwelling.

The proposal is a resubmission of an application that was submitted and approved in 2014. The proposal has been resubmitted as small changes have been made to the scheme. The changes are:

- The internal garage has been removed and further parking space has been provided to the front of the dwelling;
- The roof has been raised by approximately 0.75 metres to allow further accommodation in the roof space;
- The dwelling has a slightly bigger footprint which is approximately 0.90 metres further back into the site.

The changes are discussed in further detail in the subsequent report.

PLANNING HISTORY

The parcel of land has been the subject of various planning applications. The most relevant application is a 2013 application which granted consent to build a similar

sized detached property to that which is proposed in this application. The approval was referenced 13/03312/FUL.

Other relevant planning history includes the following:

- The erection of a double garage. Granted consent in 1975, referenced 75/03926/FUL;
- The erection of a dwelling and garage. Refused consent in 1976, referenced 76/00094/FUL and dismissed at appeal;
- The erection of a dwellinghouse. Refused consent in 1988, referenced 88/01272/OUT. The application was refused for the following reason: "The Local Planning Authority considers that the site is of insufficient size to satisfactorily accommodate a dwelling and the proposed development would be detrimental to the amenities of the neighbouring residential properties".

REPRESENTATIONS

The immediate neighbouring properties to the site were notified of the proposal and as a result of the public consultation process, 6 representations have been received. Two further representations have been received from the Dore Village Society and comments have been received from the three local ward councillors. The main planning concerns, which can be assessed in this planning application, can be summarised as:

- The property is set too close to the highway, too close to the neighbours and is too large for the plot, when compared with the neighbouring properties;
- The proposal is set significantly forward of the neighbouring properties and it would diminish the visual amenities of the area and be out of character with the street;
- This proposal would be an infill plot which is contrary to the National Planning Policy Framework;
- The proposal would be an overdevelopment of the site and would leave insufficient garden space for both existing and proposed dwellings. This is out of character with the area;
- The proposal would overlook the neighbouring properties and reduce natural light and be contrary to UDP policy H14;
- The proposal would potentially increase noise and general disturbance;
- The proposal does not have enough of street car parking for a house of this size;
- The junction between Chatsworth Road and Vernon Road is already congested with parked cars and an additional house and driveway near to the junction would add to the problem and impede access to existing properties;

Councillor Joe Otten objects on the following grounds:-

- loss of amenity to numbers 8, 10 and 12 Chatsworth Road and 4 Vernon Road,

- the residents' objections that were made to the permission granted in 2013 apply in greater force to this larger and more intrusive development proposal.

Councillor Colin Ross objects on the following grounds

- I objected to the previous development and my comments then are still relevant.
- this is an even more intrusive development. It represents overdevelopment of the site with little garden amenity left.
- It will also have a greater impact on neighbours than the application that has been granted in terms of their loss of privacy and light. Thus it is contrary to H14.
- I wish to support the comments made by fellow Councillors, neighbours and the Dore Village Society.

Councillor Martin Smith objects on the following grounds:-

- The increase in height and removal of the hipped roof design significantly increase the actual and perceived massing of the development viewed from the street scene. In my view the proposal also represents overdevelopment of the plot and is therefore contrary to NPPF guidance.

The above matters have been taken into account and are discussed in the subsequent report.

An appeal decision has recently upheld the Council's decision to refuse planning permission for alterations to a property on the other side of the road. The representations state that this application should be refused for similar reasons.

This application is significantly different to the appeal decision for the application at 3 Vernon Road as that appeal related to the erection of gable ends and front dormer windows on an existing building. The appeal looked at the extensions to the existing dwelling and the merits and circumstances of their site. It considered that the roof alterations would subsume the original building and introduce a bulky, oversized feature to the existing dwelling. This application seeks permission for a new dwelling, not extensions to an existing dwelling and accordingly, the proposed scale, built form and siting must be considered based on the applications own merits.

The representations raise concerns with the drainage of the site and potential problems that a new dwelling would create. This issue is not strictly a material planning concern given that building regulations ensure that any drainage provision associated with a development is adequate. However, if the proposal is considered to be satisfactory with regards to all other planning issues, a condition should be attached to any proposal to ensure that any hard landscaping is permeable and the amount of surface water run-off, which could be detrimental to the nearby watercourses, and lead to flooding, is limited and reduced.

The representations also state that the garden area, which is the subject of this application, was used as a garden up until 2011 and is now left in an unkempt condition. The site was visited through the course of the planning assessment and, although the grounds had garden cuttings present within them, the high fence to the front of the property camouflaged the grounds quite significantly and made the state of the grounds not too obvious to the casual observer. The site is fairly well screened and its current condition is not considered to be detrimental to the overall character of the area; certainly not to the extent that enforcement action, under section 215 of the Town and Country Planning Act, could be taken.

PLANNING ASSESSMENT

Policy Issues

The application site is situated within a Housing area as defined in the Unitary Development Plan. The most relevant local planning policies are therefore outlined in UDP policies H10, H14, BE5 and BE17. Furthermore, since the adoption of the Sheffield Local Plan Core Strategy policy document in 2009, policies CS24, CS26, CS31 and CS74 are also applicable.

Although the guidance outlined in the Local Planning Authority's Supplementary Planning Guidance: Designing House Extensions is specifically aimed at house extensions and not strictly relevant to a new dwelling, the guidance contains useful parameters for consideration of residential amenity issues.

The National Planning Policy Framework (NPPF) has now been adopted and is material in the assessment of this application. The NPPF is a material consideration and the local planning policies mentioned above are considered to conform to this document.

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 is increasing significantly the delivery of new homes, including 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.

The development is an infill housing site and the NPPF discourages inappropriate development of residential gardens. In paragraph 53, the NPPF states that Local Planning Authorities should consider setting out policies which resist inappropriate development of residential gardens where they harm the local area. Core Strategy policies CS26 and CS31 seek to protect and enhance the character of the area.

Policy CS24 of the Core Strategy states that no more than 12% of dwelling completions will be in greenfield sites between 2004/5 and 2025/26. The level of development of greenfield sites is some way below 12%, and the policy lists a number of circumstances where greenfield development is acceptable. This includes development on small sites within the existing urban areas and larger

villages, where it can be justified on sustainability grounds. This site is within the urban area, in a relatively sustainable location and would fit the criteria within this policy.

The NPPF promotes the use of previously developed land; however, it places a strong emphasis on sustainability. Although the curtilage of the dwelling is not previously developed land, the presumption in favour of sustainable development would prevail here and the principle of development is considered acceptable. 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.

As stipulated within UDP policy H10, 'Development in Housing Areas', housing is the preferred use of land within designated residential areas. Furthermore, the Core Strategy seeks to ensure that any proposal within the south west of the city is appropriate to the character of the area.

The property is set within a site which is part of a corner plot where Vernon Road meets Chatsworth Road. Whilst the dwellings along Vernon Road are fairly uniformed semi-detached properties which are set within modest sized gardens, many of the corner plots in the immediate surrounding area have been built up with dwellings which have most of their amenity space to the front and side. A significant number of dwellings surrounding the subject site are set within much smaller grounds than those on Vernon Road and Chatsworth Road.

The character of the immediate surrounding area is not characterised with any one dwelling style or size. Similarly, the way the properties are set within their respective sites also differs quite significantly. For example, numbers 1 and 3 Vernon Road, opposite the site are set at an angle to the road and are of two different styles when compared with the more uniformed semi-detached properties which are found further up the road. Furthermore, no. 10 Chatsworth Road is not set squarely in the middle of the site or two storeys in height, like the majority of the properties within close proximity.

Whilst the plot size of the proposed dwelling is smaller than most in the area, the development will result in an arrangement of properties that very closely mirrors those which exist around either side of the junction of Chatsworth Road and Bushey Wood Road, and would not therefore be out of character with the locality.

In 1988 an outline planning application was refused as it was considered that the site was insufficient in size for one dwelling and detrimental to the amenities of the area as a result. However, this application was an outline application which only had a site plan to be assessed. The site plan showed a dwelling foot print which was larger than this application and it was determined prior to all the current local and national planning policies. Little weight is therefore afforded to a decision that was made approximately 25 years ago.

In 2013 planning permission was granted for the erection of a single dwelling house which is of a similar size and style to this application. The approval has

three years to be implemented. This extant permission is a material planning consideration which is given significant weight in this assessment.

The Supplementary Planning Guidance: Designing House Extension gives some guidance as to what can constitute overdevelopment of a plot. Guideline 4 states that 50 square meters of amenity space should be provided and that 10 metres between the rear elevation and the rear boundary should normally be required. The site would provide well in excess of 50 square metres to both proposed and existing dwellings. The distance to the rear boundary, however, is only approximately 7.4 metres at its furthest point. The distance to the rear boundary, as stated within the SPG, relates to maintaining minimum privacy levels. This element is discussed in more detail below.

The Core Strategy states that any new development should use land efficiently and outlines potential housing densities. Core Strategy policy CS26 states that subject to the character of the area being protected, densities will vary according to the accessibility of location and whether the area is an urban area or not. The policy states that within urban areas housing densities should be between 30 and 50 dwellings per hectare. However, it states that densities outside these ranges will be allowed where they achieve good design and reflect the character of the area.

The surrounding area is currently defined by a housing density of approximately 20 dwellings per hectare. The density of the application site, based upon the size of the site and the number of proposed dwellings, would produce a density of 23.4 dwellings per hectare. Whilst the proposal is strictly lower than the density prescribed in policy CS26, the density is more akin to that of the surrounding area. The proposal has a higher density than the immediate surrounding area; however, this represents a more efficient use of the land as required by policy CS26. Accordingly, the location of the properties enables the proposal to reflect the character of the area whilst efficiently using housing land. The overarching aim of the Council's Core Strategy policy CS26 and those of the NPPF are therefore considered to have been met.

Owing to the above reasons, the principle of development on the site is considered to be acceptable. There is no single defining character for the area which this proposal would conflict with and the proposed density of the site is akin to that of the surrounding area. The character and principle of the proposal is therefore considered to accord with policies CS24, CS26, CS31 and UDP policy H10 and the NPPF.

Design Issues

Policies H14 and BE5 of the UDP, seek high quality designs that enable a proposal to fit in comfortably with their surroundings. Similarly, policy CS74 of the Core Strategy further reiterates the need for high quality designs.

This application seeks permission to erect a two storey detached dwellinghouse within a parcel of land sited between no.4 Vernon Road and 12 Chatsworth Road. The proposed property would sit slightly forward of the neighbouring property no. 4

Vernon Road, but no further forward than the closest point between the road and 12 Chatsworth Road.

This application is very similar to the application that was submitted in 2013 and differs in so far as the footprint is marginally bigger (property set back into the site by approximately 0.9 metres) and the garage has been removed to create additional living accommodation. The proposal has also raised the height of the roof slightly (approximately 0.75 metres) to provide additional living space. The gable ends which were initially proposed have now been removed and replaced with a hipped roof to better reflect the character of the street and the height of the roof is still slightly lower than the immediate neighbour. This reflects the topography of the street.

This application has removed the garage which was originally proposed and widened the area for parking in front of the dwelling. The removal of the garage is not considered to significantly alter the aesthetics of the garage and as the tall fence at the front of the dwelling is to be retained, the driveway to the front is not considered to be overly prominent within the street. Furthermore, there will still be some soft landscaping to the front of the dwelling and this would ensure that the proposal retains the residential character of the area.

The property would have a traditional hipped roof that is similar to other properties within the street and the palette of materials, including brick, render and tiles, would be reflective of the surrounding area. There are a variety of materials used on the buildings within the surrounding area and the proposal is considered to be similar to the character of the semi-detached properties further up the road. The properties further up the road are of a similar construction to the one proposed and have a brick lower half and a rendered first floor. Such materials are also found on the immediate neighbouring properties. With a wide variety of architectural styles in the area, the design is considered to be acceptable and not harmful to the visual amenities of the wider area or immediate street scene.

The surrounding area comprises of properties which are set within a variety of garden sizes. The amended proposal has been set in from the boundaries and is set back from the street. The proposal incorporates a driveway and garage but still retains a modest sized front garden. It is therefore considered that the setting of the proposal is typical of the surrounding area. Moreover, the front garden would incorporate areas of soft landscaping and such landscaping would reduce the visual impact of the proposal. Subject to any approval being granted, a landscaping condition should be attached to the consent to ensure that the character of the area is preserved.

The proposed siting, size, built form and details of the proposed dwellings are not considered to be detrimental to the character and appearance of the surrounding area. As such, the Council's policies, BE5, BE17, H14 and CS74 are considered to have been met.

Amenity Issues

UDP policy H14 seek to protect the amenities of the neighbouring properties and those of the proposed dwellings. The key issues relate to overshadowing and loss of light and protecting minimum levels of privacy.

The proposed dwelling is set within front and rear gardens and would have a ridgeline which would be lower down than neighbouring property no.4. The property is sited so that the building would not cut a 45 degree angle taken from the ground floor windows of the neighbouring property no.4 and in this respect, the proposal is not considered to significantly overbear/ overshadow this neighbouring property.

Similarly, given that there is a detached building on the shared boundary between the subject property and the neighbouring property no. 10 Chatsworth Road, it is not considered that the proposal would significantly reduce the amount of light to the rear facing windows of this property.

The proposed scale and massing of the dwelling is akin to other properties within the street and following negotiation, the design has incorporated a hipped roof which limits the overall massing of the building. The topography of the land means that the building would be set lower than the immediate neighbouring property no.4 whilst being similar in height to that of 12 Chatsworth Road. The overall design and siting of the proposed dwelling is not considered to significantly overbear upon the neighbouring properties or reduce natural light to an unacceptable level to warrant a refusal of planning permission on these grounds alone.

The windows in the proposed dwelling face out onto the public highway and the rear garden. Whilst a side window was originally proposed, this has been removed from the amended plans. The front facing windows look out onto the public domain and are over 21 metres away from the neighbouring property no. 1 Vernon Road. This separation distance is in accordance with SPG guideline 6 and, together with the fact that the views afforded to these front windows is of the public domain, it is considered that these windows would not adversely affect the privacy of the immediate neighbouring property.

The rear windows face out onto a rear garden of approximately 7 metres in length, which is strictly contrary to guideline 4 of the Supplementary Planning Guidance 'Designing House Extensions'. It is important however to consider the impact of this rather than to slavishly apply the guidance. In addition, in 2008 changes to the General Permitted Development Order were made which allowed properties to extend to the rear of the property at two storey level, provided that 7 metres is left between the rear of the extension and the rear boundary of the site. This change in national legislation is also therefore relevant.

The proposed rear facing windows at ground floor level will have an outlook onto a boundary fence and accordingly, these are not considered to be problematic. Furthermore, the proposal has limited the number of rear facing first floor windows and of the three windows proposed, two would be fitted with obscure glass as they serve bathrooms. The rear facing bedroom window has a direct outlook onto the

rear garden and the roof of the detached garage which is set within the curtilage of neighbouring property no. 10 Chatsworth Road. It is considered that owing to the distance to the rear boundary, together with the boundary fence and garage roof sited in the neighbouring property's garden, the first floor bedroom window would not be detrimental to the privacy levels of the immediate neighbouring properties. The arrangement of the windows, together with the circumstances of the site, is considered to be acceptable in this instance and satisfactory with regards to UDP policy H14.

The neighbouring property, no. 4 Vernon Road, has a first floor side window that is sited close to the shared boundary and which has an outlook onto the rear gardens of the subject property and no 10 Chatsworth Road. The window was the subject of a separate enforcement case in 2006 which was closed after obscure film had been fitted and an enforcement officer visited the site. The film has since been removed from the window and the window has clear glass fitted. The window overlooks neighbouring property no.10 Chatsworth Road and also compromises the privacy levels of the existing garden of no 12 Chatsworth Road, for which the proposed dwelling would be sited upon. The condition which was placed on the planning consent for the extension at 4 Vernon Road should be enforced in order to provide a sufficient level of privacy between all current neighbours, and the future occupants of the site. Regardless of the outcome of this application, such matter will be investigated further by Planning Enforcement officers. It would not therefore be reasonable, in the circumstances to resist planning permission for this development on the basis of an overlooking situation created by an existing breach of planning control that is capable of being, and intended to be rectified.

Highways Issues

The proposed dwelling has provided a driveway which can accommodate two vehicles with a turning space, and an additional space when the turning space is not in use. The dwelling is a four bed detached property and the proposed number of off street parking spaces is considered to be acceptable in terms of the Council's parking guidelines.

No records outline any serious accidents at the junction between Chatsworth Road and Vernon Road. The driveway is set approximately 25 metres from the junction and this is further away from the junction than the immediate neighbour. Given that the proposal does provide sufficient off street parking, it is not considered that the proposal would increase on street parking to a level that would severely impact upon highway safety. The proposal is not therefore considered to be contrary to UDP policies with regards to highway safety.

SUMMARY AND RECOMMENDATION

The proposed design is considered to be sympathetic to the surrounding built area and it is considered for the above reasons, that the site can comfortably accommodate a dwelling without being detrimental to the visual amenities of the area.

Furthermore, owing to the design of the proposed dwelling, together with its siting, it is not considered that the extension would have a significant impact upon the amenities of the neighbouring properties.

The proposal is considered to be acceptable in terms of its scale, built form, massing, materials and details. It is therefore considered that the proposal would be satisfactory with regards to policies H14, BE5, BE17, CS24, CS26, CS31, CS74 and the NPPF.

Accordingly, the application is recommended for approval.

Case Number	14/01141/FUL
Application Type	Full Planning Application
Proposal	Alterations to door and window openings and use of lower ground floor storage area as an apartment
Location	St Mary's Lofts, 252 Burgoyne Road, Sheffield, S6 3QF
Date Received	20/03/2014
Team	West and North
Applicant/Agent	Mr Timothy Steedman
Recommendation	Grant Conditionally

Subject to:

Time limit for Commencement of Development

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.

Approved/Refused Plan(s)

2. The development must be carried out in complete accordance with the following approved documents:
 - Drawing No. 13/11/03/002 (Site Plan - As Existing);
 - Drawing No. 13/11/03/003a (Lower Ground Floor plan - As Existing);
 - Drawing No. 13/11/03/006 (Side Elevation - As Existing);
 - Drawing No. 13/11/03/013a (Lower Ground Floor Plan);
 - Drawing No. 13/11/03/015a (Proposed Elevation);
 - Drawing No. 13/11/03/016 (Side elevation - As Proposed);
 - Drawing No. 13/11/03/017 (Plan showing relationship to adjoining school);
 - Drawing No. 13/11/03/018 (School elevation facing new apartment); and
 - Drawing No. 13/11/03/019 (Sections showing extent of vision from new apartment)

received on the 28 May 2014 from Tim Steedman Architecture

Reason: In order to define the permission.

Pre-Commencement Condition(s)

Pre-Occupancy and Other Stage of Development Condition(s)

Other Compliance Conditions

3. The proposed facing materials shall match the facing materials to the existing building.

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

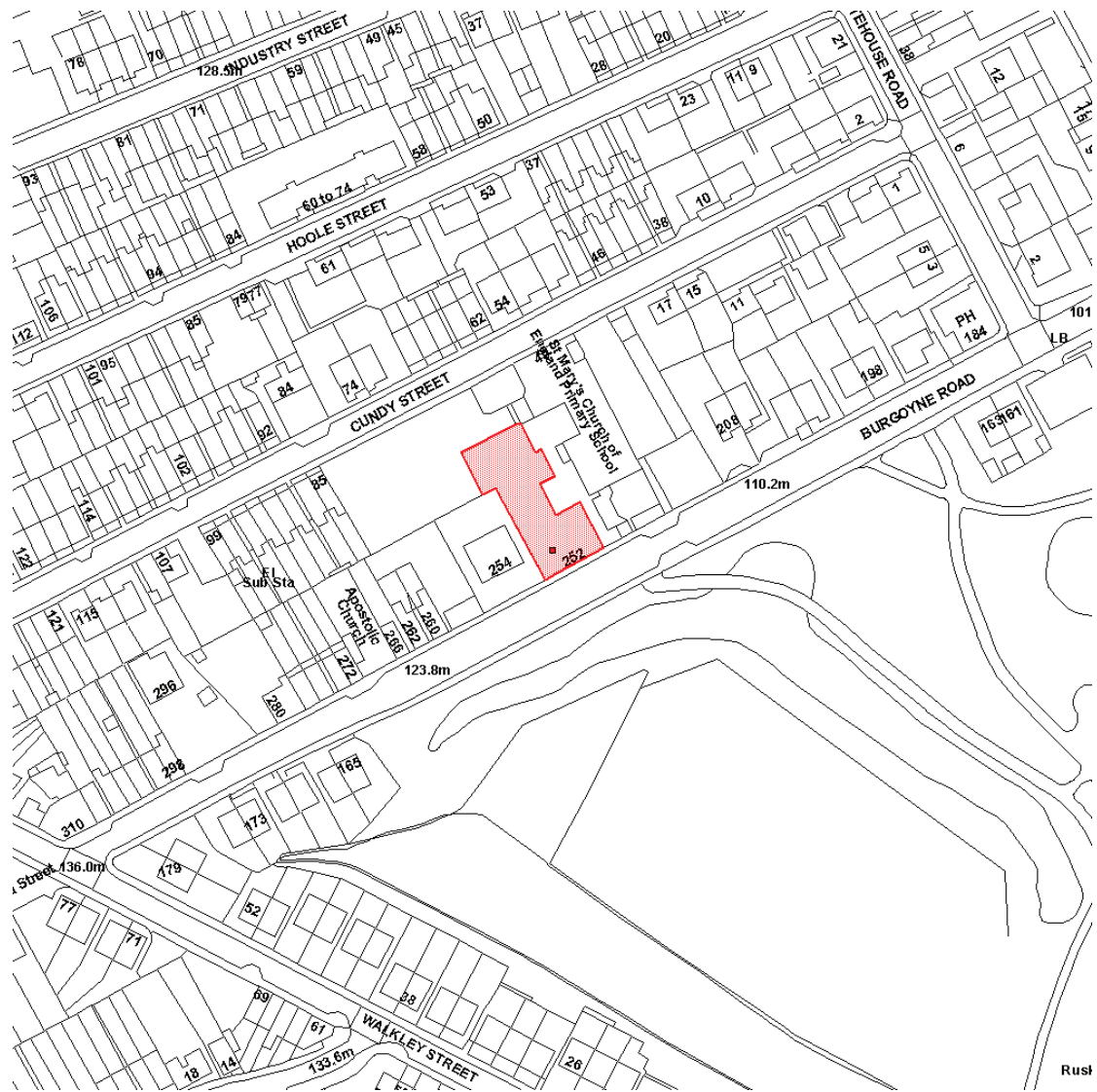
4. Prior to the beneficial occupation of the apartment, the three rear windows on the elevation of the lower ground floor facing St Mary's Primary School as shown on Drawing No. 13/11/03/015A shall be glazed (to a minimum height of 2250mm above finished floor level) with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of it shall at any time be glazed with clear glass without the prior approval of the Local Planning Authority.

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

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

Site Location



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BACKGROUND

The application relates to St Mary's Lofts in Walkley. St Mary's Lofts is a residential block of 11 apartments that was granted planning permission at appeal (Informal Hearing) in March 2007, under planning reference No. 06/00064/IH.

LOCATION AND PROPOSAL

St Mary's Lofts is situated along the northern side of Burgoyne Road and is identified in the UDP as being in a Housing Area. Prior to being converted into 11 apartments, the building originally formed part of St Mary's Junior and Infant School, and then latterly was used as a Youth Club.

St Mary's CE Academy Primary School and school playground adjoins the site to its east and north, with the school site extending back onto Cundy Street. To the west of the building is a two storey detached house (254 Burgoyne Road).

The building has three floors of accommodation with the 11 apartments provided at lower ground, upper ground and first floor levels. A large bin store, cycle store and two general stores are located within the building's lower ground floor.

The building is constructed in coursed natural stone and has a natural slate pitched roof. A feature of the building is its attractive large arched ground floor openings across its front and rear elevations. No on-street parking is provided on site with pedestrian access to the flats taken from a gated entrance at the western end of the building from Burgoyne Road. A high stone wall (approximately 2.5m) extends along from the eastern corner of the building and encloses the adjoining school site from Burgoyne Road.

The application seeks full planning permission to carry out alterations to the lower ground floor storage areas to form a 1-bedroomed flat. The apartments' existing cycle and bin stores would be retained.

RELEVANT PLANNING HISTORY

05/00551/FUL – Alterations to building for use as 11 apartments (As amended 12/07/05 and 09/01/06) – Refused 25/01/06

06/00064/IH – Alterations to building for use as 11 apartments - Allowed 08/03/07

96/00929/FUL – Use of part of building as office accommodation – Withdrawn 11/10/96

SUMMARY OF REPRESENTATIONS

A letter has been written in by the headteacher of St Mary's Primary School on behalf of the governors of St Mary's objecting to the application on the following grounds:-

- The application intends to remove the only fire door giving emergency access to the flats;
- The only way the proposed apartment would get natural light is if restrictions from the previous approval are lifted;

- Items specified on the previous application have not been adhered to and no check in place to ensure that they were correctly put in place;
- Queries the standard of workmanship from the original;
- There are a number of ongoing issues that the school continues to face with pigeons roosting in between the properties and pigeon droppings, blocked drains, the fire door from the properties leads onto school premises and has been left open on a number of occasions, the pungent smell of marijuana and a number of cigarette butts left lying on the ground, lack of maintenance to the building with dangerous structures ready to fall onto the playgrounds such as loose slates, cracked and broken chimney pot that will directly fall onto the school nursery play area and the walking surface of the area between the apartments and school, of which the applicant is partially responsible is pitted and breaking up.
- One apartment overlooks the nursery yard and has windows that open one from a bedroom and one from a bathroom, which creates a safeguarding issue.
- The school has had to pick up the cost of putting in a fire door and supporting lintel, creating steps down to street level which also meant building retaining walls. We have also had to re-site our foundation stage fence to allow for wheelchair access and have our foundation stage fence made even more secure to prevent residents accessing the school site.

The Diocesan Director of Education for the Diocese of Sheffield has written to object to the application. He comments that the existing apartments present a significant issue for the school and the expansion would create further issues. He affirms the school's view that these present a safeguarding risk to children at the school, particularly the youngest children whose space is at risk of access from the site.

Paul Blomfield MP has written in on behalf of St Mary's CE Academy regarding their objections to the application. He comments that the school have highlighted a number of concerns that currently arise from the existing site and envisage that any further development will only exacerbate the situation. He believes that the issues raised by the school are a genuine cause for concern.

PLANNING ASSESSMENT

Principle of Development – Land Use Planning

The application site lies within a Housing Area, where under Policy H10 of the UDP, housing is the preferred use. As such, subject to meeting the terms of Policy H14 (Conditions on Development in Housing Areas), the principle of changing the use of the store rooms into a 1-bedroomed apartment should be viewed to be acceptable. The applicant has confirmed that the storage areas and stairs are surplus to requirements and at time of officer's site visit was being used as an artist's studio.

Highway Issues

It is not considered that the proposed development and the provision of an additional apartment would lead to any significant pressure for on-street parking along the adjacent roads that would be prejudicial to highway safety. It is considered that any demand for on-street parking can be readily accommodated along Burgoyne Road, where demand for

parking is less than on surrounding roads owing to the comparative lack of frontage development along the road.

UDP Policy H14 (d), which seeks that new development be provided with safe access to the highway network and be provided with appropriate off-street parking is considered to be met

Design issues

The external alterations proposed to the building are limited to bricking-up the existing rear fire escape door and inserting a new obscured glazed window, and replacing the existing timber safety boarding along the lower section of the five rear arched windows with horizontal cedar cladding. All other works to the building are internal and do not require planning permission.

It is considered that the proposed alterations to the building represent an appropriate form of development and would not unduly harm its character or appearance. UDP Policy BE5 which seeks the good design and the use of good quality materials is considered to be met.

Amenity Issues

It is not considered that the development raises any residential amenity implications. The proposed apartment would not have any windows within its elevations overlooking residential properties, nor does it have any external amenity space that could lead to the detriment of neighbouring properties from noise disturbance and loss of privacy.

It is also considered that the future occupant(s) of the proposed apartment would be afforded with a good level of accommodation with the proposed internal space (kitchen, bedroom and living area) according with space standards set out in the South Yorkshire Residential Design Guide (SYRDG). Although the outlook would be restricted, this outlook is not too dissimilar and in many cases better than some of the other apartments within St Mary's Lofts.

Effect on the Adjoining School

The application has been amended on the advice of officers to overcome potential overlooking problems with the adjoining school. The scheme as amended now shows the existing rear windows (3 in total) would remain fixed and be obscured to a height of 2250mm. From internal inspection of the building, officers are satisfied that any obscuring the windows to this height should avoid any overlooking of the adjoining school including into the school building opposite. This is also illustrated on Section Drawing No. 13/11/03/019, which shows that by obscuring the windows to this height (2250mm) the line of sight from the proposed apartment onto the school site would be appropriately restricted. It is recommended that a condition requiring these windows to be obscured prior to the apartment being occupied and thereafter retained be attached.

Other Issues

A letter has been received from SCC Building Control confirming that the existing rear fire exit door that would be blocked up in connection with the development is not used as part of the escape strategy for the building. As such, despite the concerns raised by the complainant in terms of its use for emergency access, this is incorrect with the exit not required as a means of exiting the building in the event of a fire.

With exception to the fire escape and natural light issues (discussed above), the concerns raised by the headmistress of St Mary's Primary School relate solely to breaches of planning associated with the 2007 previous approval and general maintenance and repair issues of the building. In terms of these concerns, the applicant has confirmed in writing that the breaches of planning linked to the 2007 permission have now been resolved and that the windows that were conditioned to be obscured and/or non-opening having been carried out.

Officers have also been advised that on-site repairs of the building have been undertaken in terms of the issues raised by the complainant with repairing of the roof and stone chimneystack, as well as put in measures to improve on-site pest control. Members are however advised that the repair and on-going maintenance of the building is not a planning matter and cannot be controlled through planning. Following the works being carried out, no objection letters or correspondence from the school have been received.

SUMMARY AND RECOMMENDATION

Full planning permission is being sought to convert part of the lower ground floor storage areas of St Mary's Lofts in Walkley into a 1-bedroom apartment.

The applicant has confirmed that the existing storage areas are not required and surplus to requirements for the building. The proposed works to the building are very minor in nature and limited to bricking-up the existing rear fire escape door and inserting a new obscured glazed window and replacing the timber boarding with new horizontal cedar cladding.

The principle of converting the building's existing storage area into a 1-bedroomed apartment is acceptable and would accord with UDP Policy H10. The proposed accommodation being provided would be of acceptable standard and would be in general accordance with the guidance provided in the South Yorkshire Residential Design Guide.

The proposal is considered to represent an appropriate form of development and would not result in any problems of overlooking of the neighbouring school that would be harmful to the interests of the school. The concerns raised by the complainant largely relate to breaches of the 2007 permission. The blocking up of the rear door is acceptable and does not impact on the emergency exit strategy of the building.

For the reasons set out within the report, it is considered that the application is acceptable, would be in general accordance with UDP Policies H10, H14 and BE5 and is recommended for approval subject to the conditions listed.

Case Number	14/00632/FUL (Formerly PP-03212210)
Application Type	Full Planning Application
Proposal	Erection of 5 no. apartments in two-storey split level single block with associated landscaping and car parking (re-submission of 13/01730/FUL) - As per amended drawings received 11 December 2014
Location	Land At The Junction Of Middlewood Road And Middlewood Drive, Sheffield
Date Received	25/02/2014
Team	West and North
Applicant/Agent	LSO Architects Ltd
Recommendation	Grant Conditionally

Subject to:

Time limit for Commencement of Development

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.

Approved/Refused Plan(s)

2. The development must be carried out in complete accordance with the following approved documents:
 - Drawing No. A12-101 L(2-)004 (Existing Site Layout/Survey and Location Plan)received on the 24 February 2014 from LSO Architects; and
 - Drawing No. A12-101 L(2-)002 Revision A (Proposed Elevations)
 - Drawing No. A12-101 L(2-)003 Revision C (Proposed Site Layout - Hard Landscaping);
 - Drawing No. A12-101 L(2-)005 (Proposed Site Layout - Soft landscaping);
 - Planting Schedule; and

received on the 11 December 2014 from LSO Architects; and

- Drawing No. A12-101 L(2-)001 Revision B (Proposed Plans)

received on the 4 June 2015 from LSO Architects

Reason: In order to define the permission.

Pre-Commencement Condition(s)

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

Reason: In the interests of protecting the free and safe flow of traffic on the public highway it is essential that this condition is complied with before any works on site commence.

4. Details of all proposed external materials and finishes, including samples when requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

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

5. Before the commencement of development the details, specifications and finish of the new windows, including elevations and sections, shall be approved in writing by the Local Planning Authority. Drawings shall be of a minimum of 1:50 scale and shall include details of proposed section sizes at a minimum of 1:1 scale. (Details shall include: reveal depths). Thereafter the development shall be carried out in accordance with the approved details.

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

6. A comprehensive and detailed hard and soft landscape scheme for the site, which shall include the planting of a minimum of two semi-mature Scott Pines (*Pinus sylvestris*) and six extra heavy standard trees shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority. 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 five year period shall be replaced unless otherwise approved by the Local Planning Authority.

Reason: In the interests of visual amenities of the surrounding area.

7. No development shall commence until full details of measures to protect the existing trees to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs.

Protection of trees shall be in accordance with BS 5837, 2005 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development unless otherwise approved.

Reason: In the interests of protecting the identified trees on site. It is essential that this condition is complied with before any other works on site commence given that damage to trees is irreversible.

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

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

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

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

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

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

agreed measures have been installed. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

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

Pre-Occupancy and Other Stage of Development Condition(s)

11. The apartments shall not be occupied unless agreements have been entered into securing a traffic management scheme in the area, in the event that parking attributed to the development results in highway safety concerns. This should include details of the means of ensuring parking occurs only in allocated places and does not result in blockages to the access point or turning areas within the site. The means of controlling this should include a unilateral obligation which makes provision for the promotion of a Traffic Regulation Order if required. Once the parking has been provided and the traffic management measures agreed (and if necessary put in place at the discretion of the Local Planning Authority), then these arrangements shall be retained/maintained for the lifetime of the development.

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

12. 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.

13. Before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient cycle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the shall not be used unless such cycle parking has been provided in accordance with the approved plans and, thereafter, such cycle parking accommodation shall be retained.

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

Other Compliance Conditions

14. Before the development becomes occupied, the car parking accommodation, vehicle manoeuvring areas and shared surfaces shall have been provided in accordance with the approved plan, surfaced, drained and formally marked out to the satisfaction of the Local Planning Authority, and thereafter retained/maintained for the sole purpose intended.

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

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

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

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. There shall be no mechanical excavation within the Root Protection Areas of T5, T6, T7 and T9. All excavation works within this area must be undertaken by hand when working within the root protection zone, any exposed roots cleanly cut with appropriate tools and all excavation carried out in accordance with an Excavation Methodology that shall first be submitted to and approved in writing by the Local Planning Authority. Mycorrhizal fungi shall be applied to the rooting zone of the trees post development.

Reason: In the interests of protecting on-site trees from damage during construction

Attention is Drawn to the Following Directives:

1. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.
2. 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.

- The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

Site Location



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LOCATION AND PROPOSAL

The application relates to a greenfield site of approximately 695 square metres that is situated on the corner of Middlewood Road and Middlewood Drive in Hillsborough. The application site is designated an Open Space area in the UDP and lies within Middlewood Conservation Area. The site also lies within a Development High Risk Area for former coal mining activities.

To the south of the site, also owned by the applicant is a children's nursery (Elmore Kindergarten) and to the north, situated across Middlewood Drive are two pairs of 1990s semi-detached houses that were built in the early 2000s in connection with the redevelopment of the Middlewood Hospital site. Across Middlewood Road to the north of the site is Winn Gardens.

The site is accessed from Middlewood Drive from an existing vehicular driveway that serves the adjoining children's nursery. There are several trees across the site, which include four pines, two sycamores and two hollies. The site slopes down across its length with an approximate difference in ground levels of 1.5m from Middlewood drive to the nursery building. The site is enclosed along its front and side boundaries to the adjoining highways by a combination of metal railings and low stone walling with stone piers.

The applicant is seeking full planning permission to erect a two storey split-levelled building to provide five apartments (3 one-bedroomed and 2 two-bedroomed) with associated landscaping and car parking for five vehicles. The application site includes part of the informal play area of the adjoining nursery to provide external space for the flats.

RELEVANT PLANNING HISTORY

12/01746/PREAPP – Pre-application advice for the erection of a three storey building to provide 8/9 apartments

13/01730/FUL – Erection of 8 apartments with associated landscaping and car parking – Withdrawn 25/10/13

SUMMARY OF REPRESENTATIONS

Fourteen objection letters have been received in response to neighbour notification. A summary of all the comments raised are listed below:-

- Overlooking of properties at Middlewood Chase and Children's Nursery
- This part of the site has already been overdeveloped;
- The junction with Middlewood Road in general is already overburdened with heavy traffic at peak times;
- Inadequate parking provision with only four spaces provided to serve the five flats; This will lead to problems of on-street parking to the detriment of residents of Wadsley Park Village;
- Loss of trees;
- The site is designated open space and is therefore not suitable for housing;
- Inadequate neighbour notification;
- Design Issues, scale and massing;

- The development is too small to accommodate the development and parking;
- The development would be dismissed out-of-hand if the applicant was not the owner of the adjoining nursery;
- The development is out of character is the surrounding area;
- The development would only serve the benefit of the developer, leaving a permanent scar on what is otherwise a beautiful area of Sheffield;
- Overlooking of the adjoining nursery;
- The percentage of green/undeveloped land belonging to Wadsley Park Village has already been reached at the time of the original development;
- Disruption during construction phase

Written representation has also been received from Bradfield Parish Council. They recommend that the application should be refused as the development would conflict with UDP Policies GE7 (Development and Heritage Assets), GE5 (Development and Area Character), G10 (Design Quality).

- The site is not allocated for housing use;
- The development will overlook a children's' nursery;
- The site lies within a Conservation Area;
- The site contains a number of mature trees, which acts as an attractive green buffer between the residential area and Middlewood road
- The development would have significant impact on traffic flow in the surrounding area;
- There will be problems around access and egress to the building due to the nature of the junction/entrance at Wadsley Park Village.
- Loss of Mature trees and wildlife habitat;
- The appearance of the building is out of keeping with the surrounding area;
- Historically, there have been problems with the drainage systems on the estate.

PLANNING ASSESSMENT

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

- (i) The Principle of Development – Policy and Land Use
- (ii) Design Issues and its effect on the character and appearance of the Conservation Area.
- (iv) Access issues
- (v) Residential Amenity Issues
- (vi) Landscaping Issues;
- (viii) Former coal mining activities; and
- (ix) Sustainability Issues
- (x) Other Issues

These are considered in turn below.

(i) The Principle of Development – Policy and Land Use

As the proposal involves the development of part of an Open Space Area, any application to erect housing on this site would need to be assessed against UDP Policy LR5 and Core Strategy Policy CS47.

UDP Policy LR5 relates to development in Open Space Areas. The policy aims to protect the valuable contribution that open spaces provide in the urban area. Amongst other things, open spaces can make an important contribution of the setting of historic buildings as well as being essential to the character of an area. Under this policy, it sets out a number of criteria when development of an open space should not be permitted. These include the following:-

- It would cause damage to mature or ancient woodland or result in a significant loss of mature trees;
- It would significantly detract from the green and open character of the Green Network;
- Resists the removal of land that makes it ineffective as an environment buffer;
- It would harm open space which forms the setting for a Listed Building or other historic building, or is needed to maintain an important view or vista;
- It would result in the loss of open space which is of such quality that it is of City-wide importance;
- It would result in over-development or harm the character of an area;
- The proposed use would be incompatible with surrounding land uses.

In terms of Policy LR5, officers are satisfied that the development of the site would not conflict with the criteria set out above. Although the development would involve the removal of some trees, which is discussed more below, it is not considered that the development of this site involves the loss of open space that would detract from the open character of the area or harm the setting of a listed or historic building. The site is not considered to be of city-wide importance, nor would the development remove an important view or vista. The scale of the development is considered to be appropriate with the built form representing approximately 25% of the application site area. The proposed use for apartments would also be compatible with the surrounding housing area, where housing including flats/apartments is the preferred use.

Core Strategy Policy CS47 relates to the safeguarding of open space. Members are advised that Sheffield completed a citywide audit of open space in January 2009. This audit showed that the site was informal open space forming part of the former Middlewood Hospital site, although given its location to the east of the access road and its clear separation from the landscape buffer to the west of the access road carries more of the appearance of being within the curtilage of the adjacent Kindergarten than not. As such, in officers' opinion, its purpose is considered largely to provide more of a landscaped setting rather than any recreational need.

An assessment of local provision showed that there is adequate open space (ie not a quantitative shortage of either informal or open space) in the local area to meet a variety of recreational needs. It is also considered that the open space offers limited intrinsic quality and its loss would not result in local people being denied access to an area of open space of significant value that should warrant its safeguarding from small-scale housing development. In this sense, the site is considered surplus to requirements and its development acceptable under the terms of Policy CS47. In addition, the site is considered too small to be able to fulfil other unsatisfied open space needs (CS47 (f ii)).

Core Strategy Policy CS26 relates to the efficient use of housing land and accessibility. Under this policy, it states that housing development will be required to make efficient use of land but the density of new housing should be in keeping with the character of the area and support the development of sustainable, balanced communities. The application site is situated within an area where the density range should be in the order of 40 to 60 dwellings per hectare according to this policy. In respect of this application, the density of the development based on 5 apartments would be 71 per hectare. Although the proposed development is outside the policy's density range, this can be justified given that the development is for flats, where a higher density is expected.

(ii) Highway Issues

The proposed building would be accessed from the existing tarmac driveway that serves the adjoining nursery with parking provided for four vehicles, one of these being a disabled space.

Highways have commented that the level of parking provision is acceptable and would not result in any significant pressure for on-street parking that would be prejudicial to highway safety. Each of the apartments would be allocated with a parking space with one of these spaces, nearest to the ground floor flat (Flat 1) suitable for disabled use.

It should also be noted that guidance contained in NPPF promotes sites close to sustainable modes of travel and advises local authorities to account for the accessibility of the development and the availability of and opportunities for public transport when setting local parking standards (Paragraph 39). Members are advised that the site is close to the Supertram Middlewood Park and Ride terminus, on a main bus route and lies within 400m of local shops at Hillsborough District Centre.

From a highway perspective, the development is considered to be acceptable. Given the scale of the development, it is unlikely that the development would result in any congestion at the junction with Middlewood Road during and post construction.

(iii) Design Issues and the effect of the development on the character and appearance of the Conservation Area

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

Policy BE16 relates to development in Conservation Areas. This policy states that in Conservation Areas, permission will only be given for proposals which contain sufficient information to enable their impact on the Area to be judged acceptable and amongst other things that development which preserves or enhances the character or appearance of the Conservation Area.

Core Strategy Policy CS74 sets out the design principles that would be expected in all new developments. It details that high quality development respect and take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods. At Part

(c) it includes the townscape character of neighbourhoods with their associated scale, layout and built form, building styles and materials.

The application was submitted with the benefit of pre-application discussions with officers. The proposed scheme has also undergone significant changes from the application first submitted to develop the site in October 2013 and during the course of the application to address officers' concerns in terms of the building's scale and massing, its siting and materials.

The amended scheme shows that the building would be foremost rectangular in appearance with its longest side running parallel to Middlewood Drive. It would measure approximately 16m by 9m (external footprint) and comprise a flat roofed that would extend to a maximum height of 6.3m. It would be split levelled and designed in a contemporary style; incorporating a timber clad column that would project forward of the building's principal elevation to Middlewood Drive, large glazed openings, glazed Juliette balconies and narrow vertical windows. The building would be faced in red brick punctuated only by vertical timber panels between the large glazed window openings and column. Windows and doors would be powder coated aluminium.

The supporting Design and Access Statement details that the building is sited close to the current access road in order to maintain a larger proportion of the site as open for amenity space. The elevation to Middlewood Drive is set back by some 4m to provide a landscape buffer and 'breathing space' to this road as well as being orientated at a slight angle to better reflect the line of the nursery buildings and adjacent listed building.

Following the amendments received, it is considered that the proposal represents an appropriate form of development. The resultant scheme is considered to be acceptable in design terms as a more logical and coherent approach to this corner site. The simplified design approach for the site is welcomed as is the reduced scale and massing of the built form, the result being a building that in officers' opinion would sit comfortably within the context of the site without appearing at odds with the high landscape setting and character of the area. Subject to the imposition of conditions that should include a sample panel to be constructed on site and submission of materials, it is considered that the development is acceptable from a design perspective and would be in general accordance with UDP Policies BE5 BE16, and H14 and Core Strategy policy CS74.

(iv) Access issues

UDP Policy H7 relates to mobility housing and states that in all new or refurbished housing the provision of a proportion of mobility housing to meet local needs will be encouraged.

One of the ground floor apartments would be accessible for wheelchair use and designed to full mobility standards. The supporting Design and Access Statement details that the entrance thresholds will be flush with the external surface, with the flat designed to enable easy access for all users with a wide internal hall to the corridor (1200mm), turning circles of 1500mm within the communal corridor space, and entrance doors to be 900mm opening with an unobstructed minimum 300mm leading edge to the inside wall. The site plans also show that a disabled parking bay would be provided to the immediate side of the mobility flat.

(v) Residential Amenity Issues

It is not considered that the proposed development would impact on the residential amenity of neighbouring properties. The nearest residential properties are situated across Middlewood Drive to the north, these properties are situated in excess of 25m from the nearest part of the proposed building. This separation distance should mean that these properties should not be subject to any significant loss of privacy or that the building would appear overbearing when viewed from their properties.

(vi) Landscaping Issues

To accommodate the apartment block, the proposal involves the removal of five trees. One of these trees are scots pines (*Pinus sylvestris*), one sycamore and two are hollies. All the trees scheduled to be removed have been classified by the applicant's environmental consultants (ECUS) as Category C (low quality).

As discussed above, the applicant agreed to reduce the footprint of the building, as a result, a 3-4m buffer strip would be provided between the side of the building and Middlewood Drive to allow for new tree planting and secure the retention of three Scots Pines located close to the site's southern boundary. The Council's Landscaping Officer has suggested that the loss of the mature pine (T3) should be compensated with the planting of a minimum of two replacement semi-mature Scott Pines. It is also considered that the loss of the other trees on site should be replaced on a 1 to 1 basis. The planting of these trees can be secured through planning condition.

Although it is acknowledged that the site's trees contribute to the visual amenity of the surrounding area, the trees scheduled for removal, (only 4 in total) are not individually high quality specimens. Their removal to accommodate the proposed apartment block can therefore be justified. Officers remain satisfied that once these replacement trees have established together with the site's existing trees that include a large sycamore and three Scot Pines, the site can continue to offer an attractive landscape setting to both Middlewood Drive and Middlewood Road.

(viii) Sustainability Issues

Core Strategy Policy CS65 relates to renewable energy and carbon reduction. This policy details that all significant developments (5 dwellings or more) will be required, unless this can be shown not to be feasible and viable to provide a minimum of 10% of their predicted energy needs from renewable or low carbon energy.

No details have been provided with regard to this policy within the Design and Access Statement. It is recommended therefore that a condition be attached that requires this policy requirement to be met.

(ix) Former coal mining activities

The applicant commissioned Rogers Geotechnical Services Ltd to carry out a Coal Mining Risk Assessment owing to the site falling within a Development High Risk Area for former coal mining activities. The accompanying report details that there are potential risks of instability at the site from working of shallow coal at the site and recommends that further

investigation be carried out that should include drilling three boreholes to a level of 30m below ground level to determine the presence of such workings before any development of the site takes place. In addition, the report has revealed the possibility of a fault running below the site with the rockhead below the site may include an area of weaker rock, often present as soil. In view of this, the report recommends that any investigation at the site to include an assessment to the nature of fault in order that foundations can be designed accordingly.

The Coal Authority is satisfied with the quality of the report and its findings. They comment that based on the review of existing sources of geological and mining information, (Section 4 of the Coal Mining Risk Assessment Report) that in light of the potential risks of instability at the site from the working of shallow coal, it cannot be recommended that development takes place without further site investigation to conclusively determine the presence of such workings. On this point therefore, the Coal Authority recommends that a condition be attached to any grant of planning that requires intrusive site investigation works to be undertaken prior to commencement of work on site in order to establish the exact situation regarding ground conditions and to enable appropriate remedial measures to be identified, if necessary.

(x) Other Issues

In terms of the concerns raised in terms of overlooking of the children's nursery play area, by reducing the footprint and layout of the building, the potential for overlooking of the adjacent nursery has been significantly reduced with views from the first floor flat's two bedroom windows now facing onto the site's own front garden curtilage and the car parking area. While views onto this area would be taken, these views would be more at an oblique angle only and not such that would result in any significant problems of overlooking that would compromise the safety and security interests of the nursery.

SUMMARY AND RECOMMENDATION

The applicant is seeking full planning permission to erect a two storey split-levelled building to provide five 1-bedroomed apartments (with associated landscaping and car parking for four vehicles).

Although the site is designated as open space in the UDP, it is considered that the development of this site for housing can be justified for the reasons set out in the report. The applicant agreed to amend the scheme with a reduction in the building's scale and massing, a product of which has meant the building sits more comfortably within the context of the site and would ensure building responds positively to the surrounding area, the retention of most of the site's trees and offers opportunity for further tree planting.

The building is considered to be of high design quality with due care given to the topography of the site, site constraints and relationship to neighbouring properties. No objection is raised in terms of the scale or massing of the building with officers satisfied that the building, as amended would sit comfortably within the context of the site without significantly harming the landscape quality of the area or the setting of the neighbouring listed building. The

It is considered that the proposal would not impact on highway safety or result in the residential amenity of neighbouring properties being unduly harmed. Although the development involves the loss of trees, officers remain satisfied that the loss of these trees (4 in total) can be suitably compensated by further tree planting, including the planting of two semi-mature Scot's Pines.

For the reasons given in the report and having regard to all other matters raised, it is considered that the development accords with UDP Policies LR5, BE5 and BE16 and Core Strategy CS24, CS47, CS65 and CS74 and is recommended for approval subject to the conditions listed.

Case Number	13/01674/OUT (Formerly PP-02648174)
Application Type	Outline Planning Application
Proposal	Outline application for residential development with all matters reserved except access (amended plans showing alterations to proposed link road received 21 August 2013)
Location	Land South Of Arnold Lavers Oxclose Park Road North, Rear Of 1-47 Ox Close Gardens, Rear Of 63-81 Deepwell Avenue And Adjoining 5-7 Ox Hill, Sheffield, S20 8GN
Date Received	20/05/2013
Team	City Centre and East
Applicant/Agent	I D Planning
Recommendation	GRA GC subject to Legal Agreement

Subject to:

Time Limit for Commencement of Development

1. The development shall not be commenced unless and until full particulars and plans thereof shall have been submitted to the Local Planning Authority and planning approval in respect thereof including details of (a) Appearance, (b) Landscaping, (c) Layout and (d) Scale (matters reserved by this permission) shall have been obtained from the Local Planning Authority.

Reason: Until full particulars and plans of the development (including details of the matters hereby reserved) are submitted to and approved by the Local Planning Authority they cannot agree to the development proceeding.

2. Application for approval in respect of any matter reserved by this permission must be made 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.

3. The development shall be begun not later than whichever is the later of the following dates:- the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

Approved/Refused Plan(s)

4. The access points established by this planning approval are those linking the application site with Deepwell Avenue to the south and with the Oxclose Park Roundabout to the north, as shown on the plan (Ref: 005/GM/B) received via email dated 21 August 2013 (scanned date 20 November 2013).

Reason: In order to define the permission.

Pre-Commencement Condition(s)

5. 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 and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

6. 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 and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

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

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

8. 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 buildings are brought into use, or within an alternative timeframe that shall thereafter be adhered to.

Highway Improvements:

1. Construct roads to provide a new link between Oxclose Park Road roundabout and Deepwell Avenue.
2. Renew/refresh lining, signing and bollards to Oxclose Park Road, including Oxclose Park Road Roundabout.
3. Provision/completion of a dedicated pedestrian/cycle route from Rotherham Road to the development together with all necessary signing, road markings, consultation and statutory obligations.
4. Provision of a dedicated cycle route within the application site linking Oxclose Park Road Roundabout with Deepwell Avenue, including all necessary signing, road markings, consultation and statutory obligations.
5. Improvement works to Oxclose Park Roundabout.

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 and in the interests of protecting the free and safe flow of traffic on the public highway it is essential that this condition is complied with before any works on site commence.

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

Reason: In the interests of protecting the free and safe flow of traffic on the public highway it is essential that this condition is complied with before any works on site commence.

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 protecting the free and safe flow of traffic on the public highway it is essential that this condition is complied with before any works on site commence.

11. Before the development is commenced a site compound shall be provided within the application site for the offloading and storage of all plant and materials and for the parking and turning of operative's vehicles. Before this facility is provided full details shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protecting the free and safe flow of traffic on the public highway it is essential that this condition is complied with before any works on site commence.

12. No development shall take place until such time as a scheme detailing surface water drainage arrangements has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall limit runoff rates for the site to the 1 in 1 year Greenfield rate of 5 litres/second/hectare, and be designed to store the calculated flows for a 1 in 100 year return period, with an allowance of 30% for climate change, without causing flooding to property or adjacent land.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainable development and given that drainage works are one of the first elements of site infrastructure that must be installed in order to ensure that the proposed drainage system will be fit for purpose.

13. No development shall take place until details of the proposed means of disposal of foul water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority.

Reason: In the interests of sustainable development and given that drainage works are one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences in order to ensure that the proposed drainage system will be fit for purpose.

14. No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for

archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post investigation works.

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

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated. It is essential that this condition is complied with before any other works on site commence given that damage to archaeological remains is irreversible.

15. Prior to commencement a site management strategy to control the dust and emissions from construction shall have been submitted to and approved in writing by the Local Planning Authority. The construction phase shall be carried out in accordance with the approved strategy thereafter.

The construction phase shall be carried out in accordance with these agreed details thereafter.

Reason: In the interests of the amenities of occupiers of adjoining property it is essential that this condition is complied with before the development commences.

16. No development shall commence until a scheme for the delivery of affordable housing equivalent to no less than 10% of the Gross Internal Area to be provided as part of the development, or an alternative percentage figure agreed with the Local Planning Authority following an independent viability assessment, has been submitted to and approved in writing by the Local Planning Authority for approval. The affordable housing shall be provided for sale to a Registered Provider at a transfer price stipulated by the Council as part of the approved scheme.

The scheme shall include details of:

- a) The number, type, tenure and location of the affordable housing.
- b) The timing for the construction of the affordable housing and its phasing in relation to the occupancy of the market housing.
- c) The arrangements to ensure that such provision is affordable for both first and future occupiers of the affordable housing or if not possible for the subsidy to be recycled for alternative affordable housing provision.
- d) Proposals for the provision of a financial contribution, to be calculated in accordance with the current policy at that time, which shall be used for the delivery of off-site affordable housing should the Local Planning Authority consider that it is more suitable to provide some or all of the affordable housing off-site.

The affordable housing shall be provided in accordance with the approved scheme.

Reason: To ensure a suitable choice of housing stock is available and in order to comply with the requirements set out in Policy CS40 of the Sheffield Development Framework Core Strategy and Sheffield's Affordable Housing Interim Planning Guidance, it is essential that this condition is complied with before the development commences

Pre-Occupancy and other Stage of Development Condition(s)

- 17. Before development commences full details of how the development will provide a minimum of 10% of its predicted energy needs from decentralised and/or renewable or low carbon energy sources shall have been submitted to and approved in writing by the Local Planning Authority.

The agreed details shall have been implemented in full working order before the development is occupied, unless an alternative timeframe is agreed in writing by the Local Planning Authority, if it is the latter then the revised timeframe shall be adhered to.

Thereafter the agreed equipment, connection and/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.

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

- a) 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).
- Bedrooms: LAmax 45dB (2300 to 0700 hours).

b) As appropriate, include a system of alternative acoustically treated ventilation to 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. Once installed the approved mitigation works shall remain in place and in full working order thereafter.

Reason: In order to protect the interests of the adjoining business and the living conditions of future residents.

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

20. 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.

21. 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 shall not be brought into 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 Sheffield City Council 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.

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

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

23. 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.

24. Unless otherwise approved in writing by the local planning authority, no construction of buildings or other structures shall take place until measures to divert or otherwise formally close the sewers that are laid within the site have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage.

25. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority before development commences.

Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

26. Unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul water discharges take place until proper provision has been made for its disposal.

27. Any future reserved matters application shall be accompanied by an updated Ecological Assessment, which must include a detailed ecological protection plan and mitigation strategy for the application site and adjacent affected areas. These adjacent areas are those identified within the original Ecological Assessment prepared by Aspect Ecology and scanned on 29 May 2015. The recommendations of this strategy shall thereafter be implemented in accordance with the timeframes set out within the document.

Reason: In order to protect and enhance existing ecology and mitigate against the effect of the development.

Other Compliance Conditions

28. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

Attention is Drawn to the Following Directives:

1. The applicant is advised that the final noise mitigation proposals designed to achieve the noise standards set out in the above conditions shall be in substantial accordance with the mitigation proposals set out in the following:

Planning Noise Assessment prepared by Cole Jarman (Ref: 14/0257/RO1-6) report dated 30 March 2015 (scanned 10 April 2015).

Addendum to Noise Report prepared by Cole Jarman (Ref: 14/0257/M03-1) received via email dated 20 May 2015 (scanned date 26 May 2015).

Revised Noise Mitigation Property Location Plan prepared by Cole Jarman (Revision 5) received via email dated 02 June 2015 (scanned on 03 June 2015).

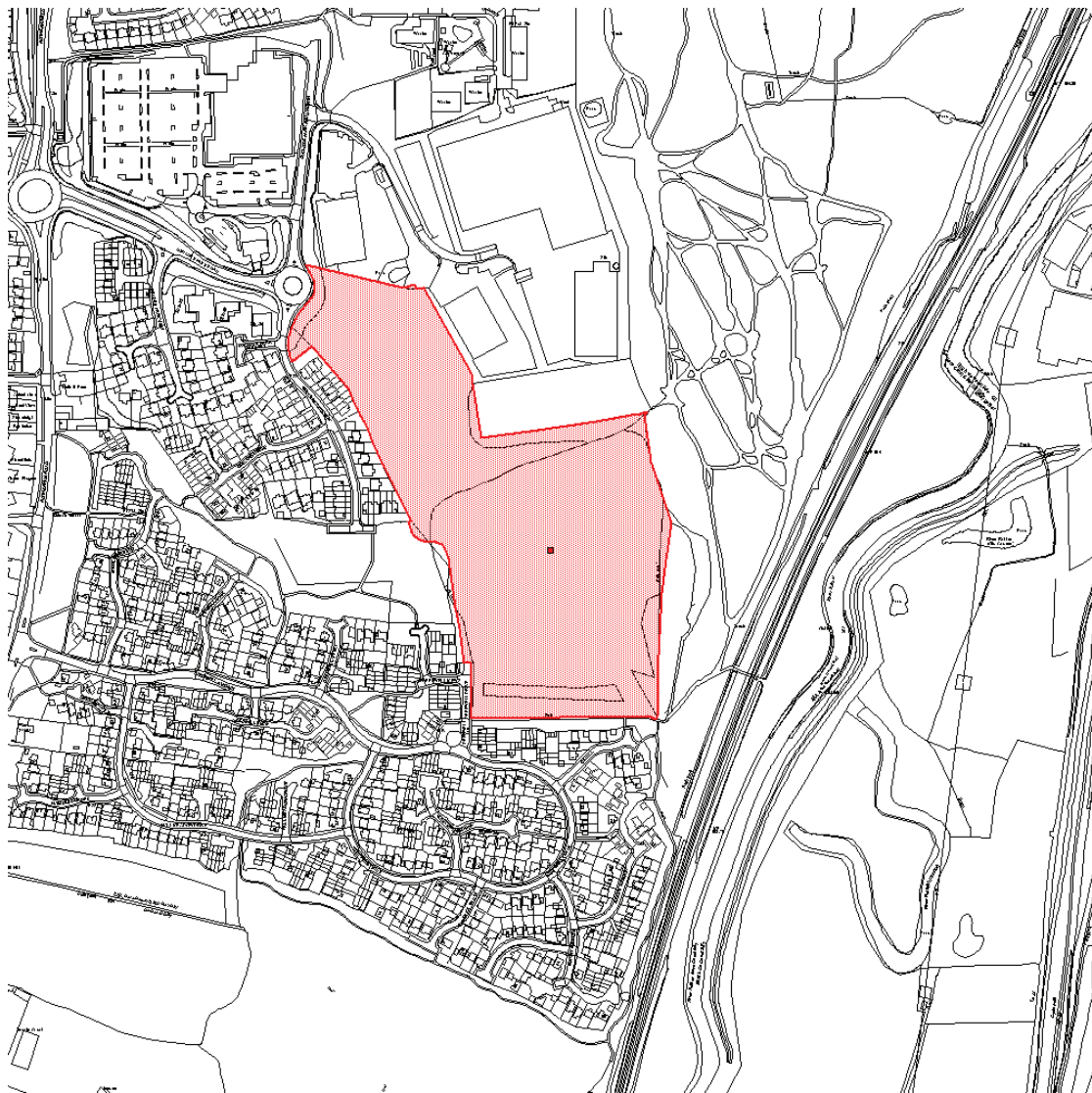
2. The applicant is advised that the final layout should be in substantial accordance with the plan (Ref: 005/GM/B) received via email dated 21 August 2013 (scanned date 20 November 2013). Particular regard should be given to:
 - a) The central green link, which should provide a suitable pedestrian walkway to link the existing Heathlands Open Space with the woodland to the east.
 - b) The highway layout that only provides an indirect route for motor vehicles between Deepwell Avenue and the Oxclose Park Road roundabout to the north.
3. The applicant is advised that future reserved matter applications would be expected to demonstrate that a minimum of 25% of the residential units meet Mobility Housing Standards (as set out in the Supplementary Planning Guidance 'Mobility Housing').
4. The applicant is advised that future reserved matter applications would be expected to demonstrate that a net (80% of the application site) housing density of between 31-50 dwellings per hectare would be achieved on the site.
5. As the proposed development will involve the closing/diversion of a footpath(s) you are advised to contact the City Solicitor and Head of Administration, Town Hall, Sheffield, S1 2HH, as soon as possible with a view to the necessary authority being obtained for the closure/diversion of the footpath(s) under Section 257 of the Town and country Planning Act 1990.
6. 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.

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

Site Location



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LOCATION

This application relates to a 7.95 hectare greenfield site that presently comprises rough open grassland.

The site extends over three land use designations as defined by the adopted Sheffield Unitary Development Plan (UDP). These are as follows:

- A significant proportion of the site set to the north is designated as General Industry Land with Special Industries.
- A central strip approximately 100 metres in width is within a designated Business Area.
- A small strip of an Open Space Area is set along the southern part of the site.

The Arnold Laver National Production Centre is located to the immediate north/north east of the site and is well established in the area having been granted permission in 2001. This site/company produces and distributes principally timber products and has planning permission to operate 24 hours a day. Beyond Arnold Lavers to the north is the Morrison's Superstore.

Immediately surrounding the site to the south and west are fairly large modern residential estates (Oxclose and Deepwell), which benefit from a generous central green space known as Heathlands.

The site is also set within the context of the Rother Valley, which runs to the east and separates the urban areas of Halfway, Killamarsh and Eckington. It is presently characterised by open grassland and includes an area of Alder and Birch scrub and Birch woodland along the eastern periphery, where there is also a wetland area and an area of Willow and Alder. To the north east of the application site, the established birch woodland has been designated as a Site of Nature Conservation Importance (SNCI). This SNCI is permeated by a number of public footpaths and is deemed to be an area of ecological value with a range of species evident. The eastern boundary of the site also adjoins an Area of Natural History Interest.

Topographically, there are significant changes in level across the site, which is approximately 21m from the north west corner at the Morrison's roundabout to the south east embankment that edges the railway line. The site is presently used informally for public recreation with the permission of the landowner.

PROPOSAL

The applicant is seeking outline planning permission to erect approximately 200 dwellinghouses on the land and the associated infrastructure. Aside from access, all other matters are reserved and are therefore not material considerations as part of determining this application.

The access is proposed to be from a new connection to the existing roundabout on Oxclose Park Rise and this new route is proposed to connect through to the Deepwell estate via Deepwell Avenue. This access road diverts through the new secondary routes rather than allowing a direct link through with the intention of restricting possible 'rat running'.

Although indicative at this stage, the scheme shows a mixture of detached, semi-detached and terraced family properties. Each of the properties are shown with private garden areas and dedicated off road parking. A 'green link' runs through the centre of the site and is intended to link the existing Heathlands green space to the west with the woodland to the east.

RELEVANT PLANNING HISTORY

Permission was proposed for a supermarket on a large section of the current application site (to the south of Arnold Lavers) under planning reference 10/02077/FUL. This was refused on 1 March 2011 for the following reasons:

- The application site is required to meet the City's housing requirement such that its development as a supermarket would represent an inefficient use of land that would undermine the Council's objective of maintaining a 5-year supply of deliverable sites and a further supply of developable land contrary to Policy CS22 of the Sheffield Development Framework Core Strategy and Planning Policy Statement 3.
- It is the view of the Local Planning Authority that the cumulative impact of the proposed store and the committed development of a retail store for Asda Stores Limited at Beighton Road East will have a detrimental impact on in-centre trade/turnover at Crystal Peaks District Centre and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area contrary to Policy EC16.1b and d and EC17.1b of PPS4. It will also have a detrimental impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal contrary to Policy EC16.1a of PPS4. It is therefore also contrary to the aims of Core Strategy Policy CS34, which encourages district centres to fulfil their role of providing for everyday needs.

The applicant subsequently appealed against the decision and this appeal was dismissed by the Planning Inspectorate. The conclusions of the Inspector's decision are too extensive to be discussed in this section, but overall the strategic objective of delivering housing on the site in the longer term outweighed the proposed commercial development. For reference it is noted that the Inspector did not uphold the second point, which concerned impact on existing centres.

SUMMARY OF REPRESENTATIONS

Arnold Lavers

Throughout the course of this application there has been extensive correspondence with Arnold Lavers and their representatives. The main thrust of this correspondence has centred on ensuring any new residential development on

the application site does not constrain the operations of this business, which would put at risk future investment and jobs.

A principle focus has been on ensuring the noise reporting takes full account of the nature of this existing operation, which is the national production centre, and on agreeing an appropriate methodology.

Although final agreement could not be reached on the methodology, the Amenity Section of the following Planning Assessment details the relevant findings and conclusions.

Members of the Public

There have been 34 representations from members of the public, which raise the following points:

- The overriding theme within these representations concerns the existing highway network and if it can cope with the additional demand created by this development. Several representations suggest in places it is at capacity.
- The other main concern is the link road shown within the original indicative layout (now superseded by plan dated 21 August 2013). The concerns were that this would create 'rat running', which could lead to issues such as the endangerment of children playing on the adjacent open spaces.
- There is concern raised that traffic calming is already needed on Deepwell Avenue and this development would exacerbate any current issues.
- A further highways issue is whether the current roundabout on Oxclose Park Road, that will have a new spur to provide access into the site, can cope with the demands placed on it.
- There is no need for additional housing in the area and the current layout appears to be overdevelopment.
- The current footpaths need upgrading and replacing.
- The indicative house types appear to be tall blocks of flats and this could create privacy and shadowing issues for the surrounding residents.
- Local services in the area are already at full stretch (schools, doctors and dentists).
- Are suitable measures being taken to protect and enhance the environment for the existing wildlife?
- The proposal would be detrimental to the visual amenity of the area.
- The site is not allocated for housing and should also provide employment uses and local facilities such as shops.
- A bus route would not be supported.
- Car parking in the area is limited already.
- Additional green spaces are needed in the area.
- Measures should be taken to stop motorbikes and four wheeled vehicles accessing the existing footpaths.

One representation has been received supporting the development as the creation of additional housing stock will allow people to buy property in the area.

PLANNING ASSESSMENT

National Planning Policy Framework

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

Housing Land Supply

The housing land supply issue was the principle reason why the original supermarket application was refused and thereafter dismissed at appeal.

In this respect the NPPF is clear that Local Planning Authorities should identify and update annually a supply of specific deliverable sites to provide five years' worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land.

Policy CS22 (Scale of the Requirement for New Housing) within the Sheffield Development Framework Core Strategy (CS) is also relevant. CS22 identifies that a five year supply of deliverable site should be available at all times.

At this point Sheffield has identified approximately 3.5 years' worth of deliverable housing land and, as a result, a more pragmatic approach to the consideration of the principle of housing developments is required.

The following assessment expands on this material consideration and the weight it should carry when considering matters such as appropriate living conditions and the loss of employment land.

Land Use

Within the Sheffield Unitary Development Plan the application site, which is classed as greenfield land, extends over three land use designations:

1. A significant proportion of the site set to the north is designated as General Industry with Special Industries.
2. A central strip approximately 100 metres in width is within a designated Business Area.
3. A small strip of an Open Space Area is set along the southern part of the site.

Greenfield Land

The application site is undeveloped and therefore falls into the definition of greenfield land. The NPPF prioritises the reuse of land that has been previously developed (brownfield land), but does encourage Local Planning Authorities to

consider the case for setting a locally appropriate target for the use of brownfield & greenfield land.

Policy CS24 (Maximising the Use of Previously Developed Land for New Housing) within the CS sets out the strategy for brownfield and greenfield development targets across the city. CS24 states that no more than 12% of dwelling completions will be on greenfield sites in the period between 2004/05 and 2025/26.

CS24 goes on to state that housing on greenfield sites will only be developed in certain circumstances, which includes large sites that are sustainably located within or adjoining urban areas and larger villages. This exception comes in only if annual monitoring shows that there is less than a five year supply of deliverable sites, which is currently the case.

This development site is flanked on three sides by built form and is in close proximity to several modes of public transport, which includes the Supertram, and local amenities.

In addition the scheme will not result in the 12% threshold for dwelling completions on greenfield sites being exceeded. At present the completion figure is 5.3%.

The development is therefore considered to accord with Policy CS24.

Open Space Area

The southernmost section of the site (approximately 44 metres in width) is designated as Open Space within the UDP.

Policy CS47 (Safeguarding of Open Space) within the CS sets out several criteria that must be met for the development of open space to be considered acceptable. It states that development of open space will be permitted where:

- It would not result in a quantitative shortage of either informal or formal open space in the local area.
- It would not result in the loss of open space that is of high quality or of heritage, landscape or ecological value.
- People in the local area would not be denied easy or safe access to a local park or to smaller informal open space that is valued or well used by people living or working in the local area.
- It would not cause or increase a break in the city's Green Network.
- The site is identified as surplus for its current open space function and it could not fulfil other unsatisfied open space needs.

There is already a quantitative shortage of informal open space in the catchment area of the development and, as such, the loss of this space is in conflict with the first point above. However, the applicant is proposing to replace this lost open space with a new central green link. Although this link will not provide an exact like for like replacement, it will be more accessible and link the Heathlands Park to the west with the woodland to the east more effectively, which is promoted by the third and fourth points above.

The area of UDP open space to be replaced includes Alder and Birch scrub, which does have ecological value. However, the ecology reporting (see below) identifies that the loss of this area can be suitably mitigated.

Given the replacement open space to be provided, the consideration about using the land to fulfil other unsatisfied open space needs is not a significant issue in this case and, in any event, it would be difficult to use this land for any other open space use given the difficult access and awkward shape. There is also an overriding need for new housing in the city.

The proposal is therefore considered to accord with the requirements of Policy CS47.

Industry & Business Areas

Policy IB5 (Development in General Industry Areas) within the UDP lists a number of uses that are regarded as preferred, acceptable and unacceptable in such areas. Housing is listed as an unacceptable land use in such areas.

Policy IB7 (Development in Business Areas) within the UDP also identifies housing as an unacceptable land use outside of the city centre.

As such the application has been advertised as a departure from the adopted UDP.

As has already been established, Sheffield does not benefit from a five year housing land supply and therefore greater pragmatism is required when considering such proposals. This includes considering the surrounding context when establishing appropriateness. In this respect, there is a strong residential character evident in the existing area and the site is set within a sustainable location, close to public transport and local amenities.

As a further reflection of the changing policy context for this site, within the Sheffield Development Framework City Sites and Policies document, the 8.08 hectare Oxclose Farm site has been allocated for housing (Site Ref P00384). Although this document is not adopted, it does carry limited weight.

This re-allocation complies with the recommendations of the Core Strategy Inspector who noted that, whilst the Council considered that the site could be developed for business or industrial use, the Strategic Housing Land Availability Assessment (SHLAA) recognises that the site would, in principle, also be suitable for housing and could potentially accommodate around 250 dwellings. From the evidence, the Inspector considered the site to be equally suitable as a housing site.

When dismissing the appeal for a supermarket on a large section of the site (Ref: 10/02077/FUL), the appeal Inspector reinforces the in principle appropriateness of housing on the site owing to supply issues. For example, in her conclusions on the topic the Inspector states 'I find that there is a real risk that the development of the site for retail purposes would have a material adverse effect on the supply of land for housing'.

When the above is considered as a whole, it creates a compelling policy argument for housing development on the site and in this instance it is considered appropriate to depart from the land use principles set out by Policies IB5 & IB7.

Housing Density

Policy CS26 (Efficient Use of Housing Land and Accessibility) within the CS requires appropriate housing densities to ensure the efficient use of land. The recommended density for this type of site is between 31-50 dwellings per hectare. Although final residential numbers will only be confirmed at Reserved Matters, it is anticipated that the gross density of this development will be around 20 dwellings per hectare.

However, for a site of this size net density would be a reasonable method of calculation, as only approximately 80% would be developable when the requirement for new roads and open space is taken into account. The net density would therefore be 31 dwelling per hectare, which accords with the target set out in CS26.

House Type Mix

Policy CS41 (Creating Mixed Communities) within the CS promotes development which meets a range of needs and does not lead to concentrations of certain forms of residential development.

Section b) within CS41 encourages the provision of a greater mix of housing within developments, including homes for larger households, especially families.

The Design and Access Statement shows a scheme that provides a mixture of properties ranging from between two and five bedrooms. This includes a substantial number of three and four bedroom family properties, which accords with Policy CS41. In addition, there is potential for the scheme to provide a number of affordable housing, which is discussed in more detail below.

In principle therefore, the mix of house types within the development would comply with Policy CS41.

Design

The NPPF states that development should always seek to secure high quality design and encourages the reuse of existing resources.

Policy BE1 (Townscape Design) within the UDP states that a high quality townscape will be promoted with a positive approach to conservation and a high standard of new design.

Policy BE5 (Building Design and Siting) within the UDP states that good design and the use of good quality materials will be expected in all new buildings.

Policy CS74 (Design Principles) within the CS states that high quality development will be expected, which would respect, take advantage of and enhance the distinctive feature of the city.

The scheme is currently indicative as layout and scale are to be agreed at reserved matters. However, this still requires commentary at this stage.

Originally the proposed spine road allowed a direct route through the estate and this led to concerns being raised, largely by local residents, in relation to 'rat running' and safety of children using the Heathlands Park. As a result of these concerns this element of the scheme has now been altered so a less direct connection between Deepwell Avenue and Oxclose Park Road is incorporated.

From an urban design perspective there are benefits to this new approach as it allows for the provision of a strong central 'green link' connecting the existing park area and the woodland to the east. This is viewed as a real positive and will benefit existing and future residents.

The indicative layout is considered to be logical and well-structured with properties fronting onto primary and secondary routes and providing good natural surveillance onto both streets and open space areas.

The indicative scale of the properties is between two and two and a half storeys, with these taller properties providing focal points to aid legibility. The applicant has also indicated the future properties will take a lead from the surrounding estates in terms of materials and details. This approach is welcomed.

Overall the indicative design principles outlined in this application are supported.

Landscaping

Policy BE6 (Landscape Design) within the UDP advises that good quality landscape design will be expected in new developments.

Although the final details of landscaping will be agreed at the reserved matters stage, it is considered that the indicative scale and location of the proposed public areas are proportionate to the scale of buildings that will border them. In addition, the indicative scheme shows a significant amount of tree planting, which includes structured planting along the green walk and main spine road.

It is considered therefore that with a suitable landscape design at the reserved matters stage the proposal would satisfy the requirements of BE6.

Amenity of Future Residents and Surrounding Commercial Uses

Section b) within Policy IB9 (Conditions on Development in Industry and Business Areas) within the UDP states that new development or change of use applications should not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

IB11 (Housing and Residential Institutions in Industry and Business Areas) within the UDP states that Housing (C3) will be permitted only where the development would:

- a) Not further constrain industrial or business development to protect the environment of the new housing.
- b) Not suffer from unacceptable living conditions including air pollution, ground contamination, noise, other nuisance or risk to health and safety.

One of the key principles within the NPPF is the protection and promotion of business and employment.

The most notable sources of potential noise disturbance are from the railway line set approximately 130 metres to the east and Arnold Lavers National Production Centre, which is located to the north east of the site.

Arnold Lavers has two boundaries that front the proposed development. A section of their western boundary will be separated from the new housing by a tree lined buffer zone and the new access road. The entire southern boundary of Arnold Lavers will be separated from the new housing by a section of grassland approximately 55 metres wide, which is outside the ownership of both the applicant and Arnold Lavers.

The requirement to establish if a mitigation scheme could be developed to ensure the noise associated with the railway line and the Arnold Lavers operation, which can operate 24 hours a day, does not disturb future residents, or hamper the commercial interests of Arnold Lavers, has been the reason behind the delay within the decision making process. All parties have been working towards a collaborative solution, but this has proved difficult.

The most recent information is the Cole Jarman Noise Assessment (scanned on 10 April 2015) and an addendum to that report (scanned on 26 May 2015). These reports are also considered alongside the observations following several visits to the site from Council Environmental Health Officers (EHO).

In relation to the latest information, the methodology used, the criteria applied for internal noise levels and the predicted noise levels are considered to be satisfactory to the Local Planning Authority. The figures are gathered from:

- Noise measurements taken at four monitoring positions around the perimeter of the site.
- Noise mapping information which provides predicted noise levels at various times of the day and night.
- Audio recordings that were taken during the monitoring periods.

The principle noisy activities at the Arnold Laver site are identified as fork lift truck & HGV movements, mill extract, dust extract, loading & unloading (external) and manual hammering, circular saws and wood cutters (internal).

In relation to proposed mitigation, the Cole Jarman report proposes the mitigation of noise with a combination of glazing and ventilation systems. This includes full mechanical ventilation systems for the facades overlooking Arnold Lavers and the railway line.

This type of ventilation solution is usually reserved for city centre sites where a noisier environment would be expected. It is not generally desirable in more suburban areas. However, given the five year housing land supply issue compromises are required and, on balance, if the limited use of such solutions ensures a suitable noise environment for future residents and protects the ongoing operation of Arnold Lavers, in this instance it is supported.

Other mitigation identified includes tree planting, boundary fences and the positioning of certain properties to screen other properties behind. The latest noise report also shows that such mitigation results in noise levels in gardens falling below the World Health Organisation standard for external use.

Arnold Lavers noise consultants have requested the noise information is supplemented by a British Standard 4142 Assessment. This type of assessment would identify each individual source of noise from the site, rather than focusing more on the cumulative impact.

Although the Environmental Protection Service has requested such assessments in the past for residential development, the ultimate requirement is for the developer to assess noise sources and demonstrate that the required internal noise levels can be achieved. It is considered that there is already sufficient noise data available for a clear decision on the suitability of residential development on this site to be made without the 4142 Assessment.

The applicant has demonstrated that a suitable mitigation scheme can be implemented to ensure that Arnold Lavers and the railway line will not create any undue noise disturbance to the proposed new residents. As a result Arnold Lavers will not be constrained by the development. Planning conditions and directives will inform any future reserved matters application.

Before development commences the applicant will be required to submit the relevant Risk Assessments to characterise in greater detail the contamination on site and propose a remediation scheme to ensure safe redevelopment. This work will have been completed before the respective phase is occupied ensuring issues of contamination are dealt with.

Once again the outline nature of this scheme results in it not being possible to provide a full assessment of the amenity impact on existing and future residents in relation to issues such as light and overlooking until the reserved matters stage. The applicant has however provided several pieces of indicative supporting information (layout & visuals for example), which does indicate with alterations to existing levels that suitable amenity for existing and future residents can be provided.

Highways

The NPPF promotes the location of developments that generate significant movement to be where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Section f) within Policy IB9 (Conditions on Development in Industry and Business Areas) within the UDP states that new development or change of use applications should be adequately served by transport facilities and provide safe access to the highway network and appropriate off street parking.

The application has been accompanied by a Transport Assessment, which considers matters including the existing highway conditions, the policy context, predicted trip demands and junction capacity.

It is proposed that as part of the development two new access points to the application site will be provided and, as access is not a reserved matter, these are therefore being considered as part of this application.

The first access is a new spur from an existing roundabout on Oxclose Park Road, in order to provide access from the north. The second access will be from Deepwell Avenue to the south-west. Highways Officers have assessed these new access points and, subject to some improvement works, are satisfied with the principles.

The Transport Assessment has modelled the impact of the development on key junctions and found it to be negligible. The assessment concludes that all junctions will have suitable capacity to deal with additional traffic generated by this proposal.

Although the final highway layout is to be dealt with at the reserved matters stage, the indicative layout has been amended so a less direct connection between Deepwell Avenue and Oxclose Park Road is incorporated in order to ease the concerns of surrounding residents in relation to 'rat running'. This approach is not opposed from a highways standpoint.

The remainder of the indicative highways layout is considered to be logical and well-structured.

The applicant has agreed to pay a financial contribution of £5,000 to fund changes to the Traffic Regulation Orders within the Deepwell Estate in order to improve traffic management.

The Community Infrastructure Levy Regulations 2010 (CIL) have to be considered in respect of this contribution.

Firstly, CIL limits the ability of a local authority to pool more than five S106 contributions towards a single infrastructure project. It is noted that this pooling restriction only concerns contributions after 06 April 2010. It can be confirmed that five contributions have not been pooled towards this project since 06 April 2010.

In addition, Regulation 122 within the CIL Regulations states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

1. Necessary to make the development acceptable in planning terms.
2. Directly related to the development.
3. Fairly and reasonably related in scale and kind to the development.

In response to section a) and b), the necessity for the contribution is as a direct result of the increased traffic that will be using Deepwell Avenue.

In relation to c), the contribution has been worked out based on the cost of funding alterations to Traffic Regulation Orders.

It is therefore considered that this contribution is compliant with the CIL Regulations.

It is noted that a signed Section 106 Agreement has not yet been provided by the applicant.

Access

Policy BE10 (Design of Streets Pedestrian Routes, Cycleways and Public Spaces) within the UDP states that the design of public spaces should make them convenient and safe to use for people with disabilities, elderly people, young people and people with young children.

Policy H7 (Mobility Housing) within the UDP states that in new housing developments a minimum of 25% of units should be designed to Sheffield City Council Mobility Housing Standards.

The general layout of roads and footways show a scheme that would provide a convenient and safe environment for all users.

A condition will be attached to secure 25% mobility housing, which the applicant is aware of.

Affordable Housing

Policy CS40 (Affordable Housing) within the CS states that developers of all new housing schemes will be required to contribute towards the provision of affordable housing where this is practical and financially viable.

The target within CS40 is between 30 & 40% of the units, but a more spatial approach to affordable housing provision is now adopted within the revised Affordable Housing Interim Planning Guidance (IPG). The IPG identifies affordable housing provision based on viability across a particular area. This site falls within the south east area and sites within this area have a target of 10% for affordable housing provision.

Given that the applicant is seeking outline consent it is not possible to determine if it would be financially viable to meet the 10% target at this stage. As such this matter will be conditioned and considered again at the reserved matters stage.

Air Quality

The applicant has provided an Air Quality Assessment. The Assessment considers the baseline situation and then determines both the direct and indirect effects of the development during construction and at completion. Mitigation measures are also identified where appropriate.

With regard to planning policy, Policy CS66 (Air Quality) within the CS advises that action to protect air quality will be taken in all areas of the City.

The Air Quality Assessment notes that the Council has designated the entire City as an Air Quality Management Area due to concentrations of nitrogen dioxide and particulate matter being at risk of exceeding their respective air quality objective and limit values in some locations.

The Air Quality Assessment identifies that there is no predicted exceedance of the objective values for nitrogen dioxide and particulate matter as a result of the completed development, which the Council's Air Quality Officer agrees with.

In relation to the construction phase and owing to the sensitive nature of the surrounding uses, most notably the housing, mitigation is proposed by way of a site management regime. This would include a strategy to reduce emissions from construction vehicles and dust during construction and demolition. In addition Travel Plans will be required for both the construction and operational phases.

On this basis, it is concluded that the development as proposed will not be unduly detrimental to air quality and is sufficiently in accordance with Policy CS66 of the Core Strategy.

Flood Risk and Drainage

Policy CS67 (Flood Risk Management) within the CS states that the extent and impact of flooding should be reduced by incorporating a number of measures in developments. These measures include requiring the new development to limit surface water run-off and promoting the use of sustainable drainage techniques.

The applicant has identified indicative proposals that would utilise attenuation basins within the newly created central green link in order to manage surface water run-off from the site. The overflow from the basins and the surface water would then discharge into an existing watercourse within the woodland to the east.

Yorkshire Water has confirmed they are happy with the principle of the above proposals.

The Environment Agency has confirmed that they have no objection to the proposed development subject to the application of appropriate planning

conditions, principally relating the attenuation of surface water run-off to green field rates and further details of drainage.

Ecology and Nature Conservation

The NPPF identifies one of the key responsibilities of the planning system as contributing towards and enhancing the natural environment.

Policy GE11 (Nature Conservation and Development) within the UDP states that the natural environment should be protected and enhanced. The design, siting and landscaping of development should respect and promote nature conservation.

The submitted scheme includes an assessment of Ecology and Nature Conservation and the direct and indirect effects of the development at construction and completion phase.

The Ecological Assessment considers the impact on habitat and fauna within and around the application site, which includes a varied range of habitats and a number of protected species.

The assessment notes that in the course of construction, measures such as the careful consideration of lighting and dust mitigation will be required to ensure no adverse impact on the ecology of the area.

With regard to the development site itself, the Assessment concludes that no rare plants or habitats will be adversely affected by the proposals as the habitat is species poor semi-improved grassland, which is considered to be of negligible ecological value.

The report does state that a number of habitats of minor-moderate ecological value are present within the area to the east, including ponds of high ecological value. However, the assessment advises that the vast majority of these habitats, including all of the ponds, will be retained as part of the proposals with a significant number of habitat enhancement measures proposed, such as extensive additional tree planting.

The assessment does note the presence of protected species within the area to the east but these habitats will be retained and enhanced. Where small areas of habitat are affected, the applicant considers that sufficient mitigation measures, such as providing enhanced ecological areas, are proposed. Indeed, the Assessment advises that there will be no net loss in the conservation status of any protected, rare or notable species as a result of the proposed development such that the development will not result in any significant adverse impacts.

Regulation 3(4) of The Conservation of Natural Habitats and Species Regulations 2010 requires the Local Planning Authority to satisfy three tests to allow this application to be recommended for approval. These are:

1. The consented operation must be for preserving public health or public safety or other imperative reasons of overriding public interest including those of a

social or economic nature and beneficial consequences of primary importance for the environment.

2. There must be no satisfactory alternative.
3. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

It is considered that the first two tests are satisfied owing to the five year housing land supply identified above.

The third test is satisfied as a result of the mitigation measures proposed. A separate licence from English Nature will also be required.

The proposal is therefore considered to accord with Policy GE11 of the UDP.

Sustainability

Policy CS63 (Responses to Climate Change) within the CS sets out the overarching approach to reduce the city's impact on climate change. These actions include:

- Giving priority to development in the city centre and other areas that are well served by sustainable forms of transport.
- Locating and designing development to eliminate unacceptable flood risk.
- Adopting sustainable drainage systems.

In relation to CS63 the site is within easy walking distance of several public transport modes, including the Supertram, and includes a series of attenuation basins that will discharge into an existing watercourse.

Policy CS64 (Climate Change, Resources and Sustainable Design of Development) within the CS until recently required housing schemes to achieve Code for Sustainable Homes (CFSH) Level 3, however CFSH has now been abolished.

Policy CS65 (Renewable Energy and Carbon Reduction) within the CS sets out objectives to support renewable and low carbon energy generation and further reduce carbon emissions.

Policy CS65 requires, if it is feasible and viable, new developments to achieve the provision of a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy. A condition will be attached to ensure the applicant meets the requirements of this section of the policy.

Overall, it is considered that the final scheme can meet the sustainability policy requirements set out within the Sheffield Development Framework Core Strategy.

Public Art

Policy BE12 (Public Art) within the UDP encourages public art as an integral part of the design of major developments. This will therefore be secured within the planning conditions.

Archaeology

Policy BE22 (Archaeological Sites and Monuments) within the UDP advises that development will not normally be allowed which would damage or destroy significant archaeological sites and their settings. Where disturbance is unavoidable, it is determined that development will only be permitted where there is an adequate archaeological record of the site and if the find is significant, that remains are preserved in their original position.

A Desk Based Archaeological Assessment has accompanied this application that concludes that there is limited likelihood that the site will contain archaeological remains. However, at this stage it is too early to fully rule out the potential on the site and suitable conditions are to be imposed to ensure that appropriate steps are taken securing more intrusive investigation prior to works commencing.

Impact on Local Services

A representative from NHS England has provided information in relation relevant provision. Six medical practices have been identified as serving the area in which the application site sits. Although NHS England does not assess practices in terms of spare capacity, they have confirmed that none of these practices had approached NHS England over recent years to close their list to new patients.

NHS England do acknowledge that the development of 200 plus family homes could impact on delivery, but as this will be a gradual increase, if practices do not currently have capacity to meet additional demand, this will allow time to plan for this additional demand.

In relation to education provision, the Council's Education Team have confirmed that there is capacity in both primary and secondary schools within the catchment area to cater for any extra demand this development creates.

Open Space

Policy H16 (Open Space in new Housing Development) within the UDP requires the developer to make a contribution to the improvement or creation of recreation space in the locality, in line with details set out in the Supplementary Planning Guidance on Open Space Provision in New Housing Development (SPG).

Policy H16 also seeks sites that are over one hectare in size to provide 10% of open space on site and this can result in adjustments to the required contribution.

In this case the applicant is providing some (7.55% of the desired 10%) new easily usable informal open spaces on the site, most notably the central green link. As a

result the contribution towards informal open space has been reduced to reflect this.

Clearly as the scheme is for outline approval final dwelling numbers are not being agreed and therefore the Section 106 Agreement (S106) simply sets out a tariff based on bed spaces in future houses.

The scheme that has been identified for this contribution is Heathlands Open Space, which is the public park set to the immediate west.

The Community Infrastructure Levy Regulations 2010 (CIL) have to be considered in respect of this contribution.

Firstly, CIL limits the ability of a local authority to pool more than five S106 contributions towards a single infrastructure project. It is noted that this pooling restriction only concerns contributions after 06 April 2010. It can be confirmed that five contributions have not been pooled towards this project since 06th April 2010.

In addition, Regulation 122 within the CIL Regulations states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

1. Necessary to make the development acceptable in planning terms.
2. Directly related to the development.
3. Fairly and reasonably related in scale and kind to the development.

In response to section a), the necessity for new residential developments to contribute towards open space is set out in planning policy. This is based on the fundamental need to ensure the surrounding infrastructure caters for future and existing residents in a sustainable fashion.

In response to b), the scheme is immediately adjacent to the development site and therefore would directly benefit the new residents.

In relation to c), the contribution has been worked out on the basis of the number and size of units and thus is proportionate to the scale and of the development.

It is therefore considered that this contribution is compliant with the CIL Regulations.

It is noted that a signed Section 106 Agreement has not yet been provided by the applicant.

RESPONSE TO REPRESENTATIONS

The majority of the issues raised within the representations have been addressed in the above planning assessment. The remaining issues are addressed as follows:

The current footpaths need upgrading and replacing

- As part of the S106 contribution towards open space there is potential to improve and create new footpaths to the west of the site.

A bus route would not be supported

- No bus route is being proposed as part of this application.

Car parking in the area is limited already

- The appropriateness of the car parking provision associated with this scheme will be considered at the reserved matters stage.

Measures should be taken to stop motorbikes and four wheeled vehicles accessing the existing footpaths

- Although this may be an issue in the area, it does not really relate to this proposal.

SUMMARY AND RECOMMENDATION

This application is for outline planning permission for 200 houses with all matters except access reserved.

A key material consideration is Sheffield's undersupply of housing land, which currently stands at 3.5 years. This figure is contrary to the local and national policy frameworks, which require a five year supply to be identified. As a result this demands a more pragmatic approach to such developments.

The site is classed as greenfield and therefore must satisfy certain tests given the presumption in favour of brownfield development. These tests include the site being within a sustainable location, adjoining urban settlements, which is the case in this instance. The other key factors are Sheffield not surpassing the greenfield approval threshold of 12% (it is currently 5.3%) and the housing land supply issue.

The site spans across several different land use designations, as defined by the Sheffield Unitary Development Plan. In relation to the open space area, the proposal is considered to meet the tests set out in Policy CS47.

The scheme is also within a General Industry Area and a Business Area, and is contrary to the relevant land use policies for these areas. However, given matters such as the changing policy context, the established residential developments on adjacent sites and the housing supply issue, the need for this development outweighs the policy objection.

The applicant has demonstrated that a suitable mitigation scheme can be implemented to ensure that Arnold Lavers and the railway line will not create any undue noise disturbance to the proposed new residents. As a result Arnold Lavers will not be constrained by the proposed development.

The submitted Transport Assessment demonstrates that the surrounding highways have capacity to cope with the demands of this development. The access points have been assessed and, subject to some improvement works, are satisfactory.

Although the final highway layout is to be dealt with at the reserved matters stage, the indicative layout has been amended so a less direct connection between Deepwell Avenue and Oxclose Park Road is incorporated in order to ease the concerns of surrounding residents in relation to 'rat running'.

The applicant has submitted an Air Quality Assessment that identifies the impact during the construction and operational phase as being negligible.

A number of matters have been demonstrated to indicatively satisfy policy requirements within this application, but would need further consideration within a future reserved matters application. These matters include housing density and house type mix, layout and scale, landscaping and affordable housing.

The submitted Ecology Assessment confirms that the site borders areas of ecological interest. The Assessment confirms that the impact on such areas and their relevant inhabitants will be minimal and, as appropriate, suitable mitigation will be put in place.

The applicant will provide a Section 106 Contribution towards the enhancement of the existing Heathland Open Space, which is set to the immediate west of the application site, as well as to alterations to Traffic Regulation Orders on the Deepwell Estate.

Recommendation

Grant conditionally subject to legal agreement.

Heads of Terms

The applicant shall provide the following:

- A contribution of £5,000 towards the alteration to Traffic Regulation Orders on the Deepwell Estate
- A contribution towards the provision or improvement of the Heathlands

Open Space, based on the following formula:

Formal Open Space

- 1 bedroom Dwelling - £400
- 2 bedroom Dwelling - £560
- 3 bedroom Dwelling - £725
- 4 bedroom Dwelling - £790

Informal Open Space

- 1 bedroom Dwelling - £50
- 2 bedroom Dwelling - £65
- 3 bedroom Dwelling - £85
- 4 bedroom Dwelling - £92



SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Director of Regeneration & Development Services

Date: 16 June 2015

Subject: Enforcement Report
1 Blackmore Street

Author of Report: Fiona Sinclair

Summary: To inform committee members of a breach of the Planning Regulations and to make recommendations on any further action required.

Reasons for Recommendations:

To remedy the breach of Planning Control

Recommendations:

That the Director of Regeneration & Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the replacement of the unauthorised steel cladding with natural slate.

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

Background Papers:

Category of Report: OPEN

ENFORCEMENT REPORT

UNAUTHORISED REPLACEMENT OF ROOF SLATES WITH STEEL PROFILE CLADDING ON A GRADE II LISTED BUILDING AT 1 BLACKMORE STREET

1. PURPOSE OF REPORT

- 1.1 To inform committee members of a breach of the Planning Regulations and to make recommendations on any further action required.

2. BACKGROUND

- 2.1 1 Blackmore Street is an early 20th Century brick-built, slate-roofed, Grade II Listed Building, reported as being 'the birthplace of stainless steel.'
- 2.2 The property is located within an industry and business area, as identified in the UDP and is currently vacant.
- 2.3 A complaint, from a member of the public, was received on 1 May 2014 concerning the fact that the original natural slate roof covering had been removed and replaced with profiled steel cladding.
- 2.4 Correspondence was entered into with the owners of the property informing them that because it is a Grade II listed building planning permission and listed building consent is required for works of this nature. They were also advised that it was unlikely that either would be granted because the steel cladding is not considered to be in keeping with the original character of the building.
- 2.5 A representative, acting on behalf of the property owner, contacted the Council and was informed that the steel cladding must be replaced with a natural slate.
- 2.6 To date no attempt has been taken by the owner to remove the canopy as requested in the original correspondence dated 25 July 2014.

3 ASSESSMENT OF BREACH OF CONTROL

- 3.1 The property is a grade II listed building located in an industry and business area, as defined in the UDP.
- 3.2 Unitary Development Plan 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 and all extensions should respect the scale, form, detail and materials of the original building.
- 3.3 Unitary Development Plan Policy BE15 'Areas and Buildings of Special Architectural or Historic Interest' states that buildings and areas of architectural or historic interest which are an important part of Sheffield's heritage will be preserved or enhanced. Development which would harm the character, or appearance, of Listed Buildings, Conservation Areas or Areas of Special Character will not be permitted.
- 3.4 The steel cladding is considered to be visually intrusive and does not respect original character of the property to which it is attached, from a point of view of its contemporary design. Therefore it is considered not to preserve or enhance the original early 20th Century characteristics of the building and is contrary to policies BE5 and BE15 of the UDP.
- 3.5 The photographs, below show the property in question and demonstrate the visual harm is unacceptable in this area.

Photograph 1



Photograph 2



Photograph 3



4. REPRESENTATIONS.

- 4.1 One complaint, from a member of the public, has been raised with regard to the detrimental visual impact the canopy creates to the street scene.

5. ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 Section 171C of the Town and Country Planning Act provides for the service of a Planning Contravention Notice. The notice requires information about the breach of planning control and property ownership. It also gives an opportunity for the recipient to meet with officers to make representations. Such a meeting could be used to

encourage regularisation by retrospective application and/or discussions about possible remedies where harm has resulted from the breach. In this case it is clear that the cladding is in breach of planning control and as such it is not considered that the serving of a PCN would be of any value.

- 5.3 It is an offence to carry out works to a listed building, which affects its character, under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and Section 38 of the Act provides for the service of a listed building enforcement notice. In this case such a notice would require the replacement of the metal cladding with a natural slate to make good the harm caused by the unauthorised development. There is a right to appeal, to the Planning Inspectorate, against the serving of a listed building enforcement notice; however, it is considered that the Council would be able to successfully defend any such appeal.

6 EQUAL OPPORTUNITIES

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

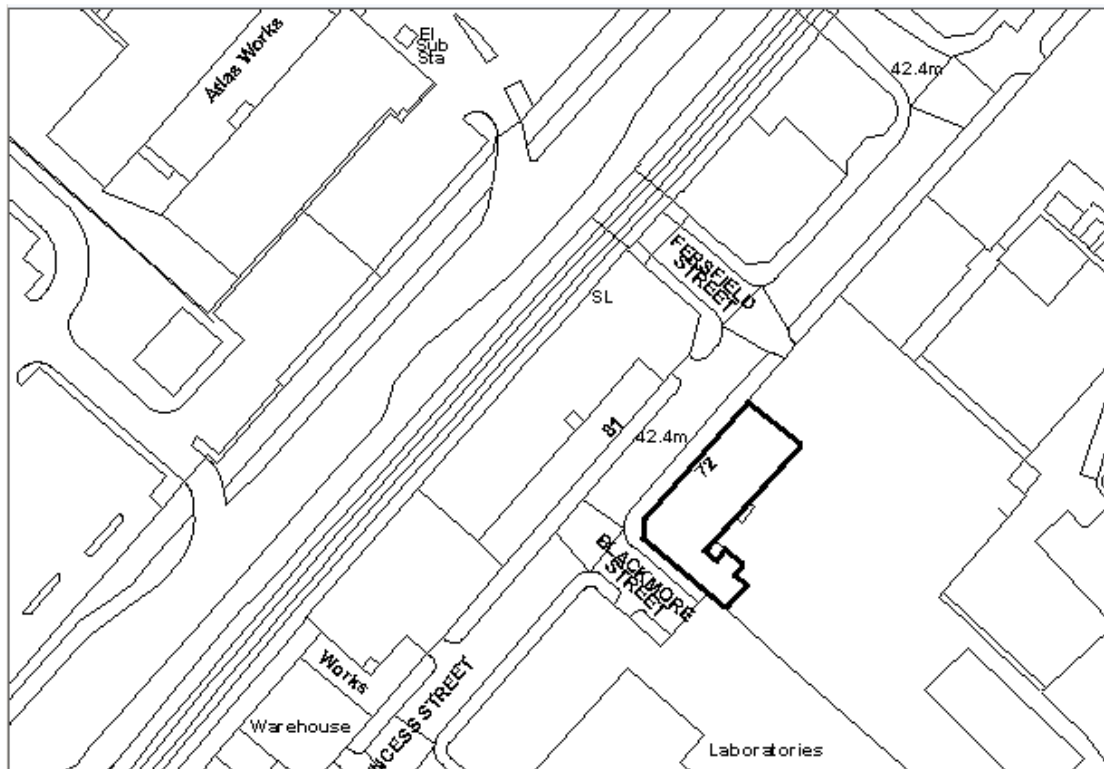
7 FINANCIAL IMPLICATIONS

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

8.0 RECOMMENDATIONS

- 8.1 That the Director of Regeneration & Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the replacement of the profile metal sheeting with natural slates.
- 8.2 The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Site Plan



Maria Duffy
Head of Planning Service

05 June 2015



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration and Development Services

Date: 16 June 2015

Subject: New Age Travellers site, Wallace Road

Author of Report: John Williamson

Summary:

Land at Wallace Road has been occupied by New Age Travellers since 2005 and has gradually extended in area. Soon it may be possible to claim a residential use for part of the site as occupation has taken place on part of the land for almost 10 years. Town Planning powers could be used to regain possession of the land but, as the Council is the landowner, the success of any action could ultimately revert to it to use whatever means it has to comply with any notice served. As the Council has the means to take back the site without resorting to Planning Enforcement, it would not be appropriate to use these powers

Recommendations:

As the Council has the power to gain possession of the land without resort to Planning powers, it is recommended that Members confirm that Planning Enforcement Action not be taken at this time.

Background Papers: None

Category of Report: OPEN

NEW AGE TRAVELLERS ENCAMPMENT
WALLACE ROAD, SHEFFIELD

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform the Committee of a breach of planning control and to set out the options available to remedy the breach

2.0 BACKGROUND

- 2.1 The land the subject of this report is an area along Wallace Road and partly along Pickering Street within the Parkwood Springs area. The land was cleared of housing in the mid 1970's and is in the ownership of the City Council
- 2.2 The area takes its sole access through a narrow railway arch at the end of Bardwell Street in Neepsend. The disused Sheffield Ski Village was also accessed through this and is located just north east of the land in question.
- 2.3 The land was cleared of unauthorised occupation in 2005 but since then, occupation by New Age Travellers (NATS) has incrementally increased over time
- 2.4 As the NATS have been on site since 2005, there is a concern that there is the potential for residential use to become authorised under Town Planning legislation and potentially adversely affect the Parkwood Springs Regeneration Masterplan that is being prepared for the future use of the Parkwood Springs area.
- 2.5 The purpose of this report is to advise Members of the potential impact of a residential use becoming immune from Enforcement Action and the appropriateness of using Planning Enforcement powers to clear the land of occupation in light of any other powers open to the Council and to make a recommendation as to whether or not such enforcement powers should be used in this instance.

3.0 THE BREACH OF PLANNING CONTROL

- 3.1 The land has been vacant since clearance works were carried out in the mid 1970's. The unauthorised use of the land by a travelling family was ended by eviction in 2005 and the land was cleared. Since then, the use of the site by NATS has begun and has grown incrementally until there is now a population of approximately 47 households. The exact number of people residing here is

not known as the residents are transient and will leave to search for work in other areas of the country.

3.2 There have been no planning permissions granted solely for this specific area of land although it was included within the overall site of an application for the large scale expansion of facilities of the disused Ski Village. As Members are aware, this never materialised

3.3 The use of the land as a site for NATS is therefore unauthorised

4.0 IMPLICATIONS OF THE CONTINUING USE OF THE LAND FOR NATS

4.1 There has been a concern expressed that the site will become lawful under Planning law, if it can be shown that the site has been occupied for 10 years continuously, without break. (the 10 year rule)

4.2 This is not considered to be an impediment to the regeneration of the site. The 10 year rule will only apply to the area of land that has been continuously occupied for the 10 year period. As the site has grown over time, it is highly unlikely that any significant part of the site has been occupied for that length of time. In addition, it is for the person(s) who apply for a Certificate of Lawful Use to provide the information that will prove, on the balance of probabilities, that such occupation has taken place and for that period of time, it is not for the Local Planning Authority to disprove.

4.3 The site is also close to industrial uses and in particular, close to a gasholder. As a result, the Health and Safety Executive have set out an area of concern where residential uses would not be acceptable due to the proximity of this. There is a possibility that this could be removed in the future, but at present it remains in situ and the land in question lies within this area..

4.4 The Council is currently working on the Parkwood Springs Regeneration Masterplan which is seeking to create an attractive “Country Park in the City” and elevate Parkwood Springs as a recreational hub for the City’s outdoor Economic Strategy and attract leisure and recreational attractions on a part of the area. The continued use of the land at Wallace Road would greatly restrict opportunities in this part of the site

4.5 In Planning Policy terms the site running from Vale Road to the east, over Pickering Road and to Wallace road in the west is identified as a Business Area in the Unitary Development Plan surrounded on three sides by the Open Space Area and to the south east by a Fringe Industry and Business area. So the use would be contrary to policy.

4.6 The site itself is isolated and not readily accessible to all traffic due to the access being via a low, narrow archway under the railway line. It is a substantial distance from any supporting facilities and so cannot be considered to be in a sustainable location for a residential use.

5.0 REPRESENTATIONS

- 5.1 Four letters have been received from the same person pointing out the use of the land by NATS and asking what action is to be taken

6.0 ASSESSMENT OF ENFORCEMENT OPTIONS

- 6.1 As the use of the land is a continuing use, the most appropriate powers that could be used are a Temporary Stop Notice and an Enforcement Notice coupled with a Stop Notice.
- 6.2 A Temporary Stop Notice (TSN) can now be used against caravans that are used as main residences and would apply for 28 days during which time an Enforcement Notice and Stop Notice should be served. A TSN would normally be used to stop quickly, new sites from developing or extending, In this case, the site has been in use for some time and only gradually expanding so a TSN followed by an Enforcement Notice, as explained below, is not considered appropriate.
- 6.3 An Enforcement Notice (EN) can be served and where the continuation of the use would create further harm, a Stop Notice (SN) can also be served. These would need to be served on individual Travellers and also on the landowner (the Council). This presupposes that it would be possible to obtain individual names and that individual Travellers would not leave and be replaced by other Travellers in the time before the EN and SN came into force. It is possible to serve a notice on "the occupiers" of land if individuals could not be identified. If the Travellers did not comply with the notices, the onus would fall back onto the landowner. In this case, this would be the Council.
- 6.4 It is also the case that an EN can be appealed before it comes into force and so, could take a significant amount of time to come into force, were the Inspector were to dismiss any appeal.
- 6.5 In any appeal, there is a defence for the landowner. This is to show that they have taken all reasonable steps to secure compliance with the EN. This would mean that the Council would have to take its own action to remove the NATS from the site to show this.
- 6.5 A SN can be served with an EN to ensure the cessation of a use causing serious harm. In this case, the continued use of the land is not, in itself causing immediate harm. The harm is to the future prospects for the land so a SN is not considered appropriate.
- 6.6 A Planning Injunction could be sought but this again would have to be taken out against "persons unknown". If using this course of action, the essential test for the Court to consider is whether there would be any other actions available, short of an injunction, which would be able to restrain the breach of the law. In this case, it would be difficult to pass this test as the Council has the option as landowner, to take possession proceedings.

7.0 OTHER OPTIONS

- 7.1 As mentioned in 6.6, a further option open to the Council is to use its powers as landowner to take possession. A precedent has already been set for this with the successful action being taken in 2005.
- 7.2 As actions under The Town and Country Planning Act will ultimately lead back to the landowner having to take action to remedy the breach should the NATS not comply with any actions and, as the Council as landowner having the ability to undertake possession proceedings, it would seem more appropriate for this course of action to be taken in the first instance rather than having to go through planning legislation first

8.0 Equality Implications

- 8.1 A decision to take action under Town Planning powers would mean that we would have to take account of the Human Rights Act and in particular, Article 8. This sets out the right, amongst others, for respect for the home, including a right not to have one's home life interfered with, including arbitrary evictions.
- 8.2 As a recommendation not to take Planning Enforcement action is being recommended, there will be no implications arising from this report

9.0 Financial Implications

- 9.1 As no Planning Enforcement action is being recommended, there are no financial implications arising as a result of this report.

10.0 Summary and Recommendation

- 10.1 The land at Wallace Road has been occupied by NATS since 2005 and has gradually extended in area. Soon there may be a claim of residential use for part of the site as occupation has taken place on that part for almost 10 years.
- 10.2 Town Planning powers could be used to regain possession of the land but, as the Council is the landowner, the success of any action could ultimately revert to it to use whatever means it has to comply with any notice served
- 10.3 Given that the Council has the power to gain possession of the land without resort to Planning powers, it is recommended that Members confirm that Planning Enforcement Action not be taken at this time.

Maria Duffy
Interim Head of Planning

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 16 June 2015

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
16 June 2015

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 conversion of part of flower shop to flat at Katie Peckett @ The Westend 884 Ecclesall Road Sheffield S11 8TP (Case No 14/04166/FUL)
(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for two storey extension to dwellinghouse (re-submission of 14/01350FUL) at Bassett House Bassett Lane Sheffield S10 4QH (Case No 14/04212/FUL)
(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for erection of dwellinghouse at Land To Rear And Side Of 29 Overcroft Rise Sheffield S17 4AX (Case No. 14/03256/FUL)
(iv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for alterations to double garage including front extension to form dwellinghouse at Garage Adjacent 20 Rivelin Park Road Sheffield (Case No. 14/04253/FUL)
(v) 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 conservatory to rear of dwellinghouse - the conservatory is 4m from the rear of the original dwellinghouse, ridge height no more than 3m at 4 Parker Way Sheffield S9 3DE (Case No. 15/00453/HPN)

3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the delegated decision of the Council to refuse planning consent for single-storey side, front and rear extension to bungalow, including a garage and front porch and extension to roof to form rooms in roof space at 464 Abbey Lane Sheffield S7 2QY (Case No 14/04149/FUL) has been
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dismissed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the proposal on the character and appearance of the host property and the immediate surrounding area.

He noted the prevailing character of the group of dwellings was their significant setback of almost 30m from Abbey Lane, and their spacious landscaped character.

In contrast he felt the appeal proposal would result in a forward projection of around 9m, and even though still set back by over 20m would represent a substantial addition to the front elevation and an incongruous form of development that would fail to successfully relate to its surroundings.

Furthermore he agreed with the council that the projection would result in a lengthy addition of development immediately on the Abbey Croft frontage presenting a large, imposing, and predominantly blank elevation with a poor relationship to the street.

He did not consider that proposed landscaping to screen the development would be immediate enough, or achieve sufficient screening of the height of the development.

He therefore concluded the development was contrary to Council policies CS74, BE5 and H14 and also failed to secure high quality, locally distinctive development as required by the NPPF, and dismissed the appeal.

(ii) An appeal against the delegated decision of the Council to refuse planning consent for erection of detached double garage at 235 Millhouses Lane Sheffield S11 9HW (Case No. 14/04094/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the impact upon the street scene of Millhouses Lane.

He noted the main characteristic of Millhouses Lane was large detached dwellings set back from the street with low boundary treatments, and with mature landscaping.

In contrast he felt the 6m x 6m garage with a ridge height of 4m in a prominent front garden location, would present an awkward relationship both to the street and to the host dwelling, thereby detracting from the traditional, consistent pattern of development in the street.

He therefore agreed with the Council that the proposed development was in conflict with Council policies CS74 and H14, and that in failing to promote or reinforce local distinctiveness was contrary to the NPPF.

(iii) An appeal against the delegated decision of the Council to refuse planning consent for two-storey side/rear extension to dwellinghouse at 9 Tillotson Rise Sheffield S8 9UL (Case No. 14/04376/FUL) has been dismissed.

Officer Comment:-

The main issue in this case was the effect of the proposal on the character and appearance of the street scene.

The two storey semi-detached dwelling occupies a corner plot and its side wall is set back from the highway as with other similar properties on the estate in prominent locations. The proposed extension would fill the gap up to the edge of the pavement.

The Inspector noted that the existing spaces between the dwellings and the highway softens the effect of densely built development and makes a positive contribution to the street scene.

He further noted that the two storey construction would be a dominant feature rising up from the pavement and would have a harmful visual impact on the street scene, conflicting with the principles of the NPPF (para 58) and the Council's own policies (BE5, H14, CS74).

In coming to the view to dismiss the appeal the Inspector noted the limited internal space of the existing dwelling but this did not outweigh the harm identified.

4.0 APPEALS DECISIONS – ALLOWED PART/DISMISSED PART

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for alterations to dwellinghouse roof, including construction of gable end and front and rear dormer windows, and erection of outbuilding to rear at 106 Montgomery Road Sheffield S7 1LR (Case No 14/04090/FUL) has been part allowed and part dismissed.

Officer Comment:-

The Inspector considered the main issues to be the effect of the roof and dormer alterations on the character and appearance of the Nether Edge Conservation Area, and their effect on the character and appearance of the dwelling.

The Inspector concluded that the proposed outbuilding would preserve the

character and appearance of the Conservation Area, and allowed this aspect of the appeal (Officers in reaching their delegated decision had no issue with this aspect of the development).

He noted that the predominant character of Montgomery Road is the regularity of the position of houses set back from the street, with a uniformity of roof shapes – those on the north side being hipped. He felt the formation of a gable would be a visible alteration, viewed from Montgomery Road, despite the presence of mature planting, and would present an angular form of development at odds with the established roof pattern. As a consequence the Inspector agreed with the Council that this would fail to preserve the appearance of the Nether Edge Conservation Area.

He also considered the front dormer would not sit comfortably within the roof due to it being positioned too high and therefore dominating the roof plane.

He also agreed with the Council that the rear dormer would dominate the host dwelling, creating visual imbalance within the semi-detached properties.

Overall, excluding the outbuilding the Inspector agreed with the Council that the development conflicted with UDP Policies BE5, BE15, BE16, and H14.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning consent for single-storey side/rear extension to dwellinghouse and erection of boundary fence at 33 Pavilion Way Sheffield S5 6ED (Case No. 15/00183/FUL) has been part allowed and part dismissed.

Officer Comment:-

The Inspector dismissed the part of the appeal that relates to the new timber fence but allowed the part of the appeal relating to the single storey side/rear extension on condition that the white UPVC cladding is replaced with brickwork to match the existing dwelling by 18th November 2015.

The Inspector noted that the application is part retrospective, in that the extension has already been constructed. He accepted that, due to the corner plot position, the extension is highly visible in the street and projects forward of the prevailing building line to the south. However he also noted that there was no clearly defined building line on the length of Pavilion Way due to the alignment of the road, particularly those to the north-east which have a staggered layout. He therefore considered that the extension did not harmfully detract from the layout of the estate.

The Inspector did however agree that the UPVC white cladding was incongruous and resulted in a poor quality design but he noted that the appellant proposes to replace this with matching brickwork which he felt would be acceptable despite the raised level of the extension and its corner plot position. He therefore allowed this aspect of the proposal and gave the appellant 6 months to replace the cladding with brickwork.

In respect of the addition of timber boarding over the existing boundary wall to create a boundary of some 2.7 metres in height on the front, side and rear boundary of the plot he concluded that this would be visually intrusive on a residential street, particularly bearing in mind its overall length such that it would be a dominating feature and harmful to Pavilion Way. He dismissed this aspect of the proposals.

5.0 APPEAL – ENFORCEMENT NOTICE

(i) To report that an appeal against a Enforcement Notice served in respect of (VARIABE) has been dismissed

Officer Comment:-

6.0 RECOMMENDATIONS

That the report be noted

Maria Duffy
Acting Head of Planning

16 June2015