

# Planning and Highways Committee

---

**Tuesday 15 March 2016 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, Denise Reaney, Chris Rosling-Josephs, Garry Weatherall and Joyce Wright

## **Substitute Members**

In accordance with the Constitution, Substitute Members may be provided for the above Committee Members as and when required.

---

---

## **PUBLIC ACCESS TO THE MEETING**

---

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

A copy of the agenda and reports is available on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk). You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday. 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](mailto:martyn.riley@sheffield.gov.uk).

---

## **FACILITIES**

---

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

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

---

**PLANNING AND HIGHWAYS COMMITTEE AGENDA  
15 MARCH 2016**

**Order of Business**

---

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Minutes of Previous Meeting** (Pages 1 - 6)  
Minutes of the meeting of the Committee held on 23 February 2016
- 4. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public
- 5. Declarations of Interest** (Pages 7 - 10)  
Members to declare any interests they have in the business to be considered at the meeting
- 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. Conversion of Parts of a Public Footpath to a Shared Footpath/Cycle Track: Fox Valley, Stocksbridge.** (Pages 11 - 18)  
Report of the Director of Regeneration and Development Services
- 8. Applications Under Various Acts/Regulations** (Pages 19 - 92)  
Report of the Director of Regeneration and Development Services
- 9. Enforcement Of Planning Control: 3 and 5 Nursery Street** (Pages 93 - 100)  
Report of the Director of Regeneration and Development Services
- 10. Enforcement Of Planning Control: 87 High Street, Beighton** (Pages 101 - 106)  
Report of the Director of Regeneration and Development Services
- 11. Enforcement Of Planning Control: 46 Paddock Crescent** (Pages 107 - 114)  
Report of the Director of Regeneration and Development Services
- 12. Update Of Affordable Housing Obligation: Dyson Refractories Ltd, Griff Fireclay Works, Stopes Road** (Pages 115 - 118)  
Report of the Director of Regeneration and Development Services

Services

**13. Record of Planning Appeal Submissions and Decisions**

(Pages 119 -  
122)

Report of the Director of Regeneration and Development  
Services

**14. Date of Next Meeting**

The next meeting of the Committee will be held on 5 April 2016

# Agenda Item 3

## SHEFFIELD CITY COUNCIL

### Planning and Highways Committee

#### Meeting held 23 February 2016

**PRESENT:** Councillors Alan Law (Chair), Peter Rippon (Chair), Nasima Akther, David Baker, Jack Clarkson, Tony Damms, Roger Davison, Bryan Lodge, Peter Price, Denise Reaney, Chris Rosling-Josephs and Garry Weatherall

.....

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

1.1 Apologies for absence were received from Councillors Adam Hurst, Ibrar Hussain and Joyce Wright 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 Councillor Nasima Akther declared a personal interest in an application for reserved matters for the erection of 58 dwellinghouses with associated car parking accommodation and landscaping works (Application to approve details in relation to appearance, landscaping, layout and scale – matters reserved by 13/04204/RG3) at site of Abbeydale Grange School, Hastings Road (Case No. 15/03543/REM) as a Ward Councillor in the area of the proposed development.

3.2 The Chair (Councillor Alan Law) declared a personal interest in agenda item 14 'Review of Affordable Housing Obligation: Dyson Refractories Ltd., Griff Fireclay Works, Stopes Road' as a former employee at the site.

3.3 Councillor David Baker declared a personal interest in agenda item 14 'Review of Affordable Housing Obligation: Dyson Refractories Ltd., Griff Fireclay Works, Stopes Road' as a Ward Councillor for the area.

#### **4. MINUTES OF PREVIOUS MEETING**

4.1 The minutes of the meeting of the Committee held on 2 February, 2016 were agreed as a correct record.

#### **5. SITE VISIT**

5.1 **RESOLVED:** That the Director of Regeneration and Development Services, in liaison with a Co-Chair, be authorised to make arrangements for a site visit on Monday, 14 March 2016, in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

## **6. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS**

6.1 **RESOLVED:** That (a) the applications now submitted for permission to develop land under the Town and Country Planning Act 1990 and the Regulations made thereunder and for consent under the Town and Country Planning (Control of Advertisements) Regulations 1989, be decided, granted or refused as stated in the report to this Committee for this date in respect of Case Nos. 15/04643/FUL and 15/04019/OUT 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 and subject to an additional condition and an additional directive, as outlined in a supplementary report circulated at the meeting, an application for planning permission for alterations to garages for use as a community centre (Use Class D1) at garages to side of 127 Bevercotes Road (Case No. 15/03567/FUL) be granted, conditionally;

(c) following consideration at the meeting of representations from a representative of the applicant speaking against the recommendation to refuse, and two representatives from the Loxley Valley Protection Society speaking in support of the recommendation to refuse, applications for planning permission for erection of a detached dwelling to be used in conjunction with existing cattery business and an application for planning permission to separate cattery business from domestic accommodation (application to remove condition 6 of planning permission no. 10/02243/FUL) (Re-submission of 14/03602/FUL) at 100 Myers Grove Lane (Case Nos. 15/03556/FUL and 15/03555/FUL) be refused for the reasons outlined in the report; and

(d) (i) subject to an amendment to condition 1 and an additional condition, as outlined in a supplementary report circulated at the meeting, and following consideration at the meeting of representations from a representative of the Carterknowle and Millhouses Community Group speaking against the application and the agent for the applicant speaking in favour of the application, an application for approval of reserved matters for erection of 58 dwellinghouses with associated car parking accommodation and landscaping works (application to approve details in relation to appearance, landscaping, layout and scale – matters reserved by 13/04204/RG3) at site of Abbeydale Grange School, Hastings Road (Case No. 15/03543/REM) be granted, conditionally and (ii) authority be delegated to the Head of Planning, in consultation with a Co-Chair of the Committee, to redraft condition 8 as he deems necessary, removing reference to ‘the principal contractor’ in order to achieve the same outcome, and ensure dust control measures are employed.

## **7. ENFORCEMENT OF PLANNING CONTROL: 198 TO 200 CROOKES VALLEY ROAD**

7.1 The Director of Regeneration and Development Services submitted a report informing the Committee of a breach of the advertising regulations in relation to the erection of an unauthorised sign at 198-200 Crookes Valley Road.

- 7.2 The report stated that a complaint from a member of the public had been received concerning a large advertisement board that had been fixed to the Crookes Valley Road elevation of the property.
- 7.3 Correspondence was entered into with the owners of the property on 21 July 2015, informing them that, because this property is a Grade II listed building, advertisement and listed building consent were required for a development of this nature. It was also explained that because the sign was not in keeping with the character of the building, it was unlikely that advertisement and listed building consent would be granted.
- 7.4 A representative, acting on behalf of the property owner, responded to this letter to confirm the sign would be removed, within the 28 day time period specified in the letter. However, a recent visit to site revealed that the advertisement had yet to be removed.
- 7.5 **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 sign at 198-200 Crookes Valley Road; and
- (b) the Head of Planning, in liaison with a Co-Chair of the Committee 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.

## **8. ENFORCEMENT OF PLANNING CONTROL: 3 NETHER EDGE ROAD**

- 8.1 The Director of Regeneration and Development Services submitted a report informing Members of a breach of planning control in relation to the unauthorised erection of a forecourt canopy at 3 Nether Edge Road.
- 8.2 The report stated that the Planning Service had received complaints about a new forecourt canopy being erected that potentially caused a safety hazard and highlighting safety issues and the design structure being out of keeping and visually harmful to the conservation area.
- 8.3 The initial visit confirmed that the structure was development that required a planning application. It was mostly a timber structure, consisting of a raised timber floor, posts and roof frame with plastic panels serving as the roof covering. One of the complaints was that steps (made of timber) had been incorporated into the structure, making it potentially difficult for elderly customers.
- 8.4 The owner was advised in writing that the forecourt structure was unauthorised and that a planning permission to retain it would be unlikely to receive support from officers. The owner did contact officers and an application for this structure, amongst other things such as a change of use for the property was discussed. However, an application had not been submitted. A follow up letter was sent and the owner had now passed on the matter to her new tenant. The tenant, only occupying the property since the end of November, had contacted officers and

was cooperating to find a solution. This contact was made quickly following the reminder letter, when this report was already prepared. No firm plan had been submitted but discussion was at the initial contact stage. The forecourt structure was erected before the current tenant occupied the property.

8.5 It was acknowledged by officers that prior to the canopy structure being erected there were two smaller canvas canopies attached to the front of the shop. These were immune from enforcement action having been present for many years. They had become rather shabby and rather ugly and the removal of these was a benefit to the visual appearance of the property. Underneath the former canopies there was a portable table/stall which had fruit, vegetables etc. displayed on it.

8.6 **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 forecourt structure at 3 Nether Edge Road; and

(b) the Head of Planning, in liaison with a Co-Chair of the Committee, 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.

## **9. QUARTERLY OVERVIEW OF ENFORCEMENT ACTIVITY**

9.1 The Committee received and noted a report of the Director of Regeneration and Development Services providing a quarterly update of progress on the work being undertaken by the enforcement team within the City.

## **10. QUARTERLY UPDATE OF ENFORCEMENT CASES IN THE SOUTH AREA**

10.1 The Committee noted (a) a report of the Director of Regeneration and Development Services providing an update on the progress of enforcement cases in the South area of the city and (b) further information provided orally by the Director on enforcement matters in response to questions from Members of the Committee.

## **11. QUARTERLY UPDATE OF ENFORCEMENT CASES IN THE CITY CENTRE AND EAST AREAS**

11.1 The Committee noted (a) a report of the Director of Regeneration and Development Services providing an update on the progress of enforcement cases in the City Centre and East areas of the city and (b) further information provided orally by the Director on enforcement matters in response to questions from Members of the Committee.

## **12. QUARTERLY UPDATE OF ENFORCEMENT CASES IN THE WEST AND NORTH AREA**

12.1 The Committee noted (a) a report of the Director of Regeneration and Development Services providing an update on the progress of enforcement cases in the West and North areas of the city and (b) further information provided orally



by the Director on enforcement matters in response to questions from Members of the Committee.

**13. REVIEW OF AFFORDABLE HOUSING OBLIGATION: DYSON REFRACTORIES LTD., GRIFF FIRECLAY WORKS, STOPES ROAD**

13.1 The Director of Regeneration and Development Services submitted a report outlining a position statement on an application submitted under Section 106BA of the Town and Country Planning Act 1990 seeking a review of a planning obligation attached to a previous planning permission Case No. 15/00122/FUL at Dyson Refractories Ltd, Griffs Fireclay Works, Stopes Road.

13.2 Members expressed their dissatisfaction that the developer had signed a Section 106 agreement on 11 January 2016, which suggested that they were happy that the Scheme was viable with the inclusion of the affordable housing provision agreed with the planning permission, but had now, on 21 January 2016, ten days later, submitted an application to review the planning obligation for affordable housing arguing that the scheme was not viable with the affordable housing provision.

13.3 **RESOLVED:** That: (a) the report be noted pending a further report providing a recommendation on the application; and

(b) the following statement be unanimously approved by the Committee and forwarded to the developer, Avant Homes:-

'We are very disappointed with the lack of respect that Avant Homes has shown to this Planning Committee and to the local community. It would appear that we have been misled.

It isn't good enough for Avant Homes to state that they always said affordable housing wasn't viable and should not be seen as playing the system. By agreeing to, and signing a legal agreement to, provide affordable housing they made a commitment. This commitment weighed significantly in the Committee's decision to approve planning permission. Without the affordable housing element then planning permission would almost certainly have been refused.

To sign a legal agreement to get planning permission and then, only two weeks later, apply for that to be removed on viability ground is misusing the regulations that are designed for genuinely stalled development sites.

This Planning Committee expect higher standards of behaviour from developers and we would urge Avant Homes to reconsider and withdraw this application.'

(NOTE: The votes on the above resolution were ordered to be recorded and were as follows:-

For the resolution (11) - Councillors Alan Law, Nasima Akther, David Baker, Jack Clarkson, Tony Damms, Roger Davison, Bryan Lodge, Peter Price, Denise

Reaney, Chris Rosling-Josephs and Garry Weatherall.

Against the resolution (0) - None

Abstentions (0) - None

**14. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS**

14.1 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.

**15. DATE OF NEXT MEETING**

15.1 It was noted that the next meeting of the Committee will be held on Tuesday, 15 March 2016 at the Town Hall.

---

## 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](mailto:gillian.duckworth@sheffield.gov.uk).

This page is intentionally left blank



## SHEFFIELD CITY COUNCIL Planning & Highways Committee

---

**Report of:** Director of Development Services

---

**Date:** 15 March 2016

---

**Subject:** SECTION 257 PROPOSED DIVERSION OF PUBLIC FOOTPATH STO/13 AND CYCLE TRACKS ACT 1984  
CONVERSION OF PARTS OF A PUBLIC FOOTPATH TO SHARED FOOTPATH/CYCLE TRACK AT FOX VALLEY, STOCKSBRIDGE

---

**Author of Report:** MARK REEDER 0114 273 6125

---

**Summary:**

To seek authority to process the Diversion Order required for closing parts of the Definitive Footpath numbered STO/13 at Fox Valley, in the Stocksbridge area of Sheffield, as shown by a solid black line on the plan attached as attached as appendix A, hereby referred to as the plan.

---

**Recommendations:**

Raise no objections to the proposed diversion of the footpath linking Topley Hall Lane and Stocks Green Drive, as shown by a solid black line on the plan included as Appendix A, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.

Authority be given to the Director of Legal and Governance to

1. Take all necessary action to divert the footpath by order under the powers contained within Section 257 of the Town and Country Planning Act 1990.
2. Take all necessary action to convert the footpath to a shared footpath/cycle track under the powers contained within Section 3 of the Cycle Tracks Act 1984.
3. Confirm the order as an unopposed order, in the event of no objections being received, or any objections received being resolved and withdrawn prior to the order being confirmed.
4. Submit the Order to the Secretary of State for confirmation in the event that objections are received which cannot be resolved.

---

**Background Papers:**

---

**Category of Report:** OPEN

---

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257 PROPOSED  
DIVERSION OF PUBLIC FOOTPATH STO/13 AND CYCLE TRACKS ACT 1984  
CONVERSION OF PARTS OF A PUBLIC FOOTPATH TO SHARED  
FOOTPATH/CYCLE TRACK AT FOX VALLEY, STOCKSBRIDGE, SHEFFIELD.

1.0 PURPOSE

- 1.1 To seek authority to process the Diversion Order required for closing parts of the Definitive Footpath numbered STO/13 at Fox Valley, in the Stocksbridge area of Sheffield, as shown by a solid black line on the plan attached as appendix A, hereby referred to as the plan.
- 1.2 To seek authority to process the Cycle Track Order required for converting parts of the Definitive Footpath numbered STO/13 to a shared footpath/cycle track at Fox Valley, in the Stocksbridge area of Sheffield, as shown coloured green on the plan.

2.0 BACKGROUND

- 2.1 On 12<sup>th</sup> October 2012 Planning consent (ref: 11/00384/FUL) was given to Stocksbridge Regeneration Company Ltd for a residential development and provision of means of access and associated landscaping (Outline application), and formation of link road and engineering works (Full application) on land east of Stocksbridge Steel Works, Manchester Road, Stocksbridge.
- 2.2 Footpath STO/13 commences at Manchester Road between numbers 282 and 288 (point 'A' on the plan), and runs in a generally northwesterly direction along a private road. It then crosses a private railway operated by Tata Steel, crossing the Little Don River (via a narrow footbridge) heading in a generally northerly direction, then heading west continuing through the new retail development (currently under construction) until it meets Fox Valley Way (formerly Hunshelf Road).
- 2.3 In order to enable the approved development to be carried out, it is necessary to re-align parts of footpath STO/13 shown as a solid black line on the plan. To achieve this, a Public Path Diversion Order must first be made and confirmed.
- 2.4 A new cycle route is to be provided through the site. Part of this route will be newly constructed (shown as red on the plan) and part will be incorporated within new areas of all purpose highway (shown hatched black on the plan). To complete the route it will be necessary to convert parts of the existing public footpath numbered STO/13 to a Footpath/ Cycle Path (shown solid green on the plan).



### 3.0 PROPOSALS

- 3.1 To divert parts of footpath STO/13, as shown solid black on the plan insets 1, 2 and 3.
- 3.2 To convert parts of footpath STO/13 to shared footpath/ cycle path, as shown green on the plan.
- 3.3 Definitive Footpath STO/13 is recorded as being 5ft wide along its entire route. Where it is converted to a shared footpath/cycle track the width will be increased to 3m. The new footpath sections will be 1.8m wide.
- 3.4 The section of Footpath STO/13 between Manchester Road and the railway crossing (shown coloured green as points A to B on the plan) is along a private road. As part of the approved development, this road will be resurfaced, and the footpath converted to a shared footpath/cycle track with vehicular access restricted to private users and emergency vehicles only. The section of footpath crossing the private railway line (shown coloured green as points B to C on the plan) will also be converted to a shared footpath/cycle path. Although the Council, as Local Highway Authority, has the power to make such an Order without the authority of the land owner, we are mindful of the effect that such proposals might have on the operators of the private railway. However, following detailed discussions with Tata, all parties were happy that a shared footpath/cycle track across the railway would not impinge on their infrequent train movements, and consequently will not affect their operations, and so agreed to the proposal. This is shown in more detail in Inset 1 on the plan.
- 3.5 Beyond the railway crossing the path continues in a generally northerly direction, crossing the Little Don River via a narrow footbridge before meeting Definitive Footpaths STO/11 and STO/11A. To accommodate the approved development it is proposed that this section of the route (shown as a solid black line on the plan and marked as points C to D) is diverted. The first part, from C to E, will be via the new all-purpose highway being created to serve the development. The new footpath shown as a broken black line and marked as points E to D on the plan, then commences at the new highway 35m north east of the railway, before crossing the Little Don River via a currently redundant vehicular bridge and continuing until it joins Definitive Footpaths STO/11 and STO/11A at point D. This is shown in more detail in Inset 2.
- 3.6 There is a level difference where the new route meets the existing Definitive Footpaths (shown as point D on the plan). The developer proposes to carry out groundworks to merge the levels without the need for steps. To accommodate these works it will be necessary to divert a short section (shown as a solid black line and marked as points D to F on the plan). The new route is shown as a broken line and between points D and F on the plan. This is shown in more detail in Inset 2.

- 3.7 Due to the provision of the new shared footpath/cycle track section (shown red on the plan) a slight alignment change will be required where it connects to the existing footpath. The section shown as a solid black line between points G and H on the plan will be diverted. The new route is shown as a broken black line as points G to I on the plan. This is shown in more detail in Inset 3.
- 3.8 To link with the newly created shared footpath/cycle track (shown red on the plan) the section of Definitive Footpath STO/13 shown coloured green and marked as points H to J will be converted to a shared footpath/cycle track. This is shown in more detail in Inset 3.
- 3.9 Joining the newly created all-purpose highway with the previously created shared footpath/cycle track, the section shown coloured green and marked as points K to L will be converted to a shared footpath/cycle track completing the route for cyclists through the Fox Valley Development. This is shown in more detail in Inset 4.

#### 4.0 LEGAL IMPLICATIONS

- 4.1 The Director of Legal and Governance has been consulted and has advised that, if the Council is satisfied that the Footpath needs diverting to enable the approved development to be carried out, it would be appropriate to process the diversion using the powers contained within Section 257 of the Town and Country Planning Act 1990. In addition an Order under the Cycle Tracks Act 1984 shall be required to convert parts of the Definitive Footpath to a shared footpath/cycle track.

#### 5.0 HIGHWAY IMPLICATIONS

- 5.1 The proposed diversions will have no detrimental effect on the surrounding highway network and its users.
- 5.2 The new shared footpath/cycle track link will provide cyclists with a route through the new retail and residential developments at Fox Valley and provide a connection with the Little Don Link bridleway route, in both cases avoiding a significant length of the busy Manchester Road.
- 5.3 Conversion of sections of footpath to shared footpath/cycle track on the basis described in Sections 2 and 3 above should not adversely affect the public's enjoyment of the area and will have no detrimental effect on the surrounding highway network and its users.

#### 6.0 CONSULTATIONS

- 6.1 Consultations have been carried out with Statutory Undertakers (i.e. utility companies), the Emergency Services, and other relevant bodies, including footpath societies and Stocksbridge Town Council.

6.2 Not all the consultees had responded at the time of writing this report. Of those that have responded no objections have been received.

6.3 If any negative comments relating to this application are received before the Planning and Highways Committee meeting, they will be reported verbally.

## 7.0 EQUAL OPPORTUNITY IMPLICATIONS

7.1 The restrictive 'kissing gate' currently at the southern side of the railway crossing will be removed and replaced with a 'K' barrier. The surface of the crossing will be upgraded from the current loose material to a more appropriate permanent surface. These improvements will allow access to pushchairs and mobility scooters and generally make the route more user-friendly and accessible.

## 8.0 ENVIRONMENTAL IMPLICATIONS

8.1 No environmental implications arise from the proposals in this report.

## 9.0 CONCLUSION

9.1 The Council is satisfied that the proposed diversion of the footpath is necessary to enable the approved development to be carried out. Based on all of the above information, the application is supported.

9.2 Creation of the shared footpath/cycle track should not adversely affect the public's enjoyment of the area and will have no detrimental effect on the surrounding highway network and its users.

## 10.0 FINANCIAL IMPLICATIONS

10.1 All costs accruing to the Council (Highway Maintenance Division) in association with this proposal will be met by the Applicant.

## 11.0 RECOMMENDATIONS

11.1 Raise no objections to the proposed diversion of the Definitive Footpath numbered STO/13 as shown on the plan, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.

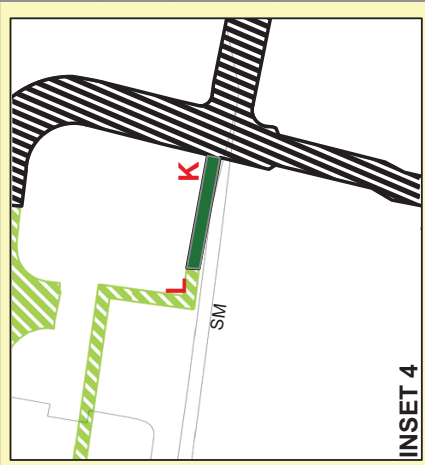
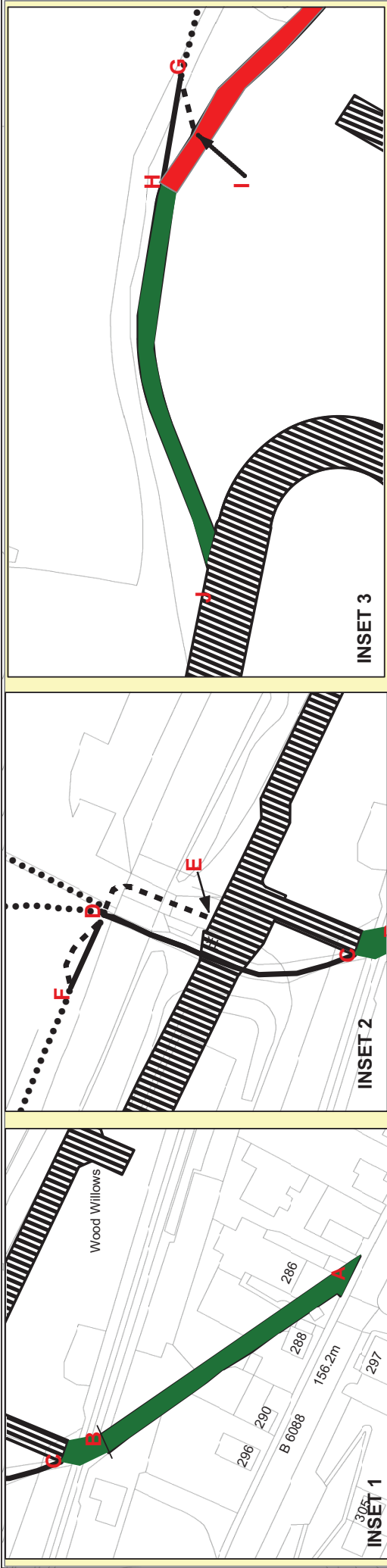
11.2 Authority be given to the Director of Legal and Governance to

- a. take all necessary action to divert the footpath by order under the powers contained within Section 257 of the Town and Country Planning Act 1990.

- b. confirm the Order as an unopposed Order, in the event of no objections being received, or any objections received being resolved and withdrawn prior to the Order being confirmed.
  - c. submit the Order to the Secretary of State for confirmation in the event that objections are received which cannot be resolved.
- 11.3 To raise no objections to the proposal to convert the Definitive Footpath numbered STO/13, as shown coloured green on the plan, to a shared footpath/cycle track. This would be subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.
- 11.4 Authority be given to the Director of Legal and Governance to
- a. take all necessary action to convert the footpath to a shared footpath/cycle track under the powers contained within Section 3 of the Cycle Tracks Act 1984.
  - b. confirm the Order as an unopposed Order, in the event of no objections being received, or any objections received being resolved and withdrawn prior to the Order being confirmed.
  - c. submit the Order to the Secretary of State for confirmation in the event that objections are received which cannot be resolved.

Dave Caulfield  
Director of Development Services

15<sup>th</sup> March 2016



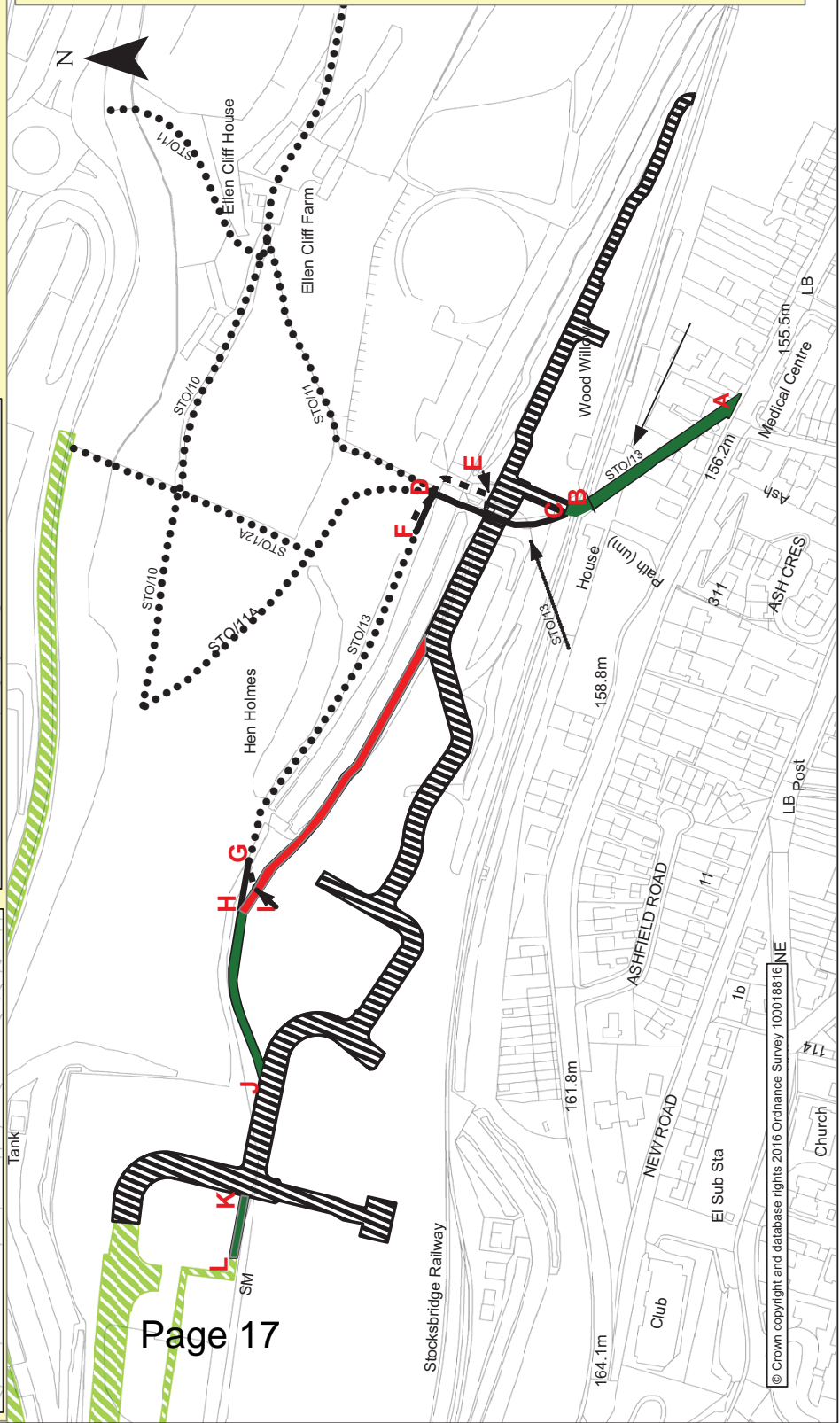
**LEGEND**

- FOOTPATH TO BE DIVERTED
- FOOTPATH TO BE CREATED
- ... FOOTPATH NOT AFFECTED
- ... FOOTPATH TO BE CONVERTED
- SHARED FOOTPATH/CYCLE TRACK TO BE CREATED
- ▨ NEW HIGHWAY TO BE CREATED
- ▨ NEW HIGHWAY CREATED DURING PHASE 1

**SCALE** 1:2,000

25 12.5 0 25 Meters

**APPENDIX A**



This page is intentionally left blank



## SHEFFIELD CITY COUNCIL

### Planning and Highways Committee

---

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

---

**Date:** 15/03/2016

---

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

---

**Author of Report:** Lucy Bond and Chris Heeley 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.
16/00263/FUL (Formerly PP-04746603)	38 Sandy Acres Close Sheffield S20 7LT	23
15/03524/FUL (Formerly PP-04513732)	Meade House 96 - 100 Middlewood Road Sheffield S6 4HA	29
15/02142/FUL (Formerly PP-04210826)	Site Of Don Valley Stadium Worksop Road Sheffield S9 3TL	42



SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning  
To the Planning and Highways Committee  
Date Of Meeting: 15/03/2016

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	16/00263/FUL (Formerly PP-04746603)
Application Type	Full Planning Application
Proposal	Siting of a log cabin to rear of garden (Retrospective Application)
Location	38 Sandy Acres Close Sheffield S20 7LT
Date Received	23/01/2016
Team	City Centre and East
Applicant/Agent	Ms Debra Allen
Recommendation	Refuse with Enforcement Action

Subject to:

**Refuse for the following reason(s):**

1. The Local Planning Authority considers that due to the excessive height of the outbuilding in close proximity to the boundary of the site, the outbuilding consitutes an overbearing structure which causes unreasonable

overshadowing of neighbouring property. The overall scale of the outbuilding is also considered to be detrimental to the character and appearance of the area. The development is therefore considered contrary to Policy H14 of the Unitary Development Plan.

**Attention is Drawn to the Following Directives:**

1. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, based on seeking solutions to problems arising in relation to dealing with a planning application, this application was submitted retrospectively and without the applicant having entered into meaningful pre-application discussions about the planning policy (or policies) that apply to the proposal and has shown such disregard for those policy requirement(s), that the Local Planning Authority had no alternative but to refuse consent
2. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:  
  
Specification of outbuilding
3. The Director of Development Services or Head of Planning has been authorised to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the outbuilding or reduction in its height so that it complies with Permitted Development criteria.

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

## Site Location



© Crown copyright and database rights 2013 Ordnance Survey 10018816

## LOCATION AND PROPOSAL

The application relates to a timber built outbuilding previously erected within the rear garden area of a semi-detached property on Sandy Acres Close. The property is located within an established residential area identified as a Housing Policy Area as defined by the UDP. The immediate area is characterised by a mix of semi-detached two storey and single storey detached dwellings, the rear elevations of which face towards the garden of the application property.

The application seeks retrospective approval for the retention of the outbuilding as built.

## RELEVANT PLANNING HISTORY

There is no relevant planning history

## SUMMARY OF REPRESENTATIONS

Two letters have been received in respect of this application. One letter whilst raising no objection to the retention of the building makes comment that the building is large and seems out of place in the small garden and questions the purpose to which the cabin will be used. The second letter raises concerns that the building is too big for such a small garden and looks out of character. The letter states that the roof is too high, extends the full width of the garden and is unattractive as viewed from neighbouring property to the rear. There are concerns that the existence of the building may impact on the future sale of neighbouring property as it is so domineering. There are also concerns that a Jacuzzi may be installed in the building resulting in parties and loud music which would disturb local residents.

## PLANNING ASSESSMENT

The application property is sited within a Housing Policy Area as defined by the UDP. The most relevant planning policy in determining this application is Policy H14 'Conditions on development in Housing Areas'. This policy aims to ensure that new buildings are in scale with neighbouring buildings and that the site would not be overdeveloped or deprive residents of light, privacy or security or cause serious loss of existing garden space which would harm the character of the neighbourhood.

As built the timber outbuilding is a large structure within the rear garden of the application property. The building which incorporates a steep dual pitched roofline is located in close proximity to the rear and both side boundaries of the property. The side gables and rear roof plane of the building are prominent as viewed from neighbouring property due to their proximity to the boundaries of the site. The building was erected without any pre application advice being taken by the applicant.

In determining this application officers are mindful of the Permitted Development rights of the applicant in respect of detached outbuildings. Class E to Part 1 of the

General Permitted Development Order 2015 permits the erection of a building required for a purpose incidental to the enjoyment of the dwelling subject to its floor area not exceeding 50% of the curtilage (excluding the ground area of the original property) and its overall height, where located within 2m of any boundary, not exceeding 2.5m in height. Where located more than 2m from any boundary an outbuilding with a dual pitched roofline cannot exceed 4m in overall height. The permitted development limitations prevent buildings appearing overbearing to neighbouring occupiers and causing unreasonable overshadowing of their property.

Many of the adjoining dwellings contain large outbuildings in terms of footprint but these have all incorporated a low roof to comply with Permitted Development Regulations and negate any impact on neighbouring property. The outbuilding as built forms a detached structure totally out of scale with neighbouring outbuildings to the detriment of the appearance and character of the area.

As built the outbuilding, 5.5m wide by 4m deep, incorporates high side gable walls with a steep dual pitched roofline. The plans submitted with the application indicate that the overall height to ridge is 3.4m with front and rear eaves being 2.2m above the established garden level. The overall height of the building and its siting adjacent to the southern boundary of the neighbouring bungalow at 32 Sandy Acres Close creates an overbearing structure which causes unreasonable overshadowing of this neighbour's garden area.

If a planning application had been submitted for these works prior to the building being erected planning officers would have raised concerns with regards to the height of the building in close proximity to the boundary of neighbouring property to the north. It is acknowledged that the impact on property to the rear is limited due to roof profile which slopes away from the shared boundary line. Officers are also mindful that the building, although large and taking up a good proportion of the rear garden area would comply with Permitted Development conditions if its overall height was reduced to 2.5m

As a way forward the applicant has been requested to reduce the height of the building by replacing the existing steep dual pitched roofline with a shallow dual pitched or mono pitched roofline incorporating lower side gable walls. The applicant has indicated that the building cannot be reduced in height and has asked for the application to be determined as submitted.

In view of the above concerns it is recommended that the current application is refused and that enforcement action is taken to seek the removal of the building or a reduction in its height so that it complies with Permitted Development criteria.

The applicant has indicated that the building would be used for purposes incidental to the enjoyment of the main dwelling. If the use of a modified building were to cause noise and or disturbance to local residents the Environmental Protection Service could take action if this was found to constitute a Statutory Nuisance. The planning authority has no control over future uses provided that they are ancillary to the applicant's enjoyment of their home.

## SUMMARY AND RECOMMENDATION

The siting and scale of the timber outbuilding creates an overbearing structure which causes unreasonable overshadowing of neighbouring property. The outbuilding is out of scale with existing outbuildings within neighbouring garden areas to the detriment of the character and appearance of the area.

It is recommended that the outbuilding is refused and that the Director of Development Services or Head of Planning be authorised to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the outbuilding or a reduction in its height so that it complies with Permitted Development criteria.

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



---

Case Number	15/03524/FUL (Formerly PP-04513732)
Application Type	Full Planning Application
Proposal	Application to allow the removal of the rear dormer roof extension and alterations to elevations (Application under Section 73 to vary condition No. 2 (Approved plans) as imposed by planning permission No. 14/02958/FUL - Alterations to two office buildings to form 12 residential units and 1 retail unit, including a rear dormer roof extension to the rear building
Location	Meade House96 - 100 Middlewood Road, Sheffield, S6 4HA
Date Received	23/09/2015
Team	West and North
Applicant/Agent	SFW Property
Recommendation	Refuse with Enforcement Action

Subject to:

**Refuse for the following reason(s):**

- 1 The Local Planning Authority considers that the increased height of the elevation and the inclusion of windows at first floor level in that elevation of the development facing the rear of numbers 111 to 117 Hawksley Avenue results in an unacceptably overbearing impact on these properties and is detrimental to the living conditions of the existing occupiers which is contrary to Unitary Development Plan Policy S10 and Core Strategy Policy CS74.

**Attention is Drawn to the Following Directives:**

1. The Director of Development Services or Head of Planning are authorised to take any appropriate action including if necessary enforcement action and the institution of legal proceedings to secure the reduction of the eaves height of Building 2 to the level approved under planning reference 14/02358/FUL.

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

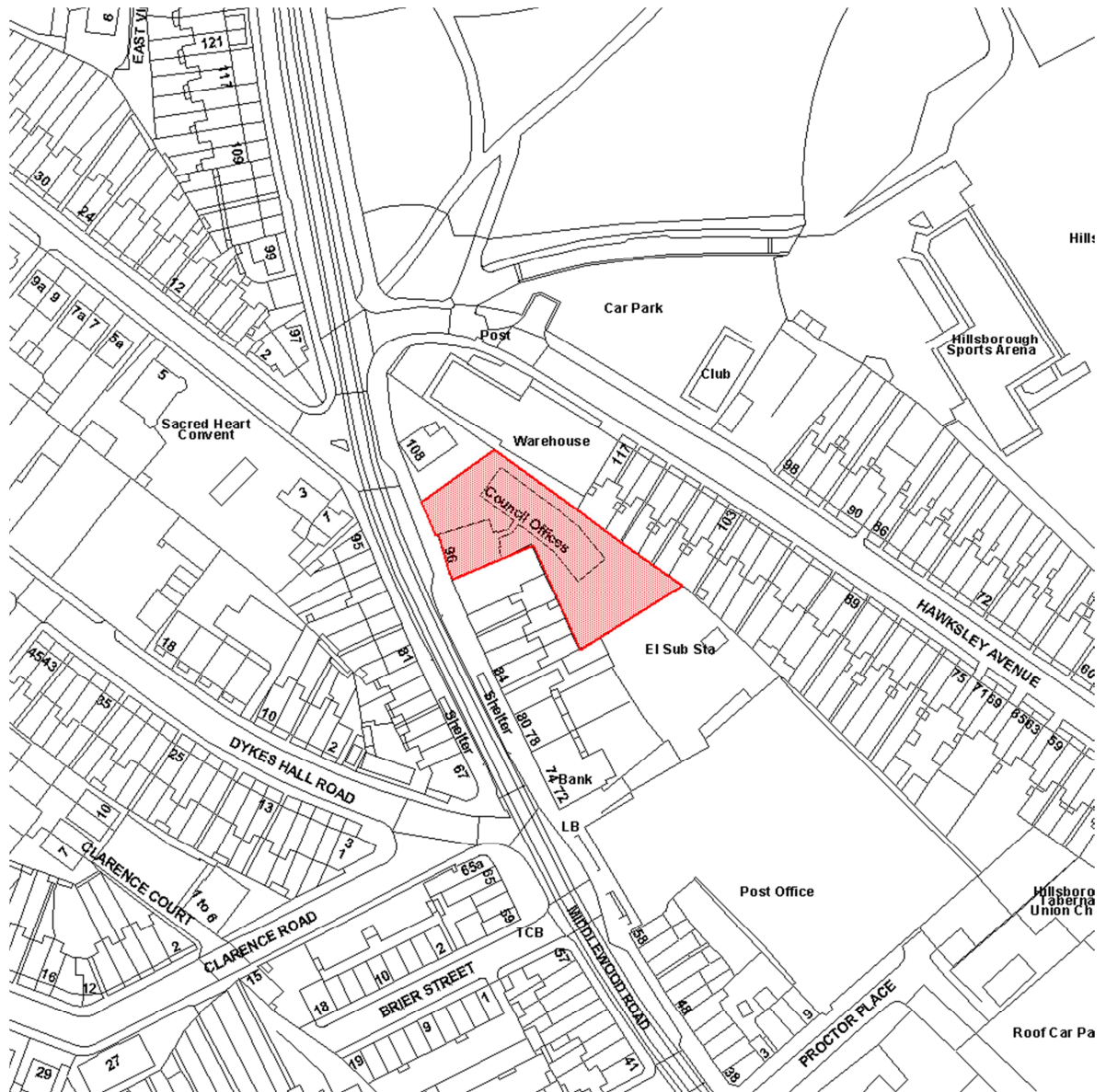
2. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:

Drawings numbered

- 15-745-20 Rev A
- 15-745-21 Rev A
- 15-745-SK-002 Rev A
- 15-745-SK-003 Rev C
- 15-745-SK-04
- 15-745-SK-05
- 15-745-SK-06 Rev A

3. The applicant is advised that a revised planning application proposing an alternative scheme will be required to resolve the issues resulting in this refusal of planning permission.

## Site Location



© Crown copyright and database rights 2013 Ordnance Survey 10018816

## LOCATION AND PROPOSAL

The application site comprises two buildings, one of them fronting Middlewood Road, known as Meade House – Building 1, which is two-storeys high at the front and three storeys at the rear because of falling land levels. The frontage is of beige render and large windows at the ground floor with red bricks at the first floor level, beneath a flat roof. The side and rear elevations are of red brick. Adjoining this building to the south is a two storey brick building with a pitched roof with a restaurant at ground floor.

On the other side of Meade House is a sloping grassed area with a path and steps which leads to the other building within the site – Building 2 - and this is also of red brick, is single storey and has a pitched roof. Around this building is incidental open space, mostly concentrated at the far end on the south side. The two buildings on the site are linked by a covered walkway.

To the north of the site is 108 Middlewood Road, a two storey detached stone house which has windows in the elevation facing the application site across the garden associated with the adjoining house and the boundary is marked by 1.8 metre high fencing.

There are buildings to the north-east and south-west of the single storey building at the rear which are in close proximity to the application site. To the north-east there is a gym with windows facing the site which is significantly higher than the single storey building in the site. There are also the rear of gardens associated with terraced houses fronting Hawksley Avenue which have direct views of the site from their upper windows.

To the south-east, the rear of the building within the application site is close to the single storey building and the rear of 84 to 94 (even) Middlewood Road face the building. These properties are a mix of shops and a restaurant with storage space and living accommodation above.

Prior to the earlier planning application (14/02958/FUL) being granted, the whole site was vacant, previously being used as offices which had fallen into disrepair. The neglected air did little to contribute to the visual quality of Hillsborough shopping centre and the site was also the subject of anti-social behaviour.

Members may recall that the previously approved scheme was for Building 1 fronting Middlewood Road to be converted to five apartments with a retail unit on the ground floor fronting onto the street. Building 2 to the rear was to be converted and altered to form seven separate dwelling units. This scheme, as amended, involved retaining the shell and walls but did include lifting the eaves level by one metre and constructing a new roof. The open space around the rear building would be used as communal garden space.

The only road frontage, which is only a short length, is with Middlewood Road and in front of the site here is a bus stop. Supertram also runs along this frontage. There are full parking restrictions in place and there is no possibility of providing parking either within the site or on the road close to the site.

Planning permission was granted for the earlier proposal but this application seeks part retrospective planning permission under section 73 of the Town and Country Planning Act to amend condition 02 of 14/02358/FUL by way of amended plans and elevations. The applicant has submitted revised plans and drawings showing amended floor plans, elevations, height and roofscape which differ significantly from the approved scheme. The number of dwelling units would remain unaltered at seven.

This application only relates to the former office building within the site that is to be converted to seven dwellings. The other building fronting Middlewood Road would not be altered so that is not included in this new application.

The application is retrospective because the applicant has continued to construct the amended scheme as set out in this application prior to this application being determined.

#### RELEVANT PLANNING HISTORY

79/03039/FUL. Extension to offices granted on 14.11.79.

96/00728/FUL. Erection of 4 mobile office units granted on 25.06.96.

14/02958/FUL. Alterations to two office buildings to form 12 residential units and 1 retail unit granted on 24.04.15.

#### SUMMARY OF REPRESENTATIONS

A total of nine letters of objection have been received from four neighbouring addresses. Five are from one address, two from another and the remaining two letters are from two addresses. The comments are set out below.

- The building has not been approved and is being built without planning permission. It is nothing like the approved plans.
- The new and upper floor windows are very invasive. Even though the upper floor windows have opaque glass they can still see into the bathrooms of existing houses.
- The lower floor windows and patio doors can still see directly into existing properties.
- The original scheme, previously approved, did not have an extra floor which has now been added which blocks sunlight from the rear gardens of existing houses and imposes windows which overlook gardens.
- There is a severe loss of privacy and the buildings are over dominant because they are too high. The building must be about 20 feet high facing existing houses.

- The sunny gardens are now dark and cold.
- There is no off street parking provided with this scheme which will increase pressure on existing streets.
- The original stone wall at the front which was 100 years old has been replaced by a brick wall.
- There are concerns that the foundations are not strong enough to take the extra pressure from the upper storey.

## PLANNING ASSESSMENT

### Policy and Principle of Development

The adopted Unitary Development Plan (UDP) shows that the site is designated as part of Hillsborough District Shopping Centre. UDP policy S7 says that shops (A1) are the preferred use but Housing (C3) is also acceptable.

With respect to the principle of this proposal, policy S7 supports this but when the previous application was considered, weight was attached to the material relevance of current permitted development (PD) rights under which these buildings could be converted to a housing use.

The most recent use of the site was for offices and under current PD rights could be used for housing subject to an application to the Council which would determine whether or not approval would be required as to the transport and highways impact, contamination risks and flooding risks.

Also of relevance is Core Strategy policy CS24 which says that priority will be given to the development of previously developed sites which is the case with this application.

Core Strategy policy CS26 promotes the efficient use of housing land and specifies a density range of 50 - 80 dwellings per hectare (dph). The site is 0.12 hectares in area so with a scheme for 12 dwellings in total, the density would be about 95 dph which is in excess of the recommended range. Policy CS26 says that an increased density may be acceptable if the application achieves good design or reflects the character of the area.

Core Strategy policy CS41 is also relevant as this seeks to promote mixed communities by way of providing a range of housing including a mix of prices, sizes, types and tenures. This application proposes seven very modest dwellings which would provide low cost housing in support of this policy.

### Design, Layout and External Appearance

Policy S10 says that new development should be well designed and in scale with surrounding development.

UDP policy BE5 expects new development to be of good design and use good quality materials.

Core Strategy policy CS74 says that high quality development is expected which should also contribute to the creation of attractive, successful and sustainable neighbourhoods.

The existing buildings were vacant and had become neglected. The original proposals, as amended, for Building 1 resulted in significant improvements to the exterior. The unsightly ground floor frontage would be replaced by a new shop front which would introduce activity at the site. The attractive brickwork detail above the first floor windows would be retained, all brick work would be cleaned and pointed and all windows on this building would be replaced by double glazed wooden framed windows. This would remain unaltered.

The approved scheme for the seven dwellings in Building 2 showed an open plan ground floor comprising living room and kitchen with two bedrooms and a bathroom in the roof space. This involved new windows in the north-east and south-west facing elevations. This layout remains largely unaltered as part of this new application.

An important feature of the approved scheme was that the roof would be lifted one metre above the former eaves level to create extra internal space.

On the north-east side facing the rear of Hawksley Avenue, a pair of velux windows were introduced to each unit to serve the second bedroom and bathroom. The bathroom window would be treated with obscure glass. On the ground floor, each property would have French windows with a canopy above.

The treatment, as amended, on the south-west elevation would be different in that there would be a shared access to each dwelling and a kitchen window at ground floor serving the kitchen. A total of seven gable feature windows would be inserted into the roof at eaves level, each of them providing light to the main bedroom. Windows in the end elevations would be retained.

This design was considered to be acceptable and the application was approved.

The amended scheme proposed as part of this new application seeks approval for a more traditional approach to the seven dwellings. The building would be raised by a further 700mm above the former eaves level so that a total additional 1.7 metres would be added to the external walls. A more simple approach to the two main elevations would result in a more attractive and better balanced scheme being an improvement on the approved design.

Ground floor windows would all be the same size with first floor bedroom windows being smaller so creating an acceptable hierarchy in keeping with traditional terraced housing. At the rear, where the elevation faces the rear of houses on Hawksley Avenue, the French windows have been retained similar to the earlier approval and a window having opaque glass is placed at first floor which replaces the pair of velux windows in the roof of each unit on the previous scheme.

Taken in isolation from all other material considerations, the design and external appearance is an improvement on the earlier scheme and is considered to be acceptable.

### Sustainability and Climate Change

Core Strategy policy CS64 says that all new buildings must be designed to reduce greenhouse gas emissions and must function in a changing climate. New development should incorporate energy efficiency, make best use of solar energy, minimise the impact on existing renewable energy installations and resources should be used sustainably.

Core Strategy policy CS65 deals with renewable energy and carbon reduction and all significant developments should provide a minimum of 10% of their predicted energy needs from renewable energy.

It is noted that the site involves the reuse of an existing building which reduces the scope for the introduction of sustainable construction methods but, nevertheless, the applicant submitted a sustainability statement in support of the original application.

The site has excellent transport links to the city centre by way of good bus services with a stop immediately outside the site and the Supertram runs right past the site. The site also lies within Hillsborough shopping centre with the associated facilities very close by.

The conversion works to both buildings will include much better insulation and all facilities and services will be much more energy efficient than those currently within the site.

The works will include individual heating systems rather than the existing central boiler system which is inefficient. This will result in much better energy efficiency ratings.

### Affordable Housing

Core Strategy policy CS40 requires developers in new housing schemes to contribute towards the provision of affordable housing where this is practicable and financially viable.

The original proposal was for 12 new dwellings which falls below the threshold for a contribution so this policy does not apply. The proposed dwellings are very modest and could be classed as falling into the affordable category.

### Impact on the Amenities of Existing and Future Residents

UDP policy S10 says that new development should not cause residents to suffer from any unacceptable living conditions.



UDP policy H5 says that planning permission will be granted for the creation of flats only where living conditions would be satisfactory for future occupants and their immediate neighbours.

Core Strategy policy CS74 requires new development to contribute to attractive, successful and sustainable neighbourhoods.

Representations have been submitted by people living near to the site expressing strong concern that work on the new scheme has continued without planning permission and resulted in a scheme which is over dominant, overbearing and results in a significant loss of privacy. This is considered to be the single most important issue with this application.

Standards that have been consistently used by this planning authority for many years specify that between opposing windows associated with habitable rooms there should be at least 21 metres and between habitable room windows and blank walls there should be at least 12 metres. These standards are set out in the adopted Supplementary Design Guidance (SPG) on Designing House Extensions.

In terms of distances between facing windows, the original application fell well short of the standards set out in the SPG. There were a number of instances which were examined in turn and the new scheme also needs to be set against the same policy criteria.

108 Middlewood Road is located next to the application site to the north-west and both floors of the facing elevation have windows which look towards the side elevations of both buildings. There is a distance of 12 metres between 108 and the end of the lower building on site. With regard to the lower building, there is a close boarded fence along the end of the garden of no. 108 and this would restrict views between the two buildings because of level differences. This arrangement would not alter as part of this new application.

To the north-east of the building there is a former warehouse that is between two and three storeys which has windows facing the application site. The elevations are between 5 and 6.5 metres apart and the lower two floors are used as a gym during the day time. In addition to these, the rear of no's 111 to 117 Hawksley Avenue face the application site with between 11 and 15 metres between the offshots of existing houses and windows of the application site.

In terms of the approved scheme, the relationship of the proposal with the existing gym was considered to be acceptable because at this point the proposed dwellings would face a non-residential use. The balance between the proposal and the rear of 111 to 117 Hawksley Avenue which is the critical relationship in the new scheme was much more finely balanced with distances of 11 and 15 metres between the windows of the proposal and existing offshots. Potential overlooking was resolved by the use of opaque glass at first floor windows and the same treatment is used in the new application.

The issue of the potential for the scheme having an overbearing impact on neighbouring occupiers was also considered in the assessment for the previous

application and it was concluded that, on balance, there would not be a significant impact even with the increased eaves height of one metre. The new scheme proposes an increase of 700mm above the height of the approved scheme where it faces the gym and the houses on Hawksley Avenue. The relationship with the gym would be acceptable because that building extends over three storeys and this relationship would be very similar to the approval. The distances between the two buildings range from 4 to 8 metres.

There is a sensitive relationship between the proposal and the rear of 113, 115 and 117 Hawksley Avenue. The building has been substantially built here including walls and the roof and it is clear that the increase in eaves height over and above that approved under the previous scheme has resulted in an overbearing impact on the rear of these three houses. The rear of the houses and gardens face south-west but the new building has resulted in a significant loss of light and the existing houses and gardens being dominated by the proposal to an unacceptable level.

The issue is whether or not the retrospective proposal is overbearing to such a degree to be contrary to policies S10 and CS74.

As well as matters of privacy and over-dominance, there is the issue of outlook from habitable rooms of the proposal. In some cases, the outlook is limited to as little as two or three metres to a fence or wall but is much better in other cases. The outlook was accepted as part of the previous scheme and the location of windows with an outlook has hardly altered with this new application so it is acceptable.

There is also an issue of perceived overlooking because along the elevation at first floor levels facing the rear of Hawksley Avenue are windows with opaque glass which give a perception of being overlooked even though this would not actually be the case.

To conclude this issue, it is considered that the combination of the increase in eaves height by a further 700mm above the approved scheme and the introduction of the opaque windows at first floor level does have an unacceptably dominant impact on 111 to 117 Hawksley Avenue.

In terms of any mitigation, the only possibility would be to strengthen and increase the boundary treatment at the end of the existing gardens. This could mitigate against the perceived overlooking but would contribute little to relieving the overbearing nature.

It is considered that elsewhere throughout the scheme, the impact of Building 2 as amended is acceptable; the detrimental impact relates to the four houses on Hawksley Avenue only.

#### Potential for Noise and Disturbance

UDP policy H14 and Core Strategy policy CS74 are relevant in assessing this issue and both say that the amenities' of residents should not be harmed by new development.

The dwellings throughout the development would be potentially affected by traffic noise, from nearby commercial uses and the gym on Hawksley Avenue. Therefore, a suitable scheme of noise mitigation works should be included.

At the rear of 94 Middlewood Road is a fume extraction system associated with the restaurant at this address. The potential for possible disturbance and dis-amenity was addressed during the previous application and it was decided that this issue should not constrain this housing development because any odour issues from a faulty system should be tackled by way of nuisance action.

#### Highways, Access and Parking

UDP policy S10 says that new development in shopping areas should be well served by transport facilities and provide safe access to the highways network and appropriate off street parking and not endanger pedestrians.

Core Strategy policies CS51 and CS53 seek to prioritise transport including the promotion of alternative means of travel to the car and manage the demand for travel, respectively.

It was agreed with the earlier approved planning application that it was appropriate for this to be a car free scheme given the sustainable location in Hillsborough District Shopping Centre. It was also considered appropriate that cycle parking should be provided.

#### Open Space

UDP policy H16 says that developers should either ensure that open space facilities are provided on site or, alternatively, a commuted sum is paid which would contribute to improvements of local open space. In this instance, a commuted sum of £7,838.30 has been paid as part of the previous scheme.

#### Air Quality

Core Strategy policy CS66 seeks to protect air quality in all areas of the city with particular focus on air corridors where residents are directly exposed to high levels of pollution. This scheme would be car free so there would be no significant worsening of air quality close to the site

#### Flood Risk and Drainage

Core Strategy CS67 deals with flood risk management and seeks to reduce the risk of flooding.

The site lies in an area with the least likelihood of flooding according to the Environment Agency and housing is acceptable on this site.

Surface water on the site would be absorbed in the garden area which would be landscaped.

## Disabled Access

UDP policy H15 says that the design of new housing development should ensure that there is ease of movement for people with disabilities and this is endorsed by Core Strategy policy CS74

In addition, UDP policy H7 says that a proportion of new housing development should be capable for use by people with disabilities.

There is an existing ramped access into the site from Middlewood Road and this has been retained and improved to allow for access for people with disabilities to gain entry into both buildings.

Three units would be allocated for mobility housing purposes which, complies with the minimum requirement of 25%.

No car parking is provided as this can be classed as a car free scheme. Ideally, a single disabled space should be provided but given the severe constraints in parking on Middlewood Road it is not possible to include this.

## Impact on Hillsborough Conservation Area

The site lies very close to the southern end of the Hillsborough Park Conservation Area and UDP policy BE16 says that planning permission will only be given for proposals which enhance or preserve the character and setting of Conservation Areas (CA).

Core Strategy policy CS74 echoes this and says that new development should respect the distinctive heritage of the city.

The long term use of the site has been secured and this is an improvement on the vacant and neglected former buildings on the site and enhances the character and setting of the CA.

## RESPONSE TO REPRESENTATIONS

The residents who are most concerned about this retrospective application are those living at 111 to 117 Hawksley Avenue and their concerns about loss of privacy and the overbearing nature have already been considered in detail in this report.

There are, however, a number of matters which require a response.

No off street car parking is required but the principle of this was agreed in the earlier approval and is considered to be acceptable.

It is acknowledged that the stone wall at the front has been replaced by a brick wall of similar proportions. The appearance of the new wall is acceptable and reflects the red brick frequently used in the surrounding area.

Concerns have been expressed about whether or not the foundations are strong enough to support the additional structure. This is an issue which is outside planning control, dealt with by Building Regulations.

## SUMMARY AND RECOMMENDATION

This application seeks retrospective planning permission for an amended scheme for Building 2, Building 1 being unaltered from the previous approval.

The overall design and appearance of Building 2 would be a considerable improvement on the earlier approval but the single most important issue relates to the increase in eaves height of 700 mm and the windows facing the rear of 111 to 117 Hawksley Avenue. The increase in height, although modest in itself, has rendered the scheme unacceptably over-dominant contrary to UDP policy S10 and Core Strategy policy CS74.

The scheme only has a detrimental impact on 111 to 117 Hawksley Avenue and is considered to be acceptable elsewhere throughout the site. This means that the increase in eaves height and new design is acceptable where it faces other properties, namely the rear of properties on Middlewood Road and the gum on the other side.

Some weight can be attached to the improved design but this is not enough to render the scheme acceptable where it faces 111 to 117 Hawksley Avenue so there is no other alternative, therefore, but to recommend this application for refusal with enforcement action to reduce the eaves level of that part of the development facing the rear of these four houses by 700mm which would be the height of the earlier approved scheme.

Members should be aware that a new planning application will be required because the proposal will be different to the earlier approved scheme.

## ENFORCEMENT

Members are requested to authorise the Director of 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 reduction of the eaves height of Building 2 to the level approved under planning reference 14/02358/FUL.

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

---

Case Number	15/02142/FUL (Formerly PP-04210826)
Application Type	Full Planning Application
Proposal	Hybrid planning application comprising full permission for the erection of a 3,000 capacity indoor arena (Use Class D2), provision of access points and car parking and outline planning permission (with all matters except access reserved) for the redevelopment of the site to provide a mixed-use development (including landscaping and infrastructure) comprising: up to 5,000 spectator outdoor stadium (Use Class D2) with ancillary facilities including cafe (Use Class A3), gym and changing facilities; a Hotel (Use Class C1) with up to 100 bedrooms; Advanced Wellbeing Research Centre (Use Class B1(b)) with up to 4,000 sqm floorspace and up to 3,000 sqm ancillary office (Use Class B1) floorspace and additional office building (Use Class B1) with up to 7,000 sqm business floorspace (Amended Environmental Statement received 12 February 2016)
Location	Site Of Don Valley Stadium, Worksop Road, Sheffield, S9 3TL
Date Received	11/06/2015
Team	City Centre and East
Applicant/Agent	Ove Arup And Partners
Recommendation	Grant Conditionally

Subject to:

**Time limit for Commencement of Development**

1. 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.

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 relevant phase of the development shall not be commenced unless and until full particulars and plans thereof relating to the corresponding phase 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.

#### **Approved/Refused Plan(s)**

4. The elements of this consent not reserved for future approval, namely the car parking, including the associated sections of landscaping, and the Park Community Arena shall be carried out in strict accordance with the following approved plans received on 12 October 2015:-

- Elevation Plans Ref: ECS-BBA-ZO-ZZ-DR-A-03001
- Ground Floor Plan Ref: ECS-BBA-ZO-00-DR-A-02001
- First Floor Plan Ref: ECS-BBA-ZO-01-DR-A-02001
- Kerbs and Edges Plans Ref: ALA283L04PL1 - ALA283L05PL1 & ALA283L06PL1
- Landscape General Arrangement Plans Ref: ALA283L01PL1 - ALA283L02PL1 & ALA283L03PL1

Reason: In order to define the permission.

#### **Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)**

5. No phase of development shall commence until details of the means of ingress and egress for vehicles engaged in the construction of that phase 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.

6. Before each phase of the development commences, a strategy to control/mitigate dust and emissions from the associated construction phase shall be submitted to and approved in writing by the Local Planning Authority. This strategy should have regard to the Institute of Air Quality Management (IAQM) document 'Guidance on the Assessment of Dust for Demolition and Construction' (February 2014), and the London Councils' Best Practice Guidance, November 2006, 'The Control of Dust and Emissions from Construction and Demolition'. The construction phase(s) shall be carried out in accordance with the approved strategy thereafter.

Reason: In order to help mitigate the effects of dust and construction traffic during the construction phase it is essential that this condition is complied with before the development commences.

7. Prior to any phase of the development commencing, unless it is agreed in writing by the Local Planning Authority that it is not practical, a detailed Employment and Training Strategy for that phase, designed to maximise local opportunities for employment from the construction and operational phase of development shall have been submitted to and approved in writing by the Local Planning Authority.

The Strategy shall include a detailed implementation plan, with arrangements to review and report back on progress achieved to the Local Planning Authority. Thereafter the Strategy shall be implemented in accordance with the approved details.

Reason: In the interests of maximising the economic and social benefits for local communities from the proposed development.

8. No phase of the development shall commence until an updated Remediation Strategy relating to that phase has been submitted to and agreed in writing by the Local Planning Authority. These updated documents must include a review of the approved wider remediation strategy for the Former Don Valley Stadium Site as detailed within planning application 14/03508/RG3 (Title: Geo-environmental Report Including Contamination Risk Assessment and Remediation Strategy - Ref: DVH-ARP-XX-XX-RP-CG-00001, Issue 3 and dated 08 December 2014) and take into consideration all earthworks, remedial works and validation of such undertaken within the boundary of the relevant phase.

The Report(s) shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping 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. Before development of any relevant phase commences a report shall be submitted to and approved in writing by the Local Planning Authority



identifying the strategy for providing a minimum of 10% of the predicted energy needs for that building from decentralised and renewable or low carbon energy.

Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources or additional energy efficiency measures shall have been installed before any part of the relevant phase is occupied and a post-installation report shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed.

Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of that phase 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 it is essential that this condition is complied with before the development commences.

10. No phase of the development shall commence until details of the implementation, adoption, maintenance and management of the sustainable drainage system relating to that phase have been submitted to and approved in writing by the Local Planning Authority.

Those details shall include a timetable for implementation, and a management and maintenance plan for the lifetime of the development/phase, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

The approved system(s) shall be implemented and thereafter managed and maintained in accordance with the approved details.

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.

11. The surface water discharge from each phase of development shall be subject to a reduction of at least 30% compared to the existing peak flow. This should be achieved by sustainable drainage methods where feasible. Should the design not include sustainable methods, evidence is to be provided to show why sustainable drainage methods are not feasible for that phase of the development.

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 per second per hectare (or 5 litres per second in total if less than 1 hectare) should be demonstrated. The detailed proposals for surface water disposal relating to the relevant phase, including calculations to demonstrate the reduction, must be submitted to and approved by the Local Planning Authority prior to the commencement of the corresponding phase.

Thereafter, the development/phase of development shall be completed in accordance with the above details.

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.

12. Prior to commencement of any development details of the means by which the water mains located within the site shall be protected (including timeframes for carrying out the relevant works) shall be submitted to and approved in writing by the Local Planning Authority. If the protective measures are to be achieved via diversion or closure of the water mains, evidence shall be submitted to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker. The development shall proceed in accordance with these agreed details thereafter.

Reason: In order to protect the public water supply it is essential that this condition is complied with before the development commences

### **Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)**

13. Within three months of any development commencing on site improvements (which expression shall include traffic control, pedestrian and cycle safety measures) to the highway as 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 any part of the development is brought into use.

Highway Improvements:-

Mitigation to reduce the negative effects of the development on:-

1. Attercliffe Road / Worksop Road - Introduction of a southbound approach lane to the northern arm of the junction and continue lane southbound. Widening of the Worksop Road approach to the junction (removal of build out) to separate left-turn and right-turn flows at the stop line.

2. Brightside Lane / Hawke Street - Adjust signal timings to increase green time on westbound approach.
3. Brightside Lane / Weedon Street - Implementation of a yellow junction box to prevent blocking in the junction.
4. Meadowhall Lane / Meadowhall Way - Coordinate signal times to introduce a "green wave" along Meadowhall Way.

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.

14. 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.

15. Within six months of any development commencing a suitable scheme to mitigate the impact of the development on Junction 34 of the M1 Motorway shall have been submitted to and agreed in writing with the Local Planning Authority (after consultation with Highways England). The approved scheme, which shall include timeframes for implementation, shall be carried out in accordance with the agreed details and timeframe(s) thereafter.

Reason: To enable the above-mentioned highways to accommodate the increase in traffic and in the interests of highway safety.

16. Before any building is occupied full details of proposals for the inclusion of public art within the application site, including a timetable for delivery, shall have been submitted to and approved in writing by the Local Planning Authority. These proposals shall include the reuse of the existing 'Flame' associated with the World Student Games. The public art proposals shall then be implemented in accordance with the agreed details.

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.

17. Unless alternative timeframes are agreed in writing with the Local Planning Authority, no relevant phase of the development shall be occupied unless a validation report prepared by an accredited expert in the relevant field has been submitted to and approved in writing by the Local Planning Authority showing that the corresponding building has achieved a BREEAM rating of Very Good. The measures incorporated to achieve this rating shall thereafter remain in place and operational for the lifetime of that phase of the development.

Reason: In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change.

18. Within three months of any relevant phase of development commencing a scheme for the installation of equipment to control the emission of fumes and odours from kitchens associated with that phase (as relevant) shall be submitted for written approval by the Local Planning Authority. These details shall include:-
- a) Plans showing the location of the fume extract including a low resistance cowl.
  - b) Acoustic emissions data.
  - c) Details of any filters or other odour abatement equipment.
  - d) Details of the systems required cleaning and maintenance schedule.

The relevant kitchen shall not be used until the approved equipment has been installed and is fully operational. It shall thereafter be operated, retained and maintained in accordance with the approved details.

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

19. Upon completion of any measures identified in the approved Remediation Strategies, or any approved revised Remediation Strategies, a Validation Report relating to the relevant phase shall be submitted to the Local Planning Authority. The relevant phase shall not be brought into use until the associated Validation Report has been approved in writing by the Local Planning Authority. The Validation Report(s) 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. No externally mounted plant or equipment, including rooftop plant, shall be fitted to any building within the development unless full details thereof have first been submitted to and approved in writing by the Local Planning Authority, and once installed such plant or equipment should not be altered.

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

21. Within six months of any phase of development commencing a waste management plan associated with that phase, including measure to promote recycling, shall have been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented in accordance with the approved details thereafter.

Reason: In the interest of the general amenity of site users and in order to ensure the promotion of a sustainable development.

22. Before the sports pitch is brought into use a completed Community Use Agreement shall have been submitted to and approved in writing by the Local Planning Authority. This Agreement shall include details of pricing policy, hours of use, management responsibilities and include a mechanism for review. The pitch shall be operated in accordance with this agreement thereafter, or any subsequent changes agreed in writing by the Local Planning Authority.

Reason: To ensure suitable access and provision to facilities is secured for wider community benefit.

23. Before any building approved by this permission is occupied full details of the (replacement) playing field and associated sports facilities shall have been submitted to and approved in writing by the Local Planning Authority (after consultation with Sport England). The details shall include a timeframe for delivery and should ensure that the works on the playing field and associated sports facilities in no way effect the ability to play sport to the same standards as previously existed, or that the playing field and associated sports facilities are replaced like for like or better. The development hereby permitted shall not be carried out other than in accordance with these approved details, including the agreed timeframes for delivery.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision of sports facilities which secures a continuity of use.

24. Large scale details associated with the Park Community Arena, including materials and finishes, at a minimum scale 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:-

- a) Junctions between cladding materials, which shall include glazing.
- b) Windows.
- c) Window reveals.
- d) Doors, including plant room doors.
- e) Eaves and verges.
- f) External wall construction.
- g) Cladding patterns.
- h) Canopies.
- i) Soffits.
- j) Perforated Metal Panels.
- k) Rainwater Goods.
- l) Louvres.

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

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

25. Sample panels of proposed masonry and cladding associated with any relevant phase shall be erected on the site and shall (as appropriate) illustrate the colour, texture, bedding and bonding and mortar finish to be used. The sample panel(s) shall be approved in writing by the Local Planning Authority prior to the commencement of the relevant phase and shall be retained for verification purposes until the completion of that phase.

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

26. Details of all proposed external materials and finishes associated with any relevant phase of the development, 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 relevant phase 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.

27. Within six months of any development commencing details of the following shall have been submitted to and approved in writing by the Local Planning Authority:-

1. Locations and signage for five car parking spaces dedicated to low emissions vehicles.
2. Locations, technical details and signage for two rapid electric charging points for electric vehicles.

The agreed measures shall have been provided before any building is occupied and thereafter retained.

Reason: In order to promote the development of clean technologies and to mitigate the air quality impact of the development.

28. Within three months of any phase of the development commencing full details of the cycle parking accommodation associated with that phase, including stands and shelters (as relevant) shall have been submitted to and approved in writing by the Local Planning Authority. Before first occupation of the relevant phase the approved details shall be in place and thereafter such cycle parking accommodation shall be retained.

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

29. Prior to the occupation of any phase of the development, a detailed Travel Plan(s) associated with that phase, 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 (as relevant):-

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 of the relevant phase, 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 the Transport Policies in the adopted Unitary Development Plan for Sheffield (and/or Core Strategy).

30. Within three months of any development commencing on site 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 the reconstruction of the footways adjoining the site. These details shall include a timeframe for implementation and detailed materials specification. The development shall then be carried out in accordance with the approved details.

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

31. Within six months of any development commencing a car park management strategy for the site shall have been submitted to and approved in writing by the Local Planning Authority. The site must be operated in accordance with this strategy thereafter, or any agreed revisions. Such revisions must receive the written approval of the Local Planning Authority.

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

32. Notwithstanding the hereby approved plans, before any development commences on site revised details of planting, materials and landscape features associated with the landscaping and car parking areas shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those details thereafter.

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

33. Within three months of the development of any phase commencing details of bird and bat boxes, including locations on the relevant phase, shall have been submitted to and approved in writing by the Local Planning Authority. The relevant phase shall be carried out in accordance with these details thereafter.

Reason: In the interests of ecology.

34. No building shall be occupied 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 the safety of road users.

35. No building shall be occupied unless provision has been made within the site for accommodation of delivery/service vehicles in accordance with the approved plans. Thereafter, all such areas shall be retained free of all obstructions, including the storage, display and depositing of materials, packaging or other objects so that these areas are fully available for the parking, turning and manoeuvring of delivery/service vehicles.

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

36. No building approved by the permission shall be occupied unless the car parking accommodation as shown on the approved plans has been provided in accordance with those plans.

Once in place the car parking shall be retained and used for the sole purpose intended thereafter.

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

37. Before first occupation of any relevant building, full details of real time information facilities to be provided within the corresponding building shall have been submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be in place before the use of the relevant building commences and retained in full working order thereafter.

Reason: To promote the use of public transport.

38. Within six months of any development commencing details of the following measures, including timeframes for implementation, shall have been submitted to and approved in writing by the Local Planning Authority:-

1. Details of improvements to the Arena Tram Stop, including new shelters, litter prevention measures and new signage.



2. Details of wayfinding signage within the site boundary to direct site users to surrounding tram stops.
3. New pedestrian crossing at Coleridge Road.

The agreed measures shall be provided in accordance with the agreed details and timeframes thereafter.

Reason: In the interests of promoting sustainable forms of transport and to ensure the relevant infrastructure can accommodate the increased demand generated by this development.

39. At all times that construction work is being carried out for the relevant phase of development, equipment shall be provided to the satisfaction of the Local Planning Authority 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. Before the corresponding phase of the development is commenced full details of such equipment shall have been submitted to and approved in writing by the Local Planning Authority. When the above-mentioned equipment has been provided thereafter such equipment shall be used for the sole purpose intended in all instances and be properly maintained.

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

#### **Other Compliance Conditions**

40. No building or other obstruction including landscape features or changes in ground level shall be located over or within:-
  - a) 4 metres either side of the centre lines (i.e. protected strip widths of 8 metres per sewer) of the 300mm and 375mm sewers that traverse the site.
  - b) 5 metres either side of the centre lines (i.e. a protected strip width of 10 metres) of the 1150mm overflow pipe that traverses the site.
  - c) 6 metres either side of the centre lines (i.e. a protected strip width of 12 metres per sewer) of the 975 sewer that traverses the site.

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

41. With the exception of car parking and minor drainage works, no development shall take place within 8 horizontal metres of the Kirkbridge Dyke culvert.

Reason: To ensure the structural integrity and ability to maintain the existing culvert thereby reducing the risk of flooding.

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

Reason: To ensure access is available at all times and in the interests of highway safety.

43. Each phase of development shall be carried out in accordance with the relevant remedial measures associated with that phase and detailed within the 'Treatment of Mineworkings Supplementary Report' dated April 2015 and prepared by Arup.

Reason: To ensure the safe redevelopment of the site.

44. All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategies. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategies, or unexpected contamination is encountered at any stage of the development process, works on the relevant phase should cease and the Local Planning Authority and Environmental Protection Service (tel: 0114 273 4651) should be contacted immediately. Revisions to any Remediation Strategies 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 Strategies (as relevant).

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

45. The principle use of the building associated with Plot 2, as identified on the Strategic Masterplan Red Line Boundary drawing received on 14 December 2015 and scanned on 15 December 2015 (Ref: 14-141-01000-D12), shall at all times remain within Use Class B1(b) (Business: Research and Development) of the Town and Country Planning (Uses Classes) Order, 1987, as amended.

Reason: In order to define the permission and limit the impact of the development on existing centres.

**Attention is Drawn to the Following Directives:**

1. The applicant is advised that any trees, shrubs and other foliage that are planned to be planted along the perimeter fence neighbouring the tramway need to be managed so that they do not obscure sight lines or come within 2.75 metres of the overhead line equipment.
2. The applicant is advised that any changes to the Arena Tram Stop name would have to be approved by both Supertram and the South Yorkshire Passenger Transport Executive, with funding for such changes to be met entirely by the developer. As the Arena is a key destination this would need to be retained in any subsequent name.
3. The applicant is advised that vehicle access needs to be maintained to the Arena Tram Stop at all times during and after the work as this is the primary

means of access in emergencies when major events are taking place at the Arena or Don Valley Bowl.

4. Where any work is required to be undertaken within 6 metres of the tram tracks or on the tramway side of the perimeter fence then the developer should work in accordance with the 'Stagecoach Supertram Code of Practice for Working On or Near the Tramway' which is available on request.

This requires that all work is discussed with a Stagecoach Supertram representative and that method statements are agreed to ensure the safety of the tramway, members of the public and construction staff. Where any work is within 2.75m of the overhead line equipment an isolation will be required this needs to be agreed with Stagecoach Supertram at the earliest opportunity, isolations will be charged at the rate current at the time of work.

5. As the proposed development is located near to the track and wires of the South Yorkshire Supertram you are advised to contact South Yorkshire Supertram Limited at 11 Arundel Gate, Sheffield , S1 2PN, (Telephone Sheffield (0114) 2728282) to establish whether or not the system is affected.
6. The applicant is advised that an Armco (or similar) barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway.
7. The applicant is advised that security of the railway boundary will need to be maintained at all times. If any works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.
8. The applicant is advised that all operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.
9. The applicant is advised that once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

Asset Protection Project Manager  
Network Rail (London North Eastern)  
Floor 2A  
George Stephenson House  
Toft Green  
York  
Y01 6JT

Email: [assetprotectionlneem@networkrail.co.uk](mailto:assetprotectionlneem@networkrail.co.uk)

10. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.
11. Before the development is commenced, a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which agreed in writing with the Local Planning Authority. Any deterioration in the condition of the highway attributable to the construction works shall be rectified in accordance with a scheme of work to be agreed with the Local Planning Authority.
12. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk). Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.
13. 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.

14. 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

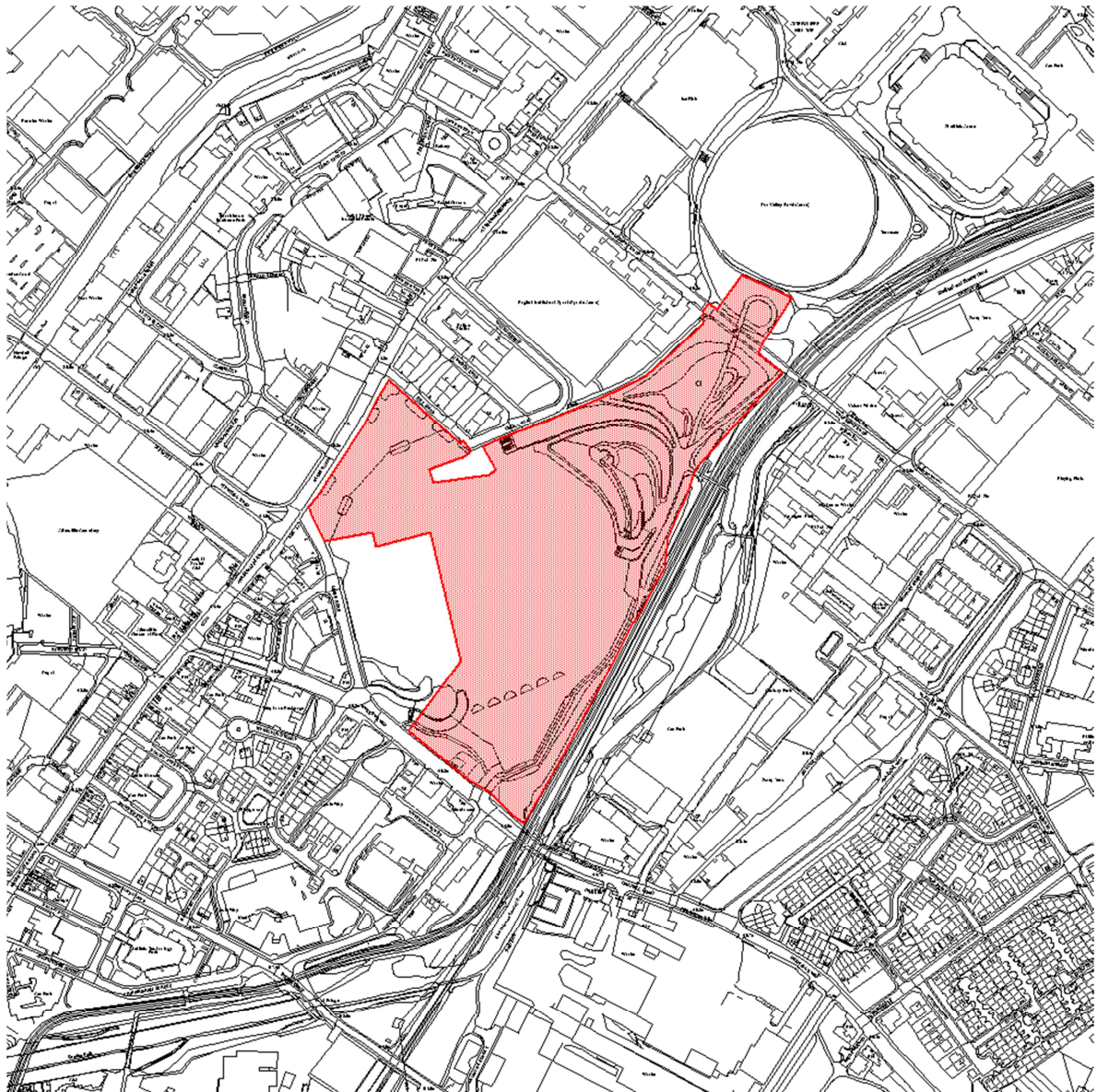
For the attention of Mr S Turner  
Tel: (0114) 27 34383

15. The applicant is advised that any future development set on the school side of the pitch should be designed to allow a direct visual connection from the school playground onto the pitch.
16. The applicant is advised that details of the external appearance and scale/massing of future phases shall be carried out in substantial accordance with the relevant site briefs and urban design principles set out in the Design Guide prepared by Bond Bryan and within the accompanying illustrative drawings received on 14 December 2015 and scanned on 15 December 2015.
17. 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.
18. The applicant is advised that the area around the Arena Tram Stop has been designed to manage crowds during events. Therefore any changes to the area and paths surrounding need to take this into account to ensure that the handling of crowds during events at the Arena and the Olympic Legacy Park is carried out effectively and safely.
19. The applicant is advised that any future phases should, when practical, be designed to incorporate Green/Brown Roofs.
20. The applicant is advised that low emissions vehicles are those classed as electric, hybrid, gas/bio-methane and liquefied petroleum gas (LPG) cars.
21. The applicant is advised that under the terms of the Water Resources Act 1991, and the Yorkshire Land Drainage Byelaws, prior written consent of the Environment Agency is required for any proposed works or structures, in,

under, over or within 8 metres of the top of the bank of Kirkbridge Dike, which is designated a 'main river'.

22. The applicant is advised to contact Alan Daines of the Canal & River Trust (0113 200 5713) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".
23. You are advised that the hotel element of the development is liable for the Community Infrastructure Levy (CIL) charge. The relevant reserved matters application must therefore be accompanied by a CIL Additional Information Requirement Form.
24. The applicant is advised that details of the external appearance and scale/massing of future phases shall be carried out in substantial accordance with the relevant site briefs and urban design principles set out in the Design Guide prepared by Bond Bryan and within the accompanying illustrative drawings received on 14 December 2015 and scanned on 15 December 2015.

## Site Location



© Crown copyright and database rights 2013 Ordnance Survey 10018816

## INTRODUCTION

This application relates to land associated with the former Don Valley Stadium site, including an area of open space set to the immediate north of the former stadium. As a whole the redeveloped site is known as the Olympic Legacy Park (OLP) and will be referred to as such in the following assessment.

The vision for the OLP development is one that brings together a unique mix of connected facilities encompassing education, research and development, community health and fitness and professional sport with particular focus on the Health and Wellbeing agenda.

The current site is in various stages of redevelopment and this is summarised as follows:

- The land associated with this application is currently cleared and has recently been re-profiled to facilitate future development. Final levels associated with these works are as approved under planning application reference (15/01953/FUL).
- Two further plots associated with the OLP development, but which are set outside of this application redline boundary, have recently gained planning permission. These plots came forward ahead of this main application owing to funding and delivery pressures.
- The first scheme is now complete and provides a new school (Oasis Academy) for 1200 children between the ages of 2 and 16 (see 14/01548/RG3). The Oasis Academy has 80 members of staff and a frontage along Worksop Road and Leeds Road of approximately 200 metres.
- The second scheme is currently under construction and will be Sheffield's second University Technical College (UTC). The concept is to provide a more vocationally focused education for students aged between 14 and 18 years of age.
- This particular facility will specialise in human science, sport and digital technologies. This UTC will have 600 pupils and 56 full time equivalent members of staff (see 15/02570/FUL).

## PROPOSAL

The proposal is for a hybrid planning application that is seeking both detailed and outline planning permission for various elements of the scheme.

- Detailed permission is sought for a new indoor sports/basketball arena (Use Class D2: Assembly and Leisure) that will house the Sheffield Sharks Basketball Team.



It is also anticipated that this facility will be available for use by the general public and other users within the OLP site. At maximum capacity this facility would accommodate 3000 people.

- Detailed permission is also sought for elements of the infrastructure, most notably the three car parks, that combined will provide 394 car parking spaces, including 37 accessible spaces.

The largest car park is accessed from Worksop Road and set to the south-east of the site. This car park surrounds the new sports arena and provides 298 spaces.

The two smaller car parks are accessed via Leeds Road to the south-west and Fell Road to the north-west. These will provide 37 and 59 spaces respectively.

- Outline planning permission for a new 4G sports pitch and an associated community stadium with a maximum capacity of 5000.

This stadium would include a main stand, most likely on the southern side of the pitch, which could provide facilities such as a hotel and café. It is anticipated that the stand would provide 6,300 square metres (sqm) of floor space and would be no more than four storeys in height.

- Outline planning permission is sought for a new office building (Use Class B1a) that would be set to the west of the site with frontages onto both Attercliffe Common and Fell Road.

It is anticipated that the office building would provide 7,000 sqm of floor space and would be no more than six storeys in height.

- Outline planning permission is sought for a new Advanced Wellbeing Research Centre (known as AWRC) (Use Class B1b) with ancillary office space.

This building would be associated with Sheffield Hallam University, is set to the west of the site, and would have a maximum height of six storeys. It is anticipated that the AWRC building would provide 4,000 sqm of floor space for the research function and 3,000 sqm of ancillary office space.

The concept behind this facility is to research new sports technologies related to areas such as community health programmes, education and professional sports.

- Outline planning permission is also sought for the associated infrastructure, including new public realm, landscaped works to the open space set to the north and a new pedestrian crossing on Collieridge Road.

Pedestrians will be able to access the site from a number of points on surrounding highways, with the key pedestrian accesses proposed from Worksop Road and Attercliffe Common.

Cyclists will be able to access the site via the existing links from both Coleridge Road and Worksop Road and the scheme includes a shared cycle/footpath between both points.

It is noted that this is an Environmental Impact Assessment development and it has therefore been accompanied by an Environmental Statement (including a revised Environmental Statement dated 12 February 2016).

## LOCATION

The application site extends to approximately 8.9 hectares and is located 1.2 miles south-east of junction 34S of the M1 motorway. The site sits adjacent to the A6178 (Sheffield Road/Attercliffe Common), which is a main arterial route from the motorway into the City Centre. At its nearest point the site is approximately one mile south-east from Meadowhall Shopping Centre.

The English Institute of Sport sits adjacent to the north-west boundary and venues including ICE Sheffield and The Motorpoint Arena are set in fairly close proximity to the north.

The Sheffield Supertram line, a network rail line and the Sheffield and Tinsley Canal adjoin the eastern boundary, beyond which are various commercial/industrial uses. Commercial/industrial uses are also set across Attercliffe Common (A6178) to the north-west.

The southern boundary of the site is defined by Worksop Road and Leeds Road and beyond sits an Area of Special Character, which takes in the Attercliffe Local Shopping Centre.

Although the development is not in proximity to affect their setting, there are several listed buildings in the vicinity. These include the Grade II Listed Adelphi Hotel, which is set across Attercliffe Road, and the Grade II Listed Britannia Public House, located on the opposite side of Worksop Road to the south.

The site is surrounded by excellent public transport links, which includes the Sheffield Supertram to the immediate east, and frequent bus services along Worksop Road and Attercliffe Road. These links are set to be strengthened further as the Bus Rapid Transport System (BRT) is currently being introduced along the A6178 (Sheffield Road/Attercliffe Common).

The entire application site is located within a designated Open Space Area as defined by the adopted Sheffield Unitary Development Plan (UDP). In addition a large part of the southern section of the site is within a Coal Mining Referral Area.

## RELEVANT PLANNING HISTORY

Prior Notification to demolish the stadium, which included grandstands, terraces, concourses, hardstandings, ancillary buildings and structures, was granted in 2013 under planning reference 13/02597/DPNRG3.

An application to re-profile the cleared site was most recently approved under planning reference 15/01953/FUL in December 2015.

An application to erect a new school on a section of the site was approved in July 2014 under planning reference 14/01548/RG3. This facility is now operational.

An application to erect a new University Technical College on a section of the site was approved in September 2015 under planning reference 15/02570/FUL. Development is currently underway.

## SUMMARY OF REPRESENTATIONS

### Sport England

Sport England's comments highlight that the scheme is proposing to replace a statutory playing pitch and that one of their exception criteria must be met for this to be considered as acceptable.

Owing to the proposed replacement pitch, as well as the provision of the new indoor basketball arena, Sport England consider that the proposal would comply with Section E5 of their exception criteria, as the proposed development will provide sports facilities of sufficient benefit to outweigh the detriment caused by the loss of the original playing field.

A suitable condition will be imposed to ensure Sport England is fully involved with the design of the relevant sports provision as the scheme progresses.

### Basketball England

Basketball England supports the plans to develop an indoor sports arena containing 3 basketball courts. They state that this new facility would see extensive use by the Sheffield Sharks Basketball Club, as well as significant community use, including use from other sports.

### Canal and River Trust

The Canal and River Trust note that the application site is set well back from the canal and separated by the Sheffield Supertram and a Network Rail line. There is also a considerable landscape strip of land along the canal that acts as a visual screen to the transport networks and the application site. As such, the visual impacts on the canal are mitigated by these features.

The Trust note that the applicant has made no reference in the submission to the use of the canal as a sustainable transport option and this should be addressed. It is also recommended that a Section 106 Agreement is signed by the applicant to provide funds in order to improve both the towpath and the visitor moorings in order to help promote this mode of travel.

## South Yorkshire Passenger Transport Executive (SYPTE)

SYPTE welcome the new development and comment on the excellent accessibility to existing local centres and existing public transport services, which includes being within walking distance of the Sheffield Supertram and the high frequency Bus Rapid Transport route.

SYPTE have recommended infrastructure improvements, including upgrades to the neighbouring tram stops, way finding signage within the development and real time information screens within individual buildings.

## Natural England

Natural England has responded to confirm they have no comments to make regarding this application.

## Highways England

Several responses have been received from Highways England during the course of this application requesting additional information associated with the Transport Assessment (TA) and Travel Plan (TP).

As a result Highways England had issued a holding response requesting no decision be made on the application until outstanding matters have been resolved.

The applicant issued the final versions of the TA & TP on 12 February 2016 and Highways England are now satisfied that these documents suitably characterise the increased traffic flows through Junction 34 as a direct result of the development.

Highways England do not however concur with the applicant's assertion that the associated impact is minor and therefore feel that some mitigation works will be required to address the peak hour effects on the junction.

Following the agreement of Highways England to a suitably worded condition to agree and secure these mitigation works going forward the holding objection has now been removed.

## Environment Agency (EA)

The EA have assessed the submitted Flood Risk Assessment and are satisfied that this document considers the risk of flooding and proposes suitable mitigation.

This mitigation includes retaining an appropriate easement in respect of the Kirkbridge Dyke culvert that runs across the site and restricting discharge rates.

## Local Representations

None received.

## PUBLIC CONSULTATION

The application was originally advertised by way of:

- Neighbour consultation letters, which were sent to 73 addresses surrounding the site.
- 5 site notices displayed on highways surrounding the site.
- A notice published in the Sheffield Telegraph on 25 June 2015.

Following the provision of a revised Environmental Statement on 12 February 2016 a further round of public consultation was carried out. This once again involved sending neighbour letters, posting new site notices and advertising in the Sheffield Telegraph.

In addition to the above, there has been ongoing public consultation carried out by the applicant at the various stages of the pre-submission process, which has been detailed within the submitted Statement of Community Involvement. Two of these consultation events have involved members of the general public.

The first was a stakeholder and public consultation event held in the Adsetts Building of Sheffield Hallam University on the 10th November 2014 to present the overall plan. This event was attended by over 90 people.

A second event was attended by approximately 50 stakeholders and members of the general public. This event was held at the English Institute of Sports on 12th March 2015 and was widely published, including within the Sheffield Star and Sheffield Telegraph.

The general feedback was positive and the applicant has provided a list of written questions from attendees and provided a response to these within the Statement of Community Involvement.

## 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 principle 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.

### Land Use

#### Greenfield/Brownfield

As the section of the application site that housed the former car park, forecourt and stadium is viewed as previously developed, it is classed as brownfield land. The

remaining formally undeveloped sections to the north would be classed as greenfield.

One of the Core Planning Principles of the NPPF is the encouragement of the effective use of land by reusing land that has been previously developed (brownfield land).

Policy CS2 (Business and Industrial Development on Brownfield and Greenfield Land) within the Sheffield Development Framework Core Strategy (CS) identifies brownfield/previously developed land as being the priority for business and industrial development.

In this respect the proposed built form is focused solely on the previously developed area, which is classed as brownfield. The greenfield land will remain undeveloped.

The proposal is therefore in accordance with the aforementioned policies.

#### Replacement Sports Provision / Loss of Open Space

The proposals involve the loss of the existing sports provision associated with the former Don Valley Stadium. As these facilities did provide formal open space functions for the catchment and wider city, several national and local policies need further consideration.

The NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

1. An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
2. 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
3. The development is for alternative sports and recreational provision, the need for which clearly outweighs the loss.

Policy CS47 (Safeguarding Open Space) within the CS sets out the parameters for which losing open space would be considered acceptable and in this regard section a) states that the loss of existing open space would not be permitted if it would result in a quantitative shortage of the relevant type of open space. In addition, section b) states that the loss of open space would not be supported if that open space is of a high quality.

In relation to the NPPF criteria, point two is the pertinent consideration, as the proposal is to replace the lost provision.

Sport England have offered consideration to the proposed replacement facilities, those being the new full size AstroTurf pitch and indoor sports arena, and have confirmed this offer represents equivalent or better provision in terms of quantity and quality in comparison to the original provision.

A suitable condition will be imposed to ensure Sport England is fully involved with the design of the relevant sports provision as the scheme progresses.

In relation to Policy CS47, as formal open space in the area is already underprovided and Don Valley Stadium was deemed to be a high quality facility, the proposal contravenes sections a) & b) of Policy CS47.

Aside from the quality of the replacement facilities already identified, it is also noted that Woodburn Road Stadium also provides similar functions, including an athletics running track, to those found at the former Don Valley Stadium and is situated in the same catchment. These facilities were recently upgraded to coincide with the closure of Don Valley Stadium.

In light of the above the proposals are considered to comply with the spirit of the NPPF and CS47.

#### Sport/Employment

Policy CS14 (Citywide Distribution of Shopping and Leisure Development) within the CS promotes a sequential approach to the location of leisure developments that have a city-wide or regional catchment.

Policy CS15 (Locations for Large Leisure and Cultural Developments) within the CS states that development of leisure and cultural facilities that serve the city and wider region will be located in, or at the edge of, the City Centre where possible.

Policy CS21 (The Boulevard of Sport) within the CS is relevant and this policy promotes the development of sports related leisure uses around the Don Valley Site. CS21 states that large-scale leisure uses, if they cannot be located in the City Centre will be located here.

In this instance the PCA and community stadium would be classed as large leisure developments with a sub-regional catchment and, owing to the significant nature/size of the development site, it would not be possible to locate these within the existing city centre.

In relation to CS21 several of the other uses are not providing sports, or associated leisure activity. However, as with the Oasis Academy and the University Technical College, there is an opportunity for the new non-sport related uses to establish strong links with existing sports facilities close by, and take advantage of the new facilities that will come forward.

For example, the AWRC building will specialise in the research of new sports technologies and the new hotel will cater for athletes and visitors to the site.

Therefore when taken as a whole the proposals sit comfortably within the spirit of Policy CS21.

Policy CS5 within the CS is also relevant. CS5 identifies the Lower Don Valley as a key strategic employment location for Manufacturing, Distribution and Warehousing and other Non-office Businesses. Non-office businesses include research and development facilities (Use Class B1b), which relates to the AWRC.

It is also noted that the draft City Policies and Sites document proposed a General Employment Area for much of the site, where a range of employment uses would be appropriate and no particular uses need be dominant. Although this document has very limited weight the proposals are a reflection of these aspirations.

#### Offices and the Sequential Approach

Policy CS3 (Locations for Office Development) within the CS promotes the location of B1(a) office development in targeted areas. A key principle is to ensure the majority (65%) of offices are located in the City Centre, or at its edge.

Currently only around 61% of new office development is expected to take place in the City Centre or its edge, and the application site is not identified as one of the other preferred office locations.

The proposed new office building (up to 7000 sqm of floor space) and the B1(a) office space associated with the AWRC (up to 3000 square metres) would not therefore accord with Policy CS3.

As B1(a) office space is classed as a main town centre use within the NPPF, and the location of offices on this site is not in accordance with an up-to-date Local Plan, the sequential approach is also a consideration

In considering the above the applicant has provided the required sequential assessment, which seeks to demonstrate that the office accommodation proposed forms a key part of this mixed use development and is essential for enabling delivery of the other proposed uses across the Olympic Legacy Park site.

This information describes how the B1(a) office use will provide an opportunity to build on and support the research activity which will be undertaken at the AWRC, for example through the attraction of commercial organisations which operate in the fields of health and well-being and which could benefit from this co-location.

It is also noted within the sequential assessment that the site also benefits from excellent public transport links, which does make it a sustainable out of centre option for such development.

In considering the sequential information for the B1(a) office elements of the scheme, it is fully accepted that the co-location of several complimentary uses is a driving force behind this key regeneration project. Indeed, it is unlikely a building such as the AWRC would go ahead without these uses incorporated into the wider scheme.



It also noted that owing to the enabling/complimentary nature of the office elements, as discussed above, any impact on the existing centres would be tolerable.

With the excellent connectivity also accounted for, it is therefore considered that the office elements of the proposal are acceptable in the context of Policy CS3 and the NPPF.

#### Hotel and the Sequential Approach

A hotel is also considered to be a main town centre use and therefore a sequential approach to such development is once again advocated within the NPPF.

The applicant has identified that in a similar way to the office uses, the proposed hotel is key to delivering a successful mixed use development as this facility will be utilised predominantly by visitors to the site, including visiting athletes and sports teams.

As there are few similar facilities in the surrounding area the hotel would also support neighbouring uses such as the English Institute of Sport and the Motorpoint Arena.

Given its complimentary nature and the excellent connectivity of the site any impact on the existing centres would be tolerable.

In this context the site is considered to be an acceptable location for a hotel from sequential perspective.

#### - Land Use Conclusion

Focussing the new built development on the brownfield (previously developed) sections of the site is compliant with relevant local and national policies. Whilst the replacement of the former pitch with new sports facilities of an equivalent or better quality is welcomed.

The provision of sports/large scale leisure uses on the former Don Valley site accords with the local policy context and the provision of the additional uses, including an office building and a research facility, will both compliment and help enable the delivery of the masterplan.

#### Design & Landscape

#### - Policy

The NPPF states that development should always seek to secure high quality design but decisions should not attempt to impose architectural styles or particular taste, albeit they should promote and reinforce local distinctiveness.

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 features of the city.

- Siting and Layout

The southern section of the site has been split into several development plots. These have been defined by design choices such as the location of key frontages/routes, and existing constraints such as landscape features and a culverted river.

Attercliffe Road is considered to be the key frontage when the site is viewed from the public domain and it was a desire to locate buildings as close as possible to this western boundary to ensure a strong frontage. Unfortunately however, because of the abortive costs associated with tackling the existing underground services and a culverted river that run underneath this section of the site, this desire has only been partially realised.

To counter this the proposal is to locate the taller buildings, those being the AWRC and office building, on this western section of the site in order to help create a greater presence and feeling of enclosure. It is therefore felt that with the constraints taken into account the applicant has proposed the best possible solution to ensure an appropriate appearance when viewed/approached from Attercliffe Road.

The positioning of the pitch within the site is considered logical for several reasons, not least because there was a need for a large level area to provide this function. In addition, the central location allows convenient access for the school, the UTC and from all the car parks.

The location of the main stand and the hotel associated with the pitch was defined by ground levels and a desire to provide an active frontage onto the central boulevard. This location is therefore supported.

The final development plot is the Park Community Arena (PCA), and again it would have been desirable for this building to be located closer to the Worksop Road frontage. Unfortunately, this was also not possible largely owing to the location of the culverted river. However, as this is not as prominent or extensive a frontage as Attercliffe Road a smaller building in this location can be accepted.

These development plots are to be located around the new infrastructure, including a number of new and retained pedestrian routes, re-graded landscaped areas such as Flame Hill and three new car parks.

The larger car park is located in close proximity to the previous car park associated with the Don Valley Stadium and is accessed via Worksop Road. Aside from this being a logical location to access the site from a highway safety perspective, this location also ensures the car park is not viewed from Attercliffe Road, which is the key frontage.

The remaining two car parks are small in comparison. The car park accessed via Fell Road will be screened from key views by the proposed office building. The remaining car park is accessed via Leeds Road and will be visible from Attercliffe Road. Whilst not ideal, as this car park is limited in scale and will be screened to an extent by a low wall and landscaping, it is tolerable given the urban setting.

The area to the north will be retained as open space and re-profiling works have been carried out (see 15/01953/FUL) with the ambition to increase activity and surveillance in this area.

#### Massing and Appearance Park Community Arena (PCA)

The PCA is the phase of the project for which detailed approval is sought and therefore this element is discussed separately.

In relation to appearance, the applicant was keen to create an external envelope that expressed the functionality within, whilst creating a distinctive quality appearance, ensuring it acts as an appropriate visual gateway into the site from the Worksop Road. The applicant has achieved this by employing several different approaches.

The most striking element of the external envelope is the ribbed profile free spanning roof. Constructed in aluzinc, this method also creates the flexibility to provide a roof overhang along the principal façade, which adds further quality and interest.

To function, the building does not require extensive amounts of natural light and coupled with budgetary constraints, this has resulted in a conservative approach in respect of active frontages. With that said, the internal layout has been carefully designed to maximise the benefit offered by these areas.

This has seen the principle façade orientated so that it fronts Worksop Road, ensuring a suitable welcome when accessing the site from this direction. A seating/café area has also been incorporated into the south west corner as this section is prominent when the building is approached from the west along the central boulevard.

Along with generous glazing, the applicant has utilised both light and dark timber cladding on the principle elevation, which creates a contrast that has been utilised to reflect the curved roof form. The darker cladding is employed at lower level to ensure greater robustness.

The rear (north) elevation uses same dark timber cladding at lower level and a translucent cladding material above, which can be lit. The timber follows the established language and the translucent panels, particularly when lit, will create a feeling of activity and interest.

Aside from the glazing (discussed above), perforated metal panels set between fair faced concrete columns have been employed along the side (east and west) elevations. The concrete columns help create a common architectural language across the elevations and the perforated panels will be manufactured to present images that reflect the use, which again helps create visual interest.

Overall the PCA presents a high quality addition to the OLP site, utilising several materials and features to suitably reflect the function of the building.

#### Parameter Information for Future Phases

The application has been accompanied by several pieces of information that set parameters for future phases going forward, including a Design Guide. This guidance includes setting maximum heights for future buildings, appropriate locations for key frontages and strategies for dealing with matters such as lighting, street furniture and refuse collection. Guidance is also provided in relation to the quality of materials.

As discussed above, the guidance identifies the two plots closest to Attercliffe Road for the taller buildings, to ensure the best enclosure ratios are achieved to this frontage. These buildings would reach a maximum height of 6 storeys.

The PCA and stadium stand/hotel are of a lower scale (no more than 4 storeys). This scale is more akin to the Oasis Academy and the UTC and is appropriate given the more inward facing locations.

In relation to materials the guide identifies a need for these to be of the highest quality and employed in a contemporary manner. Encouragement is also given to explore the local vernacular, including that of the adjacent Area of Special Character, to help inform the architectural language. In part this will be achieved through the use of good quality bricks.

It is considered that these parameter documents provide suitable confidence that future phases will achieve the standards appropriate for such a key regeneration site.

#### Landscape

As part of the now completed re-grading works the majority of the landscaping has been removed from the site. Although not usually encouraged, in this instance it was felt the correct approach for two main reasons:

1. The existing situation/levels hampered the ability to provide suitable development plots to the south of the site.

2. The existing situation/landscape coverage created an unwelcoming and potentially unsafe environment within the open space to the north of the site.

Although indicative at this stage the application has been accompanied by framework information with respect to landscape parameters going forward.

This information shows a number of replacement trees planted throughout the site along with new grassed and planted areas.

In this respect, the landscaping to the south will take a more structured approach to reflect the built-up nature of this section of the site. As would be expected, this area provides extensive areas of hard landscaping and the quality of the paving identified in the supporting information is considered to be acceptable. This area will also provide softer features such as raised grassed areas for sitting.

Although the open space area to the north will include a generous amount of new tree planting, a key focus will be to design a space that has good natural surveillance, which will help ensure it is well used and safe. This is vital given the school and college uses on the wider site.

The information provided identifies alterations to the existing pedestrian and cycle routes through the site in order to reflect the new levels created by the completed re-profiling works. These have been designed to maximise connectivity and achieve the best gradients possible for users given the challenging topography.

The routes within the site, including the wide central boulevard that links the various phases together, will be pedestrianised. While a new pedestrian crossing will be provided at Coleridge Road to improve connections to the Don Valley Bowl. The ambition is to create as smooth a transition as possible between the Don Valley Bowl and the OLP in both the physical and visual sense.

## Design & Landscape Conclusion

The southern (previously developed) section of the site has been split into several development plots. These have been defined by design choices such as the location of key frontages/routes and existing constraints.

For example, locating the taller buildings close to Attercliffe Road was considered desirable to ensure a strong presence along this key frontage. The central positioning of the pitch within the site allows convenient access for users, while the location of the main stand and the hotel was informed by a desire to provide an active frontage onto the central boulevard.

The application has been accompanied by several pieces of information that set parameters for future phases going forward, including maximum heights for buildings and strategies for dealing with matters such as lighting, street furniture and refuse collection.

The Park Community Arena is the phase of the project for which detailed approval is sought. In relation to appearance, features such as the free spanning roof,

ensure that the building has a distinctive high quality appearance, which allows it to act as an appropriate visual gateway into the site from Worksop Road.

The area to the north will be retained as open space and the ambition when the final landscape details are considered will be to increase activity and natural surveillance.

## Highways

### Policy

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. Decisions should take account of:

- The opportunities for sustainable transport modes to reduce the need for major transport infrastructure;
- If safe and suitable access can be provided for all;
- If improvements can be undertaken to the transport network that cost-effectively limits the significant impacts of the development.

The NPPF also states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Policy CS51 (Transport Priorities) within the CS, identifies strategic transport priorities for the city, which include containing congestion levels and improving air quality.

Policy CS52 (Key Route Network) within the CS identifies the A6178 City Centre to M1 J34 South as a key route (this is the Attercliffe Road/Attercliffe Common/Sheffield Road link). The Key Route Network is intended to provide good quality access to the City Centre and the regional and national road network and to fulfil strategic transport functions.

The text with the policy says the Key Routes will play a crucial role in supporting new development of major employment areas and enabling increased number of people to travel there.

### Impact on the Local Highway Network

The applicant's Transport Assessment (TA) includes modelling results for several scenarios to explore the ability of the highway network to accommodate increased traffic in future years as a result of the development. These future year scenarios also account for more general traffic growth and traffic associated with committed developments such as IKEA and the River Don District.

This modelling work also included more detailed assessments of both the Worksop Road/Attercliffe Road junction and Junction 34 of the M1 Motorway. This allowed a more in depth understanding of the growth impact on these two key junctions.

The models used have been agreed and validated by Highways England and the Sheffield City Council Highways Section.

The scenarios have considered the existing (base) situation and network capacity for the years 2019 and 2025 with the development accounted for (do something scenario), and without the development accounted for (do minimum scenario). The applicant has also considered a scenario with the following four highway mitigation measures implemented on the network.

1. Attercliffe Road / Worksop Road

Introduction of a southbound approach lane to the northern arm of the junction and continue lane southbound. Widening of the Worksop Road approach to the junction (removal of build out) to separate left-turn and right-turn flows at the stop line.

2. Brightside Lane / Hawke Street

Adjust signal timings to increase green time on westbound approach.

3. Brightside Lane / Weedon Street

Implementation of a yellow junction box to prevent blocking in the junction.

4. Meadowhall Lane / Meadowhall Way

Coordinate signal times to introduce a “green wave” along Meadowhall Way.

Leaving Junction 34 to one side, the results of the modelling show that, without the mitigation proposed above, the traffic generated by the development at peak times is likely to significantly increase journey times on key routes on the existing local highway network.

However, when the highway interventions identified above are incorporated into the future year assessments, these interventions largely mitigate the impact of the OLP development, providing comparable results to the Do Minimum scenarios, or marginal increases in journey times which are generally considered reasonable. This includes the A6178, which Policy CS52 identifies as a key route.

In relation to Junction 34, Highways England are now satisfied that the increased traffic flows through the junction as a direct result of the development have been suitably characterised within the Transport Assessment.

Highways England do not however concur with the applicant’s assertion that the associated impact is minor and therefore feel that some mitigation works will be required to address the peak hour effects on the junction.

A suitably worded condition to agree and secure these mitigation works will therefore be imposed should members be minded to approve the application.

### Local Infrastructure

The TA has considered the local infrastructure, such as footpaths, street lighting and bus stops, in order to determine if these features have capacity to deal with the additional demand created in a safe manner.

As this infrastructure has seen recent improvements associated with the new Oasis Academy and the delivery of BRT, the TA concludes that this existing infrastructure would remain 'fit for purpose'.

Although generally these conclusions are accepted, it has been agreed that certain improvements are required, those being:

1. The provision of a new crossing point at Coleridge Road to more effectively link the site to the Don Valley Bowl.
2. Improvements and new shelters to the Arena Tram Stop.
3. The resurfacing of footways around the application site.

These improvements will be secured through planning conditions should members be minded to grant the scheme.

### Day Time Car Parking

In relation to on-site daytime car parking requirements, the TA includes a breakdown of the need for each use. These numbers have been validated by both Highways England and the Sheffield City Council Highways Section.

When reasonable adjustments have been made for the excellent public transport links the site benefits from, the TA identifies a requirement for 363 daytime parking spaces. This indicates that peak daytime demand is around 30 spaces less than the total number of spaces proposed (394), which is considered reasonable given the 37 disabled spaces proposed on site.

### Event Car Parking

Considerations in relation to the car parking demands associated with the PCA (3000 capacity) and stadium (5000 capacity) are a little more complex.

Looking at the worst case scenario of 5000 supporters attending an event at the stadium, plus additional parking for media and staff etc, it was considered that the minimum parking provision should be 800 spaces. This was based partly on FIFA's Technical Recommendations and Requirements (4th Edition, 2007) for stadia and uses a derived ratio of capacity/parking based on a 60,000 capacity stadium.



This minimum figure is also reflective of the excellent public transport links that the site benefits from, including the Sheffield Supertram and BRT.

Given that the site provides 394 spaces, this represents a shortfall of 406 spaces from the minimum.

The TA has therefore considered what reasonable adjustments can be made from the minimum parking requirement of 800 spaces, based on assessments of:

1. Spare capacity within surrounding public car parks, including Park and Ride facilities. These car parks have been chosen based on them being within a 10 minute tram journey of the site.
2. Spare capacity on the surrounding highways. The relevant highways have been chosen based on them being no more than 800 metres walking distance of the site.

The survey work to gather the relevant information was carried out at times when events at the community stadium and PCA are most likely to take place. A survey was also carried out during a major event at the Motorpoint Arena, so the worst case scenario could be understood.

The TA identifies that during an event (on a Friday evening in this instance) at the OLP site with the maximum 5000 capacity crowd in attendance, there would be a minimum of 1,312 car parking spaces available on surrounding streets within 800 metres of the site. This is in addition to the 1,847 spaces shown as being available in the relevant off site public car parks.

The same exercise was undertaken during a major event at the Motorpoint Arena (One Direction on Saturday 31 October 2015). In this scenario the survey work identifies 2,484 car parking spaces available on surrounding streets within 800 metres of the site. This is in addition to the 625 spaces shown as being available in the relevant off site public car parks.

In each scenario it was evident that, through a combination of accessible on-street parking and public car parks, there is ample capacity to accommodate the identified 408 shortfall of on-site car parking spaces during events at the OLP site.

It is therefore considered that this car parking provision for the events held on the OLP site is justified from an operational perspective, given the excellent public transport links and the identified spare capacity within surrounding public car parks and surrounding streets at the relevant peak times.

#### Drop-off and Pick-up

The larger car park accessed via Worksop Road is intended to provide morning drop-off facilities for the University Technical College (UTC), which is currently under construction (see 15/02570/FUL). This function will take place between 08.00 and 08.30 hours and, owing to the generally quick nature of dropping-off,

coupled with spare capacity within this car park at that time, this can be comfortably accommodated.

The Transport Assessments for the UTC and Don Valley HUB demonstrate that the OLP infrastructure is not relied upon for any other drop-off or pick-up functions associated with these separate elements of the OLP proposals.

### Servicing

As full planning permission is sought for the layout of each car parking area the applicant has provided tracking information to demonstrate that the largest required servicing vehicles can manoeuvre safely within these spaces.

The applicant has also provided indicative servicing points for each building that demonstrate easy servicing access can be achieved from within the car parks.

### Highway Conclusions

The Transport Assessment (TA) includes modelling which demonstrates that, with relatively minor highway mitigation work, the development will only marginally increase journey times across the network. This is considered acceptable when balanced against the regeneration benefits the scheme offers.

The TA has demonstrated that through a combination of on-site and accessible on-street parking, plus accessible public car parking, there is ample capacity to accommodate the car parking demands of the development during events.

Evidence has also been provided to demonstrate that the 394 spaces are sufficient to cater for the parking demands of the daytime uses across the site.

Several proposed improvements, including the provision of a new at grade crossing at Coleridge Road, ensure the pedestrian and cycling infrastructure in and around the site remains 'fit for purpose'.

### 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.
- Giving preference to development on previously developed land where this is sustainably located.
- Adopting sustainable drainage systems.

In relation to the requirements of CS63 the highways section of this assessment (see above) has identified the site as being in a highly sustainable location in

respect of public transport. The site is also in easy walking distance of the Attercliffe Local Shopping Centre. The following drainage section also identifies the proposed sustainable drainage systems to be employed by future phases.

In addition, the section of the site that will see new development will be focused on the developed area that previously housed the infrastructure associated with Don Valley Stadium.

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.

In practice, to satisfy the main body of the policy non-residential developments should achieve a BREEAM rating of Very Good. CS64 has further requirements that may fall outside BREEAM, such as designing buildings flexibly from the outset to allow a variety of possible future uses.

The applicant has confirmed that each phase of the development will aim to achieve the requisite BREEAM rating and this will be secured within the planning conditions should members be minded to grant the application.

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.

In practice to satisfy CS65 new developments should provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy, unless it can be demonstrated that it is not feasible and viable.

CS65 did previously require the generation of further renewable or low carbon energy, or the incorporation of design measures, sufficient to reduce the development's overall predicted carbon dioxide emissions by 20%. As this is now a requirement of Building Regulations it is no longer being sought as part of planning applications.

In relation to CS65, the intention is for each phase of the development to connect to Sheffield's Combined Heat and Power System, which is being extended through the OLP site. A condition will be attached to secure the final details of this for each phase, or agree an alternative proposal if required.

In addition to the above, the development has several further elements that ensure it can be considered as highly sustainable. This includes:

- Extensive new landscaping.
- Green/brown roofs when practical and these are already evident on sections of the Oasis Academy and the UTC.
- Cycle parking and recycling facilities.
- Car parking spaces for low emissions vehicles.
- Rapid electric charging points for motor vehicles using the site.

## 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.
- Ensuring buildings are resilient to flood damage.
- Promoting the use of sustainable drainage techniques.

The application has been accompanied by a Drainage Strategy and a Flood Risk Assessment (FRA), which list a range of proposals to reduce the impact of flooding. The Drainage Strategy focuses more on the car parks and PCA, which are the detailed elements of this proposal, while the FRA covers the entire site.

The FRA identifies that the site is set within Flood Zone 1, which is deemed to be at the lowest risk of flooding. In addition, the report finds that there are no historical records that indicate the site is vulnerable to flooding from any of the nearby water bodies.

These documents also consider the proposed management of surface and foul water from the development, including any reductions in the existing discharge rate from the site.

One element of the surface water strategy is to discharge surface water (at the reduced rate of 30%) into the Kirkbridge Dyke culvert, which runs through the OLP development.

The proposal for the foul water drainage system is to outfall into the combined sewer running below Worksop Road.

The scheme will also include other sustainable drainage techniques to reduce surface water run-off, which includes extensive permeable paving, landscaped areas and the inclusion of green roofs.

Subject to conditions, the Environment Agency, Yorkshire Water and the Lead Local Flood Authority have confirmed that these proposals are acceptable.

## Ground Conditions

The re-grading of the OLP site has been carried out under planning application 15/01953/FUL. This approval included remediation works to deal with ground contamination which was present owing to the historical industrial legacy.

Although the ground contamination has now largely been addressed, each future phase will be required to provide an additional Remediation Strategy to deal with specific matters related to that site, such as final capping measures. These additional details will be secured through planning conditions should members be minded to grant consent for the scheme.

Much of the southern half of the site is located within a Coal Mining Referral Area (CMRA) and, as a result, a Coal Mining Risk Assessment accompanies the application.

The assessment identifies the site as falling within the defined Development High Risk Area as records show that the site had been the subject of unrecorded underground coal mining at shallow depth. However, these were treated during the development of Don Valley Stadium.

The Coal Authority have confirmed that, as the CMRA does still identify evidence of grouting operations and some additional voids, then there is a requirement for additional remediation. They also confirm that the remediation included in the relevant reporting is satisfactory to address the coal mining legacy of the site and should therefore be secured by condition.

### Archaeology

Although the site has a historic industrial legacy, South Yorkshire Archaeological Service has confirmed that construction of the original Don Valley Stadium will have removed any structures of interest.

It is therefore not necessary to undertake any archaeological work prior to, or during redevelopment.

### Air Quality

The National Planning Policy Framework advises that planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

Policy GE23 (Air Pollution) within the UDP states that development will be permitted only where it would not locate sensitive uses where they would be adversely affected by sources of air pollution.

Policy CS51 (Transport Priorities) within the CS states that one of the strategic priorities for transport is to improve air quality.

Policy CS66 (Air Quality) within the CS states that action to improve air quality will be taken across the built-up area.

In Sheffield, the health-based national standards and EU limit values for nitrogen dioxide (NO<sub>2</sub>) and fine particle (PM<sub>10</sub>) are breached in specific parts of the city, resulting in the declaration of an urban wide Air Quality Management Area (AQMA) and the production of an Air Quality Action Plan (AQAP).

The AQAP (2015) aims to 'reduce nitrogen dioxide (NO<sub>2</sub>) and fine particle (PM<sub>10</sub>) pollution in Sheffield in order to improve the health of local people; by protecting areas of low air pollution and improving areas where pollution is elevated.'

There are seven key actions to achieve the objectives of the Action Plan. The most relevant for the OLP scheme are to:

- Develop infrastructure for refuelling low emission vehicles.
- Promote smarter travel choices.
- Improve engine performance of commercial diesel vehicles.
- Ensure significant developments predicting a loss of air quality would be appropriately mitigated.

The Air Quality Assessment (AQA) for this application forms Chapter 7 of the submitted Environmental Statement.

This assessment outlines relevant air quality management policy and legislation, describes the existing (base) air quality conditions in the vicinity of the proposed development and outlines the nature of the development.

The specific pollutants assessed within the AQA are nitrogen dioxide (NO<sub>2</sub>) and particle matter (PM<sub>10</sub>) of sizes less than 10 micron, which are largely produced from internal combustion systems such as motor vehicle engines and from construction dust. Information from existing diffusion tubes has been obtained to inform the assessment.

The methodology and modelling has been agreed and validated by Sheffield City Council's Air Quality Team.

### Construction Impact

The main impact on air quality from the construction phase of any development would generally arise from dust due to activities on site, such as demolition and soil movement, and emissions from machinery on site and construction vehicles.

For each of the dust generating activities three separate effects are considered:

1. Annoyance due to dust soiling.
2. Harm to ecological receptors.
3. The risk of health effects due to a significant increase in PM<sub>10</sub> exposure.

In order to determine the sensitivity of the area, the AQA takes into account the scale to which the above effects are likely to be generated (classified as small, medium or large), along with the levels of background PM<sub>10</sub> concentrations and the distance to the closest receptor.

This information is then taken into consideration when deriving the overall risk for the site and proposing suitable mitigation measures, where required.

The AQA for the OLP site identifies that there are no sensitive ecological receptors within the defined radius of the site and therefore the assessment has focused on human receptors only.

Human receptors are defined as those properties/schools/hospitals that are likely to experience a change in pollutant concentrations and/or dust nuisance due to the construction of the proposed development.

There are sensitive receptors located within 350 metres of the site boundary. These are mainly residential dwellings, however the closest receptor is the Oasis Academy, which is fully operational, and is within 20m of the site boundary.

When additional factors such as travel routes for construction vehicles are accounted for and each dust-generating activity has been assigned a dust emission magnitude, the site is classed as medium risk for dust soiling and human health effects. Mitigation is therefore required and this is discussed in more detail below.

### Operational Impacts

Operational air quality impacts from the proposed development arise principally as a result of traffic changes along the local road network.

The 2015 EPUK/IAQM guidance note 'Land-Use Planning & Development Control' provides an approach to determining the air quality impacts resulting from the operation of a proposed development on local air quality at individual receptors and the overall significance of local air quality effects arising from a proposed development.

The AQA has made assessments at selected receptors where exposure to traffic emissions from vehicles travelling to/from the site is potentially the greatest. These assessments are based on the following scenarios:

- 2014 baseline scenario.
- 2019 without the development (Do-Minimum - DM) scenario.
- 2019 with the development (Do-Something - DS) scenario.

The base (existing) scenario identifies that that the health-based annual average air pollution standards of  $40\mu\text{g.m}^{-3}$  for NO<sub>2</sub> are already breached at six of the twelve receptor locations.

In the DM scenario the base model is improved upon, with ten out of the twelve receptor locations falling below the threshold. This improvement is largely as a result of cleaner technology for motor vehicle engines moving forward.

In the DS scenario the same two receptor locations (Hotel Ibis & Premier Inn) identified in the DM scenario will remain the only locations to exceed the threshold.

Looking at the impact of the DS scenario in comparison to the DM scenario, nine of the twelve receptor locations will see a negligible increased impact as a result of

the development. One location (Gateway Business Centre) shows a slight adverse impact and two locations (Hotel Ibis & Premier Inn) show moderate adverse impacts.

These two locations showing a moderate adverse impact (Hotel Ibis & Premier Inn) are the same two receptor locations already identified as exceeding the threshold of  $40\mu\text{g}\cdot\text{m}^{-3}$  for  $\text{NO}_2$  in all scenarios. Whilst a moderate adverse impact is not desirable, it is noted that hotels are not classed as sensitive receptors. Even so, mitigation would be appropriate to address the identified impacts and this is discussed in more detail below.

It should be noted that as all modelled results predict annual mean concentrations below  $60\mu\text{g}\cdot\text{m}^{-3}$  for  $\text{NO}_2$ , it is not anticipated that the hourly mean  $\text{NO}_2$  objective would be breached at any receptor locations.

The proposed development will result in a very small increase in annual mean  $\text{PM}_{10}$  concentrations. This change is classed as negligible and the annual mean  $\text{PM}_{10}$  objective would still not be breached at any receptor location in all assessed scenarios.

There is also no change in the number of days which predict daily average  $\text{PM}_{10}$  concentrations greater than  $50\mu\text{g}/\text{m}^3$ , as a result of the proposed development.

#### Mitigation

With respect to the construction phase the AQA identifies the development as medium risk for dust soiling and human health effects. The impact can be greatly reduced or eliminated by applying the site specific mitigation measures for medium risk sites according to the recognised IAQM guidance.

A number of measures will therefore be included in the specific dust mitigation strategies for each phase of the proposed development. These measures will include regular site inspections and ensuring a water supply is available to suppress dust generating activities.

In addition, the applicant has agreed to place restrictions on certain construction vehicle types to ensure they produce lower emissions during this construction phase.

During the operational phase in the most part the surrounding receptor locations show a negligible impact in all scenarios. There will however be a slight adverse impact in one of the twelve locations assessed, and a moderate adverse impact in two further locations.

As the site is within an AQMA and two of the receptor locations show measurements above the threshold in all scenarios, it is appropriate to provide mitigation. The applicant has therefore agreed to the following measures:

1. To allocate five car parking spaces within the site for low emissions vehicles.



2. To provide two rapid electric charging points for motor vehicles using the site.

The scheme will also include extensive new soft landscaped areas and green/brown roofs, which will also form part of future mitigation.

#### Air Quality Conclusion

The construction effects have been assessed using the qualitative approach described in the latest Institute of Air Quality Management (IAQM) guidance and it was concluded that, with appropriate mitigation measures implemented successfully, no significant residual effects are anticipated during the construction phase of the proposed development.

With the implementation of the agreed mitigation measures, the operational phase of the development will have a negligible impact on air quality, which ensures sensitive locations/receptors surrounding the site will be suitably protected.

#### Environmental Issues

##### Noise & Odour

Policy GE24 (Noise Pollution) within the UDP requires that development should not create noise levels causing a nuisance, and sensitive uses and noisy uses should not be located close together.

The site is bounded by highways on three sides and tram tracks on the fourth (east) boundary. In addition, the uses adjacent to the site are occupied by commercial operations. As a result sensitive receptors, notably residential properties, are not located in close proximity.

Planning conditions will be attached to ensure that noise emitted from any rooftop plant will not be a nuisance. Conditions will also be imposed to ensure any odours emitted from kitchens associated with any phases are suitably managed.

One consideration is noise from the stadium use given the capacity (5000 people). This is a similar situation to that created by the former Don Valley Stadium, which had a larger capacity, and given the relatively limited number of times such an event would take place this is not considered to be a concern.

The stadium will have floodlights associated with it and a key consideration during the reserved matters application for this facility will be to ensure these are designed to limit the spread of light so that the amenity of surrounding uses is not unduly harmed. The applicant is aware of the issue and will be moving the scheme forward in a manner that addresses this.

## Dominance and Shadowing

In general amenity terms it is considered that there will be a suitable distance between the new buildings and the surrounding uses/buildings to ensure the proposals do not lead to undue dominance or shadowing issues.

## Access

Policy BE7 (Design of Buildings Used by the Public) within the UDP requires safe, equal and easy access for people with disabilities to buildings used by the public.

BE10 (Design of Streets, Pedestrian Routes, Cycleways and Public Spaces) within the UDP states that new public spaces should be convenient and safe to use for people with disabilities, elderly people, young people, and people with young children.

Detailed plans have been provided for the PCA that show level access to the main entrance of the building, mobility toilets and mobility changing rooms.

37 (9.39%) of the 394 car parking spaces across the site will be mobility compliant. These spaces will be spread across the three car parks and located as close as practical to the main entrances of building to keep travel distances as short as possible. With the knowledge that the uses across the site will overlap at times the provision is considered to be appropriate.

Aside from the ability to drop-off within the general car parks, a dedicated drop-off facility will be provided at the front of the PCA for users of the site. This is a welcome facility from an access point of view.

The levels across the site are challenging and the re-grading work already undertaken has been mindful of a need to provide the easiest routes through the site for all users.

The detailed landscaping plans for the remainder of the site will come forward at the reserved matters stage. This information will include details of final levels and features to be incorporated to ensure access for all, including the type of paving and lighting, style of seating and the location of ramps, steps etc.

The final landscape scheme will also detail a more defined route from Worksop Road to a new at grade pedestrian crossing at Coleridge Road, which is welcomed.

This detailed design will include the involvement of the Access Liaison Group and SCC Access Officers.

The reserved matter applications relating to other buildings will consider issues such as the location of entrances and internal mobility facilities. Again these details will be considered in consultation with the appropriate officers at that time.

The proposal is therefore considered to comply with the above access policies.

## Ecology

Policy GE15 (Trees and Woodlands) within the UDP states that trees and woodland will be encouraged and protected. This will be achieved in part by requiring developers to retain mature trees, copses and hedgerows, wherever possible, and replace any trees which are lost.

Along with Policy GE15 other ecology implications require further consideration.

It should be firstly noted that as a result of the site preparation/remediation works (see 15/01953/FUL) the site is now cleared and has no features of notable ecological interest.

To compensate for this the completed scheme will introduce several features to improve and promote ecological interest, including substantive tree and shrub planting, elements of green/brown roofs and bird/bat boxes. The design of such features will be carried out with the input of the Landscape and Ecology Section to ensure appropriate choices are made.

When the scheme is completed it is considered that the ecology offer will be improved in comparison to the previous situation (before clearance works commenced) and the scheme will accord with Policy GE15.

## Public Art

Policy BE12 (Public Art) within the UDP states that the provision of works of public art in places which can be readily seen by the public will be encouraged as an integral part of the design of major developments.

A public art strategy for the site will be secured within the planning conditions should members be minded to grant the scheme. It is anticipated the main element of public art will be a collaborative piece between all phases and this would be delivered as part of the initial infrastructure/landscaping phase.

Smaller individual pieces of public art would then come forward as part of delivering each individual building.

It has also been agreed that the original bowl that sat atop of Flame Hill will be retained and reused within the final landscape design.

This public art offer is considered suitable to satisfy the requirements of Policy BE12.

## Employment, Regeneration & Training Strategy

The applicant has confirmed that, when practical, each phase of the development will promote and utilise local employment during the relevant construction and operational phases.

Local Employment Strategies will therefore be secured through the planning conditions should members be minded to grant consent for the project.

#### Community Infrastructure Levy (CIL)

CIL was introduced in Sheffield in 2015 and of the proposed uses the hotel would be the only element subject to the levy. The site is set within the East Charging Zone and the charge would be £40 per square metre.

A directive will be attached to any positive decision to ensure the requisite information is provided by the applicant during the reserved matters stage.

#### Environmental Impact Assessment (EIA)

The requirement for the provision of an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2015 was assessed during the pre-application process. This is because the proposed development is considered to be an Urban Development Project under Part 10, Schedule 2 of the Regulations.

After full consideration of the selection criteria a screening opinion was issued by letter on 19 February 2015 which concluded that the scheme was an EIA development owing to cumulative impact in respect of air quality and transport.

The application has therefore been accompanied by an Environmental Statement.

#### Direction (Circular 02/2009)

Local Authorities are required to inform the Secretary of State (SofS) of certain proposals for major development before granting planning permission as set out in Circular 02/2009. In accordance with the Circular, as this development accords with the development plan there is no need to refer it to the SofS in this instance.

#### RESPONSE TO REPRESENTATIONS

The above assessment addresses the majority of the issues raised by the relevant representations. However, a few do require a little more explanation.

#### Canal and River Trust

'The Trust note that the applicant has made no reference in the submission to the use of the canal as a sustainable transport option and this should be addressed. It is also recommended that a Section 106 Agreement is signed by the applicant to provide funds in order to improve both the towpath and the visitor moorings in order to help promote this mode of travel.'

Whilst the canal is a welcome sustainable transport option it was not felt proportionate to request amended reporting given the anticipated limited use. There are no public services that use the canal at this time and, as such it is not a viable transport choice for this development.

In this case, given the limited benefit to be had, the request for monies through the S106 process to improve the towpath and visitor moorings was not felt to meet the Regulation 122 within the CIL Regulations.

Regulation 122 states that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is necessary to make the development acceptable in planning terms.

South Yorkshire Passenger Transport Executive (SYPTTE)

'SYPTTE have recommended infrastructure improvements, including upgrades to the neighbouring tram stops, way finding signage within the development and real time information screens within individual buildings.'

Each of the SYPTTE requests is considered reasonable and has been secured within the planning conditions to further improve the attractiveness of public transport choices for the end users of the site.

## SUMMARY AND RECOMMENDATION

### Land Use

Focussing the new built development on the brownfield (previously developed) sections of the site is compliant with relevant local and national policies. Whilst the replacement of the former pitch with new sports facilities of an equivalent or better quality is welcomed.

The provision of sport/large scale leisure uses on the former Don Valley site accords with the local policy context and the provision of the additional uses, including an office building and a research facility, will both compliment and help enable the delivery of the wider masterplan.

### Design

The southern (previously developed) section of the site has been split into several development plots. These have been defined by design choices such as the location of key frontages/routes and existing constraints.

For example, locating the taller buildings close to Attercliffe Road was considered desirable to ensure a strong presence along this key frontage. The central positioning of the pitch within the site allows convenient access for users, while the location of the main stand and the hotel was informed by a desire to provide an active frontage onto the central boulevard.

The application sets parameters for future phases going forward, including maximum heights for buildings and strategies for dealing with matters such as lighting, street furniture and refuse collection.

The Park Community Arena is the phase of the project for which detailed approval is sought. In relation to appearance, features such as the free spanning roof

ensure the building has a distinctive high quality appearance, which allows it to act as an appropriate visual gateway into the site from Worksop Road.

The area to the north will be retained as open space and the ambition when the final landscape details are considered will be to increase activity and natural surveillance.

## Highways

The Transport Assessment (TA) includes modelling which demonstrates that, with relatively minor highway mitigation work, the development will only marginally increase journey times across the local highway network. This is considered acceptable when balanced against the regeneration benefits the scheme offers.

In relation to Junction 34, Highways England have requested a scheme be secured by condition to mitigate the impact at this junction.

The TA has demonstrated that through a combination of on-site and accessible on-street parking, plus accessible public car parking, there is ample capacity to accommodate the car parking demands of the development during events.

Evidence has also been provided to demonstrate that the 394 spaces are sufficient to cater for the parking demands of the daytime uses across the site.

Several proposed improvements, including the provision of a new at grade crossing at Coleridge Road, ensure the pedestrian and cycling infrastructure in and around the site remains 'fit for purpose'.

## Air Quality

The Air Quality Assessment identifies that once the relevant mitigation measures are implemented, which includes a dust management strategy, no residual effects from the construction phase are anticipated.

With the implementation of measures such as two rapid electric charging points, the operational phase of the development will have a negligible impact on air quality.

## Other Matters

The OLP scheme will incorporate a number of measures to achieve the desired sustainability standards. This will include the provision of green/brown roofs on future buildings, providing extensive new landscaping and connecting to Sheffield's Combined Heat and Power System.

The development will also incorporate a sustainable drainage strategy to ensure surface water from the site is discharged at the reduced rate of 30%. This strategy will include directing surface water to the Kirkbridge Dyke, which runs through the site.

The levels across the site are challenging and the re-grading work already undertaken has been mindful of a need to provide the easiest routes through the site for all users.

When the detailed landscaping plans come forward at the reserved matters stage the information will include final levels and features to be incorporated to ensure access for all, including the type of paving and lighting, style of seating and the location of ramps, steps etc.

To compensate for clearance works already undertaken, the final scheme will introduce several features to improve and promote ecological interest, including substantive tree and shrub planting, elements of green/brown roofs and bird/bat boxes.

When practical, each phase of the development will promote and utilise local employment during the relevant construction and operational phases.

Overall the development represents a significant and welcomed regeneration project on this now vacant site and secures substantial investment and employment opportunities for the city region.

#### Recommendation

In light of the above the scheme is recommended for approval subject to the listed conditions.

This page is intentionally left blank





## SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

---

**Report of:** Director of Development Services

---

**Date:** 15 March 2016

---

**Subject:** Enforcement Report  
3&5 Nursery Street S3 8GF

---

**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 removal of unauthorised signs at 3&5 Nursery Street Sheffield S3 8GF

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**

### **ERECTION OF UNAUTHORISED ADVERTISEMENTS AT 3-5 NURSERY STREET S3 8GF**

#### **1. PURPOSE OF REPORT**

- 1.1 To inform committee members of a breach of the Advertisement Regulations 2007 and to make recommendations on any further action required.

#### **2. BACKGROUND**

- 2.1 3-5 Nursery Street is a ground floor unit, located in an early 21<sup>st</sup> Century 6 storey apartment building, which was granted planning permission to be used as a Class A1 retail store in 2015.
- 2.3 A complaint, from a member of the public was received, on 9 June 2015 concerning the excessive signage that had been applied to the supermarket's display windows.
- 2.4 On 22 July 2015, correspondence was entered into with the owners of the supermarket informing them that the Local Planning Authority had received a complaint concerning the number of advertisements that were being displayed on the property, and that although they would require advertisement consent, it was unlikely that it would be granted, and therefore, with the exception of the signs that advertise the name of the shop (for which an application for advertisement consent was invited), should be removed.
- 2.5 Although the Local Planning Authority recognises the supermarket's legitimate need to advertise, the number of advertisements currently on display is considered to be excessive. However, it is likely that a less visually intrusive scheme of advertising would be permitted.
- 2.6 The owner, of the supermarket had initially agreed to submit an application for advertisement consent, and to remove the unacceptable signs, to date he has yet to do so.

### 3 ASSESSMENT OF BREACH OF CONTROL

- 3.1 The supermarket is in an area that has been designated as being for mixed development under the Sheffield Development Framework Core Strategy; and comprises of a mix of residential and commercial (shops/light industrial).
- 3.2 Unitary Development Plan Policy BE13 (v) Advertisements, states that the design of all signs and advertisements will relate in scale and design to their surroundings.
- 3.3 The National Planning Policy Framework (NPPF) states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.
- 3.4 The signs are considered to be visually intrusive and to harm the amenities of the street scene, from a point of view of their size, number and design; and are, therefore, considered to be contrary to policy BE13 of the UDP, and the provisions of the NPPF.
- 3.5 The photographs, below show the property in question and demonstrate the negative impact that the signs have on its appearance and that of the street scene.

Photograph 1



Photograph 2



Photograph 3



Photograph 4



#### 4. REPRESENTATIONS.

- 4.1 A complaint was received from a member of the public, on 9 June 2015 concerning the negative impact the signs have on the amenities of 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 sign are in breach of advertisement control and as such it is not considered that the serving of a PCN would be of any value.
- 5.2 It is an offence to display without consent a sign that requires express consent under the Town and Country Planning (Control of Advertisements) Regulations 2007. A prosecution can be brought under Section 224(3) of The Town and Country Planning Act 1990.

#### 6 EQUAL OPPORTUNITIES

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

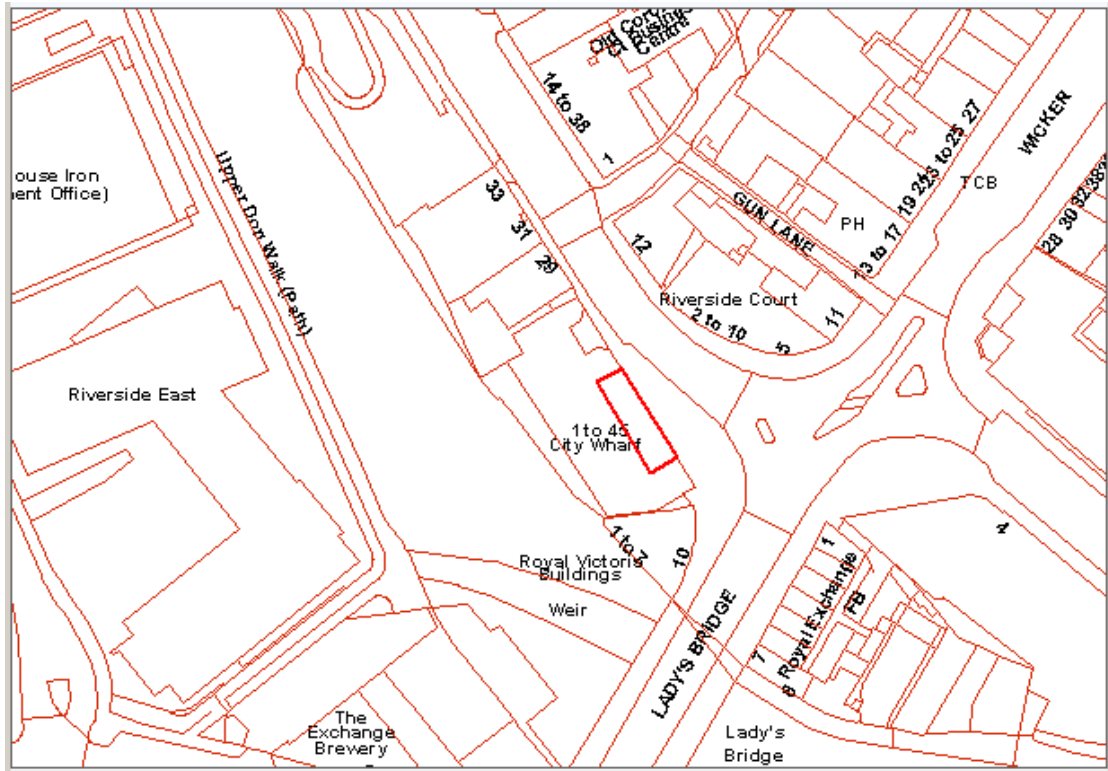
## 7 FINANCIAL IMPLICATIONS

7.1 There are no additional financial implications expected as a result of this report.

## 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 removal of the unauthorised signs at 3-5 Nursery Street.

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



This page is intentionally left blank





## SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

---

**Report of:** Director of Development Services

---

**Date:** 15 March 2016

---

**Subject:** Enforcement Report  
87 High Street Beighton S20 1EF

---

**Author of Report:** Fiona Sinclair

---

**Summary:** To inform committee members of a breach of planning control and to make recommendations on any further action required.

---

### Reasons for Recommendations:

To remedy the breach of planning control

### Recommendations:

That the Director of Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of unauthorised flues at 87 High Street Beighton.

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**

### **INSTALLATION OF MECHANICAL EXTRACT FLUES AT 87 HIGH STREET BEIGHTON S20 1EF**

1. PURPOSE OF REPORT
  - 1.1 To inform committee members of a breach of Planning Control and to make recommendations on any further action required.
2. BACKGROUND
  - 2.1 87 High Street is a two storey brick built property with a concrete tiled pitched roof. It was originally a public house but has recently been converted to a restaurant, and is located in row of commercial properties that are sited on a narrow strip of land that has been designated as being a local shopping centre in the Unitary Development Plan (UDP).
  - 2.2 A complaint, from a member of the public, was received on 14 March 2014 concerning the installation of extraction ducting and flues, and the emission of odours from these flues.
  - 2.3 A site visit, to the property, revealed that two commercial extract flues have been installed, both of which terminate approximately 1m above the level of the roof of a single storey side extension to the property.
  - 2.4 Following this initial visit, the property owner was contacted and made aware that he was required to apply for planning permission for the flues
  - 2.5 The owner responded to the letter, on 22 July 2014, and asked for application forms to be sent to him so that retrospective planning permission could be applied for.
  - 2.6 On 6 January 2015, because an application for planning permission had not been received, information Notices were served, under Section 330(1) of the Town and Country Planning Act 1990, on all interested parties.
  - 2.7 The information Notices were completed and returned to the Local Planning Authority, along with assurances that an application for

planning permission would be submitted to the Council. However, to date, no application has been received.

### 3 ASSESSMENT OF BREACH OF CONTROL

- 3.1 The property is located in an area designated as a local shopping centre although it is also immediately adjacent to a designated housing area, with approximately 17 residential units being located within a 50 metre radius of the flues
- 3.2 Unitary Development Plan Policy S10(b) states that in shopping areas, 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, including air pollution, noise, other nuisance, or risk to health or safety.
- 3.3 The report of a nuisance relating to odours being emitted, from the flue, suggests that a proper system of filters have not been fitted to the flues thus causing unacceptable air pollution in the immediate vicinity of the flue and therefore, they are considered to be contrary to the requirements of UDP Policy S10(b).
- 3.4 The submission of a planning application would allow for the proper consideration of the technical configuration of the flues in a bid to minimise nuisance to neighbouring properties.
- 3.5 The photograph, below show the unauthorised flues.

Photograph 1



Photograph 2 showing the residential properties on Queen's Road



Photograph 3 showing the close proximity of the residential properties on Manvers Road



#### 4. REPRESENTATIONS.

- 4.1 One complaint has been received about the flues and makes reference to concerns of air pollution.

#### 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 flues are in breach of planning control, and telephone conversations have taken place between representatives of the Local Planning Authority and the owner; and therefore, it is not considered that the serving of a PCN would be of any value.
- 5.2 Section 172 of the Act provides for the service of an enforcement notice (EN). In this case such a notice would require the removal of the flues to make good the harm caused by the unauthorised development. There is a right to appeal to the Planning Inspectorate, against the service of an Enforcement Notice. However, it is considered that the Council would be able to successfully defend any such appeal.

#### 6 EQUAL OPPORTUNITIES

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

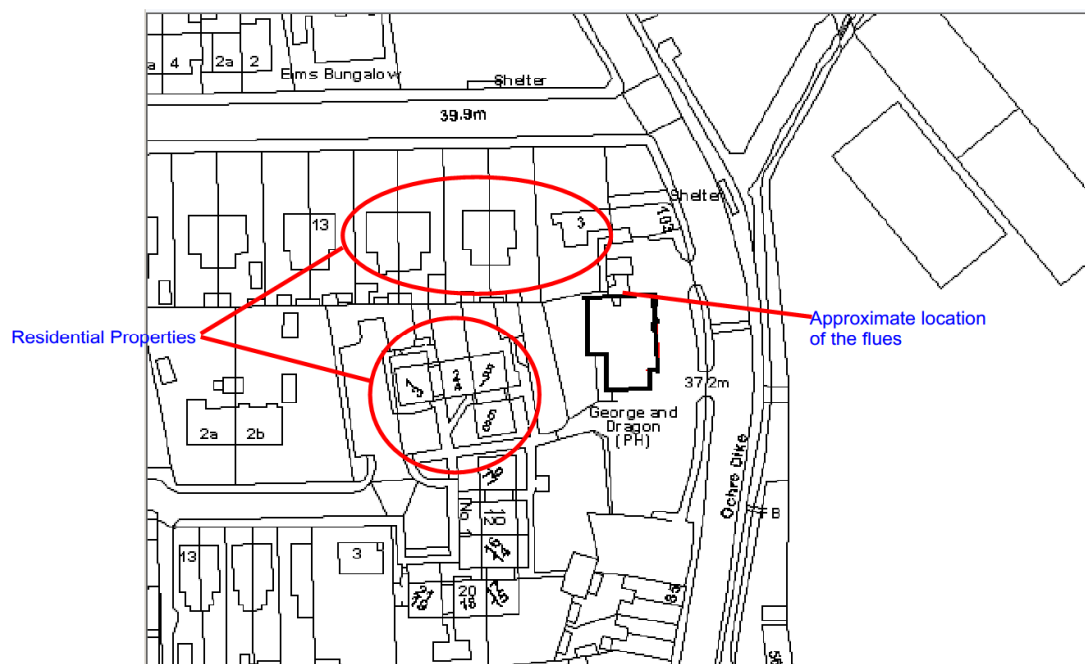
#### 7 FINANCIAL IMPLICATIONS

- 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 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 flues.
- 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





## SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

---

**Report of:** Director of Development Services

---

**Date:** 15 March 2016

---

**Subject:** Enforcement Report  
46 Paddock Crescent S2 2AR

---

**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 removal of unauthorised treehouse at 46 Paddock Crescent

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**

### **ERECTION OF AN UNAUTHORISED TREEHOUSE AT 46 PADDOCK CRESCENT S2 2AR**

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 46 Paddock Crescent is a traditionally built two storey semidetached dwelling house located in a residential area of the city.
  - 2.2 The property is located within a housing area, as identified in the UDP, and is currently being used as dwelling house.
  - 2.3 A complaint, from a member of the public, was received, on 20 June 2014 concerning the erection of a treehouse in the property's rear garden
  - 2.4 Correspondence was entered into with the owner, on 13 August 2014 explaining that because the treehouse has more than one storey and a ridge height of more than 4m above ground level, it was not considered to be permitted development and therefore would have required Planning Permission.
  - 2.5 The owners did not respond to this initial letter and so on 6 January 2015 a Section 330 Notice was served by the Local Planning Authority.
  - 2.6 To date no attempt has been made, by the owner to remove the treehouse or to try and regularise it by submitting an application for retrospective planning permission.



- 3 ASSESSMENT OF BREACH OF CONTROL
  - 3.1 The property is located within a housing area, as defined within the UDP.
  - 3.2 Unitary Development Plan Policy H14 (a), Conditions on Development in Housing Areas, requires that new buildings, and extensions, are well designed and in scale and character with neighbouring buildings.
  - 3.3 The treehouse is a timber-framed structure, with a pitched roof, and has been built around an existing willow tree, in the property's rear garden. It has been finished in green painted tongued and grooved weatherboards, and is immediately adjacent to the side boundary, between 46 and 48 Paddock Crescent. It is also clearly visible from the street, and also the public footpath which traverses an open space to the rear of the property, and overlooks the rear garden of 44 Paddock Crescent.
  - 3.4 Due to the fact that the treehouse has been built close to the side boundary, between 46 and 48, and because its height is significantly higher than is normally expected for outbuildings it is considered to be harmful to the amenities of the area and is, therefore, considered to be contrary to policies and H14 (a) of the UDP
  - 3.5 The photographs, below, demonstrate that this treehouse is excessively large overwhelms the tree, in which it is situated in, creating an over-dominating and visually obtrusive building, that causes visual harm to the amenities of the area.

Photograph 1

Treehouse as viewed from Paddock Crescent



Photograph 2

Taken from the rear garden of 46 Paddock Crescent



Photograph 3

The treehouse as view from the public footpath to the rear of the property



Photograph 4

Taken from the rear garden of 46 Paddock Crescent, showing the openings that overlook the garden to number 44



#### 4. REPRESENTATIONS.

- 4.1 A complaint was received from a member of the public, on 20 June 2014, concerning the overbearing nature of the treehouse.

#### 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 canopy is in breach of planning control and as such it is not considered that the serving of a PCN would be of any value.

- 5.2 Section 172 of the Act provides for the service of an enforcement notice (EN). In this case such a notice would require the removal of the canopy to make good the harm caused by the unauthorised development. There is a right to appeal to the Planning Inspectorate, against the service of an Enforcement Notice. However, it is considered that the Council would be able to successfully defend any such appeal.

#### 6 EQUAL OPPORTUNITIES

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

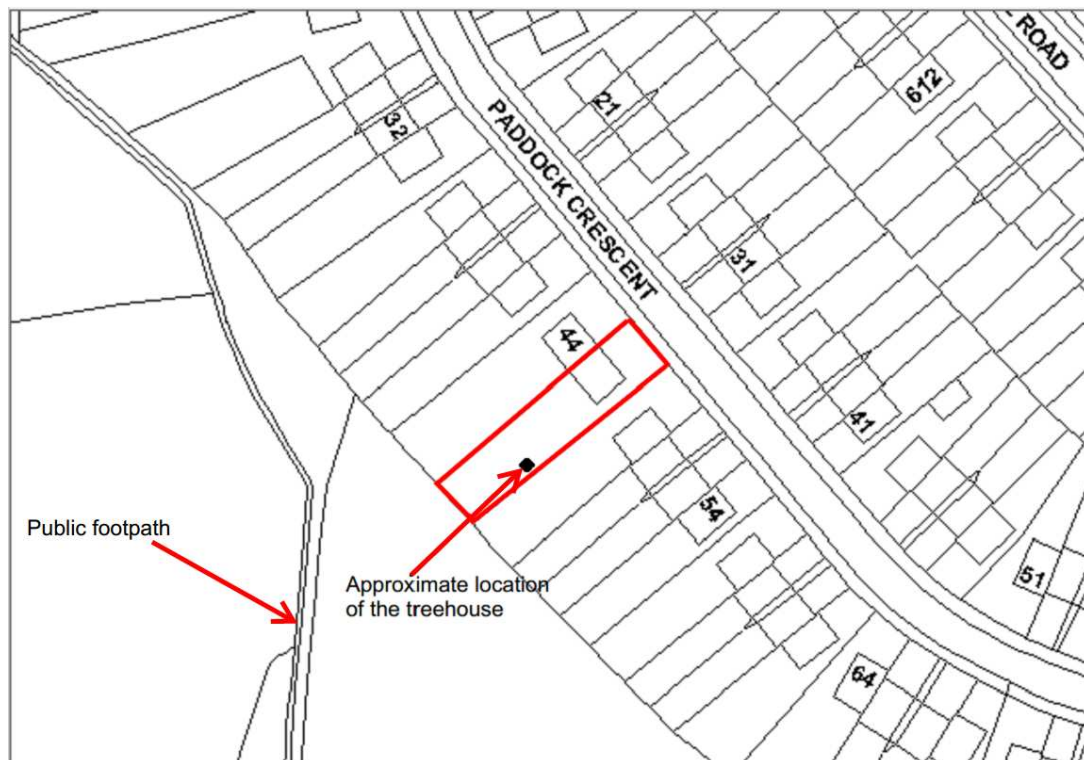
#### 7 FINANCIAL IMPLICATIONS

- 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 awarded 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 removal of the unauthorised treehouse at 46 Paddock Crescent.
- 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





## SHEFFIELD CITY COUNCIL Planning & Highways Committee

---

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

---

**Date:** 15 March 2016

---

**Subject:** UPDATE ON APPLICATION SEEKING REVIEW OF AFFORDABLE HOUSING OBLIGATION UNDER S106BA OF THE TOWN AND COUNTRY PLANNING ACT

---

**Author of Report:** Eleanor Ridge

---

### Summary:

Notification of the Withdrawal of an application submitted under s106BA of the Town and Country Planning Act seeking review of a planning obligation attached to a previous planning permission.

---

### Reasons for Recommendations

For noting.

### Recommendations:

It is recommended that the Withdrawal of 16/00341/MDPO is noted

---

### Background Papers:

---

**Category of Report:** OPEN

---

**UPDATE ON APPLICATION 16/00341/MDPO – APPLICATION TO MODIFY SECTION 106 AGREEMENT FOR PLANNING PERMISSION 15/00122/FUL AT DYSON REFRACTORIES LTD, GRIFFS FORECLAY WORKS, STOPES ROAD, SHEFFIELD**

At the 23rd February 2016 planning committee, Members were updated in respect of the submission of an application to vary the section 106 agreement relating to the recently approved residential development at the Dyson Refractories site at Stopes Road, Sheffield ( previous application reference 15/00122/FUL).

Following the update to Members and subsequent to further discussions and comments from the District Valuation Office on the application, the applicant has withdrawn the application.

In withdrawing the application, the applicant has set out the background to, and their original intention in, the submission of this application to modify the s106. This is set out below for the benefit of members:

*“Our team has worked closely with you and your colleagues over more than a year now in seeking to find a much needed answer to the regeneration of this site. You quite rightly set us some stiff challenges in terms of the design and sustainability of the scheme and we were pleased to reach full agreement of those points.*

*That said, throughout the process it was clear that there was a significant difference between us in terms of the viability appraisal underpinning the approach to affordable housing. As you know, we were careful consistently to explain that our appraisal unswervingly showed that the contribution sought by the Council for affordable housing could not viably be sustained by the scheme, whereas the advice you obtained from the DV took a different view. It was disappointing that we could not bridge the gap between us, but that is sometimes the case given assessments of this nature are not an exact science.*

*In circumstances where, respectfully, we were (and remain) convinced that our appraisal is a realistic one, and we remain committed to the development of this site, we faced a dilemma. Disagreement on the terms of a s106 agreement effectively creates an impasse, and the options available to applicants are limited. There are effectively two choices – either to take a refusal on the point and appeal, or secure the planning permission and seek to renegotiate the agreement via S106BA. The first option is abrupt, potentially expensive, and might seem confrontational. By taking the*



*second option we hoped that a fresh pair of eyes from the DV's office might bring our positions closer together."*

*However, it is clear that we misjudged the approach in terms of how it would be received by Members. We are sorry for that, it was never our intention to "play the system", and we want to reassure you and Members that we value open and transparent relationships. Again, therefore, we have two further choices. The first is to take a refusal on the s106BA application and, assuming that the Government extend the sunset provisions in the legislation, submit an appeal. The second is to take a step back, start with a clean slate, and seek to work with you towards an alternative solution for the site that is acceptable in planning, and viable. We hope that by taking the latter course the Council will recognise that we are committed to restoring trust and our positive relationship."*

Officers note the comments made in this submission, and will be working with the applicant to secure an appropriate and acceptable redevelopment scheme for this site.

A number of representations have been received as part of this application, but as the application is withdrawn, it is not considered necessary or appropriate to set these concerns out or discuss further given the withdrawal of the application.

#### RECOMMENDATION

It is recommended that the withdrawal of Case No.16/00341/MDPO is noted

This page is intentionally left blank



## SHEFFIELD CITY COUNCIL Planning & Highways Committee

---

**Report of:** Director of Development Services

---

**Date:** 15 March 2016

---

**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  
15 March 2016

### 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 use of dwellinghouse as a house in multiple occupation (Use Class C4) and alterations to roof space to form additional living accommodation at 77 Duchess Road Sheffield S2 4BL (Case No 15/03842/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 demolition of existing garage and erection of a dwellinghouse at curtilage of 141 Beighton Road, Woodhouse (Case No 15/03879/FUL)

### 3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the delegated decision of the Council to refuse planning consent for Single-storey front, side and rear extensions and raised decking to rear of dwellinghouse at 73 Cobnar Road, Sheffield, S8 8QD (Case No 15/03112/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the main issue as the effect on the character of the street scene and the host dwelling.

He noted the variety of house types, styles and ages along the street, but that despite this, bay windows were a prominent and defining feature that have remained unaltered. There are one or two exceptions to this that appear to pre-date UDP policy and Supplementary Planning Guidance on Designing House Extensions (SPG).

He agreed with officers that the design scale and mass of the extension wrapping round the front and side of no.73, would dominate the dwelling, and be obtrusive in the street scene. He further felt this would be exacerbated by

the sloping nature of the street. He therefore dismissed the appeal, as being contrary to UDP Policy H14 and SPG.

#### 4.0 RECOMMENDATIONS

That the report be noted

Mike Hayden  
Head of Planning

*15 March 2016*

This page is intentionally left blank