

# Planning and Highways Committee

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**Tuesday 1 November 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**

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Councillors Chris Rosling-Josephs (Chair), Peter Rippon (Chair), Ian Auckland, Alan Law, David Baker, Jack Clarkson, Michelle Cook, Dawn Dale, Tony Damms, Roger Davison, Dianne Hurst, Joe Otten, Zahira Naz, Peter Price and Zoe Sykes

## **Substitute Members**

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

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## **PUBLIC ACCESS TO THE MEETING**

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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).

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## **FACILITIES**

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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.

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**PLANNING AND HIGHWAYS COMMITTEE AGENDA  
1 NOVEMBER 2016**

**Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 1 - 4)  
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 5 - 10)  
Minutes of the meeting of the Committee held on 11 October 2016
- 6. Sheffield Conservation Advisory Group** (Pages 11 - 16)  
Minutes of the meeting of the Sheffield Conservation Advisory Group held on 20 September 2016
- 7. Site Visit**  
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 8. Applications Under Various Acts/Regulations** (Pages 17 - 134)  
Report of the Interim Head of Planning
- 9. Enforcement of Planning Control: Barleywood Road** (Pages 135 - 146)  
Report of the Interim Head of Planning
- 10. Quarterly Overview Of Enforcement Activity** (Pages 147 - 150)  
Report of the Interim Head of Planning
- 11. Quarterly Update Of Enforcement Cases** (Pages 151 - 178)  
Report of the Interim Head of Planning
- 12. Record of Planning Appeal Submissions and Decisions** (Pages 179 - 182)  
Report of the Interim Head of Planning
- 13. Date of Next Meeting**  
The next meeting of the Committee will be held on 22 November 2016



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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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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 Audit and 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).

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Planning and Highways Committee

Meeting held 11 October 2016

**PRESENT:** Councillors Peter Rippon (Chair), Ian Auckland, David Baker, Jack Clarkson, Michelle Cook, Dawn Dale, Tony Damms, Roger Davison, Dianne Hurst, Alan Law, Joe Otten, Zahira Naz, Peter Price and Zoe Sykes

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**1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor Chris Rosling-Josephs, but no substitute was 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 Councillors Jack Clarkson and Alan Law declared personal interests in an application for the erection of 7 x 2 bed terraced houses on two sites either side of Ash Lane, Deepcar, adjacent to 19 Haywood Lane and 8 Ash Lane (Case No. 16/00802/FUL) as they were Members of Stocksbridge Town Council, but stated they had not been involved or commented on the application and that they would speak and vote thereon.

Councillors Alan Law and Jack Clarkson declared personal interests in an application for a residential development comprising 413 dwellings with associated car parking accommodation, landscaping works, access roads, bridge, site infrastructure and open space at land East of the River Don and to the South West of Station Road, Deepcar (Case No. 14/00318/FUL) as they were Members of Stocksbridge Town Council. Councillor Alan Law stated he had not been involved or commented on the application and that he would speak and vote thereon. Councillor Jack Clarkson stated that he had objected to the development and would not speak and vote thereon and left the room prior to consideration of the item.

**4. MINUTES OF PREVIOUS MEETING**

4.1 The minutes of the previous meeting of the Committee, held on 20 September 2016, were approved as a correct record.

**5. SITE VISIT**

5.1 **RESOLVED:** That the Director of Development Services, in liaison with a Co-Chair, be authorised to make arrangements for a site visit in connection with any

planning applications requiring a visit by Members prior to the next meeting of the Committee.

**6. OBJECTION TO TREE PRESERVATION ORDER NO. 410: LAND ADJACENT 6 CANTERBURY DRIVE**

6.1 The Interim Head of Planning submitted a report outlining a response to an objection received to Tree Preservation Order No. 410 which had been made in respect of trees situated on land adjacent to 6 Canterbury Drive. The report stated that the objections to the Tree Preservation Order, received from a relative on behalf of the property owner, related, in particular, to concerns over the safety of several trees around the perimeter of the adjacent land to the property, that appeared to be poor specimens approaching the end of their lives and therefore likely to cause property damage. An independent tree surgeon's assessment classed 11 trees as potentially hazardous to neighbouring houses. In response, it was explained that the trees had been inspected by the Local Authority Community Tree Officer and that no obvious defects were noted other than for one sycamore tree which was found to have an unidentified bracket fungus. The objector though was advised to obtain a written tree survey by an arboriculturist or other appropriate expert, who would provide evidence and, if necessary, an application could be made for work to be carried out to the trees which could then be considered by officers.

6.2 The Tree Preservation Order and the letter of objection were attached to the report now submitted. It was also stated that three written representations supporting the Order have been received, one of which had been signed by seventeen people living in properties on Canterbury Crescent.

6.3 **RESOLVED:** That, following consideration of the objection, as now reported, Tree Preservation Order No. 410 at land adjacent to 6 Canterbury Drive be confirmed unmodified.

**7. OBJECTION TO TREE PRESERVATION ORDER NO. 411: 33 HOLYROOD AVENUE**

7.1 The Interim Head of Planning submitted a report outlining a response to an objection received to Tree Preservation Order No. 411 which had been made in respect of three lime trees situated on land at 33 Holyrood Avenue. The report stated that the reason given for the proposed removal of one tree and the possible removal of another was because the owner had noticed the appearance of a crack at the base of the property's side elevation wall near to the front porch. A hump had also been noticed in the lawn and the owner presumed that it was a tree root growing in a direct line between the tree referred to for removal and the crack in the property wall. A Building Surveyor from the Authority's Structural and Public Safety Team found no compelling evidence to suggest the damage had been caused by the trees. In addition, the objections to the TPO from the property owner related, in particular, to the view that removing the trees would not have a significant negative impact on the local environment and its enjoyment by the public. The development was home to over 200 trees, many of which were on the public open spaces adjacent to Redmires Road and Lodge Moor Road and as well

as being more prominent, they also play a much more significant role in the visual amenity of the locality. In response, it was explained that a Tree Evaluation Method for Preservation Orders (TEMPO) had been carried out by officers, which was a nationally accepted method for assessing trees that were under potential threat of removal. The TEMPO assessment found the trees at the property were suitable for protection and the Order was served to maintain the visual amenity value the trees provide to the local environment by softening and adding character to the housing development's built form and street scene for the enjoyment of the public.

7.2 The Tree Preservation Order, letter of objection and TEMPO assessment were attached to the report now submitted.

7.3 **RESOLVED:** That, following consideration of the objection, as now reported, Tree Preservation Order No. 411 at 33 Holyrood Avenue be confirmed unmodified.

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

8.1 **RESOLVED:** That (a) the applications now submitted for permission to develop land under the Town and Country Planning Act 1990 and the Regulations made thereunder and for consent under the Town and Country Planning (Control of Advertisements) Regulations 1989, be decided, granted or refused as stated in the report to this Committee and as amended in the minutes of this meeting, and the requisite notices issued; the granting of any permission or consent shall not constitute approval, permission or consent by this Committee or the Council for any other purpose;

(b) having (i) considered additional representations objecting to the proposed development and the officer's response, as detailed in a supplementary report circulated at the meeting and (ii) heard oral representations at the meeting from a local resident objecting to the proposed development and from the applicant supporting the proposed development, an application for planning permission for the erection of 2 dwellinghouses with integral garages within the curtilage of 172 Prospect Road, Bradway (Case No. 16/03027/FUL) be granted, conditionally;

(c) having (i) considered a revised application report and recommendation circulated prior to the meeting and (ii) considered an additional representation and the officer's response, all as detailed in a supplementary report circulated at the meeting, an application for planning permission for the construction of 2 football pitches with floodlighting, a grass rugby pitch and a grass training area, improvements to existing pitches, erection of a pavilion building including changing facilities, kitchenette, education space, a gymnasium, club room and bar, provision of car parking accommodation and formation of a new access road to Moss Way, at the site of the old Westfield School and Sports Centre, Westfield Crescent (Case No. 16/02148/FUL) be granted, conditionally, subject to (A) an additional condition in respect of the re-grading works to be approved separately, as detailed in the aforementioned supplementary report and (B) clearance by the Secretary of State;

(d) having heard an oral representation at the meeting from the applicant's representative in support of the proposed development, an application for planning

permission for the erection of 7, 8, 9 and 10 storey buildings comprising 146 student cluster units, 237 studio/apartments, retail space (Use Class A1) and cafe/restaurant (Use Class A3), with new access, car parking accommodation and landscaping works, including works to the Porter Brook embankment, at the site of Gordon Lamb Limited, 10 Summerfield Street (Case No. 16/01362/FUL) be granted, conditionally, subject to (i) the completion of a legal agreement and (ii) amendments to (A) Condition 2 in respect of the approved plans and (B) Condition 40 in respect of limiting the access gates/barriers to those shown on the approved plan, as detailed in a supplementary report circulated at the meeting;

(e) having considered two additional letters of objection, including an objection from a local Ward Councillor and the officer's response, as detailed in a supplementary report circulated at the meeting, an application for planning permission for the erection of 7 x 2 bed terraced houses on two sites either side of Ash Lane, adjacent to 19 Haywood Lane and 8 Ash Lane, Deepcar (Case No. 16/00802/FUL) be granted, conditionally;

(f) an application for planning permission for the demolition of a working mens club and erection of 27 apartments in 1 x 3 storey block with the provision of underground car parking accommodation and associated landscaping works at Handsworth Working Mens Club and Institute, 445 Handsworth Road (Case No. 16/00480/FUL) was withdrawn from consideration to allow officers to review the air quality information that had only just been submitted by the applicant following a decision of the Committee at its meeting held on 20 September 2016, and it be noted that the application would be reported back to a future meeting of the Committee;

(g) having noted an additional representation from a local Ward Councillor supporting local residents concerns and the officer's response, an application for planning permission for the erection of three dwellings and a detached garage building at land at the junction with Broomfield Court, Broomfield Road, Stocksbridge (Case No. 16/00388/FUL) be granted, conditionally;

(h) having heard oral representations at the meeting from the applicant's representative supporting the proposed development and notwithstanding the officer's recommendation, an application for planning permission for the erection of a dwellinghouse at land adjoining 21 Leyburn Road (Case No. 15/04308/FUL) be granted, conditionally, as the Committee viewed that the development represented the addition of one dwelling in an area of established housing, that would contain flood resilience measures, and would significantly improve the appearance of the site, and as such outweighed the development's flood risk; and

(i) having noted (i) the officer's amended recommendation to grant the proposed development conditionally, (ii) additional information provided by the officer in respect of affordable housing, Community Infrastructure Levy requirements and flood risk and (iii) additional representations received from the Environment Agency and the Coal Authority and the response from the applicant's representative, all as detailed in a supplementary report circulated at the meeting, an application for planning permission for a residential development comprising 413 dwellings with associated car parking accommodation, landscaping works, access roads, bridge,

site infrastructure and open space at land East of the River Don and to the South West of Station Road, Deepcar (Case No. 14/00318/FUL) be granted conditionally, subject to (A) amendments to (1) Condition 6 in respect of the waste water treatment works, (2) Conditions 8 and 9 in respect of The Sidings, Station Yard concerning (I) land and ground gas contamination and (II) the Phase 11 Intrusive Site Investigation Report, (3) Condition 16 in respect of a management plan concerning the linear park along the River Don and the surface water balancing pond, (4) Condition 26 in respect of the Flood Risk Assessment and (5) Condition 27 in respect of the "Specification for Preparatory and Remedial Works for Land at Manchester Road, Deepcar (ref: C0932B, dated November 2007)", (B) additional conditions in respect of (1) the boundary treatment, (2) materials and finishes in respect of window reveals, doors and eaves, (3) a sample panel of the proposed masonry being erected at the site to illustrate colour, texture and bonding of masonry and mortar that would be used for the development and (4) restricting occupation of the dwellings with regard to the Mine Water Treatment Scheme until the mine water treatment facility has been designed, constructed, managed and maintained and (C) Conditions 17 and 25 being deleted, all as detailed in the aforementioned supplementary report.

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

- 9.1 The Committee received and noted a report of the Director of 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.

**10. DATE OF NEXT MEETING**

- 10.1 It was noted that the next meeting of the Committee will be held at 2:00p.m. on Tuesday 1 November, 2016 at the Town Hall.

**11. JOHN WILLIAMSON, DEVELOPMENT SERVICES TEAM MANAGER**

- 11.1 The Co-Chair (Councillor Peter Rippon) advised the Committee that John Williamson, was absent from the meeting due to an illness that had required him to be admitted to hospital. The Committee conveyed their best wishes to him for a speedy recovery.

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## SHEFFIELD CONSERVATION ADVISORY GROUP

### Meeting held 20th September, 2016

<u>PRESENT:</u>	<u>Name</u>	<u>Organisation</u>
	Dr. Philip Booth (Chair)	Co-opted Member
	Mr. Tim Hale	Sheffield Chamber of
	Mr. Patrick Burns	Commerce
	Mr. Rod Flint	Co-opted Member
	Mr. Simon Geddye	Georgian Group
	Mr. Howard Greaves	Civic Trust
		Hallamshire Historic Buildings
	Mr. Graham Hague	Society
		Victorian Society/South
	Dr. Roger Harper	Yorkshire Industrial History
	Mr. Bob Hawkins	Society
		Ancient Monuments Society
	Dr. Jo Lintonbon	Council for the Protection of
	Mr. Bob Marshall	Rural England
	Dr. Jan Woudstra	University of Sheffield
		Royal Town Planning Institute
		Landscape Institute

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

Apologies for absence were received from Prof. Clyde Binfield (Twentieth Century Society), Mr. Rob Darrington (Royal Institute of Chartered Surveyors), Mr. Andrew Shepherd (Society for the Protection of Ancient Buildings) and Louise White (Civic Trust).

#### 2. **MINUTES**

The minutes of the meeting held on 21st June, 2016, were approved as a correct record, subject to the substitution, in the apologies for absence of the words "Society for the Protection of Ancient Buildings" for the words "Society for the Protection of Rural England".

Arising therefrom, the Group (a) noted that:-

(i) the Chair (Dr. Booth) had not had further contact with the City Council about the possible appointment of Dr. Woudstra be appointed as a member of the Independent Tree Panel, following a letter from the Head of Planning in June last. He would pursue the matter further;

(ii) a local heritage action zone application, in respect of Castlegate, had been submitted to Historic England. The scheme had a wider brief than previous schemes, being area based rather than building specific and one project per territory, of which there four, would be selected;

(iii) (A) the proposed scheme for the provision of student flats on the site of Stokes Tiles was not going ahead, (B) action had been started regarding the

painting of the former Wharncliffe Fireclay Works and (C) the Webb Patent Sewer Gas Lamps, of which there were 20, would be repaired as part of the upgrade street works by Amey, at the close of their contract. A solution to the problem of how to light them was being sought and  
(iv) the 'Council for the Protection of Rural England' was now the 'Campaign for the Protection of Rural England'.

**3. CHAIR'S REPORT**

The Chair reported that:-

(a) He had attended the meeting of the Sheffield Development and Design Panel on 23rd June last. One of the three schemes considered would probably be referred to the Group; and

(b) there had been a recent fire at Loxley Chapel. The building's security had been breached, but it was still salvageable and its owner sought to bring forward a scheme for its development.

The Group noted the information.

**4. ACTING HEAD OF PLANNING'S REPORT**

The Acting Head of Planning reported that:-

(a) Mr. Mike Hayden, had resigned from his post as the Head of Planning and Mr Nalin Seneviratne, the Director of Capital and Major Projects was the Acting Head of Planning;

(b) there would be a speaker at the next meeting, regarding the Local Plan;

(c) an application had been received from the University of Sheffield, for a certificate of immunity from listing, in respect of the Hounsfeld Quarter. The buildings

affected were not within a conservation area or listed and if the certificate was granted,

they could not be listed for 5 years; and

(d) a document had been received from the Gardens Trust, formerly the Association of

Gardens Trusts and the Garden History Society, regarding 'The Planning System in England and the Protection of Historic Parks and Gardens' which was available on the Gardens Trust's website.

The Group noted the information.

**5. SHEFFIELD SUSTAINABLE DEVELOPMENT AND DESIGN PANEL**

The Group noted that there was no scheduled meeting of the Sheffield Development and Design Panel.



## 6. HERITAGE ASSETS

The Group considered the following application for planning permission for development affecting Heritage Assets and made the observations stated:-

**(1) Erection of mixed use development comprising a six-storey office (Use Class B1) and retail block (Use Classes A1/A2) with rooftop plant room, basement car park and service area, erection of a standalone food and beverage/retail unit (Use Classes A1, A3, A4 and A5) with enhanced public realm and associated works on land at junction of Pinstone Street, Wellington Street & Charter Square (Full application under Reg 3 - 1992) (Case number: 16/03328/RG3)**

The Group observed that there were no contextual drawings to show the impact of the scheme, which made it difficult to assess. The Group welcomed the exclusion of the Pepperpot Building from the scheme. The Group felt that the very large building within the scheme was not on the same scale as the buildings beyond the Peace Gardens. The Group considered that it was not in a position to say, but it doubted that the building would form a satisfactory frontage with Cambridge Street, Pinstone Street and the Moor. The Group deferred making its final decision on the scheme, until the next meeting.

**(2) Demolition of existing public house and hot food takeaway and erection of 16-storey student accommodation building comprising 38x cluster flats and 29x studio apartments, with associated cycle parking, landscaping and amenity space including games area, gym, cinema, library, common room and lounge area at ground and lower ground floor levels on the site of 82 - 84 Winter Street (Star and Garter). (Case number: 16/03264/FUL)**

The Group felt that the development would create a building that would compete with the Arts Tower and would be very visible from distant points with key views and from entrances to the City. The Group considered that it would have a damaging impact on Weston Park and an adverse impact on nearby housing. The Group felt that the development would affect the setting of the former Winter Street Hospital, currently the University of Sheffield's Faculty of Law, which the Group considered to be a more appropriate height than the current proposal. The Group observed that the location was not appropriate for a cluster of towers and that the Arts Tower had been designed to be a unique feature in the landscape, which would be severely compromised if there was another tall building close by.

**(3) Demolition of car showroom and associated buildings and erection of mixed use development comprising four blocks ranging from 6 to 11 storeys in height to provide 2,027sqm of retail floorspace, 136 residential apartments, 40 student cluster flats (190 student beds) with basement car parking, associated landscaping, bin stores, cycle parking and electricity**

**substation (Amended resubmission of previously refused application no. 15/01180/FUL) at 245 Ecclesall Road (Case number: 16/03159/FUL).**

The Group affirmed its previous decision regarding the development.

**(4) Erection of single-storey annex to chapel building (Phase 2) Attercliffe Chapel Attercliffe Common (Case Number: 16/03037/LBC)**

The Group welcomed the re-use of the building as a church, which it considered to be a significant building. The Group felt that the construction of an extension would not be unacceptable but that, in its present form, the current proposal did not fully respect the character of the original building. The Group observed that a heritage assessment would be helpful to the consideration of the application and what would be appropriate development. The Group noted with regret that the developers had not followed the advice of the Head of Planning, regarding the development.

**7. UPDATE REPORT**

The Acting Head of Planning reported that:-

- (a) planning permission had been granted on 21st August, 2016 for the development of Heeley Bank School, to create 14 apartments;
- (b) a presentation on the Sheffield Retail Quarter would be made at the next meeting;
- (c) unauthorised action which had taken place at the former Manor Lodge School, since its conversion, would be investigated; and
- (d) the planning application for a development at Summerfield Street would be considered by the Planning Authority in the next few weeks. The Acting Director had recommended that approval be granted for the scheme, which was better than the approved scheme for the site and was subject to a legal agreement that work to open up the Porter Brook would be done.

**8. MISCELLANEOUS ITEMS**

Members reported on development affecting conservation areas and heritage assets and the Group noted that:-

- (a) Simon Geddye, Paul Bedwell and Louise White aimed to ensure that one of them would attend each meeting of the Group as the representative of the Civic Trust ;
- (b) the Civic Trust's Sheffield Design Awards Ceremony would take place at the former Head Post Office, Fitzalan Square, on 26th October next;
- (c) the entrance gates of Oakes Park had been restored satisfactorily;
- (d) Councillor Isobel Bowler, a champion of heritage issues, had recently died;
- (e) both the Upper Chapel, Norfolk Street and C hanning Hall had been open for the recent Heritage Open Days and 400 people had visited them;
- (f) the little Lodge, Portobello was being demolished;
- (g) work was being carried out at Provincial House, the former presbytery of St

Vincent's Church;

(h) it was possible that the barn of Cow Mouth Farm would be saved from demolition. New roof trusses had been installed on the property;

(i) there was a great deal of unauthorised advertising at Sheaf Quays;

(j) Emoji lights would be reflected onto the exteriors of Sheffield Cathedral and the City Hall for the Festival of the Mind, from 15th -26th September, next;

(k) the character of the tree population of the City would be affected by the work of Amey. For example, one third of the trees in the north east would be removed and would be replaced by much smaller species of tree. The climate required robust trees, but less robust trees were to be planted, in place of existing lime trees. Only local residents could vote on whether particular trees should be retained. Trees were being felled, not on the grounds that they were unhealthy, but because they were raising the kerb near them. It seemed that the only thing which mattered was the relevant contract. It would be helpful if a representative of Amey or the City Council attended a future meeting to discuss the specification of the relevant contract;

(l) there would be an event at St Mark's Church, Broomhill on 29th October, next about the life and work of George Pace, which had been organised by the Yorkshire Historic Churches Trust;

(m) roof trusses had been installed at the former horse hospital, Lady's Bridge; and

(n) the Sheffield Urban Design Week would commence on 24th October, next and the Sheffield Design Week would commence on 20th October, next.

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(Note: These minutes are subject to amendment at a future meeting)

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## SHEFFIELD CITY COUNCIL Planning and Highways Committee

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**Report of:** Director of Development Services

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**Date:** 01/11/2016

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

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**Author of Report:** Lucy Bond and Chris Heeley 2734218

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**Summary:**

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### **Reasons for Recommendations**

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

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**Recommendations:**

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**Background Papers:**

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**Category of Report:** OPEN

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Application No.	Location	Page No.
16/03159/FUL (Formerly PP-05416233)	245 Ecclesall Road Sheffield S11 8JE	19
16/02910/FUL (Formerly PP-05355687)	Site of 20 Hollis Croft and 31 Hollis Croft City Centre Sheffield S1 3HY	61
16/01915/FUL (Formerly PP-05157835)	Acorn House 288 - 292 Shalesmoor Sheffield S3 8UL	94
16/00480/FUL (Formerly PP-04818387)	Handsworth Working Men's Club and Institute 445 Handsworth Road Sheffield S13 9DD	108

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning  
To the Planning and Highways Committee  
Date Of Meeting: 01/11/2016

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.

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Case Number	16/03159/FUL (Formerly PP-05416233)
Application Type	Full Planning Application
Proposal	Demolition of car showroom and associated buildings and erection of mixed use development comprising four blocks ranging from 6 to 11 storeys in height to provide 1,956sqm of retail floorspace, 144 residential apartments, 40 student cluster flats (190 student beds) with basement car parking, associated landscaping, bin stores, cycle parking and electricity substation (Amended resubmission of previously refused application no. 15/01180/FUL)
Location	245 Ecclesall Road Sheffield S11 8JE
Date Received	17/08/2016
Team	South
Applicant/Agent	Ms Susan Crowley
Recommendation	Grant Conditionally

Subject to:

### **Time limit for Commencement of Development**

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

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

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

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

Zone One Elevations Ref: EMU-BBA-Z1-ZZ-DR-A -03301-P5 received via email dated 12 October 2016.

Zone Two Elevations Ref: EMU-BBA-Z2-ZZ-DR-A-03301-P3 received via email dated 12 October 2016.

Zone Three Elevations Ref: EMU-BBA-Z3-ZZ-DR-A-03301-P1 scanned date 07 October 2016.

Zone Four Elevations Ref: EMU-BBA-Z4-ZZ-DR-A-03301-P4 scanned date 07 October 2016.

Section Details Ref: EMU-BBA-ZZ-ZZ-DR-A-04400-P1 scanned date 07 October 2016.

Section A-A & B-B Ref: EMU-BBA-ZZ-ZZ-DR-A-04301-P4 received via email dated 19 October 2016.

Section C-C Ref: EMU-BBA-ZZ-ZZ-DR-A-04302-P4 received via email dated 19 October 2016.

Basement Floor Plan Ref: EMU-BBA-ZZ-B1-DR-A-02301-P3 scanned date 07 October 2016.

Lower Ground Floor Plan Ref: EMU-BBA-ZZ-LG-DR-A-02301-P4 scanned date 07 October 2016.

Upper Ground Floor Plan Ref: EMU-BBA-ZZ-UG-DR-A-02301-P4 scanned date 07 October 2016.

Level One (Podium) Floor Plan Ref: EMU-BBA-ZZ-01-DR-A-02301-P2 scanned date 07 October 2016.

Level Two Floor Plan Ref: EMU-BBA-ZZ-02-DR-A-02301-P2 scanned date 07 October 2016.

Level Three Floor Plan Ref: EMU-BBA-ZZ-03-DR-A-02301-P2 scanned date 07 October 2016.

Level Four Floor Plan Ref: EMU-BBA-ZZ-04-DR-A-02301-P2 scanned date 07 October 2016.

Level Five Floor Plan Ref: EMU-BBA-ZZ-05-DR-A-02301-P2 scanned date 07 October 2016.

Level Six Floor Plan Ref: EMU-BBA-ZZ-06-DR-A-02301-P5 scanned date 07 October 2016.

Level Seven Floor Plan Ref: EMU-BBA-ZZ-07-DR-A-02301-P5 scanned date 07 October 2016.

Level Eight Floor Plan Ref: EMU-BBA-ZZ-08-DR-A-02301-P4 scanned date 07 October 2016.

Level Nine Floor Plan Ref: EMU-BBA-ZZ-09-DR-A-02301-P5 received via email dated 19 October 2016.



Level Ten Floor Plan Ref: EMU-BBA-ZZ-10-DR-A-02301-P5 received via email dated 19 October 2016.

Roof Plan Ref: EMU-BBA-ZZ-RF-DR-A-02301-P4 scanned date 07 October 2016.

Elevation Details Ref: EMU-BBA-XX-ZZ-DR-A-03405-P1 scanned date 07 October 2016.

Aluminium Screen Proposals Ref: EMU-BBA-Z0-ZZ-DR-A-03406-P1 scanned date 07 October 2016.

Reason: In order to define the permission.

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

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

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

4. Any intrusive investigation recommended in the approved Phase I Preliminary Risk Assessment Report (Ref: 37488-004) shall be carried out and be the subject of a revised Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to any development commencing. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

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

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

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

6. No development shall commence until details of the implementation, adoption, maintenance and management of the sustainable drainage system relating to the development 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, 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 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.

7. The surface water discharge from the 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.

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, including calculations to demonstrate the reduction, must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Thereafter, the 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.

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

8. All windows/glazing relating to the following sections of the development shall be permanently fixed shut and fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity. Thereafter no part of the windows/glazing shall at any time be glazed with clear glass and/or be openable:

1. All windows/glazing within Elevation B-B of Zone One.
2. All windows/glazing above ground floor level within Elevation B-B of Zone 2.

Before development of the corresponding element commences final details of the windows/glazing shall be submitted to and approved in writing by the Local Planning Authority, in order to demonstrate compliance with the above restrictions.

Reason: To protect the development potential of the adjoining site and in the interests of sustainable development.

9. At all times that construction work is being carried out 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 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.

10. Prior to the occupation of the development, a detailed Travel Plan(s) designed to: reduce the need for and impact of motor vehicles; 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, 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 Core Strategy.

11. Within three months of development commencing, final details of the cycle parking accommodation, which shall be in substantial accordance with the approved plans and include details of stands and shelters (as relevant), shall have been submitted to and approved in writing by the Local Planning Authority. Before first occupation 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.

12. Within three months of any development commencing final details of bin storage, including any screening, shall have been submitted to and approved in writing by the Local Planning Authority. Before first occupation the approved details shall be in place and thereafter such bin storage accommodation, including any screening, shall be retained.

Reason: In order to ensure an appropriate quality of development

13. Prior to first occupation of the development, a Traffic Regulation Order, or an alternative solution which firstly must have been agreed in writing by the Local Planning Authority, shall be secured to provide adequate servicing provision for the development.

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

14. Before first occupation details of a scheme shall have been submitted to and approved in writing by the Local Planning Authority that ensures future occupiers will not be eligible for resident parking permits within any designated Permit Parking Zone. Future occupation shall then occur in accordance with the approved details.

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

15. A comprehensive and detailed hard and soft landscape scheme, which shall be in substantial accordance with the approved plans, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

The approved landscape works, which shall include ramps, steps, planters and seating, shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved in writing by the Local Planning Authority.

Thereafter the soft landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

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

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

Reason: In order to ensure an appropriate quality of development

17. Sample panels of proposed masonry and cladding shall be erected on the site and shall 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 development and shall be retained for verification purposes until the completion of said development.

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

18. Large scale details, 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 the relevant part of the development commences:

- a) Junctions between cladding materials, which shall include glazing.
- b) Windows, including reveals.
- c) Doors, including plant room doors.
- d) Eaves, verges and parapets.
- e) External wall construction.
- f) Canopies.
- g) Soffits.
- h) Rainwater Goods.
- i) Balconies, balustrades and railings.
- j) Shop fronts.
- k) Pillars.
- l) Landscape features such as walls, planters, ramps, handrails, steps and railings.
- m) External vents, pipes and cabling, including locations.

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

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

19. Before development commences details of any substation(s) shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details thereafter.

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

20. No externally mounted plant or equipment, including rooftop plant, shall be fitted to any building within the development unless full details thereof, including screening and acoustic emissions data as relevant, have first been submitted to and approved in writing by the Local Planning Authority. 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. Upon completion of any measures identified in the approved Remediation Strategy, or any approved revised Remediation Strategies, a Validation Report shall be submitted to the Local Planning Authority. The development shall not be brought into use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report(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.

22. No residential/student accommodation hereby permitted shall be occupied unless a scheme of sound insulation works has been installed.

Such scheme of works shall:

a) Be based on the findings of the approved Noise Survey prepared by Environmental Noise Solutions Limited (Ref: NIA/5511/14/5276/v1).

b) Be capable of achieving the following noise levels:

- i) Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);

- ii) Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);
- iii) Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);
- iv) Bedrooms: LAFmax - 45dB (2300 to 0700 hours).

c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

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

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

23. Before the residential/student use is commenced, validation testing of the sound attenuation works to the residential and student accommodation shall have been carried out and the results submitted to and approved in writing by the Local Planning Authority. Such Validation Testing shall:

a) Be carried out in accordance with an approved method statement.

b) Demonstrate that the specified noise levels have been achieved.

In the event that the specified noise levels have not been achieved then, notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved in writing by the Local Planning Authority before the residential/student use is commenced. Such further scheme of works shall be installed before the residential/student use is commenced and shall thereafter be retained.

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

24. Before the use of each individual retail unit hereby permitted commences, a scheme of sound attenuation works relating to the relevant unit shall have been installed.

Such a scheme of works shall:

a) Be based on the findings of the approved Noise Survey prepared by Environmental Noise Solutions Limited (Ref: NIA/5511/14/5276/v1).

b) Be capable of restricting noise breakout from the commercial use(s) to the street to levels not exceeding the prevailing ambient noise level when measured:

(i) as a 15 minute LAeq, and;

(ii) at any one third octave band centre frequency as a 15 minute LZeq.

c) Be capable of restricting noise breakout from the commercial use(s) to all adjoining residential accommodation to levels complying with the following:

(i) Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours);

(ii) Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours);

(iii) Other Habitable Rooms: Noise Rating Curve NR35 (0700 to 2300 hours);

(iv) Bedrooms: LAFmax 45dB (2300 to 0700 hours).

Before such scheme(s) of works are installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority and, once installed, and the approved scheme(s) of works shall thereafter be retained.

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

Reason: In the interests of the amenities of the locality and of the residential occupiers of the building.

25. Before the development commences, a strategy to control/mitigate dust and emissions from the construction phase shall be submitted to and approved in writing by the Local Planning Authority. The construction phase shall be carried out in accordance with the approved details thereafter.

Reason: In order to help mitigate the effects of dust and construction traffic during the construction phase.

26. Before development commences a report shall have been submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy.

Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any part of the development is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation of the development. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

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

27. Any of the retail units that exceed a gross floor area of 500 square metres shall be constructed to achieve a minimum rating of BREEAM 'very good' and before the corresponding unit is occupied (or within an alternative timescale to be agreed) the relevant certification, demonstrating that BREEAM 'very good' has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.

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

28. 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.

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.

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

Reason: In the interests of ecology.

#### **Other Compliance Conditions**

30. Notwithstanding the terms of the Town and Country Planning (Use Classes) Order 1987, or any statutory instrument revoking and re-enacting that Order, the hereby approved retail units shall be used solely for the use permitted and they shall not be used for any other purpose outside of Use Class A1 (Retail).

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

31. Unless alternative timeframes are agreed in writing with the Local Planning Authority, no building shall be occupied unless all redundant accesses have been permanently stopped up and reinstated to kerb and footway. Thereafter the means of vehicular access shall be restricted solely to the access point indicated in the approved plans.

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

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

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

33. Deliveries to and collections from the commercial units shall be carried out only between the hours of 0700 to 2300 on Mondays to Saturdays and between the hours of 0900 to 2300 on Sundays and Public Holidays.

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

34. Movement, sorting or removal of waste materials, recyclables or their containers in the open air and associated within the commercial units shall be carried out only between the hours of 0700 to 2300 Mondays to Saturdays and between the hours of 0900 to 2300 on Sundays and Public Holidays.



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

35. The development shall be carried out in accordance with the following mitigation measures as detailed within the submitted Flood Risk Assessment (FRA) prepared by Eastwood & Partners and dated June 2015 (Ref: 37488-002):

1. Finished floor levels shall be set no lower than those detailed in Table 2.2 within the FRA.
2. No plant room serving the upper floors shall be located in the basement.
2. Residential uses shall be at first floor level and above.
3. Flood warning signage shall be erected in the basement.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to ensure safe access and egress from and to the site.

Attention is Drawn to the Following Directives:

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

You should apply for a consent to: -

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

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

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

The notice should be sent to:-

Sheffield City Council  
Highways and Transport Division  
Howden House  
1 Union Street  
Sheffield  
S1 2SH

For the attention of Mr P Vickers

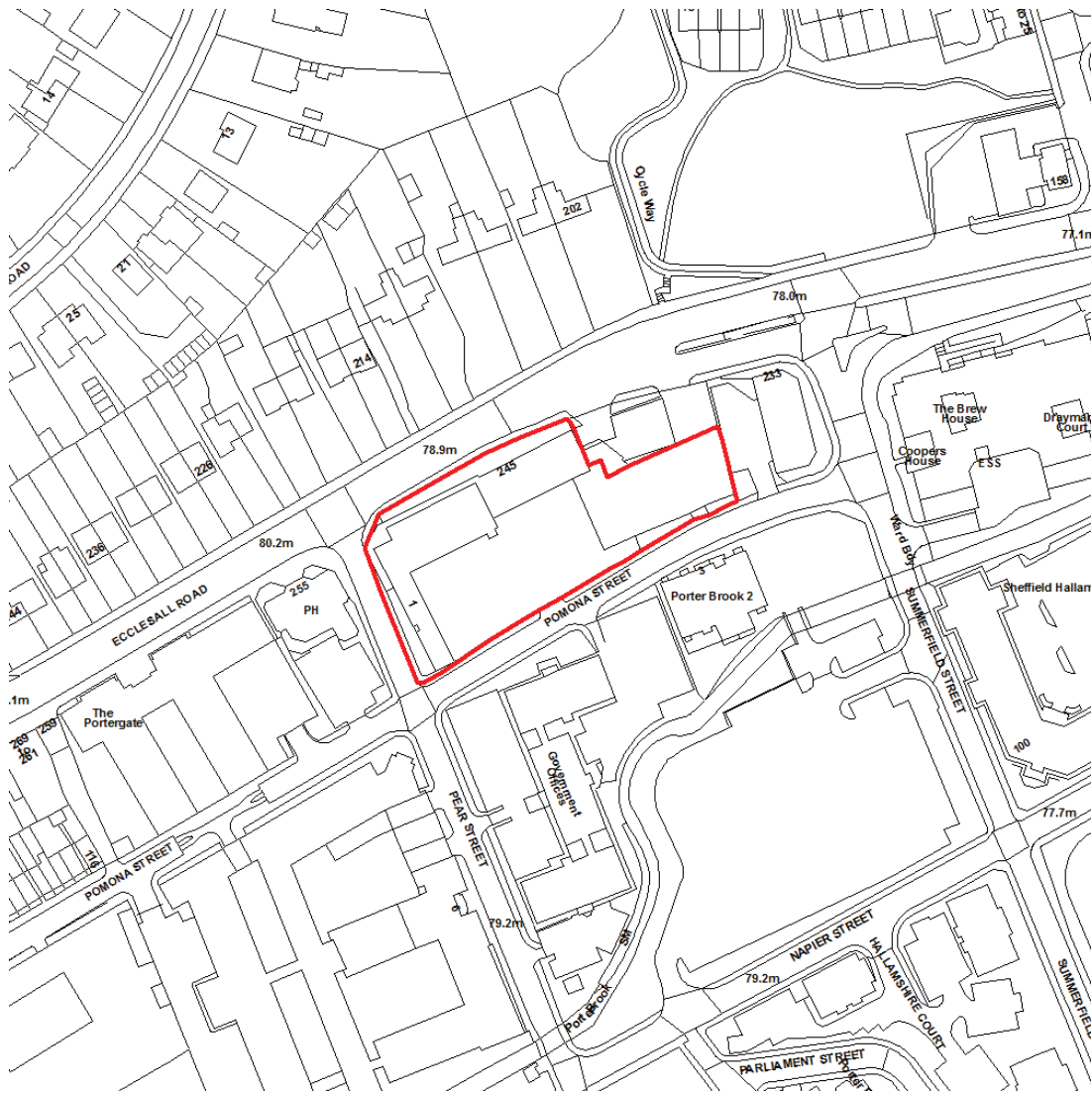
Please note failure to give the appropriate notice may lead to a fixed penalty notice being issued and any works on the highway being suspended.

3. 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.
4. Before the development is commenced, a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which agreed in writing with the Local Planning Authority. Any deterioration in the condition of the highway attributable to the construction works shall be rectified in accordance with a scheme of work to be agreed with the Local Planning Authority.
5. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.
6. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process, or a draft Liability Notice will be sent if the liable parties have not been assumed using Form 1: Assumption of Liability.
7. 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.
8. The applicant is advised that Yorkshire Water records indicate an existing water main is located very close to the red line site boundary within the Ecclesall Road footpath. Any works in the public highway will therefore be controlled under NRASWA.

For further information and advice, the Distribution Asset Manager should be contacted at the following address: Customer Services & Networks (Water Network Assets - South & East), Blackburn Meadows Sewage Treatment Works, Hawarth House 1st Floor, Alsing Rd Off Meadowhall Rd, Sheffield S9 1HF

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

# Site Location



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## INTRODUCTION

Planning permission was refused on this site for a similar scheme in September 2015 on design, sustainability and amenity grounds under reference number 15/01180/FUL (please see Relevant Planning History Section below for more details). Subsequently the applicant appealed the refusal and this appeal is now the subject of a Public Inquiry (Inquiry date set for February 2017).

The applicant's team and officers have subsequently re-engaged since the original determination with the aim of realising a scheme that addresses the original refusal reasons and is commercially deliverable. It is felt that the scheme being presented to Members now achieves this.

The key changes between the current proposals and the original scheme are as follows:

1. Reduction in the height of Zone Two (the student block) by 15%, or 5.45 metres.

Although the overall number of floors has only been reduced by one (now eleven in total), the height reduction is also partly achieved by constructing this block with a concrete frame, enabling reduced floor to ceiling heights.

2. Increase in the height of Zone Three by one storey (now seven floors in total).
3. Increase in the height of the northern section of Zone Four by one storey (now eight floors at its tallest point).
4. Reduction from double to single height top boxes in places (Zone One and Four) by incorporating the lower top box into the main frame of the building.
5. Introduction of brick parapets in Zone One and Four.
6. Alterations to Zone One floor plans in order to remove any primary habitable windows from the eastern elevation.

## LOCATION AND PROPOSAL

The application site has frontages to Ecclesall Road, Pear Street and Pomona Street with an area of 0.4 hectares. It is now vacant, but was most recently occupied by a shisha café and two retail units. The premises having formerly been purpose built and occupied by a car dealership.

The site accommodates several structures, some of which have recently been demolished. These include a single storey building (the former car showroom) and large covered area behind an open forecourt to the Ecclesall Road frontage. There is a large car park for approximately 55 spaces to the rear with access from Pomona Street.

To the east the site adjoins a hand car wash, which is set on a former petrol filling station and fronts Ecclesall Road. Walls currently enclose the car wash site on three sides and there is a small former petrol sales kiosk to one side. Beyond the car wash is the single storey Kwik Fit tyre/exhaust centre, which occupies the junction of Ecclesall Road with Summerfield Street.

Excluding the area occupied by Kwik Fit and the hand car wash, the site encompasses the whole of the land between Pomona Street, Ecclesall Road, Summerfield Street and Pear Street.

To the west and on the opposite side of the Pear Street junction is Champs Sports Bar, which is a two storey building with a single storey side extension fronting Pear Street.

To the south and on the opposite side of Pomona Street is a four storey former office block, which is one of three similar units known as Porterbrook House, and a six storey modern block of apartments. There is a surface level car park between Porterbrook House and the apartment block. It is noted that Porterbrook House has recently been converted to residential use under the Prior Notification process.

The Grade II Listed Bow Works lies further along Pomona Street to the south west of this site. This listed building is three storeys high with a four storey modern addition at the road junction and along Pear Street.

Ecclesall Road is dualled outside the car wash towards the City Centre and tapers to single carriageways outside the application site. On the opposite side of Ecclesall Road are large late Victorian dwellings which are set well back from the road with large front gardens containing tall mature trees. The trees predominantly screen the dwellings in the street scene.

The application proposes the demolition of all the buildings on the site and the erection of a mixed retail and residential development. The proposed development comprises:

- Five number retail units (Use Class A1) providing 1,956 square metres of floor space. The two smaller units will have a frontage onto Pomona Street, while the other units will have frontages on Ecclesall Road and Pear Street.
- 144 private apartments ranging between 1 and 4 bedrooms.
- 40 student cluster apartments (190 bedspaces).
- 113 car parking spaces and 257 cycle parking spaces.

The proposed buildings range from 5 to 11 storeys in height and are set around a central courtyard in 4 distinct zones:

- Zone 1 (fronting Ecclesall Road) - eleven storeys, reducing to eight storeys.

- Zone 2 (fronting Pomona Street) - eleven storeys
- Zone 3 (fronting Pomona Street) - seven storeys
- Zone 4 (fronting Pear Street; Pomona Street and Ecclesall Road) - eight storeys, reducing to seven storeys along Pear Street.

## RELEVANT PLANNING HISTORY

As discussed in the Introduction, planning permission was refused for a scheme of similar character on 30 September 2015 for the following reasons:

1. The Local Planning Authority consider that the proposed development is out of scale and character with the immediate surrounding area, where buildings are typically between 4 and 7 storeys high. In particular, the proposed 12 storey block would be located fronting a relatively narrow street (Pomona Street) which has only secondary status in the street pattern hierarchy; and a considerable distance from the junction of Pomona Street with Summerfield Street where a taller building may be considered acceptable. Furthermore, the variation in the massing of the proposed buildings to the Ecclesall Road and Pear Street frontages, which include stepped back top floors of different heights and a single storey height between the blocks fronting Ecclesall Road, results in a built form that does not reinforce the local distinctiveness, which includes a strong edge to perimeter buildings in the street scene. In these respects the proposed development is contrary to UDP Policies BE5(a) and IB9(c); Core Strategy Policy CS74; and Paragraph 58 of the National Planning Policy Framework.

2. The east elevation of the proposed building to 'Zone1' includes primary windows to habitable rooms over 10 floor levels. The Local Planning Authority consider that the position of these windows in close proximity to the adjacent car wash site unreasonably and entirely relies on light and outlook, particularly to the bedroom windows, from that site which would prejudice the future redevelopment of that site in a key location on a primary route into and out of the City Centre. In these circumstances, the proposal does not represent a sustainable form of development and is contrary to Paragraph 57 and one of the key aims of the National Planning Policy Framework.

3. The Local Planning Authority consider that the 12 storey building fronting Pomona Street would be unreasonably overbearing on the 6 storey apartment building directly opposite in Pomona Street to the detriment of occupiers of that building and the proposals are therefore contrary to Policy IB9(b) of the Unitary Development Plan.

## SUMMARY OF REPRESENTATIONS

Historic England (HE)

The application site lies immediately to the north east of the Grade II Listed former Bow Works, which is set within the Porter Brook Conservation Area. Beyond this to

the south are further heritage assets associated with the General Cemetery Conservation Area.

HE note revisions to the previous scheme, including the reduced height of Zone Two (the student block) an increase in the height of Zone Three and alterations to the 'top box' designs.

HE confirm they do not object to the principle of redevelopment, but express concern that the design will impact on significant views of the former Bow Works and conservation area.

Specific reference is made to Zone Four and how the height, scale and siting will dominate the setting of the heritage assets. While the architectural treatment and height of the lower and upper floors is at odds with the domestic scale of the listed building.

HE question if the information provided suitably assesses the key characteristics of the wider surrounding area and conclude by stating that amendments should be sought to the design in order that the development will positively respond to the adjacent heritage assets.

#### 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.

#### Neighbour Representations

There have been a total of 21 representations received almost exclusively from surrounding residents and the following summary breaks these down between the two periods of public consultation. These periods are defined as being before and after the amended plans had been received on 23 September 2016.

For clarity the principle changes within the amended plans are:

1. Increase in the height of the northern section of Zone Four's floorplate by one storey (now eight floors at its tallest point).
2. Reduction from double to single height top boxes relating to sections of Zone One and Four. This is achieved by incorporating the lower top box into the main frame of the building.
3. Introduction of brick parapets for Zone One and Four.

- Positive comments prior to amended plans.

- Resident from Wards Brewery writes to support the new scheme stating that previous concerns over height appear to have been taken into consideration while retaining the original quality. The increased traffic and parking will be

of some concern, but overall a compromise should be made to encourage the development and rejuvenation of the area.

- Several other local residents state support for the principle of developing this site. One such example is a statement from the Broomhall Park Association in which they state 'The abandoned site has been an eyesore for many years and has been the source of constant annoyance to some of our members from the illicit uses of parts of the property. We have absolutely no objection, therefore, to an appropriate and well-designed development of the land'. However, numerous concerns are also expressed by these residents, which are summarised in the section below.
  
- 13 negative comments had been received prior to the amended plans being submitted, including a contribution from The Broomhall Park Association. These comments state:
  - This application has hardly changed from the first proposal, being barely reduced in height or density. The eleven storey elements of the scheme will still tower disproportionately over everything else in the area.
  - The height of the scheme should be restricted to something more contextual. Various representations have suggested what this height should be and this generally ranges between four and six storeys.
  - Height and density restrictions were deemed to be appropriate for the development of the Bow Works and Ward's Brewery sites in order to maintain the unique character of this area. Why is this no longer considered important?
  - The scheme will encroach on the Broomhall Park Conservation Area
  - Other developments in the area have utilised pitched roofs and natural materials and this should be the case here
  - The scheme would result in the overpopulation of the area, which has other negative implications around issues such as noise (including from traffic) and antisocial behaviour, especially in relation to the student element.
  - High density student development should not be located adjacent to residential development. Such accommodation could also force out the non-student population.
  - Owing to other development being recently approved in the area this proposed scheme will result in traffic gridlock in an already congested area. Ultimately this could lead to businesses moving away, which is a negative.
  - The parking proposed is far below the occupancy rates, which will create further parking problems in the neighbourhood.



- The eleven storey sections of Zone One & Two will block a considerable amount of light from buildings in the area, including the Wards Brewery apartments, the houses on the opposite side of Ecclesall Road and Porterbrook House. The scheme will also overshadow this section of Ecclesall Road more generally.
  - Steps should be taken to ensure that disturbance to surrounding residents is kept to a minimum during the construction phase.
  - People using balconies will create noise nuisance.
  - Residents will be able to look into the houses set on the opposite side of Ecclesall Road and the proposed balconies will add to this problem.
  - There are already a number of food and retail units along Ecclesall Road, many of which are vacant. Is there a need for any further units of this type?
  - It would be preferable for the site to be used for commercial purposes.
  - The scheme will prejudice the future cohesive development of the adjoining sites, those being the hand car wash and Kwik Fit.
  - We need affordable housing and housing for key workers rather than more student housing and luxury apartments.
  - The images shown within the application are misleading as they show green spaces on the opposite side of Ecclesall Road. Other elements of the submission are also misleading and contain factual inaccuracies.
  - The site could contain archaeology and this should be accounted for.
  - Given the scale of the development it is likely to create increased flooding risk in relation to the adjacent Porter Brook
  - Given the amount of similar schemes approved in the vicinity the business case for this development must be questioned.
- 7 Negative comments have been received since the amended plans have been consulted on, including a contribution from The Broomhall Park Association.
- The amended plans have not made any material alterations that address the many and serious objections to the scale of the proposed development. The revised scheme therefore remains unsightly and overpowering.
  - The scheme remains unacceptable in relation to issues such as the overdevelopment of the site, air quality, lack of affordable housing, traffic problems and potential flooding.
  - The new proposals do not appear to be so very different from the very original application (15/01180/FUL), which was rejected.

- The scheme would continue to create privacy and overshadowing issues for surrounding residents.
- The building line does not follow the building line set by Champs bar, Kwik Fit and Wards Brewery, which are set back from the roadside.

- A representation has been received from Councillor Magid Magid which raises the following issues:

The Ecclesall Road area is of major concern in relation to issues such as traffic, air quality and parking. Moore Street roundabout to Hunters Bar for example is a slow moving traffic jam from morning rush hour right through to the evening. Traffic often backs up to Pear Street or Summerfield Street and air quality regularly breaches safe EU limits in the area.

Parking remains a big issue with few on road spaces at this end of Ecclesall Road.

The immediate area cannot cope with a significant concentration of new build, high rise, and high occupancy developments. Section d) of Policy CS41 applies to this development and, along with the other developments in the area, it will create community imbalance.

Refusal of the previous application was largely based on the scale of the buildings being completely out of context with the immediate surroundings and a slightly scaled down building simply fails to address this adjudication.

Any development on this site must be on a much smaller scale and much more sympathetic to the setting.

## PLANNING ASSESSMENT

### National Planning Policy Framework

The National Planning Policy Framework (NPPF) set out the Government's planning priorities 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.

### Design/Conservation

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 adopted Sheffield Unitary Development Plan (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) of the UDP states that original architecture will be encouraged, but that new buildings should complement the scale, form and architectural style of surrounding buildings.

Policy CS74 (Design Principles) within the Sheffield Development Framework Core Strategy (CS) states that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods.

- Scale

Concerns about the height of Zone Two (the student block) formed the first part of refusal reason one within the original application. Reason one within the decision notice states 'the proposed 12 storey block would be located fronting a relatively narrow street (Pomona Street), which has only secondary status in the street pattern hierarchy; and a considerable distance from the junction of Pomona Street with Summerfield Street where a taller building may be considered acceptable.'

In an attempt to address this particular concern the applicant's team have reduced the height of Zone Two by 5.45 metres, or 15% of the original height. This has been achieved through a combination of removing one floor of accommodation and constructing the frame in concrete, enabling reduced floor to ceiling heights. For reference officers had previously suggested a compromise height of nine storeys, representing a reduction of 25%.

The tallest buildings in the immediate context remain defined by the six storey residential block set across Pomona Street opposite Zone Two, and the six/seven storeys of Wards Brewery set the opposite side of Summerfield Street. However, this immediate context is expected to evolve in the imminent future by way of the construction of taller buildings. Of most relevance are:

1. The proposed eleven storey block that forms Zone One of the current application and fronts Ecclesall Road. This block represents the tallest element of the application scheme and is considered to be of an appropriate scale given that Ecclesall Road is a primary route in terms of enclosure and street hierarchy.

Referring further to the scale of Zone One, it is fully accepted that a high density residential scheme can be accommodated on the Ecclesall Road frontage and that there is merit in introducing greater height to provide a strong urban edge at the back edge of the footway. Views down Ecclesall Road towards the city centre would naturally be expected to culminate in taller buildings, particularly as the road widens to dual carriageway beyond the application site.

2. The recently approved Summerfield Street scheme (see 16/01362/FUL), which most notably includes a ten storey (plus podium level) building on the corner of Summerfield Street and Pomona Street.

It is appreciated that the two aforementioned buildings do occupy more prominent positions, fronting a primary route and being set on a corner respectively, therefore

the case for height is stronger. While in comparison Zone Two fronts a secondary street and therefore questions over acceptability remain.

It is considered however that when the following four points are accounted for the proposed height of Zone Two should on balance be accepted:

1. The changing context that will see taller buildings erected in such close proximity.
2. The 15% height reduction in comparison to the original scheme, which much closer to the height recommended by officer during the original 2015 application.
3. The other design improvements relating to how the overall development is massed and discussed further within this Massing section below.
4. The numerous positives the scheme represents, not least the regeneration of this rundown key brownfield site on a prominent strategic route into the city. Other benefits include a contribution towards the shortfall of housing land supply, the provision of jobs during the construction and operational phases and investment in the local economy.

Zone Three fronts Pomona Street and has been increased in height by one storey when compared to the first scheme (now seven in total). This height increase is intended to help compensate for the floor space lost by reducing the scale of Zone Two and the increased cost associated with constructing Zone Two using a concrete frame. As highlighted above seven storeys is reflective of the existing context mirroring buildings such as Wards Brewery. It is therefore accepted.

An additional half storey has been added to the northern section of Zone Four when compared to the original scheme. Again this is as a consequence of offsetting the cost of reducing the scale of Zone Two. This increased height (now eight storeys) is set towards Ecclesall Road and will be viewed in the context of Zone One, which varies in height between eight and eleven storeys. Increasing the scale onto Ecclesall Road is therefore considered to be an acceptable response when the wide primary nature of this route is accounted for.

#### - Massing

The second half of refusal reason one related to how the original scheme was massed. Reason one within the decision notice states that 'the variation in the massing of the proposed buildings to the Ecclesall Road and Pear Street frontages, which include stepped back top floors of different heights..... results in a built form that does not reinforce the local distinctiveness, which includes a strong edge to perimeter buildings in the street scene.'

In order to address these concerns the applicant has made the following revisions to the scheme:

1. Within Zone One the taller element now has a single top box, while the lower element retains a double top box. This is achieved by extending the brickwork up one storey for the taller element and expanding the floor plate.

It is felt that these changes create a more confident appearance, including a more clearly defined edge and a stronger distinction between the two portions of this block.

2. The removal of the double top box to the southern half of Zone Four, which is achieved in the same way as Zone One. Again it is felt that this creates a stronger better proportioned perimeter block.

3. The introduction of raised brick parapets in Zone One and Zone Four.

This change is considered to improve legibility, help define the perimeter and remove the need for an additional balustrade, which would have had the potential to appear fussy.

4. Aligning the position of the retained top boxes for Zone One and Four to achieve continuity between the buildings.

Based on the above changes it is felt that the massing now presents a more uniformed and contextual response to the setting, most notably by providing a more defined edge to Zone One and Four.

It is therefore considered that refusal reason one, which focused on scale and massing concerns, has been successfully addressed within this revised scheme.

#### - Layout

The proposal sees the buildings set onto the road frontage, creating a stronger perimeter block, which is reflective of the context. This also allows the creation of a good sized internal private courtyard/amenity space for residents.

In relation to the Ecclesall Road building line, Zone One and Four are set back from the footway, allowing the creation of a forecourt and a feeling of space for pedestrians to help counterbalance the scale of buildings along this frontage. This building line is reflective of the existing buildings on the site and the buildings fronting Ecclesall Road to the west.

#### - Detailing and Materials

The design of the individual buildings is of good quality and the varied architectural approach across the site is well considered. The materials are varied and high quality, providing interesting contrasts and successfully making clear definitions between the different elements of the scheme.

With the exception of Zone Two, the majority of the external wall area is proposed to be brick, which will vary slightly across the individual zones. Grey tones are proposed to the Ecclesall Road and Pear Street frontages with buff to Zone 3

(Pomona Street). These elevations also include curtain walling with clear glass and coloured infill panels. Zone Two is proposed to be finished with a full height curtain walling system, resulting in a building with a crisp, sheer appearance.

Across the four blocks the scheme utilises a number of features/details in order to ensure visual interest. Such features include top boxes, balconies and varying window styles, including projecting window frames.

The blocks also utilise generous glazing to key areas at ground floor, including through the use of commercial and reception/communal areas along the main road frontages.

The undercroft parking has been entirely sunken, which ensures large areas of car parking are not visible to pedestrians travelling past the site.

#### Impact on Heritage Asset

Paragraphs 132 to 134 of the NPPF state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 134 also states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The impact on the Porter Brook Conservation Area is considered acceptable as this Conservation Area does not directly adjoin the site. It does however include the Listed Buildings at Wards Brewery and Bow Works within its boundary and these require further consideration. The buildings have no material impact on the setting of Wards Brewery as a heritage asset due to the separation distances (approximately fifty metres) and the two adjoining sites in between.

There is some concern about the impact of Zone Four, which fronts Pear Street, on the Grade II Listed Bow Works, which is set on the diagonal of the Pear Street and Pomona Street junction and Historic England's comments are noted.

Zone Four now reduces to six storeys, rather than five, on the Pomona Street/Pear Street junction as a result of enveloping one of the original 'top box' storeys into the main body of the structure.

Bow Works presents three storeys plus pitched roof to Pomona Street and four storeys plus pitched roof to Pear Street, with a modern corner feature representing the transition point in terms of height. The separation between the proposed scheme and the Bow Works facade is approximately 27 metres.

It is also acknowledged that the proposed building steps away from Bow Works and does not adversely affect the historic part of the Listed Building, despite the listing applying to the building as a whole.

On balance therefore, it can be concluded that the impact of the development on surrounding heritage assets can be regarded as less than substantial and in such circumstances the NPPF requires this harm to be weighed against the public benefits of the proposal.

These benefits are significant and include regenerating this key brownfield site, contributing towards the shortfall of housing land supply, providing jobs during the construction and operational phases and generating investment in the local economy and beyond.

Based on the above it is therefore concluded that the less than substantial harm to the relevant heritage assets can be accepted.

#### Future Development of Adjoining Site

Paragraph 57 of the NPPF states that 'it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.'

During consideration of the original scheme (15/01180/FUL) there was some concern about the impact of Zone Two (the student block) on the future development potential of the car wash site to the north. Zone Two being set between approximately 6.3m and 10.6m off the rear boundary of this adjacent site.

In this respect it was considered that the car wash site would be able to accommodate a perimeter block of practical depth with amenity space to the rear. The separation distance between facing elevations would then be comparable to the distance between the proposed Pomona Street and Ecclesall Road blocks at approximately fifteen metres. This is considered satisfactory to ensure the presence of Zone Two does not prejudice the ability of the adjoining car wash site to be successfully redeveloped.

Of greater concern and the basis for the second reason for refusal within the 2015 scheme was the east elevation of Zone One, which is set on the boundary of the car wash site. Within the refused scheme this elevation contained the sole windows to habitable rooms (bedrooms) over ten floors and it was felt that development of the car wash site would have a severe and unacceptable impact on these bedrooms through loss of light and an overbearing impact.

This scheme has revisited the layout of this section of Zone One in order to remove any main habitable windows facing towards the car wash site. It has been agreed that windows would remain in the elevation to ensure suitable articulation, but these windows will be fixed and obscured.

Based on the above this scheme is considered to have overcome the concerns set out in refusal reason two.

#### Amenity of Surrounding Uses

Section b) within Policy IB9 (Conditions on Development in Industry and Business Areas) within the UDP states that new development or change of use 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.

Clearly when considering buildings of notable scale an assessment needs to be made as to the impact on surrounding uses/buildings in relation to matters such as over shadowing, overbearing and privacy.

In relation to overbearing, the third and final refusal reason for the original scheme was based on the 'unreasonably overbearing' impact the student block (Zone Two) would have on the six storey apartment building directly opposite the Pomona Street facade. This residential block has primary accommodation and balconies facing Zone Two and is set at a slight angle resulting in the separation distances varying between approximately twelve and fifteen metres.

In order to address this issue Zone Two has been reduced in height by 5.45 metres, which represents a 15% height reduction from the original scheme.

Whilst this remains less than ideal, such relationships between buildings of scale have been established elsewhere in the city. One such example is the relationship between the Velocity and Metis Towers, which front Tenter Street. These buildings both reach fourteen storeys and are separated by approximately twelve metres across Solly Street.

In addition, bearing in mind that the other grounds for the original refusal have now been addressed satisfactorily (as discussed above), it is felt that when the reduction in height and the orientation of the proposed buildings (being set to the north of the existing block) are considered along with the established precedents, this matter would not be so significant as to substantiate a standalone reason to refuse the scheme. The third reason for refusal is therefore considered to have been suitably addressed.

The only other property on Pomona Street to be considered is the former government offices, known as Porterbrook House. This building has windows facing towards Zone Three and is in the advanced stages of being converted into residential use under the prior notification process.

Although Zone Three reaches seven storeys it will be set to the north of Porterbrook House and there will be a separation distance of approximately seventeen metres, ensuring any dominating or shadowing impact will be within acceptable limits.

The residential accommodation within Wards Brewery is set approximately fifty metres away, which is suitable to ensure any shadowing impact would be minimal.

The only other residential properties in notable proximity are the dwellinghouses set across Ecclesall Road to the north. These properties have long front gardens resulting in a distance of approximately forty-eight metres between facing facades.



Again, this distance is considered suitable to ensure any shadowing/dominating impacts are not unduly harmful.

Given the commercial nature of the remaining adjacent sites a lesser emphasis is placed on protecting their amenity. As such, any shadowing/dominating impact is accepted.

In relation to privacy, given the distances discussed above, it is considered that the proposed scheme will allow surrounding uses to retain an acceptable level of privacy.

The revised scheme is therefore considered to have an acceptable impact on the amenity of surrounding commercial and residential uses and is in accordance with the relevant listed policies.

#### Land Use Housing/Students

The private residential blocks (Zone One, Three & Four) sit largely within Use Class C3 (Dwellinghouses), although 22 of these 144 units do provide three/four bedrooms and are therefore likely to fall within Use Class C4 (House in Multiple Occupation).

The purpose built student accommodation (Zone Two) is a sui generis use and it must therefore be considered on its own merits. It is noted however that the impacts of such uses are most akin to housing and therefore the following land use policies help provide some context.

The NPPF requires local authorities to identify a 5 year supply of specific 'deliverable' sites for housing with an additional 5% buffer. At present, only 4.7 years supply can be identified within the City. Given the current shortfall in housing sites, significant weight must be given to the contribution to housing supply that the private residential element of the development represents.

The NPPF and the Council's Core Strategy prioritise the development of previously developed (brownfield) sites, such as the application site.

The application site lies entirely within a Fringe Industry and Business Area as defined within the Sheffield Unitary Development Plan (UDP). Policy IB6 (Development in Fringe Industry and Business Areas) within the UDP identifies Housing (Use Class C3) as acceptable in principle and remains silent on Class C4 and sui generis uses.

Within the explanatory text Policy IB6 states that housing will be accepted only where living conditions are satisfactory and it would not hinder industrial and business development. These conditions are also set out in Policy IB11 of the UDP (Housing and Residential Institutions in Industry and Business Areas).

Section b) within Policy IB11 also states that to be acceptable in such areas housing development must be next to an existing residential area.

Residential areas are set in close proximity to the north, west and south of the application site and a number of residential developments also sit adjacent, including the Wards Brewery development and a residential block fronting Pomona Street. It is also noted that planning permission was recently granted for a large residential/student development on a site to the immediate south (see 16/01362/FUL). Section b) of Policy IB11 is therefore satisfied.

Matters relating to living conditions and the impact on industrial and business development are considered further below.

#### Dominance

Section a) within Policy IB9 (Conditions on Development in Industry and Business Areas) within the UDP states that new development should not lead to a concentration of uses which would prejudice the dominance of industry and business in the area (B1, B2 & B8 uses, with the exception of open storage).

The most recent assessment of the balance of uses in the area suggests that preferred uses are slightly under represented. The proposed development does not include any preferred uses, which will continue the deficiency and thereby be contrary to Policy IB9.

Policy C3 (Locations for Office Development) within the CS refines Policy IB9 by promoting office use in the area, as it would be considered to be at the edge of the City Centre. CS3 requires 65% of new office development to be delivered in the City Centre or at its edge. The current figure is just below the target, at 64.1%.

The approach to encourage office uses is also set out within CS Policy CS30 (Jobs and Housing in the Sheaf Valley and Neighbouring Areas), which promotes offices as part of a mix with new housing. CS30 states that housing would be acceptable as a secondary land use. This is reflected and further continued in the Draft City Policies and Sites Document, which proposes a Business Area designation for the site, where employment uses are promoted, along with a limited amount of residential use.

Given the above, it would clearly have been preferable from a land use policy perspective to include office floor space within the scheme. However, this is not the case and the scheme is therefore contrary to the aims of the above mentioned policies.

This deficiency must however be considered against the overall regeneration benefits of developing this vacant site, which includes associated employment and a contribution towards addressing the deficiency in housing land supply.

#### Housing Density

Policy CS26 (Efficient Use of Housing Land and Accessibility) within the CS requires appropriate housing densities to ensure the efficient use of land. The recommended density for a site such as this, which is near to the city centre, is over 70 dwellings per hectare.

This scheme achieves approximately 380 dwellings per hectare and therefore accords with Policy CS26.

#### House Type Mix

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

Section a) within CS41 states that housing development should provide for a broad range of smaller households in the City Centre and other highly accessible locations. The application site is set within in one such location and the policy aim is for no more than half of new homes in larger developments (defined as 60 or more dwellings) to consist of a single house type.

In relation to section a), this scheme will contain 184 units in total, comprising:

- 22 one-bedroom apartments (12%).
- 103 two-bedroom apartments (56%).
- 13 three-bedroom apartments (7%).
- 6 four-bedroom apartments (3%).
- 40 student clusters (22%).

Although the two bedroom units do represent 56% of the overall units, this is only slightly above the policy target and within tolerable limits given the scheme overall provides a strong mix of units.

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

The scheme provides a mix of student and private residential accommodation and whilst not situated in the primary locations identified in section c), it is still in a highly accessible location. The scheme therefore conforms to part C of CS41.

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

The current shared housing density within 200m of the site, including extant permissions, is 13%. This scheme (providing 40 shared units and 144 non-shared units) will raise the density to 16%, so will conform to section d) of CS41.

The proposal therefore accords with Policy CS41.

#### Land Use Commercial

Paragraph 24 of the NPPF states that a sequential approach should be applied to elements of planning applications that propose main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. In this case this would relate to the retail space.

Sequentially such uses should ideally be located in shopping centres, then in edge of centre locations and, only if suitable sites are not available, should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

The site represents an 'edge of centre' location and is also highly accessible, being well connected to the adjacent Ecclesall Road District Centre and the City Centre. Since the site is edge of centre, alternative sites would be preferable only if they were within a Centre.

Neither the NPPF nor the associated National Planning Practice Guidance (NPPG) specifies which Centres should be considered, although previous guidance has suggested that the relevant centres in which to search for sites will depend on the plan strategy, the nature and scale of the development, and the catchment that it seeks to serve.

Since no occupiers have been identified for the scheme it is not known what catchment area the development would serve. However, given the scale, it is likely to be a similar catchment to that of the existing shops along Ecclesall Road. On that basis and owing to the proximity, it was considered that the search should be limited to the Ecclesall Road District Centre.

The benefits it could offer to the centre in terms of environmental improvements and increased vitality could be bettered only by a site within the Ecclesall Road Centre itself. Since there are no vacant sites or buildings in the Ecclesall Road Centre that could provide the modern retail accommodation that this proposal would provide, the development is considered to have passed the sequential test.

The proposed commercial units combined do not meet the 2,500 square metre threshold at which Impact Assessments are required.

If Members are minded to grant planning permission it is recommended that permitted development rights are removed to prevent any uncontrolled subsequent change of use to Class A3 (Restaurants) that may otherwise be permitted by Class C to Part 3 of the General Permitted Development Order and may be damaging to the residential environment, including housing opposite the site.

#### 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 below) identifies the site as being in a highly sustainable location in respect of public transport. The site is also in easy walking distance of the city centre, both Universities and the multitude of amenities available along Ecclesall Road.

In addition, the site is previously developed and the scheme will incorporate sustainable drainage measures.

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.

Until recently private and student residential developments had to achieve Code for Sustainable Homes Level Three to comply with CS64. This section of CS64 has however been superseded by recently introduced Technical Housing Standards (2015), which effectively removes the requirement to achieve this standard for new housing developments.

Two of the commercial units are over five hundred square metres and in accordance with CS64 these need to achieve a BREEAM rating of Very Good, which will be secured by a condition.

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. New developments are therefore expected to achieve the provision of a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy, or an alternative fabric first approach.

The submitted information confirms the applicant will achieve this 10% target and a condition will be attached to ensure this is the case.

Guideline CC1 of the Supplementary Planning Document Climate Change and Design requests a minimum of 80% of roof coverage is made up of green/brown roofs when this is compatible with design objectives and/or viability.

The applicant has confirmed that such provision is not proposed in this case on the grounds of viability. As the District Valuer has independently confirmed that the scheme does not currently stack up from a viability perspective this point is not being pursued further (see affordable housing section below).

It is also noteworthy that the scheme provides additional features such as landscaping, cycle parking and the implementation of travel plans, which further aid its sustainability credentials.

Overall, it is considered that the proposal meets the sustainability policy requirements.

## Highways

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

Policy CS53 (Management of Demand for Travel) within the CS seeks to manage the demand for travel by, amongst other things, implementing Travel Plans and applying maximum car parking standards.

Paragraph 32 of the NPPF states that decisions should take account of, amongst other things, whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site and whether safe and suitable access to the site can be achieved for all people.

The proposals provide 113 car parking spaces, including eight mobility bays and several enlarged spaces. The standard size spaces will be exclusively for use by the 144 private apartments, while three of the mobility bays will serve the student accommodation.

This level of provision is considered appropriate given highly sustainable location with easy access to excellent public transport links and the many amenities available along Ecclesall Road and within the city centre. As such, a scheme with limited car parking that utilises measures such as travel plans is encouraged.

The car parking accommodation is provided at basement level with ramped access taken from Pomona Street. The location and design of the access is considered to be acceptable.

The student units will benefit from 115 cycle parking spaces. The proposals also include 130 cycle parking spaces to serve the private apartments (1 per unit) and 12 spaces to serve the retail units.

Servicing is proposed to be carried out from Pomona Street. This will involve the loss of 3 on-street parking spaces which is not ideal but acceptable considering that servicing from Ecclesall Road should not be encouraged and the development needs to abut the back edge of the footway to achieve a strong design response to the urban location. A Traffic Regulation Order, or similar arrangement, will be required to accommodate the proposed on street servicing.

The submitted Transport Assessment (TA) considers that the retail units will be an extension to existing provision along Ecclesall Road and will not generate any

additional requirement for parking. This may be the case but much will depend on the nature of the occupiers of the shops, particularly the larger units. Nevertheless, it is accepted that the location is highly accessible and within close proximity to a wide range of goods and services. Furthermore, the existing regulations throughout the area will control any demand for on street parking generated by the shop units.

The TA provides a comparison between the traffic estimated to be generated by the existing and proposed use of the site. During the morning peak the existing (previous) use is estimated to generate 20 vehicular movements compared to the 50 movements (+30) estimated to be generated by the proposed development. The afternoon peak estimates are 15 and 55, respectively (+40). It is considered that this level of additional traffic would not have a material impact on the operation of the highway network.

Capacity assessments have been undertaken for the junctions in the immediate vicinity. Whilst the development will decrease available capacity at the junctions, the assessments demonstrate that the reduced capacity is not of such a magnitude as to have a material impact.

A Student Traffic Management Plan is set out in the TA and indicates that arrival and departure times at the start and end of the academic year will be subject to a booking system and 1 hour turnaround times. The principle of the arrangement is acceptable but some refinement may be required. The Management Plan can be included in a Travel Plan which can be conditioned if Members are minded to grant planning permission.

Overall, the parking provision is considered acceptable and the servicing provision is, on balance, adequate in accordance with the quoted policies.

#### Flood Risk/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.
- Developing areas with high probability of flooding only for water compatible uses unless an overriding case can be made and adequate mitigation measures are proposed.

CS67 also states that housing in areas with a high probability of flooding will not be permitted before 2016/17. As this period has now been reached this section of the policy no longer carries significant weight.

The site lies in the following flood zones:

1. Flood Zone 2, which has a 1 in 100 and 1 in 1000 annual probability of flooding.
2. Flood Zone 3a, which has a 1 in 100 or greater annual probability of flooding.

The proposed residential use/student accommodation is classified as more vulnerable in terms of flood risk. The ancillary communal and student management facilities and the retail units at ground floor are classed as less vulnerable. In terms of assessing the flood risk of the scheme the highest vulnerability category should be used, which is 'more vulnerable'.

The application has been accompanied by a combined Drainage Strategy and Flood Risk Assessment (FRA), which list a range of proposals to both reduce and/or mitigate the impact of flooding.

These measures include:

- Raising ground floor levels and locating more vulnerable uses only at first floor level and above.
- Providing flood water storage capacity within the basement area to compensate for any loss of existing capacity owing to the new built form.
- Reducing the current surface water run-off rate by 30%.
- Incorporating flood resilience measures into the design of the ground floor areas.
- Implementing procedures for maintaining safety of the public and staff in the event of flooding.

As required by the NPPF, the applicant has also provided a Flood Risk Sequential Test that has studied alternative sites within an agreed radius. This radius was defined by the distance of the application site to the main university campuses owing to the large quantum of student units proposed on the site.

It is acknowledged that the scheme includes a significant proportion of private residential accommodation, but the applicant states the student element is needed to make the overall scheme viable. Consequently, the student element has led the search area. This is considered a reasonable approach given this particular set of circumstances.

Having considered all relevant sites it has been determined that there are no readily available alternative sites within the search zone that could accommodate the proposed development. The Flood Risk Sequential Test is therefore considered to be passed.

In relation to the Exception Test, the development of this vacant and prominent site offers wide ranging sustainability benefits that are drawn out through this report, not least in relation to regeneration, employment and investment. In addition, the



FRA has demonstrated that the development will offer a suitable response to the flooding risks. The Exception Test is therefore considered to be passed.

The Environment Agency (EA) is satisfied with the submitted Flood Risk Assessment (FRA) subject to the development being carried out in accordance with the details thereof. In particular, the finished floor levels must be implemented as specified, with no plant room at basement level. Flood Warning signs are also required to be displayed in the basement.

The scheme will also include other sustainable drainage techniques to reduce surface water run-off, which includes permeable paving and soft landscaped areas.

Subject to conditions, the Environment Agency, Yorkshire Water and the Lead Local Flood Authority have confirmed that these proposals are acceptable. The proposals therefore accord with Policy CS67 within the CS.

#### Access

Policy H7 (Mobility Housing) of the UDP had set standards for acceptable quantum's of mobility housing within residential development. However, as these standards are not part of an up to date local plan they have been superseded by the recently introduced Technical Housing Standards (2015), which effectively removes the requirement for mobility housing at this time.

In relation to access into the buildings, having had to raise floor levels to address the flooding issues across the site, features such as ramps have been utilised to ensure ease of access for all. Each building and commercial unit therefore has a level access.

Although not a policy requirement, Lifetime Homes criteria are incorporated in the design and all habitable rooms achieve reasonable space standards.

The proposal is therefore considered to satisfy the relevant access requirements/policies.

#### Affordable Housing

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

The target within CS40 is between 30 & 40% of the units, but a more spatial approach to affordable housing provision is now adopted within the Community Infrastructure Levy and Planning Obligations Supplementary Planning Document (SPD). The SPD identifies affordable housing provision based on viability across a particular area. This site falls within the City Centre West area, which has a 10% contribution requirement.

During the course of the original application the scheme was assessed independently by the District Valuation Office (DV) in order to gauge the level of

contribution that could be provided when factors such as reasonable developer profit, acceptable land price and abnormal costs are accounted for. The DV office confirmed that no affordable housing contribution would be viable in this case.

Given the findings of the original report and limited time period between its issuing (issued on 21 May 2015) it would not have been reasonable or proportionate to insist the applicant go through the expense and burden of the DV process again.

In conclusion, it has been suitably demonstrated that this scheme cannot support a contribution towards affordable housing.

#### Amenity of Future Residents & Impact on Existing Commercial Units

IB11 (Housing and Residential Institutions in Industry and Business Areas) within the UDP sets out circumstances in which Housing would be permitted in Fringe Industry and Business Areas.

Section a) states that such development should not further constrain industrial or business development to protect the environment of the new housing.

With a few exceptions (discussed further below), the majority of the commercial uses surrounding the site are office based and, given their quiet nature, the introduction of residential accommodation in this location will not impinge on, or constrain, the future operation of these uses.

There are however several noisy commercial operations in close proximity, those being:

- Champs Bar which fronts Ecclesall Road and is set directly across Pear Street approximately 14 metres away.
- The hand car wash set adjacent to the eastern boundary.
- Kwik Fit tyre repair centre, which adjoins the hand car wash.

In relation to these noisy activities the Environmental Protection Service (EPS) are satisfied that with appropriate conditions relating to glazing specifications and acoustically treated ventilation (when appropriate), any possible external noise nuisance can be mitigated.

There is no ambition to encourage further noisy industrial uses on any adjacent land and therefore future conflict in this respect will not occur.

Section c) within IB11 states that consent should only be granted for residential development if future residents do not suffer from unacceptable living conditions including, ground contamination, noise, other nuisance or risk to health and safety. Several areas therefore need additional consideration.

In relation to noise, along with the commercial uses discussed above, the main source of potential disturbance is road traffic created by vehicles moving along

Ecclesall Road. Again the EPS are satisfied that with the imposition of a planning condition any possible external noise nuisance can be mitigated.

The EPS have also requested conditions be imposed on the new commercial units in order to manage any possible risk of conflict with future residents. This would include limitations on hours of opening, hours of servicing and noise/odours omitted from any plant and machinery.

A site investigation report has been submitted in support of the application. A potential pollutant linkage posing a risk to site workers and future site users from petroleum hydrocarbons originating from the adjacent former fuel filling station (car wash) is identified. This is a matter that requires further investigation but would be capable of satisfactory resolution through appropriate planning conditions.

Having assessed the submitted information in terms of apartment layouts and the positioning of buildings it is considered that future occupiers will be afforded acceptable living conditions in terms of outlook, light and privacy. The scheme also provides a reasonable amount of external amenity space and is in reasonable walking distance of several local green spaces.

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

#### Air Quality

Paragraph 124 within the NPPF requires planning policies to contribute towards EU limit values or national objectives for pollutants, taking account of Air Quality Management Areas and the cumulative impacts of air quality from individual sites locally. It also requires decisions to be consistent with the Air Quality Action Plan (AQAP). Sheffield's AQAP identifies the whole of the urban area as an Air Quality Management Area.

Policy CS66 (Air Quality) within the CS refers to action being taken across the built up area of the city where residents are exposed to levels of pollution above national targets. The policy seeks to achieve protection and improvement of air quality through the AQAP and Local Transport Plan and through decisions about planning applications for significant traffic generating uses.

The submitted Air Quality Assessment (AQA) compares predicted concentrations with the air quality objectives. The results of the assessment indicate that annual mean NO<sub>2</sub> concentrations are likely to be within the objective in 2017 under a worst case scenario at residential receptor locations. Concentrations of PM<sub>10</sub> are also predicted to be well within the annual mean objective level.

Based on the evidence it is therefore considered unlikely that there will be exceedances of either short term objectives for NO<sub>2</sub> or PM<sub>10</sub>. No specific mitigation is therefore considered necessary and there is no conflict with Policy CS66.

#### Archaeology

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

South Yorkshire Archaeology Service has commented that this area was primarily developed as terraced houses when it was first built up in the nineteenth century. These terraces are still shown on 1950s and 1970s maps, so can have only been relatively recently cleared. It is considered therefore that the site does not contain any notable archaeology potential and therefore further investigation is not warranted.

#### Public Art

An element of Public Art will be incorporated due to the overall scale of the development and its prominent location. This is to be secured by condition.

#### Community Infrastructure Levy (CIL)

The site is located within a CIL Charging Zone with a residential levy of £30 per square metre. The application has been accompanied by the requisite CIL Additional Information Forms.

#### RESPONSE TO REPRESENTATIONS

The majority of the issues raised in the neighbour representations have been addressed in the above assessment. The remaining issues are addressed as follows:

- The scheme will encroach on the Broomhall Park Conservation Area.

There is no Broomhall Park Conservation Area. However, to the north of the site is the Broomhall Conservation Area and it is assumed that this comment relates to this.

The site will be set approximately 90 metres from the conservation area boundary and separated by both Ecclesall Road, and a row of houses that front the northern side of Ecclesall Road. As such, although the scheme will be visible from certain aspects within the conservation area, it would not be reasonable to consider it as an encroachment.

- Other developments in the area have utilised pitched roofs and natural materials and this should be the case here.

The scheme does utilise natural materials, but generally has a simple palette of brickwork and glass, which is entirely in context.

Whilst there may be numerous pitched roofs in the area, this does not remove the option of a flat roofed scheme if the quality of the overall composition is acceptable. This has recently been proved correct by the approval of the student/residential scheme to the south which utilises flat roofs extensively (see 16/01362/FUL).

- The scheme would result in the overpopulation of the area, which has other negative implications in relation to issues such as noise (including from traffic) and antisocial behaviour, especially in relation to the student element.

There is no foundation to warrant the assertion that future residents would be unduly noisy or antisocial. Ultimately this section of Ecclesall Road is a busy vibrant part of the city and the mix of uses proposed would complement this character.

- High density student development should not be located adjacent to residential development. Such accommodation could also force out the non-student population.

The proximity of student development to 'other' residential development is long established. Matters in relation to the overall mix of uses in the area have been covered within the above assessment.

- The scheme will overshadow this section of Ecclesall Road.

Buildings casting shadows on footpaths and roads etc. is both common and unavoidable and would not represent a reason to refuse this scheme.

- Steps should be taken to ensure that disturbance to surrounding residents is kept to a minimum during the construction phase.

Issues relating to general noise and disturbance during construction are policed under Environmental Health legislation, rather than through the planning system.

With that noted a planning condition is proposed to agree a strategy to control/mitigate dust and emissions from the corresponding construction phase. In addition, a directive is also proposed to remind the applicant of what the appropriate legislation defines as considerate working hours.

- There are already a number of food and retail units along Ecclesall Road many of which are vacant. Is there a need for any further units of this type?

The vacancy rates within the Ecclesall District Centre are considered to be relatively low and there is no objection in principle to the creation of additional commercial units in this location, which ultimately create active frontages ground floor.

- The images shown within the application are misleading as they show green spaces on the opposite side of Ecclesall Road. Other elements of the submission are misleading and contains factual inaccuracies.

The images referred to can be interpreted as showing an inaccurate context to the northern side of Ecclesall Road. However, these images are intended to simply focus on the context to the southern side of the street. In addition a fundamental part of the decision making process involves visiting sites to appreciate the full context.

- Given the amount of similar schemes approved in the vicinity the business case for this development must be questioned.

The overall business case is a matter for the developer in relation to deciding to pursue the scheme if consent is granted.

## SUMMARY AND CONCLUSION

The proposal represents a very substantial development of private and student accommodation across four blocks and includes five retail units of a relatively limited scale.

The scheme is a resubmission of a previously refused application (see 15/01180/FUL) with adjustments made to the original in order to overcome the relevant issues. It is therefore necessary to briefly expand on the three original reasons for refusal separately and explain how these have been overcome.

1. Refusal reason one related to the scale of Zone Two (the student block) and more general concerns about how elements of the scheme, most notably the top boxes, were massed.

This revised scheme has reduced the height of Zone Two by 15% and incorporated several changes to the massing, in order to achieve a stronger contextual response. On balance, when matters such as the wider regeneration benefits of the scheme are accounted for, these changes are considered to suitably address refusal reason one.

2. Refusal reason two related to the east facing elevation of Zone One, which is set on the boundary of the adjacent car wash site. Within the original scheme this elevation contained the sole windows to habitable rooms over ten floors, which would have unduly constrained the development potential of this adjoining site.

The current scheme has revisited the layout in order to remove any main habitable windows from this facade. It has been agreed that windows would remain in the elevation to ensure suitable articulation, but these windows will be fixed and obscured. The second reason for refusal has therefore been addressed.

3. The third and final reason for refusal related to the overbearing impact the student block (Zone Two) would have on the six storey apartment building directly opposite the Pomona Street facade.

Owing to the 15% reduction in the height of Zone Two, and bearing in mind that the other grounds for the original refusal have, in the view of officers, been addressed satisfactorily, it is felt that when factors such as the orientation of the proposed buildings are considered, along with established precedents, this matter would not be so significant as to substantiate a standalone reason to refuse the scheme. The third reason for refusal is therefore considered to have been suitably addressed.

Beyond the original reasons for refusal, from a land use perspective the lack of office accommodation is not policy compliant. However, this deficiency must be considered in the context of the significant regeneration benefits of developing this vacant brownfield site and the contribution this makes to housing land supply for example. The lack of office accommodation is therefore tolerable.

Given the proximity to the city centre the proposed destiny is considered appropriate, while the house type mix proposed is in accordance with policy.

Owing to both the quiet nature of the majority of surrounding commercial uses and proposed mitigation measures within the scheme, the introduction of residential/student development would not impinge on the existing operations of these commercial uses.

The scheme will be orientated and separated suitably from surrounding uses so as to ensure the amenity of said uses/occupiers is not unduly harmed.

The proposal incorporates a number of design features across the blocks to create meaningful articulation and visual interest. This includes setting active uses on key corners, incorporating generous amounts of glazing and providing subtle variety within materials. It is also considered that a suitably sympathetic response has been taken to adjacent heritage assets when balanced against overall regeneration benefits.

Following independent consideration by the District Valuation Office the scheme is not deemed sufficiently viable to contribute towards affordable housing.

The scheme will introduce several features to ensure the sustainability credentials of the development are acceptable. This includes utilising renewable energy, incorporating sustainable drainage measures and achieving a BREEAM rating of 'very good' as relevant.

There is limited car parking, which is accepted owing to the sustainable location with easy access to excellent public transport links and the many amenities available along Ecclesall Road and within the city centre. The submitted Transport Assessment has demonstrated that the existing road network has the spare capacity to accommodate the demands of the development.

The scheme has been accompanied by a Flood Risk Assessment which lists a range of proposals to both reduce and/or mitigate the impact of flooding, including setting residential uses above ground floor level. The relevant responsible bodies have confirmed these documents are satisfactory. Information has also been provided to demonstrate that the Sequential and Exception Tests have been met.

Overall there have been substantial improvements made to a scheme that is capable of delivering significant regeneration benefits. It is therefore recommended that the scheme is supported.

**RECOMMENDATION**

Grant Conditionally.



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Case Number	16/02910/FUL (Formerly PP-05355687)
Application Type	Full Planning Application
Proposal	Demolition of existing buildings and erection of a mixed use development incorporating student accommodation, comprising 346 studio apartments, 6 x 1 bed apartments, 3 x 2 bed apartments and 102 cluster flats providing at total of 972 bed spaces, commercial units and Hub Space (Use Class A1) [with no more than 250 sqm of sales area], A2, A3, A4, A5, B1 and D1), with associated works, access, landscaping and ancillary features
Location	Site Of 20 Hollis Croft And 31 Hollis Croft City Centre Sheffield S1 3HY
Date Received	29/07/2016
Team	City Centre and East
Applicant/Agent	DLP Planning Ltd
Recommendation	Grant Conditionally

Subject to:

**Time limit for Commencement of Development**

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

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

**Approved/Refused Plan(s)**

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

General/landscape

HLC-HLM-ZZ-XX-GA-L-(90)00 Rev PA2 - Landscape GA  
HLC-HLM-ZZ-ZZ-GA-L-(90)10 Rev PA1 - Landscape GA - Lower Link  
HLC-HLM-ZZ-ZZ-GA-L-(90)11 Rev PA1 - Landscape GA - Central Link  
HLC-HLM-ZZ-ZZ-GA-L-(90)12 Rev PA2 - Landscape GA - Historic Link  
HLC-HLM-ZZ-ZZ-GA-L-(90)13 Rev PA1 - Landscape GA - Upper Terraces  
HLC-HLM-ZZ-RF-GA-L-(90)03 Rev PA1 - Roof Plan

Site 1

HLC-HLM-Z1-00-GA-A-(05)00 Rev PA1 - Site 1 GA Plan Ground Floor  
HLC-HLM-Z1-01-GA-A-(05)01 Rev PA1 - Site 1 GA Plan First Floor  
HLC-HLM-Z1-02-GA-A-(05)02 Rev PA1 - Site 1 GA Plan Second Floor  
HLC-HLM-Z1-03-GA-A-(05)03 Rev PA1 - Site 1 GA Plan Third Floor  
HLC-HLM-Z1-04-GA-A-(05)04 Rev PA1 - Site 1 GA Plan Fourth Floor  
HLC-HLM-Z1-05-GA-A-(05)05 Rev PA1 - Site 1 GA Plan Fifth Floor  
HLC-HLM-Z1-06-GA-A-(05)06 Rev PA1 - Site 1 GA Plan Sixth Floor  
HLC-HLM-Z1-RF-GA-A-(05)09 Rev PA1 - Site 1 GA Plan Roof

HLC-HLM-Z1-XX-EL-A-(05)01 Rev PA1 - Site 1 GA Elevation North  
HLC-HLM-Z1-XX-EL-A-(05)02 Rev PA1 - Site 1 GA Elevation South  
HLC-HLM-Z1-XX-EL-A-(05)03 Rev PA1 - Site 1 GA Elevation East & West

HLC-HLM-Z1-XX-SE-A-(05)13 Rev PA1 - Site 1 GA Sections - Sheet 1  
HLC-HLM-Z1-XX-SE-A-(05)14 Rev PA1 - Site 1 GA Sections - Sheet 2

Site 2

HLC-HLM-Z2-00-GA-A-(05)00 Rev PA1 - Site 2 GA Plan Ground Floor  
HLC-HLM-Z2-01-GA-A-(05)01 Rev PA1 - Site 2 GA Plan First Floor  
HLC-HLM-Z2-02-GA-A-(05)02 Rev PA1 - Site 2 GA Plan Second Floor  
HLC-HLM-Z2-03-GA-A-(05)03 Rev PA1 - Site 2 GA Plan Third Floor  
HLC-HLM-Z2-ML-GA-A-(05)04 Rev PA1 - Site 2 GA Plan Fourth Floor  
HLC-HLM-Z2-ML-GA-A-(05)05 Rev PA1 - Site 2 GA Plan Fifth Floor  
HLC-HLM-Z2-ML-GA-A-(05)06 Rev PA1 - Site 2 GA Plan Sixth Floor  
HLC-HLM-Z2-07-GA-A-(05)07 Rev PA1 - Site 2 GA Plan Seventh Floor  
HLC-HLM-Z2-RF-GA-A-(05)09 Rev PA1 - Site 2 GA Plan Roof

HLC-HLM-Z2-XX-EL-A-(05)01 Rev PA1 - Site 2 GA Elevation North & South  
HLC-HLM-Z2-XX-EL-A-(05)02 Rev PA1 - Site 2 GA Elevation East & West  
HLC-HLM-Z2-XX-EL-A-(05)03 Rev PA1 - Site 2 GA Courtyard Elevation East & West  
HLC-HLM-Z2-XX-EL-A-(05)04 Rev PA1 - Site 2 GA Elevations at Roof Level

HLC-HLM-Z2-XX-SE-A-(05)11 Rev PA1 - Site 2 GA Sections - Sheet 1  
HLC-HLM-Z2-XX-SE-A-(05)12 Rev PA1 - Site 2 GA Sections - Sheet 2  
HLC-HLM-Z2-XX-SE-A-(05)13 Rev PA1 - Site 2 GA Sections - Sheet 3

Site 3

HLC-HLM-Z3-00-GA-A-(05)00 Rev PA1 - Site 3 GA Plan Ground Floor  
HLC-HLM-Z3-M1-GA-A-(05)00 Rev PA1 - Site 3 GA Plan Mezzanine Level 1  
HLC-HLM-Z3-M2-GA-A-(05)01 Rev PA1 - Site 3 GA Plan Mezzanine Level 2  
HLC-HLM-Z3-01-GA-A-(05)01 Rev PA1 - Site 3 GA Plan First Floor  
HLC-HLM-Z3-02-GA-A-(05)02 Rev PA1 - Site 3 GA Plan Typical Second-Fourth Floor  
HLC-HLM-Z3-ML-GA-A-(05)03 Rev PA1 - Site 3 GA Plan Fifth Floor  
HLC-HLM-Z3-06-GA-A-(05)06 Rev PA1 - Site 3 GA Plan Sixth Floor  
HLC-HLM-Z3-07-GA-A-(05)07 Rev PA1 - Site 3 GA Plan Seventh Floor  
HLC-HLM-Z3-08-GA-A-(05)08 Rev PA1 - Site 3 GA Plan Eighth Floor  
HLC-HLM-Z3-09-GA-A-(05)09 Rev PA1 - Site 3 GA Plan Ninth Floor  
HLC-HLM-Z3-ML-GA-A-(05)10 Rev PA1 - Site 3 GA Plan Typical Tenth-Fifteenth Floor

HLC-HLM-Z3-16-GA-A-(05)16 Rev PA1 - Site 3 GA Plan Sixteenth Floor  
HLC-HLM-Z3-17-GA-A-(05)17 Rev PA1 - Site 3 GA Plan Seventeenth Floor  
HLC-HLM-Z3-RF-GA-A-(05)18 Rev PA1 - Site 3 GA Plan Roof

HLC-HLM-Z3-XX-EL-A-(05)01 Rev PA1 - Site 3 GA Elevation North  
HLC-HLM-Z3-XX-EL-A-(05)02 Rev PA1 - Site 3 GA Elevation East  
HLC-HLM-Z3-XX-EL-A-(05)03 Rev PA1 - Site 3 GA Elevation South  
HLC-HLM-Z3-XX-EL-A-(05)04 Rev PA1 - Site 3 GA Elevation West  
HLC-HLM-Z3-XX-EL-A-(05)05 Rev PA1 - Site 3 GA Courtyard Elevations - Sheet 1  
HLC-HLM-Z3-XX-EL-A-(05)06 Rev PA1 - Site 3 GA Courtyard Elevations - Sheet 2  
HLC-HLM-Z3-XX-EL-A-(05)07 Rev PA1 - Site 3 GA Courtyard Elevations - Sheet 3  
HLC-HLM-Z3-XX-EL-A-(05)08 Rev PA1 - Site 3 GA Courtyard Elevations - Sheet 4

HLC-HLM-Z3-XX-SE-A-(05)01 Rev PA1 - Site 3 GA Sections - Sheet 1  
HLC-HLM-Z3-XX-SE-A-(05)02 Rev PA1 - Site 3 GA Sections - Sheet 2  
HLC-HLM-Z3-XX-SE-A-(05)03 Rev PA1 - Site 3 GA Sections - Sheet 3  
HLC-HLM-Z3-XX-SE-A-(05)04 Rev PA1 - Site 3 GA Sections - Sheet 4  
HLC-HLM-Z3-XX-SE-A-(05)05 Rev PA1 - Site 3 GA Sections - Sheet 5

Reason: In order to define the permission

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

3. No development shall be commenced until a phasing plan has been submitted to and approved in writing by the Local Planning Authority. The relevant phasing conditions within this notice shall accord to this agreed phasing plan thereafter, unless an alternative phasing plan is subsequently agreed.

Reason: In order to define the permission and to ensure each block can be delivered in an appropriate manner.

4. No development of any phase shall commence until the detailed proposals for surface water disposal relating to the relevant phase, including calculations to demonstrate the reduction and any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority.

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.

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.

There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Thereafter, the 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.

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

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

6. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority for each phase of the development. Details to be included in the Construction Management Plan are:

- a) Means of ingress and egress for vehicles engaged in the construction of the development, including arrangements for restricting vehicles to approved ingress and egress points;

- b) A layout of the site compound, storage areas and contractor parking;

- c) Wheel cleaning facilities for 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. When this equipment has been provided, thereafter such equipment shall be used for the sole purpose intended in all instances and shall be properly maintained

- d) A strategy to control dust and emissions from the corresponding construction

- e) Restrictions on construction and demolition works that are audible at the site boundary to only take place between 0730 hours and 1800 hours on Monday to Fridays, and between 0800 and 1300 hours on Saturdays, and not at any time on Sundays and Public Holidays

Thereafter the development shall proceed in accordance with the approved plans

Reason: In order to mitigate the effects of development during the construction phase in respect of road users, highway safety, traffic flow and the amenities of the locality and occupiers of adjoining property

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

Authority. The WSI shall include:

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

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

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

8. Before development of any phase commences, or an alternative timescale to be agreed in writing with the Local Planning Authority, a report shall have been submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs of the completed corresponding phase will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy.

Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any part of the relevant phase is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation of the corresponding phase. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

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

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

9. Notwithstanding the approved plans, the development shall not be begun until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the reconstruction of the footways adjoining the site, in line with the secondary palette of materials in the Urban Design Compendium, before the development is brought

into use. The detailed materials specification shall have first been approved in writing by the Local Planning Authority.

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

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

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

11. Sample panels of proposed masonry and cladding associated with the 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.

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

- (a) Windows (including proportion, vents, louvres, etchings, cladding )
- (b) Doors
- (c) Entrance gates
- (d) Brickwork detailing/recesses
- (e) Brick detailing of side elevation of site one facing the public link
- (f) Typical elevation sections
- (g) Commercial spaces shop fronts
- (h) Entrance gates
- (i) Boundary screens/fences/walls
- (j) Rainwater goods
- (k) Stall risers to ground floor non brick elements
- (l) Materials of non-brick ground floor elements
- (m) Roof plant
- (l) Parapets
- (m) ground floor material/detailing shown as mesh to Hollis Croft

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

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

13. Large scale details associated with the relevant phase, of window reveals shall be submitted to and approved in writing by the Local Planning Authority, prior to that part of the development commencing. Such details shall include reveal depths no less than indicated in the "design intent" drawings and shall be broadly in line with these drawings:

HLC-HLM-Z1-XX-DT-A-(05)01 Rev PA - Site 1 Bay Study

HLC-HLM-Z2-XX-DT-A-(05)01 Rev PA - Site 2 Bay Study  
HLC-HLM-Z3-XX-DT-A-(05)01 Rev PA - Site 3 Bay Study  
HLC-HLM-Z3-XX-DT-A-(05)02 Rev PA - Site 3 Window Types  
HLC-HLM-Z3-XX-DT-A-(05)03 Rev PA - Tower Collonade Bay Study  
HLC-HLM-Z3-XX-DT-A-(05)04 Rev PA - Tower Window Types  
HLC-HLM-Z3-XX-DT-A-(05)05 Rev PA - Tower Top Bay Study

Thereafter the development shall be constructed in accordance with the approved details.

Reason: In order to ensure an appropriate quality of development

14. Before any part of the development is occupied, the new public access routes, identified as the "Historic Link" and Lower Link" in the landscape drawings shall have been constructed in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. These details shall be in accordance with the design intent in drawing HLC-HLM-ZZ-XX-GA-L-(90)00 revision PA2 and should include details and design of lighting, paving, seating, street furniture, planting, any new walls/railings/fencing and the crossing point in the highway.

Reason: To ensure an appropriate quality of development and safe environment for future users.

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

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

16. The travel plan measures identified in the submitted Matrix Travel Plan dated July 2016 shall be carried out. The results and findings of the travel plan monitoring shall be independently validated to the satisfaction of the Local Planning Authority and the validated results and findings of the monitoring shall be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets. Prior to the occupation of any commercial unit or dwelling, evidence that all the measures included within the approved Travel Plan have been implemented or are committed shall have been submitted to and approved in writing by the Local Planning Authority.

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

17. The development shall not be used unless the cycle parking accommodation as shown on the approved plans has been provided in accordance with those plans and, thereafter, such cycle parking accommodation shall be retained.

Reason: In the interests of delivering sustainable forms of transport, in accordance with Unitary Development Plan for Sheffield

18. Prior to the development being brought into use, full details of a management plan to control student arrivals/departures associated with moving in to/out of the

accommodation shall be submitted to and agreed in writing by the Local Planning Authority.

Thereafter such management plan shall be adhered to.

Reason: In the interests of highway safety

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

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

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

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

21. The proposed green/brown roof (vegetated roof system) shall be provided on the roof(s) in accordance with locations shown on the approved plans. Details of the specification and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority prior to foundation works commencing on each phase. The green/brown roof(s) shall be provided prior to the use of each phase of the building commencing. The plants shall be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced.

Reason: In the interests of biodiversity.

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

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

23. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

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

24. No phase of student accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been installed and thereafter retained. Such scheme of works shall:



- a) Be based on the findings of report: E1782-noise, rev1.2, dated 15/07/16, Entran Ltd.
- b) Be capable of achieving the following noise levels:  
Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);  
Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);  
Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours); Bedrooms: LAFmax - 45dB (2300 to 0700 hours).
- c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.  
Before the scheme of sound insulation works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority.

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

25. Before the use of each phase of student residential accommodation is commenced, Validation Testing of the sound attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall:
- a) Be carried out in accordance with an approved method statement.
  - b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commence<sup>14d</sup>. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

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

26. Before the commercial uses hereby permitted commences, a scheme of sound attenuation works shall have been installed and thereafter retained. Such a scheme of works shall:
- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey
  - b) Be capable of restricting noise breakout from the commercial use(s) to the street to levels not exceeding the prevailing ambient noise level when measured:
    - (i) as a 15 minute LAeq, and;
    - (ii) at any one third octave band centre frequency as a 15 minute LZeq.
  - c) Be capable of restricting noise breakout from the commercial use(s) to all adjoining residential accommodation to levels complying with the following:
    - (i) Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours);
    - (ii) Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours);
    - (iii) Other Habitable Rooms: Noise Rating Curve NR35 (0700 to 2300 hours);
    - (iv) Bedrooms: LAFmax 45dB (2300 to 0700 hours).
- Before such scheme of works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority.  
[Noise Rating Curves should be measured as an LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]

Reason: In the interests of the amenities of the locality and of the residential occupiers of the building.

27. The office accommodation shall not be brought into use unless a scheme of sound insulation works has been implemented and is thereafter retained. Such works shall: a) Be capable of achieving the following noise level: Noise Rating Curve NR45 (0700 to 2300 hours). b) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilations. [Noise Rating Curves should be measured as an LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]

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

28. The commercial food use hereby permitted shall not commence unless a scheme for the installation of equipment to control the emission of fumes and odours from the premises is submitted for written approval by the Local Planning Authority. These details shall be in accordance with Defra document; "Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust Systems" and shall include:
- (a) Plans showing the location of the fume extract and 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 use shall not commence until the approved equipment has been installed and is fully operational and shall thereafter be installed, 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.

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

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

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

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

### **Other Compliance Conditions**

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

Reason: In the interests of the amenity of neighbouring residents

32. Any A1 use shall have a floor space of no more than 250 square metres

Reason: In order to ensure the development does not compete with designated shopping centres

33. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Schedule 2, Part 3, there shall be no change from any other use class to use class A1 where the floor area exceeds 250 square metres

Reason: In order to ensure the development does not compete with designated shopping centres.

34. No customer shall be permitted to be on the premises outside the following times:

07:30 to 24:00 hours Monday to Saturday  
10:00 to 23:00 hours Sundays and Public Holidays

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

35. Commercial deliveries to and collections from the building shall be carried out only between the hours of 0700 to 2300 on Mondays to Saturdays and between the hours of 1000 to 1800 on Sundays and Public Holidays.

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

36. Movement, sorting or removal of waste bottles, materials or other articles, or movement of skips or bins within the site of the development shall be carried on only between 0730 hours and 2300 hours Monday to Saturday and between 1000 hours and 1800 hours on Sundays and Public Holidays

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

37. No windows serving the commercial/hub/communal facilities floor space shall be blocked up, filmed over or otherwise rendered non transparent.

Reason: In order to ensure an active frontage

38. The public routes through the site as indicated in section 6.11 of the Design and Access statement shall be kept open at all times and at no point shall access be restricted via fences/gates or other means of enclosure

Reason: In order to ensure improved public access

Attention is Drawn to the Following Directives:

1. The Applicant is encouraged to maximise local opportunities for employment from the construction and operation phases of the development. This can be carried out through a detailed Employment and Training Strategy, created in accordance with Sheffield City Council. The Strategy would include a detailed implementation plan, with arrangements to review and report back on progress achieved to Sheffield City Council. For further information and to discuss the matter further, ahead of construction work commencing, the applicant should contact:

Kerry Moon  
Investment Support Manager - Sheffield City Council  
Lifelong Learning, Skills and Communities | 145 Crookesmoor Road | Sheffield  
S6 3FP  
Tel: 0114 2296161 | 07875009200  
Email: kerry.moon@sheffield.gov.uk

2. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
3. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received a signed consent under the Highways Act 1980. An administration/inspection fee will be payable and a Bond required as part of the consent.

You should apply for a consent to: -

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

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

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

The notice should be sent to:-

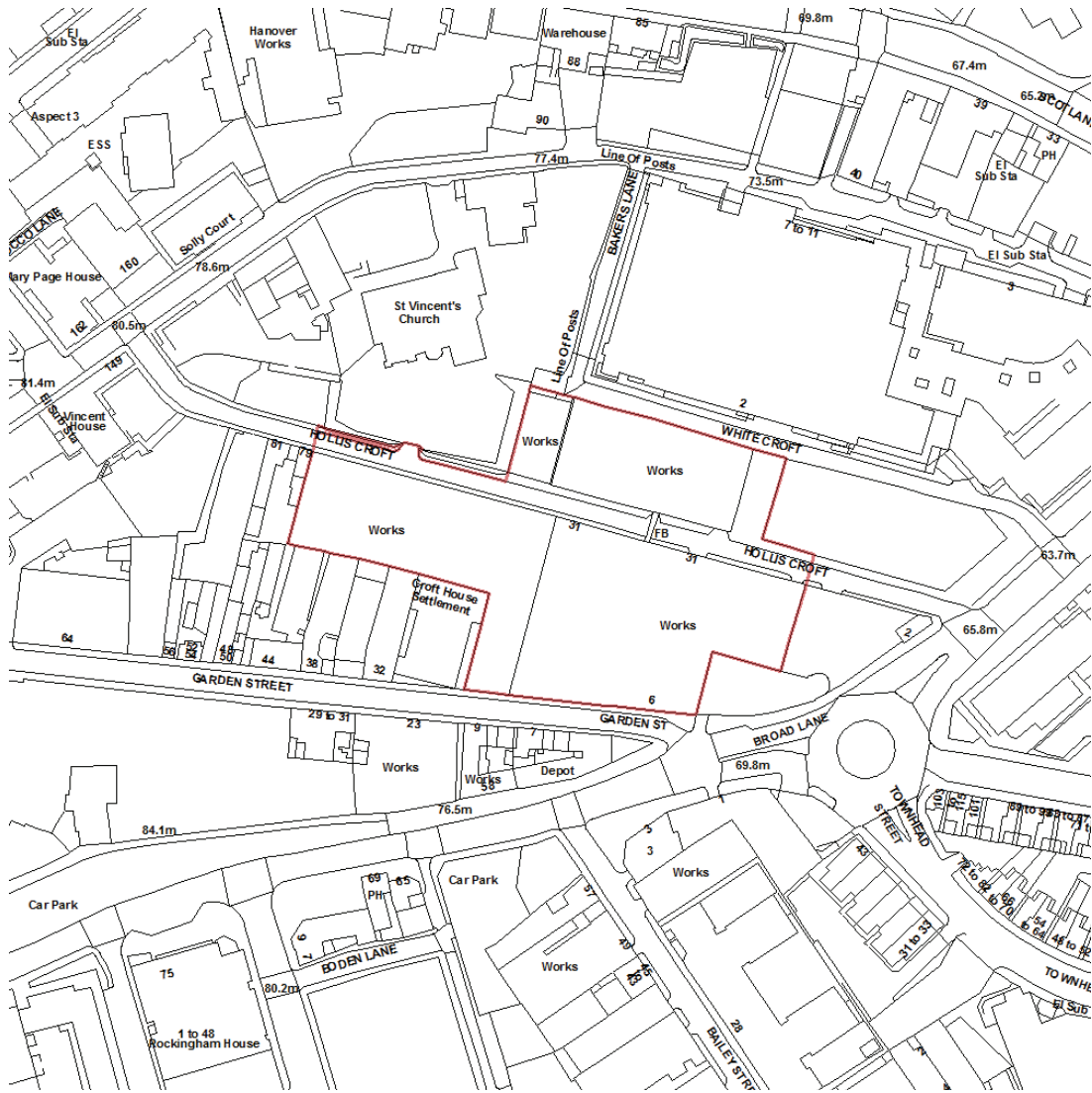
Sheffield City Council  
Town Hall  
Penistone Street  
Sheffield  
S1 2HH

For the attention of Mr P Vickers

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

5. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](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.
6. Before the development is commenced, a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which agreed in writing with the Local Planning Authority. Any deterioration in the condition of the highway attributable to the construction works shall be rectified in accordance with a scheme of work to be agreed with the Local Planning Authority.
7. 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.
8. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process, or a draft Liability Notice will be sent if the liable parties have not been assumed using Form 1: Assumption of Liability.

# Site Location



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## LOCATION AND PROPOSAL

The application relates to land and buildings fronting Garden Street, Hollis Croft and White Croft. The site measures approximately 0.89 hectares and is occupied by two/three storey brick built buildings formerly occupied by Footprint Tools, but presently used as car storage by BMW Sytner. Permission for demolition of the existing buildings was granted through application 16/00486/DPN.

The proposal is for comprehensive redevelopment of the entire site, but this can be broken down into three smaller distinctive sites. Site one fronts Hollis Croft and is located opposite St. Vincent's Church, the church is a landmark in the area and is identified as a Building of significance in the Urban Design Compendium. Site two is located directly to the east of St Vincent's Church and has frontages on to Hollis Croft and White Lane. Site three is the largest and most prominent site, fronting Garden Street and Hollis Croft and being located closest to the Tenter Street/Broad Lane junction.

The land slopes down from west to east, with steeply sloping roads resulting. This is a characteristic of the St Vincent's Quarter, with narrow lanes traditionally accommodating industrial uses. The surrounding area comprises a mixture of buildings and uses. To the west of the site Sharman Court, a large new build student development, has recently been completed and comprises development up to 13 storeys high. In comparison the remainder of development bordering the site on Garden Street is low rise, comprising mainly industrial uses with a community centre to the east of site three. The land to the east of the site is occupied by Sytner's BMW garage as a showroom. Velocity is to the north of the site on White Lane and comprises apartments in a modern development. It is evident from new development in the locality that the character of the area is changing away from its industrial roots towards a greater emphasis on residential accommodation, and students in particular.

The site is located within a General Industry Area as designated in the adopted Sheffield Unitary Development Plan. The Well Meadow Conservation Area is located to the east of the site, but no part of the development is within this designation. The site is in close proximity to Listed Buildings on Garden Street, but does not directly border such buildings.

Planning permission is sought for the erection of a mixed use scheme comprising a mixture of studios, apartments and cluster flats, which will create 972 bed-spaces. Additionally, the development will create support facilities for residents, facilities for the wider community and commercial spaces for use by the general public, along with associated access and landscaping works.

## RELEVANT PLANNING HISTORY

16/00486/DPN – demolition of buildings – prior notification not required

## SUMMARY OF REPRESENTATIONS

Neighbour notification letters were sent to the nearest neighbours. Site notices were also posted on the 15<sup>th</sup> August 2016.

Three letters of representation have been received; the points raised are detailed below:

#### Demolition/Construction

- The demolition of the existing buildings will leave the side elevation of Croft House fully exposed and with no security. Request that a suitable security fence is erected along the boundary, including new gates
- Concerned about the noise, dust and vibration that demolition will bring to regular users. Would welcome measures to minimise this.
- Will the demolition contractor be responsible for any necessary cleaning of Croft House
- Anxious to understand how much demolition work will be carried out from the Garden Street side and what effect this will have on access traffic along Garden Street. Will there be any road closures, parking restrictions etc.
- What arrangements will be made for contractors vehicles to access the site during demolition
- Would like reassurance that Garden Street will not be used for the storage of construction materials or plant, or for the parking of delivery vehicles
- Concerned that demolition will disturb rodent population, how will this be managed

#### Potential to improve adjacent buildings

- Question whether the developer would be willing to fund some improvement works to Croft House, given that it will be immediately adjacent to the site and the new public route. Improvement works would help improve the overall appearance of the area
- Croft House is a registered charity run entirely by volunteers and has little prospect of attracting the funding necessary to carry out such improvements.
- Would welcome regular communication throughout demolition and construction phase

#### Student accommodation

- Sheffield already has an abundance of existing student accommodation and in particular studios/pods with no parking
- Many of these are in close proximity to the proposed development and more are proposed
- Not aware of a shortage of student accommodation in the City Centre or a need for such accommodation
- From discussions with local letting agents it is understood that students (particularly international) often start off in the small studios and then decide they would prefer to live in an apartment. They then discover these are in short supply



- Concerns that the development will increase the size of non-permanent and transient population in the community
- Expected that the site would be used to create a mixed development for students, professionals and families which would increase rather than decrease the number of permanent members of the local community

#### Visual impact

- Development will create tall blocks and a large tower which will dominate the skyline in place of the existing modest buildings
- This is not welcomed by people living in the area and new buildings should be no higher than those which they replace
- The development does not reflect the character of the area
- There is the opportunity to create green spaces for this area, however limited landscaping is proposed

#### Impact on Communities

- There will be more accommodation than students and a risk that existing developments will be left empty, as students choose newer developments over old
- This is negative for areas where students form part of an established community. In particular this may have a negative impact economically owing to a loss of business in these areas.

#### Impact on adjacent site

- The Sytner site sits immediately to the east of the site
- The scale and juxtaposition of proposed buildings has the potential to impact sunlight and daylight conditions associated with the existing use on site
- Need to ensure that the proposal does not prejudice the future redevelopment of the adjacent site.
- Regard should be had to wider master planning of area and should only be brought forward in a complimentary manner

#### SUMMARY OF COMMUNITY CONSULTATION

The applicant carried out pre-application consultation in July, prior to the submission of a formal application. Consultation methods included a consultation postcard to nearby residents/visitors; consultation with local members and key stakeholders; posters placed on surrounding buildings; a press release to the local media; an email address for correspondence; a consultation website and a public drop in session.

Fourteen people attended the public drop-in, verbal comments were provided, along with a total of four written responses. The points raised are similar to those detailed in the preceding section.

#### PLANNING ASSESSMENT

## National Policy Context

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Its key goal is the pursuit of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life. The following assessment will have due regard to these overarching principles.

## Land use

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

The site is within a General Industry Area (without special industries) as designated in the UDP. Policy IB5 of the UDP relates to development in such areas and advises General Industry (B2) and Warehousing (B8) uses are preferred. Student accommodation (*sui generis*) is not explicitly mentioned in the policy and so must be determined on its own merits. However, student accommodation is similar in nature to housing (C3), such uses are identified as unacceptable in Policy IB5, as satisfactory living conditions in industrial environments would generally not be achieved and housing could prejudice the preferred existing uses.

This policy is however superseded by Core Strategy Policies CS6 and CS17. Policy CS6 "Manufacturing and the City Centre- Transition Areas" discourages manufacturing uses within this part of the City Centre. Whilst CS17 City Centre Quarters identifies that the St. Vincent's area will transition to "a mixed business, residential and educational area with links to the University of Sheffield and the legal and professional quarter including a number of manufacturing companies that will require sensitive attention".

The proposal is in the part of St. Vincent's that is already experiencing a transition with a number of small and medium sized residential schemes coming forward in recent years. This suggests that the area is aligning itself more closely with the expanding residential cluster and university buildings in St. Vincent's rather than the financial and professional district towards the Cathedral Quarter.

The St. Vincent's Action Plan (SVAP) was approved by Cabinet in December 2004 with the purpose of identifying a concise route for regeneration of the area. The site is located in a Business Area in the Plan; in this area new development must consist predominantly of the preferred use which is identified as business. Although the proposal is not in accordance with the SVAP it is highlighted that this document was produced in 2004 and does not reflect the current demand for the area. Furthermore, the site lies immediately adjacent to a Housing Area and so the overspill to the proposed site seems like a logical expansion, particularly given the lack of a 5 year housing land supply.

In light of the above, the principle of student accommodation is considered to be acceptable in this instance.

#### Mixed communities

Core Strategy Policy CS41 seeks to create mixed communities through encouraging mixed size, types and tenures of housing.

Part (a) of the Policy requires no more than half of units to be of a single type. In this instance there will be 972 bed spaces, across 457 units; 76% of the units will be studios, 22.5% will be clusters, 1% will be one-bed units and 0.5% two-bed units. As such the proposal fails to comply with this part of the Policy.

The provision of student accommodation in the City Centre is encouraged through Core Strategy Policy CS41 (c), however this policy states that it should be provided as part of a mix of tenures and sizes on larger development. The proposal is for entirely student accommodation and so also fails to meet this aspect of the Policy.

Data has been submitted in the Planning Statement which identifies a shortfall of student accommodation across the City. This states that the number of student bedrooms provided through University Halls of Residence and purpose built private sector schemes totals 18,657. This represents 38.2% of the total full time student population and leaves the remaining 30,158 students seeking alternative forms of accommodation. The applicant has been in discussions with the University who have confirmed they require additional bed spaces in the City Centre.

Although not policy compliant, the site is in very close proximity to The University of Sheffield and appears to be a logical location for student accommodation. The above evidence demonstrates that the market exists for such accommodation. The inclusion of a high concentration of student accommodation in this area would not detract from any established communities in the area. In fact an argument could be made that the development may enable more traditional housing in family areas with strong communities such as Broomhill to be reverted to family housing.

Evidence has been submitted to show that the studios and cluster flats will be capable of conversion to one/two/three bed apartments should the demand for student accommodation decline.

The development will also provide the regeneration of a key gateway site into the city.

In light of the above, it is considered that a sound argument for deviating away from CS41 (a) and (c) can be made in this instance.

Part (d) of CS41 seeks to limit the concentration of shared student accommodation by restricting such development to no more than 20% within a 200 metre radius of a site. In this instance the density of shared housing within a 200 metre radius is 26%, the proposal will reduce this slightly to 25%. As such the development conforms with part (d) of CS41.

## Housing Density

Core Strategy Policy CS26 “Efficient Use of Housing Land and Accessibility” aims to make efficient use of land for new housing and sets out appropriate density ranges dependent on location and accessibility. The recommended density for City Centre sites is at least 70 dwellings per hectare, the proposal is well in excess of this at 1087 dwellings per hectare.

The development will help to meet the aims of CS24 which seeks to maximise the use of previously developed land for new housing.

## Ground Floor uses

The proposal includes ancillary student uses at ground floor, specifically for use by residents. This equates to 299 square metres on site one, 225 square metres on site two and 717 square metres on site three. These will provide active uses at ground floor and are welcome.

The application also proposes a total of 2187 square metres for hubspace (to potentially meet the University’s requirements) or commercial space, on site three. This is made up of six units of the following sizes:

3a – 85.7 m<sup>2</sup>

3b – 93.3 m<sup>2</sup>

3c -151.9 m<sup>2</sup>

3d – 470.5 m<sup>2</sup>

3e – 165 m<sup>2</sup>

3f – 1001 m<sup>2</sup>

The sizes of the larger spaces are flexible in order to accommodate a range of operators or to be divided to let to more than one operator. In order to allow flexibility the applicant is seeking permission for the commercial/hubspace to be able to be used as A1, A2, A3, A4, A5, B1 or D1. Any A1 use will be limited to no more than 250 square metres floor space. All these uses would be acceptable in this area in line with Policy IB5, subject to conditions to limit noise/odour/hours of use to ensure there was not an unacceptable impact on residential occupiers.

However, the NPPF is the more up to date policy consideration and requires out of centre proposals for main town centre uses, to satisfy sequential and impact assessments when relevant. A1, A3 and A4 uses are main town centre uses (as defined in annex 2 of the NPPF). If the site were out of centre a sequential approach would apply to these main town centre uses. For retail uses, the centre consists of the Primary Shopping Area, but for leisure uses (A3 and A4), it consists of the City Centre as a whole. As the site is outside the Primary Shopping Area, but within the City Centre, the only out of centre use is retail (A1). Therefore, the sequential approach only applies to the retail use. Given that the A1 use will be limited to 250 square metres and will serve residents in the new development, the proposal passes the sequential test. The impact test only applies to retail uses over 2,500 square metres.

## Design

The NPPF attaches great importance to the design of the built environment and the achievement of high quality and inclusive design for all developments. However, although visual appearance and the architecture of individual buildings are very important facts, the NPPF states that securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, decision making should address the connections between people and places and the integration of new development into the natural, built and historic environment.

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

Unitary Development Plan Policy BE5 “Building Design and Siting” states that good design and the use of high quality materials will be expected in all new buildings.

Policy BE16 “Development in Conservation Areas” states that new development that affects the setting of a conservation area should preserve or enhance the character of that conservation area.

Policy BE17 “Design and Materials in Areas of Special Architectural or Historic Interest” requires a high standard of design using traditional materials and a sensitive and flexible approach to layouts of building and roads.

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

As previously identified the site is comprised of three distinct sites. These have each been designed to have individual characteristics whilst clearly belonging to the same development. A set of key design principles links the buildings and includes, stepped heights, well- grounded developments, perimeter blocks, brick materiality and varied scale.

The sites are well linked and the development has taken the opportunity to provide north-south links across the site, such links are currently lacking at present with roads and movement being in an east-west direction along the steeply sloping streets. A public link has been created between sites one and three and to the west of site two. This links Garden Street to the St Vincent’s Church on Hollis Croft and areas beyond. The public link will vastly improve the permeability of the area and is a very positive aspect of the scheme, particularly in light of the wider regeneration taking place in the area. Two other north-south links are also

proposed though the site. The link within site three will be private and accessible only to residents whilst the link to the east of site 3 will provide an additional public route from Garden Street to Hollis Croft.

#### Site One

Site one is at the highest point of the application site. St Vincent's Church is located to the north and industrial buildings to the south. The Conservation Area is immediately to the west of the site and an application is currently pending consideration for the adjacent site for extensions and alterations to form student accommodation.

Site one proposes a development of between four and five storeys which steps down the hill from west to east to take account of the topography of the road. This site comprises the smallest scale of development in order to ensure that it does not over dominate the Conservation Area, the Church opposite, or views to the church. The development steps down to the rear of the site, to ensure the development is sympathetic to Listed Buildings on Well Meadow Street.

The development is built up to the back edge of the footpath, this reflects the grain and siting of development in the area and is characteristic of the tight knit industrial streets. The ground floor facing Hollis Croft contains the main entrance and communal facilities to the east corner, these features will help provide some animation to this elevation. There is however, an expanse of blanked out elevation to the front of the plant room. Whilst this will not provide an active frontage, it is well detailed and includes recessed brickwork and arches to create visual interest.

The elevation fronting the public link will have an active frontage at ground floor and so will create interest to this area.

The proposals for site one are well detailed and include well-proportioned regular windows which create verticality. Large scale indicative drawings indicate that deep reveals will be used to create shadow and articulation. At ground floor the archway detailing is reflective of the character of the area. Three different brick types are proposed; a red, mid-red and white/light for recessed areas. The materials reflect the character of the area and other new developments in the locality (e.g. Sharman Court). The bricks will also be used on the wider site to create unity across the development.

When viewed in the context of the surrounding area the scale is acceptable and will not result in an unacceptably prominent development.

#### Site Two

Site two fronts Hollis Croft and White Croft and is situated to the east of St Vincent's Church. The development is formed of three linked blocks which vary between 6 and 7 storeys. The proposal is 6 storeys adjacent to the Church and is lower than the highest part of the church. As such the Church remains as a prominent feature and views will not be affected.

The Velocity development is located to the north of site two on the opposite side of White Croft. The scale of the middle block has been reduced by one storey during the course of the application to ensure that the development steps down the hill. Furthermore, the reduction in scale ensures that the development sits more comfortably in the context of the adjacent Velocity development.

The development is set back from the pavements on Hollis Croft and White Croft but still forms a strong block reflecting the building line and layout of development in the area.

The elevation fronting Hollis Croft accommodates the main entrance. Similar to block one there are expanses of ground floor fronting Hollis Croft and White Croft which accommodates plant/bin stores etc and do not provide an active frontage. Again, the ground floor has been carefully designed with brick work detailing and materials creating visual interest. Student amenity space is located on the west elevation facing the public link adjacent to the church; this will enliven the link area and is welcome.

The proposal will be constructed of two contrasting red-bricks and includes large windows with a horizontal emphasis and set in deep reveals to create shadow and articulation. Concrete horizontal bands are also introduced to break up the massing of the block. An aluminium cladding is also used to provide some variation in materials.

### Site Three

Site three is the largest site and sits to the east of site one and the public link and opposite site two. The site fronts Garden Street to the south and the western edge borders Tenter Street and a tall building zone identified in the urban design compendium.

The proposal comprises stepped blocks along Hollis Croft, perimeter blocks to the upper public link and a tower fronting Tenter Street. A courtyard area is created centrally within the site and a gated route through the development along with a semi-public north-south route which will be closed at night.

An 18/16 storey tower is proposed to the western corner of the site closest to Tenter Street. The tower will be substantially higher than the rest of the development; however it is within a tall building zone as identified in the Urban Design Compendium. This was designated owing to the site being on a key gateway into the city adjacent to a roundabout and main road. The development will be seen in the context of other tall development on Tenter Street and will not appear out of scale in the locality.

The tower has been redesigned during the course of the application. The development is now a slim tower constructed mainly from brick with some aluminium cladding. The materials reflect the character of the area and tie in with the remainder of the development site. The tower is well detailed and includes large well-articulated openings and a clear bottom, middle and top.

The development fronting Hollis Croft is formed from six linked blocks which vary between six and seven storeys. The scale of this part of the development has been reduced by an average of two storeys during the course of the application and is now a much more appropriate height in relation to existing development and sites one and two. The height is also more acceptable in relation to the width of the street whereas previously concern was raised that the height would create a canyon like effect to the narrow lane. As with sites one and two the blocks step down the hill to reflect the topography of the area. The development is located up to the back edge of the footpath and is well detailed.

The scale adjacent to the public route is between six and eight storeys high, this is considered appropriate in the context of the surrounding area. The development is broken up into five blocks in order to create articulation and visual interest. Brick work and window detailing to match those on adjacent blocks will be used.

The ground floor adjacent to the public link contains large areas of glazing and will be used as hub/commercial space. The presence of such areas will create active surveillance and visual interest to the new public area. Commercial/hub space and student entrance/amenity spaces will be located adjacent to the central and lower links and will provide overlooking and activity to these areas. Some active uses are included on the ground floor fronting Hollis Croft, however some of the frontage is used as plant/bike/bin store. As with the previous sites, visual interest in the building has been created to blank facades and varied materials and articulation will break up the elevation.

### Key Views

The design and access statement includes a number of key views of the proposal. Additionally the site has been inserted into the City's 3D model, this allows long range views and the relationship with adjacent heritage assets to be fully considered.

The images show that the development and in particular the tower will be visible from long range views across the City. Nevertheless, the tower will be seen in the context of other tall buildings on Broad Lane and Tenter Street, which is a key route into the City.

### Heritage Implications

Paragraphs 132 to 134 of the NPPF state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 134 also states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

In this case the relevant heritage assets are the Well Meadow Conservation Area and Listed Buildings at 48-50 Garden Street. Regard is also had to St Vincent's Church as a significant unlisted building in the Conservation Area.



It is highlighted that the site is not actually within the Conservation Area and does not directly adjoin any Listed Buildings. Nevertheless, its scale is such that it will be highly prominent from these heritage assets. The 3D model shows that the development will not obscure views of the Church, with the church tower still being visible above the proposed development. Furthermore, the direct view of the church along White Croft will not be affected.

With regards to the Well Meadow Conservation Area, the heights of the buildings have been reduced adjacent to this area in order to reduce the impact. The greatest scale of development adjacent to the Conservation Area is 6/7 storeys, next to the public link. The link is up to 8 metres wide from the edge of the Conservation Area, the link will greatly improve permeability of the area and is a key benefit of the scheme. As a result of this the scale of the development adjacent to the link and Conservation is considered acceptable, but is an exception and should be noted as such with regards to future development of the area.

The scheme will also be highly visible from the City Centre Conservation Area to the south east of the site. However, there is sufficient separation distance to ensure the development is not harmful to the setting or appearance of this area.

Given the design commentary above, it is concluded that, on balance, the proposal will not create substantial harm to the Conservation Area/heritage asset. Nevertheless, as a result of its scale it is argued that the development will lead to less than substantial harm. This must be weighed against the public benefit of the scheme.

In this case the development will see the regeneration of a brownfield site and a key gateway into the city. The development will also result in significant investment and employment for the city. On balance, the benefits of the scheme outweigh the less than substantial harm created by this scheme in line with the NPPF.

#### Landscape

The development will create new public routes through the site with landscaped areas/public spaces. The route will create a new north-south link within the area; this seeks to increase pedestrian activity in the area through the creation of small public spaces and active ground floor uses.

There is also a private central link within site two and a lower link which will be public during the daytime. All links/landscaped areas are predominantly hard surfaced, reflecting the industrial heritage of the area. The scheme should be surfaced in line with the secondary palette of materials detailed in the Urban Design Compendium. Final details of materials and planting will be secured via condition.

#### Amenity

Policy IB9 “Conditions on Development in Industry and Business Areas” states that new development or change of use applications will be permitted provided that

they would not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

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

#### Noise

A noise assessment has been undertaken; this showed that the dominant noise source is from local road traffic. Other sources observed included occasional aircraft noise and existing operations at the BMW dealership. In order to meet internal target noise levels, appropriate sound insulation measures will need to be employed to the elevations of the new buildings. This will take the form of specialised acoustic double glazing and acoustically treated ventilation. The windows will be openable such that the choice of meeting internal noise levels is with the occupants.

The noise report does not assess the impacts of the ground floor commercial space on habitable rooms directly above. The commercial uses also have the potential to create noise and odour and this must be carefully considered and controlled. However, it is considered that suitable conditions could be attached to any approval to ensure that the relationship between residents and commercial uses is satisfactory.

#### Light and outlook

The British Standard BS8206 Part II gives the following recommendations for the average daylight factor (ADF) in residential units:

Kitchen – 2%  
Living room – 1.5%  
Bedrooms 1%

A daylight analysis has been undertaken to establish the extent of natural light provision to all units. The report shows that a minimum 2% average daylight factor is provided to all rooms across the development, with an overall mean ADF of 3.5% and several units exceeding 5%. This indicates that the development will provide adequate light levels. Additionally, it is noted that all units will have adequate outlook.

#### Relationship with existing/future development

The surrounding area is varied and contains a variety of uses including residential and commercial. It is considered that the proposed development will not be harmful to the future operation of any existing use.

In several instances the development proposes windows on the side elevations adjacent to neighbouring sites. The impact of these windows on the future redevelopment of adjacent sites must be carefully considered.

Windows are proposed for the east elevation of the tower facing towards the Sytner's car garage. These are set away from the site boundary by approximately 5.9 metres. This distance is relatively small and will result in residents having a view over the neighbouring site. It is probable that the adjacent site will come forward for redevelopment at some point in the future and the form that this may take has been considered as part of this application. This is likely to take the form of a tall block towards the front corner of the site with a lower block adjacent to the current application site which may be separated from the site boundary. A lower block adjacent to the application site would impact upon the light and outlook to the ground floor communal space and lower levels of accommodation. Given the limited number of units which may be affected and the City Centre location where close relationships and small separation distances can be expected this is considered acceptable. The relationship would not prejudice the future redevelopment of the Sytner Site.

A slightly greater separation of 6.8 metres will exist between the east facing side of site three and the Sytner site and approximately 5.3 metres between the east elevation of site two and the adjacent site. Again the adjacent sites may come forward for redevelopment and this would result in reduced light and outlook from these windows. However given the City Centre location where smaller separation distances can be expected, the position of the windows would not prejudice the future development of adjacent sites.

Windows in the west elevations of site two and three will overlook the public route and so are welcome. Again these will not be held to prejudice the future development of adjacent sites.

#### Amenity space

Numerous communal amenity spaces are provided across the development, these will provide attractive outdoor spaces for residents. BRE Guidance states that for a garden to appear adequately sunlit throughout the year, at least half of the area should receive two hours of sunlight at 21<sup>st</sup> March. A sunlight analysis of the amenity areas has been carried out and indicates 18.5 % of amenity areas will be permanently in shadow, whilst the remaining 81.5% is in sunlight at Equinox. Additionally no more than 50% of the amenity area is overshadowed by more than two hours at Equinox.

In line with the above it is considered that suitable amenity areas will be provided.

#### Contamination

Desk top and intrusive contamination reports have been submitted. These show slightly elevated contaminants across the site which will be remediated such that the potential risks to human health arising from ground contamination will be negated.

#### Access

Unitary Development Plan Policy H7 “Mobility Housing” sets standards for the level of mobility housing. However, as these standards are not part of an up to date local plan they have been superseded by the recently introduced Technical Housing Standards (2015), which effectively removes the requirement for mobility housing at this time.

Nevertheless, the design and access statement confirms that 7.6% of the units will be designed to accessible standards. These will be a mixture of studios and clusters and their provision is welcome.

All buildings and approaches will benefit from level access. It has been confirmed that all crossing, ramps and steps will be designed to current standards at detailed design stage. The outline strategy produced to date means the whole site is accessible.

Sufficient detail has been submitted to demonstrate that the site will be inclusively accessible.

#### Flood Risk/Drainage

Policy CS67 “Flood Risk Management” deals with flood risk management and requires the use of Sustainable Drainage Systems on all sites where feasible and practical.

The site is located in Flood Zone 1 and so is at the lowest risk of flooding. As the site is below one hectare, a flood risk assessment has not been submitted with the application.

The site is currently entirely hard-surfaced. It is proposed to reduce the surface water run off rate by 30% compared to existing rates. This will be done through the use of green roofs, attenuation storage, trees and rain gardens within the landscaped areas. These proposals are acceptable in principle and final details will be secured via condition. This is an urban intensive site with limited options for sustainable drainage. The options proposed are considered to be suitable and the scheme is acceptable in line with Policy CS67.

#### Sustainability

Policy CS63 “Responses to Climate Change” sets out the overarching approach to reducing the City’s impact on climate change. These include giving priority to development in the City Centre and areas well served by public transport and giving preference to previously developed land. The proposal complies with these requirements.

Core Strategy Policy CS64 “Climate Change, Resources and Sustainable Design of Developments” sets out a range of requirements for new developments to be designed to reduce emissions. The development incorporates a number of sustainability features which help to satisfy Policy CS64. These include high levels of air tightness, natural light optimisation, integrated natural and artificial lighting

controls, LED lighting and mechanical vent heat recovery systems. The energy calculation demonstrates that application of these integrated strategies will provide a 15%+ reduction over the Part L 2013 Notional Building CO2 emissions.

The development also incorporates a number of green and brown roofs, provision of which is encouraged in the "Climate Change and Design SPD and Practice Guide". This document requires at least 80% of roofs on larger developments to be green/brown roofs where viable. In this instance this target will not be achieved, owing to the use of some of the roof areas as terraces, plant areas or for Photovoltaic panels. Nevertheless, a substantial amount of green/brown roof area will be incorporated into the scheme.

The site is in a highly sustainable location with easy access to a range of amenities and a number of transport modes. The scheme also provides features such as landscaping and cycle parking which further aid its sustainability credentials.

CS64 requires the development to meet a minimum BREEAM very good standard. A BREEAM pre-assessment has been carried out which indicates that this target will be met

CS65 "Renewable Energy and Carbon Reduction" requires all significant development to provide minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy.

At this stage it is anticipated that the development will be connected to the Veolia heat district network for heat sourcing. The plans also indicate that renewable energy will be provided through photovoltaic panels on some of the roofs. Detailed calculations to demonstrate that 10% renewable energy will be provided will be secured via condition.

It is considered that the proposal meets the sustainability requirements set out within the Sheffield Development Framework Core Strategy.

## Ecology

A bat and bird survey have been undertaken to establish whether the existing buildings contain any roosts or nests. The buildings have been found to have negligible and low suitability for roosting bats and no evidence of bats was recorded (although two buildings were not accessed). There are no recent records of bats in the vicinity of the site and foraging habitat is very limited given the built up nature of the surrounding area.

Low suitability requires a further dawn/dusk survey to be undertaken. The applicant will be made aware of this. However, as the building has already been granted prior notification for demolition, then this survey work cannot be required as part of the application.

One of the buildings has been used by pigeons and it is likely that they are nesting in the building. All British birds, their nests and eggs are protected under part 1 of

the Wildlife and Countryside Act 1981 (as amended). The applicant will be made aware of this.

#### Archaeology

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

A desk based assessment of the archaeological potential of the site has been submitted in support of the scheme. This details the earliest records of the site as being from 1637 and forming part of a medieval field system. The site was then developed with housing and industry from 1736. It is clear that the site is located within an area which has the potential to contain buried archaeological remains associated with the domestic and small/medium scale industrial development dating from the early 18<sup>th</sup> century. Some of the more recent 20<sup>th</sup> century development on the site may have harmed buried archaeology, however some areas are unaffected by deep foundations and artefacts may survive here. A borehole investigation has been carried out but the results are inconclusive. Therefore further archaeological investigations should be carried out; these will be secured by way of condition.

In light of the above, the development is considered acceptable in relation to Policy BE22

#### Public Art

UDP Policy BE12 "Public Art" encourages the provision of these works in places that can be readily seen by the public and as an integral part of the design of major developments. An indicative public art strategy has been submitted; this highlights the potential to incorporate/reference reclaimed heritage items from the site such as signage and heritage equipment and to place them in a new setting.

The intention is to focus the public art in the public areas of the development, around the new public routes through the site. This may also be development in conjunction with a lighting strategy to provide further areas of interest at night.

Although not fully developed, the intent with regards to public art is acceptable and satisfies BE12. Final details will be secured via condition.

#### Community Infrastructure Levy (CIL)

The Community Infrastructure Levy was introduced in July 2015 and replaces all other financial contributions, with the exception of affordable housing. Student accommodation is subject to a CIL charge of £30 per square metre.

#### Affordable Housing

Core Strategy Policy CS40 "Affordable Housing" states that developers of all new housing schemes will be required to contribute towards the provision of affordable housing where practicable and financially viable.

The target in CS40 is 30 – 50% of units, however a more spatial approach to affordable housing has since been adopted. Details are set out in the Community Infrastructure Levy and Planning Obligations Supplementary Planning Document (SPD). The SPD identifies affordable housing provision based on viability across a particular area. The site falls within the City Centre Area where the contribution is zero.

## Highways

Section (f) of Policy IB(9) states that new development will be permitted provided it is adequately served by transport facilities, provides safe access to the highway network and appropriate off-street parking.

Paragraph 17 of the NPPF seeks to focus development in sustainable locations and make the fullest possible use of public transport, walking and cycling. With this in mind, the site is considered to be in a highly sustainable location. Sheffield University campus is just 400 metres from the site; given that the accommodation is focused upon students this proximity is important and will enable residents to walk to facilities. Sheffield Hallam is slightly further away, with City Campus 900 metres away and Collegiate Campus 1.6 km away. Both sites are however served by excellent public transport links as detailed below.

In addition to the University there are a wide range of local services and facilities within walking distance of the site. There are a number of high frequency bus routes and a tram route within easy walking distance of the site (400m); these provide excellent links to surrounding areas. Additionally, Sheffield Railway station is 1.3 km from the site and provides links to local and wider destinations.

No car parking provision is proposed, however four disabled spaces will be provided on Hollis Croft. Given the highly sustainable City Centre location, a car-free development is considered to be acceptable. Residents will not be entitled to apply for on-street parking permits.

The scheme will improve pedestrian connectivity in the area through the provision of a north- south public route through the site. Such north-south connectivity is currently absent in the area, with journeys through the area involving convoluted routes on the historic east-west highways. The new route is welcome in the area which is undergoing extensive regeneration and will reflect the modern desire lines in the area.

There will be six on-site cycle stores on sites; these will be located across all three sites and cumulatively will provide 500 spaces. This level of provision is considered acceptable and will encourage residents to cycle.

Information has been provided detailing how the sites will be serviced. This includes a mixture of highway and servicing via the courtyard in site 3, and will not disrupt the flow of traffic on the highway.

TRICS data has been interrogated to assess the number of vehicle trips to and from the site; this is very low and is likely to comprise taxis, deliveries and servicing.

A travel plan has been produced, this is aimed at residents of the student accommodation and aims to encourage sustainable behaviour. The largest source of traffic conflict is likely to be at the start and end of term when students are arriving or leaving. A strategy will be employed and is likely to include a temporary suspension of the traffic regulation orders on Hollis Croft to allow parking at each weekend during these periods. Students will be allocated a time slot to drop off/pick up belongings and parking will be controlled by a Banksman on site. Full details will be secured and agreed via condition.

In summary, it is considered that the development is in compliance with the NPPF and section (f) of Policy IB9.

#### Air Quality

Core Strategy Policy CS66 "Air Quality" states that action to improve air quality will be taken across the built up area.

It is considered that owing to the limited vehicle movements associated with the development (see highways section) that an Air Quality Assessment was not required.

Nevertheless, the site is located within an Air Quality Management Area and the scheme includes a number of measures to mitigate the impact of the new development. These include the provision of green/brown roofs, the incorporation of travel plans and the provision of new landscaped areas. The proposal is therefore supported from an air quality perspective.

#### RESPONSE TO REPRESENTATIONS

Issues relating to student accommodation, impact on communities, design and impact on adjacent sites have been discussed in the above report. The issues which have not been addressed are addressed below:

##### Impact on Croft House

The occupiers of Croft House have requested improvement works to the side/rear elevations of their building as part of the development. As the development does not relate to Croft House, this is considered to be outside the remit of this application and is a private matter.

Details of boundary treatments have been conditioned for further approval; this will include the area adjacent to Croft House. The developer will be required to put right any damage to the adjacent building, however again this is a private matter.

Conditions will be attached to any approval requiring a construction management plan and details of control of dust from the construction site.



Road closures will be subject to permits/licences from the relevant highways sections.

## SUMMARY AND RECOMMENDATION

On balance the redevelopment of the site is welcomed. Whilst the scheme is not strictly in accordance with land use policy in relation to mixed communities (Policy CS41), an argument has been made that additional student accommodation is required. The site is a logical place for such accommodation to be positioned, given the proximity to the University, the lack of impact on existing communities and the sustainable location.

The proposal will see the comprehensive redevelopment of the site with a high quality scheme, the inclusion of a tower to the front of the site will enhance a key gateway to the City. The development will not have a harmful impact on the adjacent Conservation Area, nor on nearby Listed Buildings or heritage assets. Furthermore, the development will improve links in the area, through the creation of east-west public routes.

The development will provide a range of active uses at ground floor, which will help enliven the area, particularly adjacent to the new public routes through the site. Residential accommodation will provide adequate living conditions.

The scheme complies with other policy requirements in relation to sustainability, highways, drainage, archaeology, landscaping and air quality.

For the reasons discussed above, it is concluded that the proposals are acceptable. Therefore, it is recommended that Members of the Planning Committee grant this application, subject to the listed conditions.

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Case Number	16/01915/FUL (Formerly PP-05157835)
Application Type	Full Planning Application
Proposal	Partial demolition, alterations and extension to building to form 21 apartments with restaurant/cafe (Use Class A3) at ground floor and basement level
Location	Acorn House 288 - 292 Shalesmoor Sheffield S3 8UL
Date Received	19/05/2016
Team	City Centre and East
Applicant/Agent	Cadenza VM Ltd
Recommendation	Grant Conditionally

Subject to:

**Time limit for Commencement of Development**

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

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

**Approved/Refused Plan(s)**

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

574\_SK3.1\_01  
574\_SK3.1\_02C  
574\_SK3.1\_03C  
574\_SK3.1\_04C  
574\_SK3.1\_05C  
574\_SK3.1\_06C  
574\_SK3.1\_07C  
574\_SK3.1\_08C  
574\_SK3.1\_16A

Reason: In order to define the permission.

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

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

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.

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

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

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

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

6. Unless shown not to be feasible and viable, no development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any part of the development is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

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

7. No development shall commence until full details of the design including calculations for the proposed surface water drainage have been submitted to and approved by the Local Planning Authority including the arrangements for surface water infrastructure management for the life time of the development. 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 this site. Thereafter the development shall be constructed in accordance with the approved details.

Reason: To ensure surface water flooding and pollution management control it is essential that this condition is complied with before the development is commenced

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

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

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

9. The commercial food use hereby permitted shall not commence unless a scheme for the installation of equipment to control the emission of fumes and odours from the premises is submitted for written approval by the Local Planning Authority. These details shall be in accordance with the recommendations of the LPA approved Noise Assessment Report; Ref. 0804152NR5; 19th May 2016, and include:
  - a) Plans showing the location of the fume extract, to be located as far as possible from the nearest noise sensitive facade and including a low resistance cowl.
  - b) Acoustic emissions at the extractor outlet not in excess of 44dB.
  - c) Details of any filters or other odour abatement equipment.
  - d) Details of the system's required cleaning and maintenance schedule.
  - e) Details of a scheme of works to prevent the transmission of structure borne noise or vibration to other noise sensitive portions of the building.The use shall not commence until the approved equipment has been installed and is fully operational and shall thereafter be installed, 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.

10. Before the commercial use(s) hereby permitted commences, a scheme of sound attenuation works shall have been installed and thereafter retained. Such a scheme of works shall:

- a) Be based on the findings of approved Peak Acoustic noise survey of the application site; Noise Assessment Report; Ref. 0804152NR5; 19th May 2016.
  - b) Be capable of restricting noise breakout from the commercial use(s) to all adjoining residential accommodation to levels complying with the following:
    - (i) Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours);
    - (ii) Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours);
    - (iii) Bedrooms: LAFmax 45dB (2300 to 0700 hours).
- Before such scheme of works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the locality and of the residential occupiers of the building.

11. Before the use of the development is commenced, Validation Testing of the sound attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall:
- a) Be carried out in accordance with an approved method statement.
  - b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

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

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

Reason: In order to ensure an appropriate quality of development

13. The commercial unit shall not be used unless the access and facilities for people with disabilities shown on the plans have been provided in accordance with the approved plans and thereafter such access and facilities shall be retained.

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

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

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

15. The residential units shall not be used unless the cycle parking accommodation as shown on the approved plans has been provided in accordance with those plans and, thereafter, such cycle parking accommodation shall be retained.

Reason: In the interests of delivering sustainable forms of transport, in accordance with Unitary Development Plan for Sheffield Policy T10

16. Any externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be positioned and attenuated in accordance with the Local Planning Authority approved Noise Assessment Report; Ref. 0804152NR5; 19th May 2016. Full details thereof, including acoustic emissions data, shall have first been submitted to and approved in writing by the Local Planning Authority. Once installed such plant or equipment shall not be altered.

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

17. The roof garden areas shall not be brought into use unless privacy screens have been erected around their perimeter in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

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

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

Windows  
Window reveals  
Doors  
Louvre Screening to east elevation  
Timber screening to heat pumps

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

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

19. Notwithstanding the information on the approved plans the living room windows to residential units 0.2, 1.5, 2.4 and 3.4 on the south elevation facing Acorn Street shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of the windows shall at any time be glazed with clear glass.

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

#### **Other Compliance Conditions**

20. No amplified sound or live music shall be played within the commercial use(s) hereby permitted at above background levels, nor shall loudspeakers be fixed externally nor directed to broadcast sound outside the building at any time. The specification, location and mountings of any loudspeakers affixed internally to the building shall be subject to written approval by the Local Planning Authority prior to installation.

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

21. No customer shall be permitted to be on the commercial premises forming the A3 use part of the building outside the following times: 08.00 hours to 00.00 midnight on all days
- Reason: In the interests of the amenities of the locality and occupiers of adjoining property
22. Commercial deliveries to and collections from the building shall be carried out only between the hours of 0700 to 2300 on Mondays to Saturdays and between the hours of 0900 to 2300 on Sundays and Public Holidays.
- Reason: In the interests of the amenities of the locality and occupiers of adjoining property.
23. The fire exit doors shall only be used as an emergency exit and shall not at any other time be left standing open.
- Reason: In the interests of the amenities of the locality and occupiers of adjoining property.
24. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried out only between the hours of 0700 to 2300 Mondays to Saturdays and between the hours of 0900 to 2300 on Sundays and Public Holidays.
- Reason: In the interests of the amenities of the locality and occupiers of adjoining property.
25. No customer shall be permitted access to the rear courtyard area at any time.
- Reason: In the interests of the amenities of the residential occupiers of the building.
26. All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy, or unexpected contamination is encountered at any stage of the development process, works should cease and the Local Planning Authority and Environmental Protection Service (tel: 0114 273 4651) should be contacted immediately. Revisions to the Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
- Reason: In order to ensure that any contamination of the land is properly dealt with.
27. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) compiled by KRS Environmental Ltd. (KRS.0177.001.R.001.B) dated May 2016 and the following mitigation measures detailed within the FRA:
1. Finished floor levels are set no lower than 50.09 m above Ordnance Datum (AOD).
  2. No residential development in the basement

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: In order to mitigate against the risk of flooding

28. The surface water discharge from this brownfield site shall be reduced by at least 30% compared to the existing peak flow. If it can be demonstrated that the existing discharge rate is less than 10 litres per second then 10 litres per second can be applied for the proposed development.

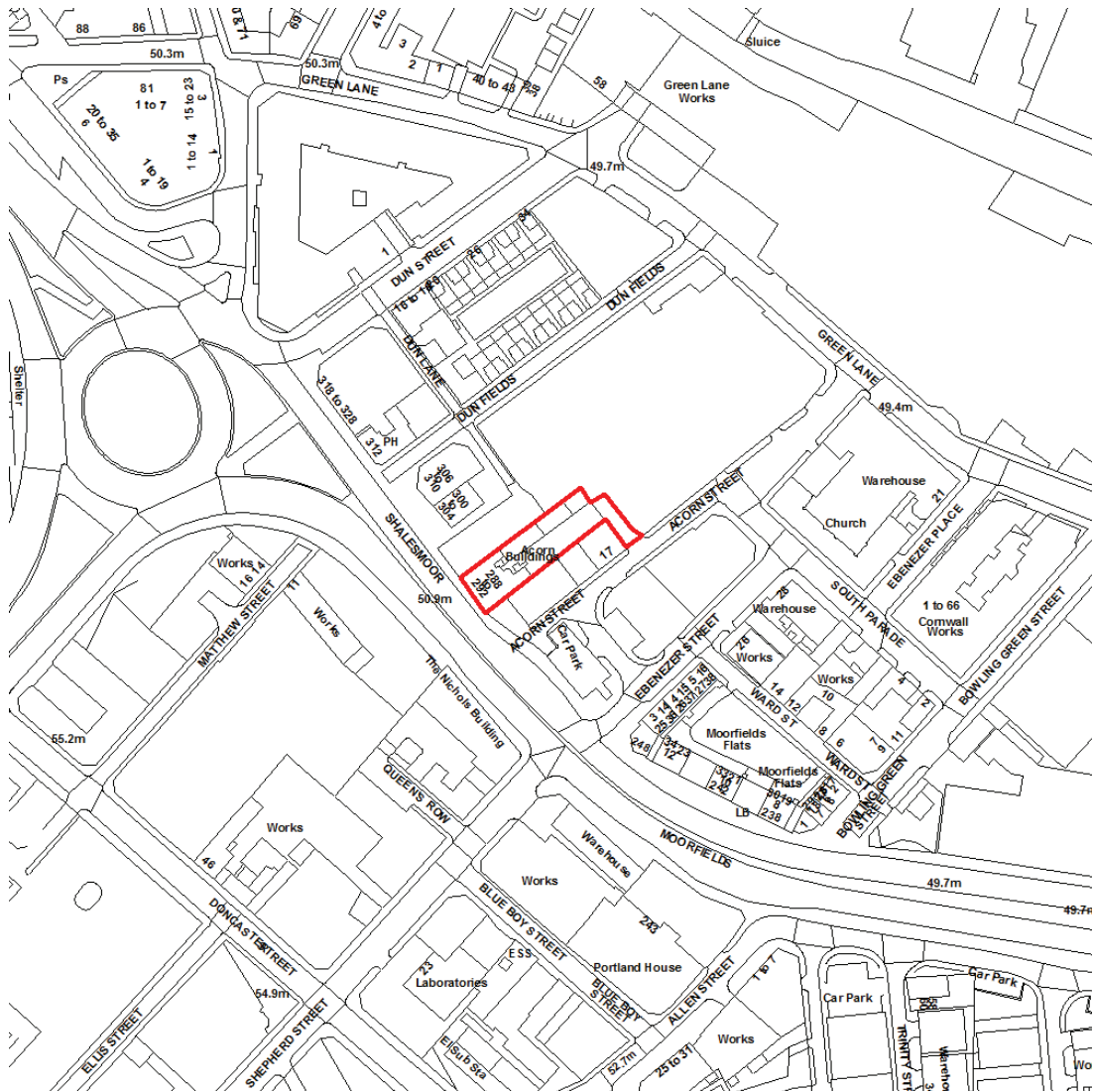
Reason: In order to mitigate against the risk of flooding.

Attention is Drawn to the Following Directives:

1. You are advised that residential occupiers of the building should be informed in writing prior to occupation that:
  - (a) limited/no car parking provision is available on site for occupiers of the building,
  - (b) resident's car parking permits will not be provided by the Council for any person living in the building.
2. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
3. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process, or a draft Liability Notice will be sent if the liable parties have not been assumed using Form 1: Assumption of Liability.
4. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](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.



# Site Location



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## LOCATION AND PROPOSAL

The application site comprises a vacant shop unit with three storey frontage to Shalesmoor. The building which also comprises three storey rear extensions and open yard, previously incorporated a private bar/music space within the basement area.

The building is sited within a mixed commercial area identified as a General industry Area by the Unitary Development plan (UDP) and a New Business Area in the St Vincent's Action Plan. Land to the rear and fronting Acorn Street is currently vacant with planning approval for a mixed use residential led development. Also fronting Acorn Street to the south of the application site is a recently constructed steel clad three storey residential building. Land to the north and fronting Shalesmoor is currently being developed for mixed A3, A4, B1 and D2 uses within a modern three storey building.

It is proposed to convert the existing ground floor shop unit and basement space into a restaurant/cafe and to convert the upper floors into self-contained residential units. The existing extensions to the rear would be altered and extended to form three/four storey self-contained residential accommodation with roof terraces and ancillary accommodation. The application proposes an overall provision of 20 x one bed and 1x two bed residential units.

## RELEVANT PLANNING HISTORY

15/02087/FUL - Alterations and two storey extension to shop unit and associated storage to form a bar/restaurant and 13 residential units. Granted Conditionally 1.10.16

## SUMMARY OF REPRESENTATIONS

8 representations have been received in respect of this application, three in connection with the initial submission and four in connection with first revised plans and one in connection with latest revisions.

Initial representations raised concern that the development would cause loss of privacy and appear overbearing to the recently constructed residential development fronting Acorn Street. Concern was also raised that the proposed poor design results in unsatisfactory living accommodation for future residents and fails to provide adequate external amenity space and off road parking. The representations suggest that the development should be a maximum height of three storeys and slimmer on plan to reduce impact on neighbours and future residents

Three further letters of concern were received in connection with amended plans. The letters consider the development to be too close to the rear of neighbouring property preventing maintenance access in future and blocking light to bathroom windows. There are continued concerns that the proposal results in an overdevelopment of the site which is overbearing to neighbours and causes

unreasonable overshadowing. In addition there are concerns that the proposal causes overlooking of neighbouring land which may impact on future development. The letters also question how the A3 unit will impact on new and existing residents and how the A3 unit will be serviced.

A further letter was received in connection with the latest revised plans which, although confirming that the proposed tiered design to the rear extension reduces the potential overbearing impact, there remain concerns that there will be overlooking of adjacent residential properties from the roof gardens areas. The letter reiterates previous concern that the development is built too close to the rear wall of neighbouring property and that due to lack of access the development will be poorly finished impacting on the level of quality expected in the Kelham Island Area.

One letter of support has been received which considers that the proposal not only preserves and brings a historic building back into use but adds a new build which is simple in form and complements the dense urban grain of this area of Kelham Island.

## PLANNING ASSESSMENT

### Policy Issues

#### Residential Uses

The site is in an allocated General Industry Area as defined on the Sheffield Unitary Development Proposals Map, Policy IB5 identifies food and drink uses as acceptable but lists housing as unacceptable in principle. The council's policy position has however been updated in this area following the publication of the St Vincent's Action Plan. The action plan identifies the site as being in a New Business Area where preferred B1 uses should remain the dominant use of land. However the action plan does also identify a number of other uses as being acceptable in the policy area including housing amongst other mixed uses including food and drink uses. The Sheffield Development Framework (SDF) proposals map (although carrying little weight) identifies the site as being in the Kelham/Neepsend Quarter with Core Strategy (CS) Policy CS17 'City Centre Quarters' and CS6 'Manufacturing and the City Centre- Transition Areas' emphasising the area's ongoing transition from manufacturing to mixed uses/residential. Such uses have previously been permitted on neighbouring sites and are considered to help secure the welcome regeneration of the area.

In view of the change in policy for this area the reuse and alterations and extensions to the existing buildings for residential purposes (Class C3) and as a restaurant/ café (Class A3) are considered acceptable in principle subject to the consideration of other UDP and CS policies.

The development would help achieve the delivery of new homes to meet the needs of a growing population as outlined in the Council's Corporate Plan 2015-2018.

### Design/layout Issues

UDP Policy BE5 'Building design and siting requires good design and the use of good quality materials in all refurbished buildings and extensions

The proposal results in the upgrade, alteration and refurbishment of the existing building which is welcomed. The proposed three/four storey extension to the rear reflects the density, character and appearance of the previously approved residential development to the north and east of the application site.

The footprint of the new residential building to the rear has been altered since first submission to improve the outlook from the proposed residential units sited to the rear of the adjoining recently constructed steel clad residential building. As this building presents a largely blank rear elevation abutting and facing the application site the new development will be built up to its rear wall. This will enable new window openings to be positioned to prevent overlooking of this neighbouring property and improve amenity for future occupiers. It is noted that the adjoining new building has been designed with high level non-habitable room windows on the boundary. It would be unreasonable to expect the new development to be located off the boundary to protect light to these windows, which are essentially 'borrowing' light from the application site. The part of the development which abuts this neighbouring development will be finished at a comparable height preventing any unreasonable overshadowing of the approved roof terrace of this neighbouring property.

The remainder of the development will abut existing boundaries to the north and west of the application site. Development matches the scale and general appearance of neighbouring approved development. No windows are proposed on the north elevation but windows will be added to the eastern side elevation looking towards the inner courtyard of the neighbouring site. The introduction of elevated louvered panels on the boundary will prevent any unreasonable overlooking of residential windows on this neighbouring development.

The development will be largely finished in brick reflective of the predominant building material within the area.

Pedestrian access to the residential units will be obtained both from Shalesmoor and Acorn Street to the rear of the site. The applicant retains a right of access over neighbouring land to the rear which also gives pedestrian access to the adjoining approved residential development.

The existing shop frontage to the ground floor of the building will be upgraded to facilitate the proposed new restaurant/café uses and pedestrian access to residential units. The alterations will not detract from the appearance of the original building. The render to the upper part of the front elevation will be retained with new window openings added to give additional light to the upper residential units. Conservation roof lights will be added to the front roof plane of Acorn House giving light to new residential accommodation within the roof space of the building.

Amenity Issues

Policy IB9 seeks to ensure that the living conditions of future residents would be acceptable with regard to noise, outlook and general disturbance, and seeks to ensure that the proposal would not harm the amenities of adjoining properties. The area is mixed in character with a number of commercial uses as well as traffic noise from Shalesmoor and the proposed ground/basement restaurant/cafe having the potential to affect the living conditions of future residents.

The current application differs from that previously approved in 2015 in the designation of the commercial unit to the ground floor/ basement level as a restaurant/ café-A3 use rather than a drinking establishment (Class A4). The proposed restaurant/café use has a decreased potential for noise and disturbance affecting the proposed residential portion of the development. A noise report reflecting this change has been submitted with the application.

The Council's Environmental Protection Service has reviewed the noise report and is satisfied that subject to the imposition of conditions relating to the operation of the proposed commercial unit the use of the restaurant/cafe raises no amenity concerns in respect of future residential occupiers.

The proposed residential units are a mix of dual and single aspect units. The residential units to Shalesmoor in particular have the potential for disturbance due to traffic noise. Conditions will be added to any subsequent approval to ensure appropriate sound attenuation works are carried out.

The redevelopment of land to the rear increases the potential risk from any ground contamination associated with the former commercial use of the site and industrial uses of adjacent sites. Land contamination conditions will be added to any subsequent approval to ensure the site is suitable for the proposed residential use.

The new development to the rear of Acorn House results in a reduction in ground level external amenity space to that previously approved. This is compensated for by the introduction of shared roof top external amenity areas which is welcomed. The new amenity areas will be surrounded by privacy screening to protect the amenities of neighbouring occupiers.

As submitted the proposed change of use and rear extension will not cause any unreasonable overlooking or overshadowing of either existing neighbouring property or that proposed as part of the current approvals for adjoining land. In view of the above the proposal is considered acceptable from an amenity perspective.

#### Flooding Issues

The site lies in flood zone 2 as defined on the Environment Agency's strategic Flood risk map (SFRA). Dwellings are identified as more vulnerable uses as defined in the NPPF, the guidance indicates that more vulnerable uses should not be allowed in Flood Zone 2 without a sequential test being undertaken. The proposed restaurant/ cafe is a less vulnerable use.

The sequential test highlights the fact that this is the only site in the applicant's ownership so it would be impractical to develop elsewhere. There is also an overriding need for housing as the Council cannot currently demonstrate a 5 year supply. The Kelham Island area is establishing as a thriving community and this development will further regenerate the area. The proposal is for a flood resilient development, although the site is unlikely to flood, except in extreme conditions. In any event, the majority of the site is located in Flood Zone 1 and the most vulnerable elements of the development are proposed to be developed in the area with the least likelihood of flooding.

The submitted sequential test and flood risk assessment are considered acceptable and subject to the imposition of conditions requiring the residential floor levels to be set at 50.09 AOD and for the basement to be used for no residential purposes the proposal is considered acceptable from a flooding perspective.

#### Highways Issues

No off road parking is proposed for the development. The site is located in a sustainable edge of city centre location where there is no requirement to provide on-site car parking for either the proposed residential or commercial uses.

The application proposes cycle storage facilities within the rear part of the building for occupiers of the proposed residential units.

#### Community Infrastructure Levy

The development is located in charging zone 4 and would be liable for a charge of £50 per square metre for the new build residential units should the development proceed.

#### Renewable Energy

Policy CS65 requires new developments for 5 or more dwellings to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy, or an equivalent fabric first approach to achieve a comparable carbon reduction. A condition will be added to any subsequent approval.

#### Response to objections

Concern has been raised by the owners of this neighbouring building that the development is too close to their property and will take light from high level windows which serve bathroom spaces within the building and also deny access for maintenance. The owners of the building made a decision to build their property on the boundary of the site with the rear elevation abutting land over which they had no control. It is not the place of the planning system to protect the interests of one land owner over another and it would be unreasonable to restrict development on this basis. The owner of this property was advised of this at the time.

The wall which will abut the boundary with this neighbouring property will not be visible and its finish will not detract from the visual appearance of the Kelham Island Area.

Officers agreed with the objectors that the initial submitted plans afforded poor levels of amenity for future residents. It is considered that the revised footprint overcomes these concerns. It was acknowledged that the roofline closest to the objector's building was too high, raising overbearing/ overshadowing concerns. The applicant has, at the request of officers, lowered this part of the building so it is consistent with the height of the neighbouring residential property.

A condition will be added to any subsequent approval requiring screening to the perimeter of the rooftop garden areas to prevent unreasonable overlooking of neighbouring property.

The servicing arrangements for the proposed commercial unit will be on street, the same as the previously approved scheme. Conditions will be added to ensure that deliveries are not carried out at unsocial hours to the benefit of future residents.

#### SUMMARY AND RECOMMENDATION

The proposal results in the welcome refurbishment, alteration and extension of existing buildings to facilitate new residential and restaurant uses. The proposed uses are compatible with existing and proposed surrounding development and raise no land use concerns. The amenity of future residents will be protected by the addition of conditions to prevent noise disturbance from the proposed ground floor commercial use. The proposal is therefore recommended for approval subject to the listed conditions.

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Case Number	16/00480/FUL (Formerly PP-04818387)
Application Type	Full Planning Application
Proposal	Demolition of working mens club and erection of 27 apartments in 1 x 3 storey block with the provision of underground car parking accommodation and associated landscaping works
Location	Handsworth Working Mens Club And Institute 445 Handsworth Road Sheffield S13 9DD
Date Received	08/02/2016
Team	City Centre and East
Applicant/Agent	Max Design Consultancy
Recommendation	GC Subject to Legal Agmt Sec of State

Subject to:

**Time limit for Commencement of Development**

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

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

**Approved/Refused Plan(s)**

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

1473-01 Revision C - Basement Floor Plan  
1473-02 - Ground Floor Plan  
1473-03 - First Floor Plan  
1474-04 - Second Floor Plan  
1473-05 Revision D - Elevations  
1473-06 Revision D - Site Plan  
1473-08 Revision C - Section AA & Section BB  
1473 - Covered Bin Store & Bike Park Details

Reason: In order to define the permission.



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

3. The works of demolition hereby authorised shall not be carried out before evidence of a contract for the carrying out of the works of redevelopment of the site hereby approved as part of this application has been submitted to and approved by the Local Planning Authority.

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

4. No development shall commence until a construction management plan has been submitted to and approved by the Local Planning Authority. The plan shall include details of:

- Construction vehicle routes;
- Means of ingress and egress for construction vehicles. 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;
- Parking for vehicles involved in construction;
- Provision for contractor parking; and
- Confirmation of dilapidation survey of the highways immediately adjoining the site, which shall have been carried out and agreed with the Local Planning Authority.
- Construction Environmental Management Plan - detailing the propose Fugitive Dust Mitigation Measures proposed during the demolition and construction phase.

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

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

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

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

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

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

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

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

8. The development shall not commence until full details/design calculations of the proposed surface water drainage has been submitted to and approved by the Local Planning Authority, including the arrangements for surface water infrastructure management for the life time of the development. This should be achieved by sustainable drainage methods. Should the design not include sustainable methods evidence is to be provided to show why sustainable drainage methods are not feasible for this site.

Reason: To ensure surface water flooding and pollution management.

9. No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs relating to that phase being obtained from decentralised and renewable or low carbon energy.

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

Reason: In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS65.

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

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

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

11. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be

submitted to the Local Planning Authority. The development shall not be brought into use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Sheffield City Council policies relating to validation of capping measures and validation of gas protection measures.

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

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

Typical windows - including a minimum of 200mm reveals  
Typical bay window design  
Typical external door design  
Garage door design  
False window infill detail  
Entrance canopies  
Balconies  
Eaves, verges and ridges  
Rain water goods  
Boundary treatments

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

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

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

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

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

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

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

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

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

Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

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

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

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

18. Notwithstanding the details on the approved plans, before the development is commenced final details of the proposed car parking layout in the basement area shall be submitted to and approved by the Local Planning Authority. The building shall not be used unless the agreed car parking has been provided in accordance with the approved details and thereafter the parking shall be retained for the sole use of the occupiers of the development hereby approved.

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

19. The building shall not be used unless the cycle parking accommodation has been provided on the site in accordance with the agreed details and thereafter the cycle parking accommodation shall be retained for the sole use of the occupiers and visitors of the development hereby approved.

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

20. The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been installed and thereafter retained. Such scheme of works shall:

a) Be based on the findings of approved noise survey (ref: NIA/6428/15/6310/v2/Former Working Mens Club, Handsworth, dated: 20/01/16, prepared by ENS)

b) Be capable of achieving the following noise levels:

Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);  
Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);  
Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);  
Bedrooms: LAFmax - 45dB (2300 to 0700 hours).

c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

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

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

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

a) Be carried out in accordance with an approved method statement.

b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

NB. The required Validation Testing is separate from, and in addition to, any tests required to comply with Building Regulations in relation to Approved Document E; Resistance to the passage of sound.

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

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

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

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

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

24. The building shall not be used unless a management strategy covering the following points has been submitted to and approved by the Local Planning Authority:

- The management of the car parking area, including further information about the tandem car parking spaces and the flats that these spaces will be allocated to;
- The management of the public and private landscape space; and
- The management of the bin storage area, including details of the strategy for bin collection days.

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

Reason: To ensure satisfactory management of facilities in the interests of the amenity of future and existing residents

25. The proposed green/brown roof (vegetated roof system) shall be provided on the bin store and cycle store roof areas, as shown on the approved plans. Details of the specification and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of these buildings commencing on site. The green/brown roof(s) shall be provided prior to the use of the building commencing. The plants shall be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced.

Reason: In the interests of biodiversity.

26. Notwithstanding the details on the approved plans, before the development is commenced, or an alternative timeframe to be agreed, full details of the proposed site boundary treatment shall be submitted to and approved by the Local Planning Authority. The building shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

27. Notwithstanding the details on the approved drawings, no construction works shall commence until final details of the proposed building levels (including plot and slab levels) have been submitted to and approved by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenities of the development.

#### **Other Compliance Conditions**

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

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

29. All development works, including any demolition works, shall proceed in accordance with the Construction Method Statement (ref: Construction Method Statement, Residential Development to 445 Handsworth Road, Sheffield, prepared by: Max Design).

Reason: In the interests of the amenities of the surrounding residential occupiers and other neighbouring land uses.

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

Reason: In the interests of the amenities of the surrounding residential occupiers and other neighbouring land uses.

31. The ensuite windows of Apartment 24 and 25 on the side elevation of the two storey part of the building facing No. 16 Medlock Drive shall be fully obscured to a minimum privacy standard of Level 4 Obscurity and at no time shall any part of the glazing revert to clear glass.

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

32. The surface water discharge from this brownfield site shall be reduced by at least 30% compared to the existing peak flows into existing discharge outlets. 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 3.5 litres (to public sewer) should be demonstrated.

Reason: To ensure surface water flooding and pollution management.

Attention is Drawn to the Following Directives:

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

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

Development Services  
Howden House  
1 Union Street  
Sheffield S1 2SH

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

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

You should apply for a consent to: -

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

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

3. 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  
Town Hall  
Penistone Street  
Sheffield  
S1 2HH

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.

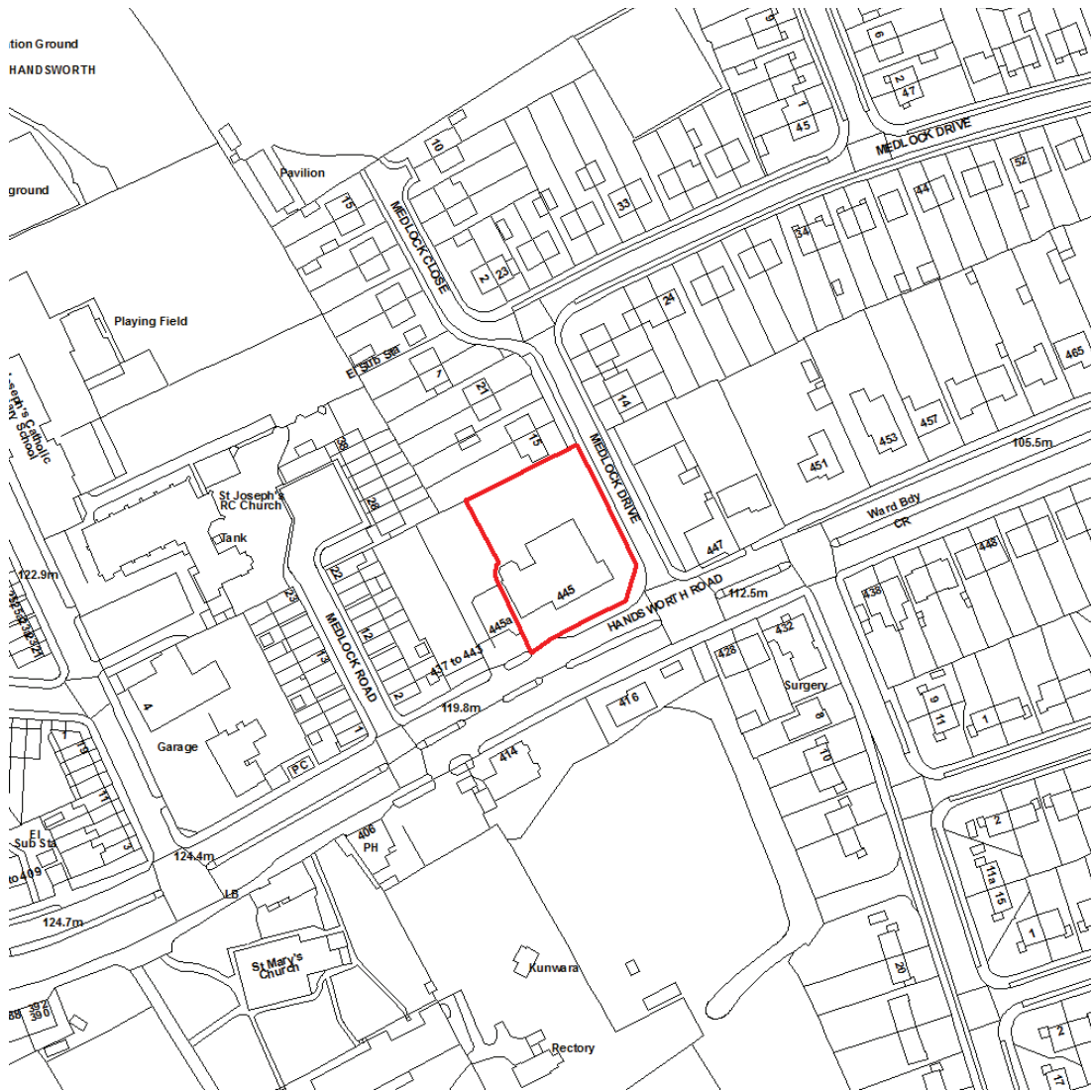
4. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at [epsadmin@sheffield.gov.uk](mailto:epsadmin@sheffield.gov.uk).
5. The Applicant is advised that the following mitigation measures would assist in reducing vehicle exhaust emissions and should be adopted where practicable, they include:
  - a) Construction phase - The developer should have regard to the mitigation measures in and adopt the London Councils' Best Practice Guidance, November 2006, "The Control of Dust and Emissions from Construction and Demolition". This Guidance should be used as a guide to evaluate and manage dust emissions during this phase.
  - b) Ensure vehicles delivering to the proposed site to be Euro VI standard minimum or are fitted with exhaust after treatment technologies such as continuously regenerating traps or other non primary NO2 emitting catalysts systems: a recommendation.
  - c) Promote the use of public transport and the need for efficient public transport links into the area: a recommendation.
6. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street



Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](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.

7. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
8. The Applicant is advised that the South Yorkshire Police Architectural Liaison Officer has provided the following advice:
  1. Entrance into the basement Car Park should be access controlled by a quick release roller shutter entrance door.
  2. The basement area should be well lit with no dark areas. Access from within the basement into the building should also be accessed controlled.
  3. The main entrances into the building should be access controlled via audio/visual means. All external doors and the internal flat doors should be to PAS 24:2012.
  4. All ground floor and accessible windows and glazing should be to PAS24:2012 incorporating laminated glass.
  5. The bin store should be lockable to avoid attempted arson.
  6. The stairwells should be well lit and as open as possible, so the user can see who is coming up/down.
  7. To secure the private garden area and cycle storage, 1.8m gates and boundary treatment should be used.
  8. Landscape should be planted so as not to block CCTV or Lighting. It should be kept low below 1m and trees to have no foliage below 2m.
9. The Applicant's attention is drawn to part 6.3.1.5 and 6.3.1.6 of the Phase 1 Habitat Survey Report (RDF Ecology, May 2015) in relation to the need for a new bat survey of the site if demolition works do not occur within a set timeframe and in relation to the appropriate months (September to March) and methods of demolition.
10. 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.
11. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process, or a draft Liability Notice will be sent if the liable parties have not been assumed using Form 1: Assumption of Liability.

# Site Location



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## INTRODUCTION

This application was originally presented to the Planning and Highways Committee meeting on 20th September 2016. The application was deferred by Members because of the need to consider further the air quality impact of the development, bearing in mind other recent large scale approvals in the locality and the proximity of the site to an area of exceedance of European Standards.

Whilst an Air Quality Assessment is only usually required for developments that generate 60+ vehicle movements per hour, there is also a local requirement to consider the issue where sensitive uses such as housing are being introduced to or within 200m of an area of exceedance.

The applicant has now submitted an air quality report in a bid to alleviate Members concerns. This is considered further below.

## LOCATION AND PROPOSAL

Planning permission is sought to demolish the club of Holme Lea (formerly the Handsworth Working Men's Club and Institute) and replace it with a residential apartment scheme of 27 apartments comprising of 4 x 1 bedroom and 22 x 2 bedroom units and 1 x 3 bedroom unit with associated basement car parking and landscaping works.

The site is located on Handsworth Road (B6200), a busy classified road running through Handsworth which carries traffic to areas including Darnall, Richmond and Woodhouse Mill. Specifically, the site is situated at the junction of Handsworth Road and Medlock Drive, where Medlock Drive is a "U" shaped residential street comprising of post-war semi-detached housing that provides access to other residential streets.

The site currently contains the club of Holme Lea, which is positioned on the southern half of the site and fronts Handsworth Road. It is predominantly two storeys in height with a slate pitched roof and rendered finish. There is a single storey element used as a large function room, which is a later extension and has a footprint extending along the eastern elevation of the main building. The northern half of the site is hardstanding and used as a car park.

The site is rectangular in shape and has an area of approximately 0.18 hectares. The topography of the site is flat having been built up on the eastern side in order to overcome the level of Handsworth Road, which slope downwards in a west to east direction.

A variety of land uses surround the application site and in addition to the residential properties on Medlock Drive to the north, other land uses include a Nursery School to the east (on the opposite side of Medlock Drive) and the Challenger vehicle repair garage to the west. The existing residential properties in this part of Handsworth vary between semi-detached housing and terraced houses, and they are predominantly constructed from brick or natural sandstone.

## RELEVANT PLANNING HISTORY

There is no history relevant to this proposal.

## SUMMARY OF REPRESENTATIONS

In accordance with statutory requirements, this application has been advertised by site notices, press advert and neighbour notification letter.

12 letters of objection have been received. This includes a letter from Councillor Mick Rooney who has registered his objections/observations on behalf of his constituent, and comments from Councillor Dianne Hurst.

A petition containing 517 names and individual comments has also been received. The names on the signatures come from a variety of postcodes and their comments discuss the loss of the Club and its impact on Handsworth.

The local representations have been supported by Clive Betts MP.

In summary, the objections relate to:

### Loss of the Holme Lea Club and Impact on Handsworth

- The demolition would be a major blow to the community and be contrary to paragraph 70 of the NPPF and UDP Policy CF1 and CF2. The Council has, in the past, recognised the valuable role that working men's clubs play in the fabric of Sheffield's neighbourhoods, namely, by refusing the demolition of the Shiregreen WMC (08/02770/FUL).
- The application states that the club is unviable to run, however this is clearly not the case.
- The Holme Lea provides free function room facilities catering for all age groups and people rely on it as a safe meeting place offering a variety of family and children's events as well as supporting local charities (including Amy's House) who have benefited from funds raised by events. Other options (i.e. The Old Rectory) can be expensive.
- Handsworth is slowly losing its community facilities. Pubs have already been lost and pub chains are increasing the rent / leases to other public houses making them unviable. How long will it be before other pubs are demolished and turned into flats?
- Is the council hell bent on turning Handsworth into an uncaring concrete jungle?

### Traffic and Parking Concerns

- More homes and cars will exacerbate pressures on Handsworth Road, which is already congested and at a standstill at peak morning / afternoon rush hours. Traffic along Medlock Drive will also be increased.
- The current access to the city centre bound traffic from the development is inadequate and will require as a minimum a controlled junction to allow

- traffic to freely join and not be blocked by queuing traffic. Handsworth Road is not suited to access from the opposing sides due to its central reservation
- You have to live here to truly appreciate the difficulty faced on a daily basis. Existing residents are already compromised.
  - The proposed car parking will not be sufficient. Planning policy is out of touch and most households will have two cars. Residents will be more inclined to park somewhere that is more benefit to themselves rather than a specific allocation. This will increase on-street parking problems.
  - The proposed cycle parking is merely paying lip service to planning policy. Cycling infrastructure for the area is poor and does not encourage people to take this up as an alternative method of transport. It is a tick box exercise to justify less car parking and satisfy the Council.
  - Access from the underground garage on to Medlock Drive will create problems as non-residents use this area as a free “park and ride” area.
  - The parking spaces will most probably be provided at an extra cost which prospective buyers will not bother to do. This will then increase parking in the area.
  - The development will impact on air quality given its proximity to a local school and nursery.
  - The Domino’s Pizza development close to the application site has already made the highway situation worse for pedestrians as both customers and delivery drivers park their cars all over the pavement.
  - Staff from the nearby Sunny Meadows nursery currently uses the car park as parking in the area is very limited. The application would change this.

#### New Homes

- There is no need for new housing. There are sufficient properties being built in the area over the past few years (Gateway and Waverley). To build the flats at the expense of a local community facility is wrong.
- More homes will exacerbate pressures on local facilities such as doctors’ waiting lists and local school numbers.

#### Amenity Concerns

- Concern that the development is imposing and will block the light from No.15 Medlock Drive (the house and conservatory) and will impact on the privacy of surrounding properties. The proposal is overdevelopment, contrary to UDP Policy BE5 and H14.
- Concern about the longevity of the wooden fence proposed between the application site and No.15 Medlock Drive. A brick wall would be preferred at the same height as existing or slightly higher.
- The proposed location of the bins is a concern. They will be left on the pavement on collection days, which will be a hazard for pedestrians.

#### Advertisement and Notification Concerns

- Concern that there are some residents who live close-by but do not know about the application. There has been no correspondence.

- During what hours will the building work take place? Bearing in mind there is a nursery directly opposite and lots of school children in a morning walking to local schools, what measures are going to be place to minimise/reduce incidents/traffic?

#### Coal Mining Concerns

- The site is situated in an old mining area and a mine was situated nearby on Finchwell Road. Therefore, a coal mining risk assessment needs to be completed before the application can be considered.

#### CIL

- Is there any CIL expected to control traffic access onto Handsworth Road?

### PLANNING ASSESSMENT

#### Loss of Public House and Community Impact

UDP Policy CF1 (Provision of Community Facilities) states that community facilities will be promoted particularly where they would (a) be for disadvantaged people; or (b) be located where there is a shortage; and would (c) be easily accessible by public transport; (d) be located within the community they are intended to serve. Furthermore, UDP Policy CF2 (Keeping Community Facilities) states that development which would result in the loss of community facilities will be permitted if (a) the loss is unavoidable and equivalent facilities would be provided in the same area; or (b) the facilities are no longer required; or (c) where a change of use of a building is involved, equivalent accommodation would be readily available elsewhere.

The loss of the existing club and the impact that this will have on the local community is a concern that many objections discuss. It is stated that the Holme Lea offers a wide range of different activities and facilities for the community and wider public. The objections received suggest that there is a demand for the facility however the application submission contradicts this by stating that the Club is currently commercially unviable.

Whilst there is substantial support for the retention of the Holme Lea, and the building provides a variety of functions, the closure or sale of the pub is a commercial decision to be taken by the Owner. This could occur at any point and all facilities would be lost, regardless of whether planning permission has been granted for a new use or not. With this in mind, it is possible for local community organisations to nominate land or a building as an Asset of Community Value which, if registered, gives those communities the time to put together a bid to buy the Asset if it comes up for sale. It is confirmed that there is no such nomination in relation to this building at the time of writing this report.

The existing club is a 'Sui Generis' use. The prime use of the building would have originally been to allow working people to use the premises to enjoy a social drink,

however such establishments have had to evolve and offer other entertainment facilities for use by members of the public. Such change is evident at the application site with the addition of the function room and the variety of activities held over the years.

The proposed development does not propose replacement or equivalent facilities so any functions currently provided at the club will be lost from the site. However, an audit of the area suggests that there are buildings that offer similar licenced and / or function facilities. Those situated closest to the application site include:

- Handsworth Social Club – licenced premises including a lounge bar, games room, and concert room with capacity for 200 people.
- Handsworth Methodist Church – has 4 rooms available for hire with seating capacities for 30 to 130 (restrictions apply).
- The Handsworth Inn – licenced premises including a function room with seating capacity for 50 people and 120 overall.
- The Old Rectory – licenced premises including space for events, conferences, meetings, and community classes.
- The Sword Dancer Public House – including function room.
- The Cross Keys Public House – licenced premises.
- Old Crown Public House – licenced premises.

In light of the above, it is evident that there are other buildings available for hire and public use within close proximity of the application site which offer very similar facilities to the Holme Lea.

Therefore, although it is regrettable that the proposed development would result in the loss of what appears to be a well-used club and facility, it is considered that the development does not conflict with UDP policies CF1 and CF2 and, therefore, refusal of this application on such grounds cannot be justified.

#### Land Use Issues

The National Planning Policy Framework (NPPF) sets out the Government's planning policies. It does not contain specific policies but its statements form part of the overall framework of national planning policy and they are a material consideration in decisions on planning applications. The key principle of the NPPF is the pursuit of sustainable development and the following assessment will have due regard to these overarching principles.

The application site lies within a Housing Policy Area as defined in the Unitary Development Plan (UDP), where housing is the preferred use. The principle of the development is therefore acceptable.

The Sheffield Development Framework (SDF) Core Strategy provides the overall spatial strategy for the city over the period 2009 to 2026.

Policies CS 22 'Scale of the Requirement for New Housing', CS 23 'Locations of New Housing', CS 24 'Maximising the Use of Previously Developed Land for Housing', and Policy CS 25 'Priorities for Releasing Land for New Housing' all

promote new residential development in the city - at appropriate and sustainable locations - in order to assist the delivery of suitable sites for housing over future years.

Policy CS 41 (Creating Mixed Communities) seeks to encourage a mix of housing – including prices, sizes, types and tenures.

The proposed housing development will help towards achieving a 5 year supply of deliverable sites and will enhance the range of house types available in the area. The site is also in a sustainable location, in an urban area and on previously developed land. Therefore, the proposals are considered to meet the city's housing policy aspirations.

#### Design Issues

UDP Policy BE5 (Building Design and Siting) and Core Strategy Policy CS 74 (Design Principles) seek high quality design and materials which complement the scale, form and architectural style of the surroundings.

As the site lies in an Area of Special Character, UDP Policies BE15 (Areas and Buildings of Special Architectural or Historic Interest) and BE18 (Development in Areas of Special Character) are also relevant. These policies seek to retain features that contribute to the heritage of the Area and encourage development that respects it. Harmful development will not be permitted.

#### Proposed Demolition

It is considered that the existing buildings on this site do not have any architectural or historic qualities that contribute to the character of the Area. As such, and for the reasons discussed below, it is considered that the new development will improve and enhance the site's appearance.

It is also considered that the demolition of the existing buildings will not adversely affect the special character or appearance of the Area. However, given the prominence of the site on Handsworth Road, and in order to safeguard the amenities of the locality, it is recommended that any grant of planning permission should be conditioned so that a contract of works is required as evidence to prove that development will follow swiftly after demolition. Demolition will not be allowed to happen before this condition has been discharged in order to ensure that the site is not left empty for an extended period of time as this would be harmful to the appearance and character of the Area.

#### Proposed Layout

The proposed development comprises of an 'L' shaped building positioned on the south and east portions of the site, with its front elevations addressing Handsworth Road and Medlock Drive. The building is set back on each frontage in order to respect adjacent building lines, which is welcomed.



Internally, the development will be built across four floors, comprising of three floors of apartments and a basement area containing ancillary car / cycle parking and storage facilities. The apartments will be accessed on foot via three communal entrance points; one on Handsworth Road and two on Medlock Drive.

A large soft landscaped area is situated in the north-west portion of the site, which will provide communal garden space as well as areas for covered cycle / bin stores and two light wells serving the basement. The position of this space, behind the building, represents a logical design approach as it will provide a secure private area for residents to use. There are also smaller soft landscaping pockets shown in front of the building to soften the spaces adjacent to road boundaries and create a front garden setting. The development will be contained by a new boundary wall (brick/railing) to the front elevations.

Overall, it is considered that the proposed layout responds well to the character of the site and respects surrounding streets in accordance with the relevant policies.

#### Proposed Scale

Large detached two and three storey stone built properties already exist in this part of Handsworth Road and they form part of the Area's Special Character designation. The new building responds to this character by proposing three storeys at the prominent Handsworth Road end of the site, stepping down to two storeys to reflect the suburban scale of the adjacent two storey dwellings on Medlock Drive. It is considered that this scale is satisfactory as it reinforces the corner position of the site and responds to the hierarchy of adjacent streets and the scale of the buildings that surround it.

#### Proposed Design

The proposed building has a traditional architectural style to ensure that it sits comfortably within the surrounding context. Whilst a contemporary design could have been considered at this location, there is no objection to the traditional approach given the quality of the design proposed.

Good design is achieved through the hierarchy of building heights and strong, repetitive detailing, setbacks and projections (including recessed balconies). The generously sized windows are a particularly positive element of the design, improving the visual appearance.

The building's main material palette will be natural sandstone, brick and natural slate. These are acceptable and compatible with the materials already used in the area. Appropriately, stone is intended to be heavily used for the part of the building that is adjacent to Handsworth Road, whilst brick will be used for the Medlock Drive frontage and internal elevations. Other materials within the palette include uPVC windows, wrought iron railings and stone heads/cills, which are also considered to be appropriate on this site.

Overall, it is considered that the proposed design is an acceptable aspect of the development, responding well to the character of the site and respecting

surrounding streets and the Area's special characteristics. It is therefore concluded that the proposals comply with policies BE5, BE15, BE18 and CS 74. Conditions are recommended to ensure that the details achieve the high qualities expected.

#### Density Issues

This site is previously developed and therefore the new housing proposed will contribute towards meeting the aim of Core Strategy policy CS 24 (Maximising the Use of Previously Developed Land for New Housing). Core Strategy policy CS 26 (Efficient Use of Housing Land and Accessibility) sets out appropriate density ranges for new homes depending on location and accessibility. This site is near to a high frequency public transport route and therefore the appropriate range is 40 - 60 dwellings per hectare. The proposal for 27 apartments on this site (of 0.19 hectares) represents a density of around 141 dwellings per hectare, which is considerably above the listed range.

However, exceptions to CS 26 can be made where the proposal represents good design, reflects the character of an area or protects a sensitive area. Firstly, it should be recognised that this is an apartment development and as a consequence the density will always be higher than a scheme comprising of individual houses. Secondly, and for the reasons discussed above, it is considered that this new housing development is well designed and will enhance the appearance and character of the site. On this basis, it is considered that the high density proposed does not represent over development.

It is therefore concluded that the proposals are consistent with the aims of Policies CS 24 and CS 26.

#### Highway Issues

UDP Policy H14 (Conditions on Development in Housing Areas) expects new development to provide safe access to the highway network, appropriate levels of off-street parking and to not endanger pedestrians.

Core Strategy Policy CS 23 (Locations for New Housing) states that new development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure.

Core Strategy Policy CS 53 (Management of Demand for Travel) (b) encourages the promotion of good quality public transport and routes for walking and cycling to broaden the choice of modes of travel.

There have been objections received in relation to traffic and parking impacts, with local residents concerned that the extra traffic generated will have a significant negative impact on Handsworth Road, Medlock Drive and the wider area. There is also concern that the loss of the Holme Lea would lead to a shortage of parking spaces for the community (including the adjacent nursery who are allowed to use the car park). However this is not a planning issue, it is a private agreement that could be withdrawn by the owner/operator of the site at any point.

To clarify, the Holme Lea currently has car parking facilities positioned at the rear, accessed via Handsworth Road, and the application indicates that there is capacity for at least 20 cars.

This application proposal includes 29 car parking spaces in a basement area (including 2 disabled spaces), which equates to 1.07 spaces per flat and is an increase in the current parking arrangements. The amended car parking layout includes no visitor spaces because these have been removed in order to increase the number of resident spaces. In reality, it is not practical for visitors to use the basement spaces from a convenience and security/access point of view.

The new arrangement also includes the provision of tandem spaces, which will be allocated to some of the two bedroom units. As a result of this, there is now car parking for 23 flats rather than all 27. However, changes to the layout of the car park were necessary in order provide easy access to all of the spaces within the basement.

The parking arrangements are considered to be acceptable because of the nature of the Council's car parking standards (which are maximum rather than minimum guidelines). Furthermore the sustainable location of the site has also been taken into account, which is only a short walk from the local amenities and bus stops on Handsworth Road where there are high frequency services. There are 7 bus services which stop at the closest stops and provide access to the City Centre as well as to outlying areas including Crystal Peaks, Woodhouse, Hillsborough, Wisewood, Rotherham and Dinnington.

Given the scale of development proposed, and because the site access has moved from Handsworth Road to a new entrance on Medlock Drive, it is likely that a small increase in traffic around this part of site will occur. However, it is reasonable to expect traffic movements to be spread throughout the day and be more irregular than the existing use, with small peaks during rush hours, rather than the concentration of movements that currently take place when functions / events are being held at the Holme Lea. It is therefore considered that the impact of the development on the local highway networks (including surrounding roads and junctions) will not be so adverse as to warrant the refusal of the application. Furthermore, the amount of traffic being generated by the scale of development does not raise any significant concerns and the position of the access is considered to be acceptable in terms of distance from the junction with Handsworth Road (approximately 30m) and the adjacent dwelling (approximately 16m) as well as pedestrian intervisibility at the entrance point onto Medlock Drive.

The proposal provides areas for secure cycle parking in the rear amenity area and at basement level, which is welcomed. Final design details of the shelter and the quantity of spaces will be secured by condition.

South Yorkshire Passenger Transport (SYPT) has been consulted and recognises the sustainable location of the site, thus they raised no concerns about the application.

However, a number of conditions have been requested that relate to highway matters and are intended to ensure that the development is constructed and operated in an acceptable manner.

In light of the above, and subject to conditions, it is considered that the proposal complies with the relevant aspirations of the UDP and Core Strategy policies identified.

#### Amenity Issues

UDP policies H5 (Flats, Bed-Sitters and Shared Housing), H14 (Conditions on Development in Housing Areas), and H15 (Design of New Housing Developments) encourage residential development that provide high quality conditions and environments for existing and new residents.

##### - Amenity Impact for Existing Residents

#### Proposed Demolition and Construction Works

The proposed works will generate HGVs and traffic movement as well as dust migration and noise. The works will take place with sensitive uses in close proximity and there is potential for disamenity during the development phase.

A Construction Method Statement has been submitted with the application and is considered to be acceptable in principle. Dust mitigation is appropriately addressed and the hours of construction (8am to 5pm Monday to Friday and 8am to 1pm Saturday) are acceptable. The proposed hours of site deliveries lacks clarity and, therefore, it is recommended that they mirror the operating hours.

#### Privacy Issues

The relationship between the proposed apartments and the existing surrounding properties is considered to be acceptable. Privacy distances in excess of 30m are achieved between the side boundary of the closest properties rear garden (No.15 Medlock Drive) and the apartment rooms in the section of the building which faces north and directly towards this shared boundary. Normally, a main elevation to side elevation relationship (at equal height and level) would warrant a separation distance of 21m, with greater distances encouraged depending upon the site characteristics and increases in building height. The distance achieved is consistent with this general advice and, therefore, the overlooking relationship is concluded to be acceptable.

Following comments raised by the occupier of No.15 Medlock Drive, the applicant has agreed to substitute the original timber wall for a brick wall along the shared boundary and final details will be secured by condition.

#### Overshadowing and Overdominance Issues

Owing to the layout of the proposed development and position of existing dwellings – including the good separation distances described above and the scale of the proposals (which reduce from three to two storeys) – it is considered that there will

be no detrimental overshadowing and overdominance issues caused to neighbouring properties by this development.

The proposed development will be visible from properties close to the site. Whilst this change could be considered to be an enhancement, a change in an individual view is not a material planning consideration.

#### Noise and Disturbance Issues

The proposed development will not cause a significant nuisance or disturbance to existing residents. The proposed residential use is more compatible than the existing use of the site.

It is concluded that the proposed development is acceptable and will not have a significantly detrimental impact on the living conditions of existing surrounding residents, in accordance with the relevant UDP policies.

#### - Amenity of Future Residents

##### Outlook

All habitable rooms within the development have clear openings overlooking either adjacent roads or the amenity space at the rear. It is considered that internal living environments will be well lit and will enjoy a good outlook.

##### Privacy

The layout and design of the scheme creates a circumstance whereby habitable room windows do not face each other and, therefore, overlooking between units will not occur. This is considered to be a positive aspect of the scheme.

##### Outdoor Amenity Space

The development includes a variety of outdoor private amenity spaces, which is welcomed. There is also a communal landscaped rear garden area which measures approximately 300 square metres. In addition, 5 of the ground floor apartments will also have small outdoor patio spaces, and some of the upper level apartments have balconies.

Direct pedestrian access to the surrounding streets is proposed on both boundaries of the site to give residents and visitors alternative access points into the site and help enliven the site frontages.

##### Noise and Disturbance

The site is located within an existing residential area but the supporting noise impact assessment indicates that the surrounding ambient noise climate is dominated by road traffic. All other noise sources (including from the garage to the west) were negligible during the course of the survey. The assessment concludes

that a scheme of sound attenuation will be able to achieve good internal noise levels and these will be secured by condition.

For these reasons, it is concluded that the proposed development will provide an acceptable living environment for future residents in accordance with relevant UDP policies.

#### Sustainability Issues

Core Strategy Policy CS 64 (Climate Change, Resources and Sustainable Design of Developments) and Policy CS 65 (Renewable Energy and Carbon Reduction) require all new buildings to be energy efficient and use resources sustainably, including the provision of 10% of their energy needs from decentralised and renewable or low carbon energy.

Given the scale of the development, it is expected that the proposed development achieves 10% of its overall energy needs from renewable energy sources and this will be secured by condition.

#### Ecology Issues

UDP Policy GE11 (Nature Conservation and Development) aims to protect and enhance the natural environment, and potentially harmful effects on natural features should be reduced.

The Phase 1 Habitat Survey identifies that existing habitats on the site are not protected or of notable ecological value. It is also identified that there are no issues in relation to protected species (i.e. badger, amphibians, reptiles, and breeding birds). With regard to the impact upon bats, the Survey found that the buildings have low potential for supporting bats and that bat activity was very low. However, in accordance with the Survey, which states that demolition should be completed within one calendar year of its recommendations (May 2015), it is considered necessary to secure a further survey of the buildings prior to any demolition works occurring in order to re-confirm that no bat roosts are present.

Therefore, it is concluded that the proposal will not have a negative impact on the natural environment and is acceptable in terms of Policy GE11, subject to conditions.

#### Drainage Issues

Core Strategy Policy CS 67 (Flood Risk Management) (a) expects all developments to significantly limit surface water run-off and (b) requires the use of Sustainable Drainage Systems (SuDS) or sustainable drainage techniques on all sites where feasible and practicable.

The SuDS information and the wider drainage details provided are minimal. However, the site is presently developed and, therefore, it is likely to currently drain at a brownfield run-off rate. The existing drainage arrangement will have to be proven through a detailed survey (including existing peak flows into existing

discharge outlets) ahead of any demolition works occurring on site. Once this is known, and in order to achieve the expectations of Policy CS 67, it is recommended that full details/design calculations of the proposed surface water drainage system are submitted, including demonstration that the surface water run-off rate will be reduced by at least 30%. It is normal for this information to be secured by condition and, subject to this occurring, it is concluded that proposal will not have a detrimental impact on flood risk management in the locality, in accordance with Policy CS 67.

#### Affordable Housing Issues

The application site is within the South East Affordable Housing Area. In accordance with the Core Strategy Policy CS 40 (Affordable Housing) and the Affordable Housing Interim Planning Guidance (2014), a contribution towards affordable housing is expected (equivalent to 10% of the units on the site being transferred at the Transfer Price).

The applicant has agreed to provide a financial contribution of £130,325 towards the provision of affordable housing in the South East Affordable Housing Area. This is considered to be equivalent to 10% of the units' value and is an appropriate level of contribution. Therefore, subject to the completion of a Section 106 legal agreement, the application is compliant with relevant policy and guidance.

#### Community Infrastructure Levy (CIL)

The site is within Charging Zone 3 therefore the charge that is levied upon this application equates to £30 per square metre.

With reference to the representations received about CIL, the money from this development will be pooled to help the city's strategic infrastructure needs, as set out on the Regulation 123 List.

CIL monies are not spent on site specific highway improvements. If works are required to make the development acceptable in planning and highways terms, they are secured via a Section 278 Highway Agreement. In this case, such improvements are not considered necessary from a highway point of view.

#### Refuse Storage

The position of bin storage facility at the rear is welcomed as it will be hidden from public areas of the development. The bin and cycle stores will be constructed from timber and have a green roof, the final details of which will be secured by condition. A refuse collection point is proposed on Medlock Road, at the furthest point from the junction with Handsworth Road, for use on collection days. A refuse strategy will be conditioned in order to ensure the satisfactory management of this space.

#### Public Art

UDP Policy BE12 (Public Art) encourages the provision of public art where it would be readily seen by the public and integral to the design of major developments.

Given the size and nature of the proposal it is considered that there are opportunities to integrate public art within the scheme. This will be secured by condition.

#### Air Quality Issues

Whilst an Air Quality Assessment is only usually required for developments that generate 60+ vehicle movements per hour, there is also a local requirement to consider the issue where sensitive uses such as housing are being introduced to or within 200m of an area of exceedance. The Council supervised Community diffusion tube monitoring positions on Handsworth Road (Handsworth and Darnall) and St Mary's Church (Handsworth and Darnall Community) are within proximity of the site and do not show exceedance of the limit values.

Furthermore, Core Strategy Policy CS 66 Air Quality expects action to protect air quality in all areas of the city. Further action is also expected to improve air quality across the built-up area, particularly where residents in road corridors with high levels of traffic are directly exposed to levels of pollution above national targets.

In response to the above, the applicant has submitted an air quality report (REC, ref. AQ102467R1), which considers the impact of the development during the construction and operational phases.

During the construction phases, it is identified that there is the potential for air quality impacts as a result of fugitive dust emission from site activities including demolition, earthworks, construction and trackout. Taking each activity in turn, the report concludes that the impact of dust soiling as a consequence of this development's construction activity is low and the potential risk of human health impacts is negligible. The report, however, discusses a number of potential mitigation measures to reduce impacts during construction phase. It is advised that they may be incorporated into a Construction Environmental Management Plan, if required by the Local Planning Authority to help further mitigate against fugitive dust.

During the operation phase of the development, dispersion modelling assessment has been undertaken in relation to concentrations of NO<sub>2</sub> and PM<sub>10</sub> across the development. Based on this assessment, the results indicate that pollutant levels across the site will be below the relevant Air Quality Objectives. The site is therefore considered to be suitable for the proposed end-use without the implementation of mitigation techniques or methods to protect future residents from elevated concentrations.

Dispersion modelling was used to quantify the potential changes in pollutant levels at sensitive receptors in the vicinity of the development as a result of the predicted traffic generated by the development. A worst case scenario was assessed to provide sufficient confidence in the results. This shows that the impact of emissions on existing sensitive receptor locations will be negligible.



Based on the information submitted, the Air Quality Assessment concludes that air quality should not be a constraint to planning consent for the proposed development.

It is considered that the information submitted is an appropriate response to the concerns of the Planning Committee and it concluded that the assessment demonstrates proposed development will not have a harmful impact on the site or surrounding location during either the construction or operational phase. Therefore, it is considered that there is not conflict with Policy CS 66. However, as discussed in the Air Quality Assessment, it is recommended that a Construction Environmental Management Plan be secured by condition.

## SUMMARY OF REPRESENTATIONS

### 1. Loss of the Holme Lea Club and Impact on Handsworth

The main objections received have been addressed in the report.

With regard to decision made on other applications (i.e. the Shiregreen WMC application - 08/02770/FUL), it is the case that each site must be assessed on its individual merits and these decisions do not set a precedent for the subject application.

### 2. Traffic and Parking Concerns

The main objections received have been addressed in the report.

The cost of the parking spaces at the point of sale is not a material planning consideration.

The car parking obstructions caused by Domino's Pizza is a Police matter.

### 3. New Homes

The main objections received have been addressed in the report.

### 4. Amenity Concerns

The main objections received have been addressed in the report.

### 5. Advertisement and Notification Concerns

The application has been advertised by neighbour notification letter, site notices and press advertisement in accordance with the Council's Statement of Community Involvement.

### 6. Coal Mining Concerns

The site is not within a Coal Mining High Risk Area and therefore it is not necessary for a Coal Mining Risk Assessment to be submitted with the application.

### 7. CIL

The question raised has been addressed in the report.

## SUMMARY AND RECOMMENDATION

The proposed development will provide 27 new apartments in Handsworth. It is known that the loss of the existing building is a significant concern and objected to by local people and customers but, for the reasons set out in this report, it is

considered that the Club's closure and the subsequent loss of the facilities it provides is not a sufficient reason to justify the refusal of this application.

The current proposals are considered to have an acceptable architectural style that will enhance the appearance of the site and the Area of Special Character in which it is located. Furthermore, it is expected that the development will enhance the mix and amount of housing in this designated Housing Area, which will aid the city-wide shortage.

The site overall is expected to achieve 10% of its energy needs from renewable energy as well as a reduction in surface water run-off by 30%. It is considered that it will not have a detrimental impact on the setting of the existing neighbourhood and the amenity implications for existing/future residents will be acceptable owing to the design of the scheme.

There are considered to be no significant highway implications generated by the proposal. The car parking levels proposed are acceptable and there are sufficient cycle parking facilities. Furthermore, the site is considered to be in a sustainable location given the high frequency bus routes running immediately adjacent to the site on Handsworth Road.

In terms of landscaping, the proposals can only enhance the existing environment given that the site is currently void of any attractive planting. The requirement to provide public art as part of the development will further enhance the public appearance and interest of the development.

The air quality implications of the development have been assessed and verified by the Council's Air Quality officer. It is concluded that this should not be a constraint to granting planning permission.

Overall it is concluded that the development will make a positive contribution to the site and the surrounding area and it is recommended that planning permission is granted subject to the listed conditions and to the completion of a legal agreement securing the following heads of terms..

#### Heads of Terms

1. The Owners shall pay the Council [on or before the commencement of Development] the sum of £ £130,325 to be used by the Council towards the financing of new Affordable Housing (as defined by reference to the National Planning Policy Framework) by new building or the purchase, refurbishment or conversion of existing private housing within Sheffield.



## SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

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**Report of:** The Interim Head of Planning

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**Date:** 1 November 2016

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**Subject:** Enforcement Report

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**Author of Report:** Lee Brook

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**Summary:** Unauthorised use of land as a vehicle breakers yard, storage of vehicles, parts and waste and erection of an unauthorised building.  
Barleywood Road

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**Recommendations:**

That the Interim 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 extension.

The Interim 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.

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**Background Papers:**

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**Category of Report:** OPEN

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## ENFORCEMENT REPORT

### UNAUTHORISED USE OF LAND AS A VEHICLE BREAKERS YARD, STORAGE OF VEHICLES, PARTS AND WASTE AND UNAUTHORISED ERECTION OF A BUILDING, BARLEYWOOD ROAD

#### 1. PURPOSE OF THE REPORT

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

#### 2. BACKGROUND

- 2.1 A complaint has been received about the use of land adjoining the cemetery for a scrap yard. On visiting the site a car breakers use was found, including storage of scrap vehicles, parts and a large new building was under construction. The owner of the business reports that he has applied for building regulations for the building. This has been checked and confirmed. However there is no planning permission for the new building or for the use of the land. The access lane, part of Barleywood Road is also being used to store vehicles and waste material.
- 2.2 The owner was verbally advised at site, that although the use is described as acceptable in principle, due to the local plan zoning as Industrial land, (see section 3), the close proximity to the cemetery and to the setting of listed buildings raises serious concerns. The quiet enjoyment of the cemetery by families visiting graves could be spoiled and the setting of the listed buildings and listed wall is considered to be spoiled by the visual impact of the use and large new building. A letter, dated 8<sup>th</sup> September was sent to the business owner giving the officer view in writing.
- 2.3 It has been confirmed that some of the unauthorised use is taking place on Barleywood Road carriageway itself, a public highway, (un-adopted), owned by Sheffield City Council. Highways enforcement are taking this up with the business owner to ensure it is free from obstructions. It is currently used for storing scrap vehicles and depositing waste. A public footpath is also affected, in that some of the storage / waste obscures the view of the path line for members of

the public that wish to use it. The Highways public rights of way team are investigating.

2.4 Information checks have also been lodged with the Environment Agency and officers await their response at the time of writing.

### 3. ASSESSMENT OF THE BREACHES OF CONTROL

3.1 The current unauthorised use, includes the yard site and part of the highway, Barleywood Road itself. The yard and the public highway are used in connection with this business, which consists of vehicle breaking, vehicle and parts storage, storage of scrap waste. The highway is being used for parking scrap vehicles and storing waste. A partially built tall building under construction without planning permission has been stopped, with the metal frame walls and roof structure standing at this time. Visits to check this remains so are taking place.

3.2 All the site lies within an area allocated as General Industry Area with Special Industries in the Sheffield Unitary Development Plan, (UDP). It's in an area marked as 'A' on the proposals map.

3.3 IB5 permits the scrap yard use in principle for land within area marked as 'A'. Policy IB9 '*Conditions on Development in Industry and Business Area*', states that new development or change of use will be permitted provided that it would (amongst other things) comply with Policies IB5 to IB8, IB10 to IB14 and T28 as appropriate and comply with policies for the Built and Green Environment, as appropriate. Appropriate UDP policies here are Industry and Business Policies IB5, IB9, IB14 and Built Environment Policies BE15 and BE19.

3.4 IB5 permits the use in principle. IB9 refers to conditions and adherence to other policies, such as Built Environment policies. IB14, '*Siting Industries & Sensitive Uses Near To Each Other*' states that an environmental buffer will be required between industry and sensitive uses. BE15, '*Areas & Buildings of Special Architectural or Historic Interest*' states that buildings and areas of special architectural or historic interest which are an important part of Sheffield's heritage will be preserved or enhanced. Development which would harm the character or appearance of Listed Buildings, Conservation Areas or Areas of Special Character will not be permitted. BE19, '*Development Affecting Listed Buildings*', states, (amongst other things), that development within the curtilage of a building or affecting its setting will be expected to preserve the character and setting of the building and its setting.

3.5 Policy CS74 (Design Principles) within the Sheffield Local Plan Core Strategy states that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods.

- 3.6 Over-arching National Policy. The National Planning Policy Framework (NPPF) has replaced previous national planning guidance and the following paragraphs are relevant in terms of overall principle. Paragraph 9, *'Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment..'* At Paragraph 11, Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. At paragraph 134, Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 3.7 The owner of the scrap business explained that the use has operated for approximately three and a half years with the construction of the building beginning recently.
- 3.8 Barleywood Road runs alongside the Tinsley Park Cemetery's boundary wall and railings. The wall / railings is a grade II listed building, (marked on the plan). Scrap vehicles are stored directly in front of this wall on the highway, obscuring the wall from view. This part of the road is substantially covered in parked scrap vehicles. This part of the road is un-adopted and its surface at this point does not have sealed tarmac surface. On the opposite side of the road from the cemetery wall, there are two scrapped vans and a significant amount of waste, including rubber, plastics, car fabrics and small amounts of metal, other miscellaneous rubbish from vehicles and also piled tree trunks and branches. Photos / plan attached to this report. All of this is visually unattractive when viewed in the context of the cemetery and is clearly visible from the adopted section of Barleywood Road on the approach to the cemetery entrance. The storage and the waste spoils the setting of the listed boundary wall / gates and the chapels in the backdrop. Although a dead-end road, leading to the unauthorised scrap yard, this public highway is also obstructed by these items and highways enforcement are investigating.
- 3.9 The main yard is a typical car breakers and consists of dismantled vehicles, stored parts, tools and plant. At present the maximum height of stored vehicles is just one to two vehicles high. There is no clear / evident plan for waste management, although the owner states that he is working with the environment agency to manage hazardous waste / drainage. Officers are checking this and awaiting feedback from the Environment Agency. The tarmac surfaced yard is substantially covered in a film of oil. A large portal frame building is partially constructed in the yard. Work has stopped following the planning enforcement visit. There is an application under Building Regulations but no application for a planning permission. The yard immediately adjoins the cemetery close to its entrance.

- 3.10 The portal building is tall, though not measured yet. It is very visible from the cemetery and is seen in the backdrop of the listed chapel buildings as you enter the cemetery through the main gates, which are also listed. The photographs attached show the building in the context of the listed buildings and the listed boundary walls, from different positions. There is an existing industrial building further in the background that also has some impact on the setting of the chapel from some angles. However the new scrap yard building is closer and has a greater impact, from more viewpoints. The new building is considered to spoil the setting of the chapel and the cemetery's entrance gates and walls. The lodge house at the entrance is also listed.
- 3.11 In accordance with the National Planning Policy Framework, paragraph 134, the scrap yard development, as far as it stands on private land, is in accordance with the local development plan and therefore would be considered acceptable in principle, being in accord with policy IB5 . Other material considerations are the effect of the unauthorised development on the setting of the listed buildings described in this report. As such the development is considered to be contrary to policies BE15, BE19 and as a consequence IB9 and IB14.
- 3.12 It is acknowledged that there are other existing industrial buildings on adjacent sites to the cemetery. Those buildings however, are not in such close proximity to the listed buildings and have less of an impact on their setting. The close proximity is also considered to be potentially detrimental to the quiet enjoyment of people visiting family graves by way of general noise disturbance..

#### 4. REPRESENTATIONS

- 4.1 One complaint has been received from a member of the public that regularly visits family graves at the cemetery. The complaint, via the local MP, refers to the inappropriate use next to the cemetery.

#### 5. ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 Section 171C of the Town & Country Planning Act 1990, ('the Act') provides for the service of a Planning Contravention Notice, (PCN). It requires information about the breach of control and property ownership. It also gives an opportunity to meet with officers to make representations. Such a meeting can be used to encourage regularisation and/or discussions about possible remedies where harm has occurred. In this case regularisation is not being recommended.
- 5.2 Section 171E of the Act provides for the service of a Temporary Stop Notice (TSN) if it is expedient to require a breach of planning control to be stopped immediately. The temporary stop period lasts for 28 days to allow the Council time to decide / implement further enforcement action, if necessary. There is no right of appeal against a TSN. This

option is being considered due to the nature of the use and its impact on the neighbouring cemetery and listed buildings.

- 5.3 Section 172 of the Act provides for the service of an enforcement notice, (EN). In this case such a notice would require the removal of the unauthorised building and the cessation of the unauthorised use for vehicle breaking, storage of vehicles and parts.
- 5.4 Section 183 of the Act provides for the service of a Stop Notice in conjunction with an enforcement notice (S172). In this case the stop notice would immediately prohibit the unauthorised use from continuing.
- 5.5 Section 187b of the Act allows the Planning Authority to apply to the Sheffield County Court to restrain a breach of planning control. In this case an injunction would be a last resort if the stop notice/s were ignored. Injunctive action would be a quicker way to stop further unauthorised harmful activity, (than by prosecution for non-compliance with the stop notice).

## 6. EQUAL OPPORTUNITIES

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

## 7. FINANCIAL IMPLICATIONS

- 7.1 Where an enforcement notice (EN) and stop notice, under Section 183, is served compensation may be payable, following appeal, in respect of a stopped activity if:
  - a) the EN is quashed on grounds other than the granting of planning permission,
  - b) the EN is varied so that matters alleged to constitute a breach of control cease to include an activity stopped by the notice,
  - c) the EN is withdrawn by the Council otherwise than in consequence with the grant of planning permission by the Council for the development to which the notice relates; or
  - d) the stop notice is withdrawn.
- 7.2 In the unlikely event compensation is paid, it would be met from the planning revenue budget

## 8. RECOMMENDATION

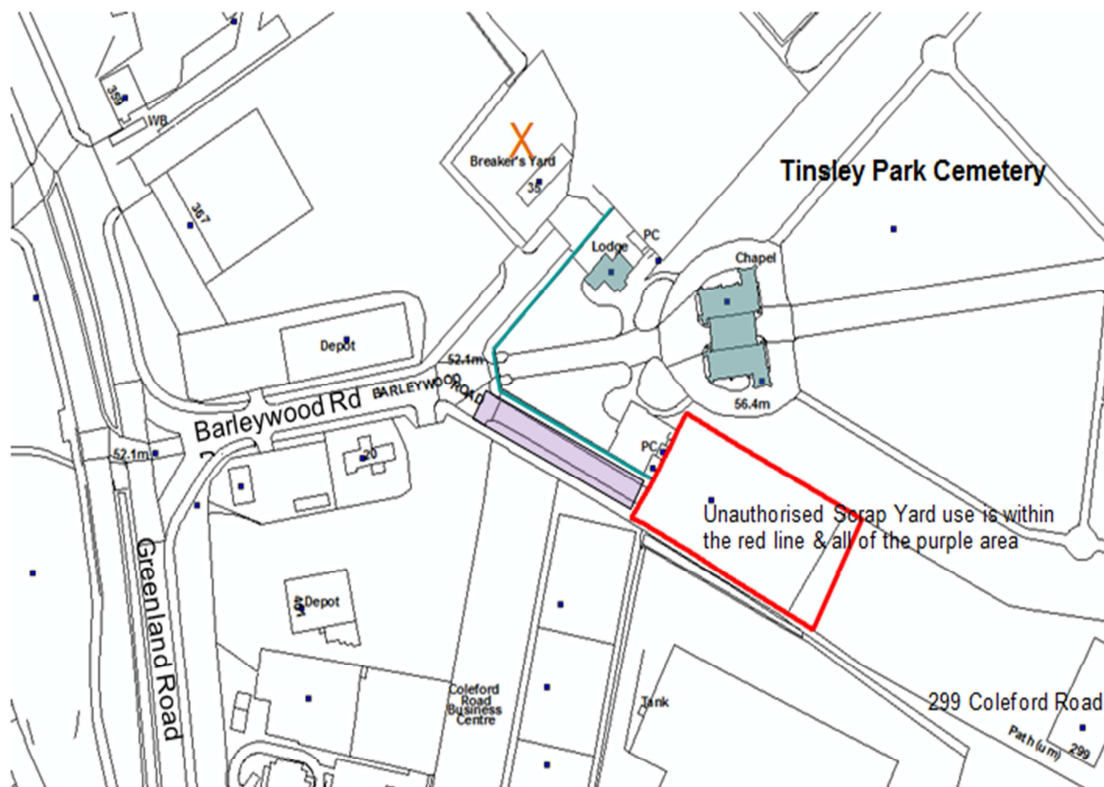
- 8.1 That the Interim Head of Planning be authorised to take any appropriate action including if necessary, enforcement action, including





the use of stop notice powers and the institution of legal to secure the cessation of the use of the land as a vehicle breakers yard and removal of the unauthorised building and clearance of the land of any items associated with the unauthorised use.


- 8.2 The Interim 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 PLAN



 Purple Area is owned by Sheffield City Council – this is being used for storing scrap vehicles & waste. It is part of Barleywood Road

 Red Line is the main yard

 Grade II Listed Buildings, including the walls, lodge & chapels.

 Existing Breakers Yard, which was refused permission initially. Planning permission was granted in 1983 for metals cycling use.

PHOTOGRAPHS





Photos 1, 2 & 3 : (purple area on plan) shows scrap vehicles parked on Barleywood Rd & waste piled on Barleywood Rd, logs etc. Listed wall is behind the cars.

Photos 4, 5 & 6 : Within the main yard area (red line on plan). The Chapel (listed building) & the portal frame building shown.

Photo 7 : Scrap vehicles on Barleywood Rd

Photo 8 : Scrap vehicles on Barleywood Rd. Stone wall is a listed building.





Photos **9, 10, 11**: taken from within the cemetery. Shows the unauthorised portal frame building & the listed chapel.

Photo **12** : taken within the cemetery. It shows the unauthorised portal frame building from deeper within the cemetery.

Photo **13** : example of an existing industrial building close to cemetery but not close to the listed buildings (299 Coleford Rd shown on the plan).

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## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** The Interim Head of Planning

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**Date:** 1 November 2016

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**Subject:** Overview of enforcement activity

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**Author of Report:** Khalid Mahmood

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**Summary:** To inform members of the planning enforcement work being carried out in addition to the formal cases on the 6 monthly update report and to give an overview of the overall quality of the service provided by planning enforcement.

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### **Reasons for Recommendations:**

The purpose of this report is to give Committee Members an overview of planning enforcement work being carried out and the quality of service provided across the City.

### **Recommendations:**

That members note the report.

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### **Background Papers:**

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**Category of Report:** OPEN

1 NOVEMBER 2016

## OVERVIEW OF ENFORCEMENT ACTIVITY

### 1. PURPOSE OF THE REPORT

- 1.1 This is the six-monthly report to inform members of the work being undertaken by the Planning Enforcement Team. The period covered runs from 1<sup>st</sup> April 2016 to 30<sup>th</sup> September 2016.

### 2. ACTIVITY DURING THE PERIOD

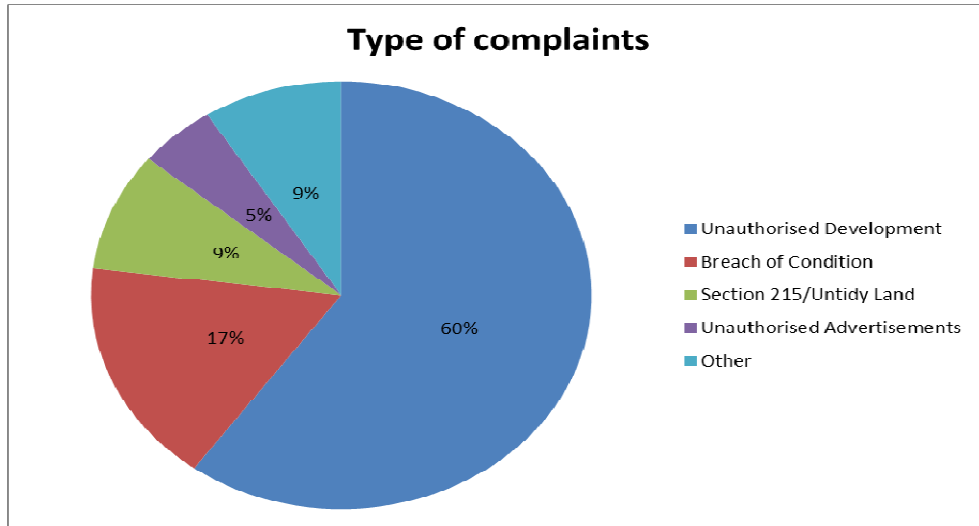
- 2.1 The National Planning Policy Framework (NPPF) is encouraging Councils to publish a Local Planning Enforcement Plan; this is to ensure that planning enforcement remains clear, transparent and accountable. The Enforcement Plan has been drafted and it sets out priorities which take into consideration local circumstances and provide certainty for all involved in the development process. The plan sets out how Sheffield City Council will approach alleged cases of unauthorised development, including what and how it will investigate and when it is appropriate to take enforcement action. The Enforcement plan is now open for consultation until the 16 November 2016.
- 2.2 It is important to prioritise enforcement action according to the level of harm caused by the unauthorised development and in some cases a quick and efficient action can lead to a quick and satisfactory result as in the following case. A number of complaints were received from local residents on the morning of 7 September regarding the installation of cladding at the former Place pub on Nile Street in Broomhill. A subsequent site visit was carried out on the same morning and it was determined that the cladding was in the process of being erected without planning permission although there was an application pending consideration. As the works were in the process of being carried out a planning assessment was carried out and it was determined that the timber cladding was unacceptable and had to be removed. The owner of the site was informed of this and was also warned that if the work did not stop immediately then a Temporary Stop Notice (TSN) would be served. A TSN was drafted as a matter of urgency and when officers went to serve the Notice on that same day the cladding had been removed and the breach had been rectified. In this case, the complaint to the planning enforcement team was dealt with in an efficient and



professional manner that has enabled the breach to be rectified within a day.

### 3 SCALE OF INVESTIGATIONS, INCLUDING MONITORING AND ENFORCEMENT

#### 3.1



3.2 A total of 271 complaints were received and 278 cases have been closed in the last 6 months of which 41% have been remedied or made acceptable. There are currently 545 live cases. Performance has fallen short of the Service target of 60% for cases closed within 6 months due to a combination of staff resourcing issues including the loss of one member of staff arising from budget pressures and a long term sickness absence.

3.3 The table below shows the number of complaints received in the last year 2015/16 and the previous year 2014/15:-

Year 1 <sup>st</sup> Oct 2014 – 30 <sup>th</sup> Sept 2015	Year 1 <sup>st</sup> Oct 2015 – 30 <sup>th</sup> Sept 2016
598	578

### 4 WILLINGNESS TO TAKE STRONG ACTION

4.1 The table below shows the number of formal Notices served and prosecutions carried out within the last year 2015/16 and the previous year 2014/15 to show trends: -

Notice type	Year 1 <sup>st</sup> Oct 2014 to 30 <sup>th</sup> Sept 2015	Year 1 <sup>st</sup> Oct 2015 to 30 <sup>th</sup> Sept 2016
Breach of Conditions	17	8
Discontinuance (adverts)	11	0

Enforcement	19	16
Stop	0	0
Temporary Stop	2	1
Section 215 (untidy land)	23	7
Section 225 (signs)	23	3
Total Notices Served	95	35
Prosecutions	9	14

- 4.2 The table below shows the number of formal Notices served and prosecutions carried out within this period and the previous three quarters to show trends: -

Notice type	Quarter 3 1 <sup>st</sup> Oct – 31 <sup>st</sup> Dec 2015	Quarter 4 1 <sup>st</sup> Jan – 31 <sup>st</sup> Mar 2015	Quarter 1 1 <sup>st</sup> Apr – 30 <sup>th</sup> Jun 2016	Quarter 2 1 <sup>st</sup> Jul – 30 <sup>th</sup> Sep 2016
Breach of Conditions	4	3	1	0
Discontinuance (adverts)	0	0	0	0
Enforcement	3	3	5	5
Stop	0	0	0	0
Temporary Stop	0	0	1	0
Section 215 (untidy land)	1	3	0	0
Section 225 (signs)	2	0	1	0
Total Notices Served	10	9	8	5
Prosecutions	7	3	2	2

- 4.3 The number of formal Notices that have been served in the last 12 months has decreased due to less S225 Notices being served in relation to illegal signs. The number of prosecutions has increased. The number of Enforcement Notices served in the last 6 months has remained consistent. However, the number of Breach of Condition Notices served has decreased in the last 6 months, this has been mainly due to the number of cases relating to breach of conditions dropping to 47 cases received in the last 6 months compared to 105 cases in the previous 6 months.

## 5. CONCLUSION

- 5.1 Due to issues relating to staffing and resources the six month service target has not been met; number of Notices served and prosecutions have remained fairly consistent.

## 6. RECOMMENDATION

- 6.1 This report is for noting



## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** The Interim Head of Planning

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**Date:** 1 November 2016

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**Subject:** Enforcement Report

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**Author of Report:** Khalid Mahmood

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**Summary:** Progress report on enforcement actions authorised by committee in the City.

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### **Reasons for Recommendations:**

The purpose of this report is to inform Committee members of progress on current enforcement cases in City.

### **Recommendations:**

That members note the current progress on actions

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### **Background Papers:**

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**Category of Report:** OPEN



## UPDATE ON LIVE ENFORCEMENT CASES WHICH HAVE BEEN GRANTED AUTHORITY BY MEMBERS

### Report abbreviations

PP	Planning Permission	EN	Enforcement Notice
PD	Permitted Development	PCN	Planning Contravention Notice
BCN	Breach of Condition Notice	S330	Notice under Section 330 of the Act requiring details of interest in land
S215	Notice under Section 215 of the Act – Land adversely affecting amenity of neighbourhood.	S225	Notice under section 225 of the Act requiring removal of illegally displayed placards or posters
TSN	Temporary Stop Notice		

ITEMS IN BOLD TYPE INDICATE CHANGES SINCE LAST REPORT

### CITY CENTRE & EAST AREA

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
1.	Land at Kettlebridge Road, S9	Non-payment of planning obligation monies, £68,893. Planning application 02/03267/FUL. Development Complete	20/12/2010	<b>15.8.16 – No requirement to pursue payment. In light of the Council being unable to proceed with the originally intended highway improvement works to the junction of Woodbourn Road and Parkway Avenue it is recommended that the outstanding monies be written off.</b> (LB)
2.	142 Devonshire Street, S3	Unauthorized signs and the repainting of the shop front	09/08/2016	<b>17/10/2016 – Statement being done for prosecution.</b> (15/00068/ENLBD – FS)

3.	126 Birley Spa Lane Sheffield S12 4EJ	Unauthorised flue, and shipping container, and prevent the unauthorised use as a Fast Food Takeaway.	09/08/2016	<b>17/10/2016 – EN is being drafted and will be served shortly.</b> (16/00314/ENUD- FS)
4.	Land adjacent to Finestra Systems Ltd, Old Lane, Halfway, S20	Planning application (15/04500/FUL) refused with enforcement action - Erection of a warehouse-storage unit	17/05/2016	<b>17/10/2016 – the owner’s agent is to submit a planning application for an alternative proposal.</b> (16/00281/ENUD – FS)
5.	15 Westfield Terrace, S1	Signage	17/05/2016	<b>17/10/2016 – Statement to be done for prosecution.</b> (16/00110/ENLBD – FS)
6.	25 Moor Valley, S20	Unauthorised fence	26/04/2016	<b>17/10/2016 – EN has been served on 23/06/2016 and took effect on the 28/07/2016 with a 16 week compliance period.</b> 03/05/2016 – A letter to be sent before EN is served. (15/00242/ENBC – FS)
7.	38 Sandy Acres Close, S20	Log cabin in rear garden	15/03/2016	<b>17/10/2016 – EN is being drafted and will be served shortly.</b> 03/05/2013 – The refusal of planning permission has been appealed against (16/00263/FUL). EN to be drafted and will be served shortly. (15/00626/ENUHD – FS)
8.	3 & 5 Nursery Street, S3	Illegal signage and storage of materials outside the shop	15/03/2016	<b>17/10/2016 – The case has been reported for prosecution, further investigations to be carried out to determine the owner before a summons is served.</b> 03/05/2016 – Working with the occupier to achieve a more acceptable scheme for the signs, the materials stored outside are considered low key and the occupier has been asked to submit a variation of condition application. (15/00340/ENOA – FS)

9.	46 Paddock Crescent, S2	Tree House	15/03/2016	<b>17/10/2016 – EN has been served on the 3/06/2016 and took effect on the 06/07/2016 with a 16 week compliance period.</b> 03/05/2016 – EN being drafted and will be served shortly. (14/00317/ENUHD – FS)
10.	87 High Street, S20	Flue	15/03/2016	<b>17/10/2016 – EN is being drafted and will be served shortly.</b> (14/00128/ENUD – FS)
11.	43 Moorthorpe Rise, S20	Encroachment of garden into buffer strip	22/12/2015	<b>17/10/2016 – Most of the work has been done. Site visit to be done to confirm that work has been completed as required.</b> 03/05/2016 – Work has started on site and will be completed within the next few weeks – Monitor. 08/02/2016 – EN has been served on 20/01/2016 and took effect on the 20/01/2016 and needs to be complied with by 22/04/2016. (15/00532/ENCHU – JB)
12.	Former South Yorkshire Police Station, Rotherham Road North, S20	Erection of a fence	19/01/2016	<b>17/10/2016 – A hoarding has been erected on site as a prelude to development commencing on the approved housing scheme and therefore the fence is now permitted development. NFA.</b> 03/05/2016 – The owner has stated that hoardings will be erected to the fence so that it will now be permitted under class 8 of the advertisement regulations (construction site) - MONITOR. 08/02/2016 – land Registry search being carried out before EN is served. (15/00279/ENUD – KM)

13.	261 Staniforth Road, S9	Erection of Marquee	01/12/2015	<b>17/10/2016 – Statement to be prepared for prosecution.</b> 03/05/2016 - EN has been served on 22/12/2015 and took effect on 26/01/2016 compliance by 17/05/2016. (14/00017/ENUD – LB)
14.	138 West Street, S1	Fascia signs	29/09/2015	<b>17/10/2016 – Application (16/02272/ADV) has been submitted and is pending consideration.</b> 03/05/2016 – An application for an alternative proposal to be submitted in the next few weeks. 08/02/2015 – the signage has not been removed within the time period given, a prosecution file being prepared. 20/10/2015 – Letter has been sent asking to remove sign. (13/00500/ENOA – KM)
15.	55 Bawtry Road S9	External wall insulation	24/06/2014	<b>17/10/2016 – Works have begun to comply with Notice – Monitor.</b> 08/02/2016 – An extension of time has been given to resolve the issue until 01/02/2016, No work has been done – chasing progress, if no progress then that matter will be reported for prosecution. 20/10/2015 – Within compliance period. 08/07/2015 - An EN has been served on 25/06/2015 comes into effect on 27/07/2015 unless appeal is made and needs to be complied by 27/11/2015. (15/00058/ENBC – LB)



16.	24 Dundas Road, S9	External wall insulation	24/06/2014	<b>17/10/2016 – Works has begun to comply with Notice – Monitor.</b> 08/02/2015 – The EN has not been complied reminder letter to be sent. 20/10/2015 – Within compliance period. 08/07/2015 – An EN has been served on 25/06/2015 comes into effect on 27/07/2015 unless appeal is made and needs to be complied by 27/11/2015. (15/00059/ENBC – LB)
17.	1 Blackmore Street, S4	Re-roofing of a listed building	16/06/2015	<b>17/10/2016 – The appeal has been dismissed and the owner has been given 26 weeks to comply with the EN from 28/06/2016.</b> 03/05/2016 – The EN has been appealed against and is being considered by the Planning Inspectorate. 20/10/2015 – EN has been served and an appeal has been made. 08/07/2015 – Details have been sent to legal and admin to serve an EN (14/00207/ENUD – FS)
18.	Woodhouse Spice, 14 Market Square, S13	Unauthorised signs on a listed building	26/05/2015	<b>17/10/2016 – The owners have been prosecuted conditional discharge with costs.</b> (14/00019/ENOA – FS)
19.	20 Dovercourt Road, S2 1UA	Untidy front and rear garden	20/11/2014	<b>17/05/2016 – Some work has been done to tidy the site since the original successful prosecution in 2015 – monitor.</b> (13/00084/ENS215 – FS)

20.	33 Pavilion Way, S5 6ED	Unauthorised single storey side and rear extension	09/12/2014	<p><b>17/10/2016 – Part of the extension has been demolished a reminder letter has been sent asking when the works will be completed.</b> 03/05/2016 – Work to begin in the next 2 weeks to remove extension and replace it with an extension what would be PD - Monitor. 08/02/2016 – Serious defects with extension have made it impossible to comply with building regulations, therefore PP cannot be implemented. Alternative extension now PD and has building regulation approval. The existing extension to be demolished in the next few weeks. 20/10/2015 – Work has not started yet reminder letter to be sent. 08/07/2015 – Appeal against the planning application has been allowed conditionally – Condition requires plastic to be replaced by brickwork within 6 months – Deadline 16/10/2015 - Monitor 20/04/2015 – The planning application was refused on 17/03/2015 and an appeal has been lodged on the 01/04/2015. 19/01/2015 – Application (15/00183/FUL) has been submitted on 15/01/2015 for retention and alterations to design and materials, and is in the process of being logged on the system. (16/00121/ENBC – LB)</p>
21.	42 Dundas Road, Tinsley, S9 1SY	Unauthorised external flue	15/10/13	<p><b>17/10/2016 – Still awaiting Police to execute the warrant.</b> 07/04/14 - EN has been served 3/01/14 comes into effect 07/02/14 and required compliance by 02/05/14. (13/00039/ENUD – LB)</p>

22.	484 Staniforth Road, Darnall, S9 3FW	Unauthorised roof extension	25/01/2010	<p><b>17/10/2016 – The owner was found guilty for the 2<sup>nd</sup> time and was fined £140.00 with £260 costs. A letter has been sent asking for the EN to be complied with – no response received therefore the matter will now be reported for 3<sup>rd</sup> prosecution.</b> 03/05/2016 – Court hearing on the 9/03/2016 and was subsequently adjourned until 12/05/2016. 08/02/2016 – prosecution file with litigation waiting for court date. 20/10/2015 – 2<sup>nd</sup> prosecution statements being done. 08/07/11-Fined £200+100 costs, reminder to be sent to comply with EN. 20/01/2011 (10/00384/ENUD – LB)</p>
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SOUTH AREA

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
1.	The Crown Inn Hillfoot Road, Totley,S17 3AX	Unauthorised use of green belt land at the rear of the Crown Inn as a beer garden.	09/08/2016	<b>17/10/2016 – Various discussions have taken place with the landlord and Licensing Officers and an application is to be submitted for the Councils consideration. With regards to the non-compliance with the TSN this matter has been reported for prosecution.</b> (16/00246/ENCHU – JB)
2.	13 College Street, S10 2PH	Planning permission (16/02068/FUL) refused with enforcement action for the retention of Service meter boxes on the front elevation of the property	09/08/2016	<b>17/10/2016 – In discussion with owners to get the meter boxes relocated to an alternative more acceptable location.</b> (14/00445/ENART4 – AW)
3.	Unit B, Old Station Drive, S7 2PY	unauthorised fence	28/06/2016	<b>17/10/2016 – EN is being prepared and will be served shortly.</b> (12/00772/ENUD - AW)
4.	3 Nether Edge Road, S7	Canopy	23/02/2016	<b>17/10/2016 – EN has been served on 23/06/2016 and took effect on 10/07/2016 needs to be complied by 10/01/2017.</b> 03/05/2016 – The owner has submitted an alternative scheme for the Councils consideration, which is under consideration. However, EN has been drafted and will be served shortly (13/00634/ENUD – LB)
5.	Broomhill Property Shop, 319 Glossop Road, S10	A fascia sign has been erected on a listed building without consent	10/11/2015	<b>17/10/2016 – A letter to be sent asking to remove the signage with a reasonable time period.</b>

				(15/00087/ENLBD – AW)
6.	3 Crescent Road, S7	An erection of a tree house	22/12/2015	<b>17/10/2016 – The amended scheme application (16/01545/FUL) has been refused – A reminder letter to be sent, before EN is served.</b> 03/05/2016 - The owner is to submit an alternative proposal for the Council's consideration. 08/02/2016 – Planning application (15/03806/FUL) has been refused and letter to be sent that an EN will be served if the tree house is not removed. (15/00256/ENUHD – AW)
7.	259 Abbeydale Road, S7	Unauthorised erection of digital signage		<b>17/10/2016 – An application (16/00914/ADV) has been submitted pending consideration.</b> 08/02/2016 – A letter to be sent asking to remove signage or submit an application for an alternative more acceptable sign. (15/00454/ENBC – AW)
8.	183 – 187 Abbeydale Road, S7	Unauthorised canopy	19/01/2016	<b>17/10/2016 – Further evidence has been provided by the owner which shows that the canopy had been in place for more than 4 years when the EN was served. NFA.</b> 03/05/2016 – EN has been served on 04/04/2016 took effect on 6/05/2016 and needs compliance by 06/11/2016. 08/02/2016 – EN to be served (13/00499/ENUD – FS)
9.	16 Moor Oaks Road, S10	Unauthorised replacement of windows	01/12/2015	<b>17/10/2016 – Awaiting outcome of appeal.</b> 03/05/2016 – An appeal has been made to the Planning Inspectorate, statement to be done. 08/02/2016 – EN has been served on 01/02/2016 and takes effect on 04/03/2016 and needs

				compliance by 04/09/2016 (14/00138/ENART4 – AW)
10.	30 Stainton Road, S11	A rear dormer balcony	01/12/2015	<b>17/10/2016 – Statement to be done for prosecution.</b> 03/05/2016 – An appeal has been made to the planning Inspectorate against the planning decision (15/03156/FUL) awaiting outcome before any further action is taken. 08/02/2016 – An EN has been served on 14/01/2016 and takes effect on 22/02/2016 and needs compliance by 16/05/2016. (15/00282/ENUHD – AW)
11.	166 Abbeydale Road, S7	Unauthorised canopy	03/03/2015	<b>17/10/2016 – It has been brought to the Councils attention that the ownership has changed. New Land Registry checks to be carried out and S330 Notice to be served.</b> 03/05/2016 – 1 <sup>st</sup> hearing was on 04/02/2016 and 2 <sup>nd</sup> hearing was on 03/03/2016 did not attend for both and a warrant has been issued for his arrest. 08/02/2016 – File with litigation waiting for a court date. 21/10/2015 – EN has not been complied with - Prosecution file being prepared. 13/07/2015 – EN has been served on 09/04/2015 and takes effect on 11/05/2015 and compliance by 31/08/2015. 22/05/2015 – EN has been served on the 09/04/2015, comes into effect on the 11/05/2015 unless an appeal is made (16 week compliance period). (13/00146/ENUD – FS)
12.	13 College Street, S10 2PH	Unauthorised replacement of roof tiles within an Article 4 Area	11/04/2014	<b>17/10/2016 – Roof tile samples have been agreed and the owner has given assurances that works to the roof will</b>

				<b>be done end of October - Monitor</b> 08/02/2016 - Prosecution file being prepared for litigation. 20/01/2015 – The time period for compliance has expired and reminder letter to be sent. (13/00373/ENART4 – AW)
13.	Vestry Hall 80 Crookesmoor Road Sheffield S6 3FR	Untidy Grade 2 Listed building	16/10/2014	<b>17/10/2016 – The works have not been done and the company has gone into receivership. Legal advice being sort on what action can be taken.</b> 08/01/2016 – The works are in two parts 1 <sup>st</sup> part should have been completed by 31/01/2016 and 2 <sup>nd</sup> part by 31/03/2016 – no work has been done yet to comply and the matter is to be reported for prosecution. 22/10/2015 – It has been agreed in Court that the works will be done by 01/2016. 13/07/2015 – Appeal has been lodged and is due in Court on the 11 August for full hearing. 19/01/2015 – A S215 Notice has been served on the 16/10/2014. An appeal has been made. Statements being done for hearing in Court. (11/00127/LGF215- JB)
14.	44 Grange Crescent, Nether Edge, S11 8AY	Unauthorised replacement of windows, roof tiles, guttering, door and repainting of headers, sills and architectural feature	07/02/2011	<b>17/10/2016 – No work has been carried out. Statement to be done for 3<sup>rd</sup> prosecution.</b> 03/05/2016 - A new phased deadline has been given for the works to be carried out. If the first phase is not carried out before the 25/06/2016 then the matter will be reported for 3 <sup>rd</sup> prosecution. (10/00370/ENART4 – KM)
15.	166, 223-225, 234, 235, 243-245 and	Illegal Signs	16/09/2014	<b>17/10/2016 – Statement to be done for prosecution.</b> 03/05/2016 – Signs at 223-

	280 Abbeydale road, S7			<p>225 have been removed. Identifying up to date details for properties 166, 234, 235 and 243 -245 before these are reported for prosecution. 08/02/2016 – Serving 330 Notice on new occupiers and prosecution file being prepared for 223-225 Abbeydale Road. 22/10/2015 – No 280 has been prosecuted and fined £420 in total and the signs have been removed. 13/07/2015 – Property no 280 due in Court in August 2015 and with regards to other properties officers are trying to identify the owners before reporting to prosecution. 16/01/2015 –Occupier details being identified before the matter is reported for prosecution. 14/10/2014 - Writing to owners/occupiers to advice of pending prosecution - locating up to date contact details for each property.</p> <p>(13/00164/ENOA – AW – 166)  (13/00160/ENOA – AW – 234)  (13/00162/ENOA – AW – 235)  (13/00161/ENOA – AW – 243-245)</p>
16.	31 Moor Oaks Road, S10 1BX	Unauthorised replacement front door and frame	26/08/2014	<p><b>17/10/2016 – The owner has agreed that the door will be replaced shortly, which has been confirmed by the joiner. Site visit to be done to check if work has been done.</b> 03/05/2016 – The matter has been reported for prosecution. 08/02/2016 – Final letter to be sent before the matter is reported for prosecution. 22/10/2015 – Replacement door details have been agreed, if no progress made to replace door then the matter will be reported for</p>



				prosecution. 22/04/2015 – Appeal has been dismissed within compliance period. 16/01/2015 – EN has been served on 14/11/2014 came into effect on the 12/12/2014 and needs to be complied with by 06/03/2015. The appeal against the planning application has been dismissed. – Monitor. 14/10/2014 – EN with legal, due to be served shortly (14/00209/ENART4 – AW)
17.	261A, 269 & 271-273 Fulwood Road, S10	Unauthorised replacement windows	17/12/2013	<b>17/10/2016 – Works have been done to comply with the EN – NFA.</b> 03/05/2016 – the prosecution has been adjourned until May 2016 to give the owner the opportunity to replace the windows. 08/02/2016 – Prosecution took place on 04/02/2016. The owner did not attend and case was adjourned until 3/03/2016 for the Court to write to him that if he doesn't attend a warrant will be issued. 22/10/2015 – File with legal for prosecution. 13/07/2015 - Appeal has been dismissed still within compliance period. 16/01/2015 – the appeal has been dismissed on 21/01/2015 - 6 Month compliance period. . 06/03/14 - Appealed EN. Appealed refusal 13/02/2014 EN served, appealed under same grounds. Application refused with authority to serve EN (13/00396/ENUD – AW – 271-273) (13/00533/ENART4 – AW – 261A) (14/00165/ENART4 – AW – 269)
18.	Land Between 1 To 3 and No 5 And 7	Erection of an Unauthorised wall	11/03/2014	<b>17/10/2016 – Consent has been granted for the wall, which is now part of an</b>

	Dover Road S11 8RH			<b>approved building – NFA.</b> 03/05/2016 - Condition application has been submitted and is pending consideration (15/01006/COND1) – Monitor. 22/10/2015 – New scheme has been approved (15/01006/FUL) – Scheme not implemented yet – Monitor progress, if no progress made then matter reported for prosecution. 13/07/2015 Still within compliance period (until October 2015) 22/04/2015 – Appeal has been dismissed still within compliance period. 16/01/2015 - Awaiting Planning Inspector decision. 18/07/2014 – Appeal Statements submitted. 1/06/2014 Appeal Lodged. 09.04.2014 – EN served with 6 month compliance period. (14/00171/ENUD – BG)
21	263 Cemetery Road, S11 8FS	Unauthorised replacement of windows to the front and side of 263 Cemetery Road, S11, facing Grange Crescent Road and Cemetery Road, the erection of a new soil pipe facing Cemetery Road, a new down pipe adjacent to the bay window facing Grange Crescent Road, the replacement of guttering and the erection of roof felt on the ground floor bay windows.	05/11/2013	<b>17/10/2016 – As the company is registered in Isle of Man it is outside of the jurisdiction of the Court and prosecution is not possible until the property is registered in the UK or there are resources available to carry out direct action works.</b> (13/00131/ENUD – KM)
25	204 Chippinghouse Road, Nether Edge, S7 1DR	Unauthorised replacement of windows and door within an Article 4 area	13/08/2012	<b>17/10/2016 – New joiner has been appointed and work should be carried out soon as possible to replace the last</b>

				<b>window.</b> 03/05/2016 – the upstairs windows have been replaced and the old door has been put back. 12/07/13 – EN was served (21/09/12) and took effect on 26/10/12 – 9 month compliance period (26/07/13). No work commenced on site as yet. (12/00106/ENUJ – KM)
26	7 Greenfield Drive, S8 7SL	Unauthorised signage on display	26/09/2011	<b>17/10/2016 – The sign falls within class 2C and therefore it has deemed consent. – NFA</b> 03/05/2016 – A final reminder letter to be sent before prosecution. 08/02/2016 –To be reported for prosecution. 22/04/2015 – A letter to be sent asking to remove sign within 21 days, if not removed then report for prosecution. 16/01/2015 – The Section 330 Notice has not been returned a reminder letter to be sent. 14/10/2014 –Letter and S330 notice to be served. (10/00905/ENOA – AW)
27	Ball Inn, Mansfield Road, S12 2AG	Unauthorised Hoarding	21/06/2010	<b>17/10/2016 – A reminder letter to be sent and then the matter will be reported for prosecution.</b> 03/05/2016 - Low priority but DN to be served. 22/04/2015 – S330 Notice has been served awaiting response. 16/01/2015 – Letter and S330 Notice to be served. (10/00189/ENHOA – BG)
29	Norfolk Arms Public House, Ringinglow Village, S11 7TS	Unauthorised fume extraction and Lighting Columns.	19/05/2008 & 21/09/2009	<b>17/10/2016 – Agreed with owner that a new application will be submitted for alternative lighting design.</b> 03/05/2016 – A joint site visit to be carried out with Planning and enforcement officer to assess

				<p>current situation before prosecution file is prepared. 22/10/2015 – Final warning letter to be sent before file passed to litigation. 13/07/2015 – New photographs to be taken and then statement to be done for prosecution. 14/10/2014 –Reminder letter to be sent asking him to comply with notice within 28 days. If no response then prosecution file to be prepared. (10/00759/ENBC – BG)</p>
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## WEST AND NORTH AREA

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
1.	72 Roebuck Road, S6 3GQ	Unauthorised commercial use of land, including the provision of an unauthorised shipping container	28/06/2016	<b>17/10/2016 – EN has been served on 19/08/2016 and came into effect on the 19/09/2016.</b> <b>(15/00431/ENCHU - AW)</b>
2.	Meade House, 96 - 100 Middlewood Road, S6	Reduction of eaves height planning permission (15/03524/FUL)	05/04/2016	<b>17/10/2016 – PP has been granted – NFA</b> 03/05/2016 – Planning application 16/01600/FUL has been submitted to rectify the planning position. <b>(16/00215/ENUD– LB)</b>
3.	110 Bolsover Road, S5	Unauthorised external wall insulation added to front and rear walls of house in breach of the materials condition in the planning permission under PD.	11/12/14	<b>17/10/2016 - Difficulties in identifying the owners address details so that a summons can be served – further investigations being carried out.</b> 26/10/2015 – File with legal awaiting court date. 09/07/15 - Legal proceedings being prepared & should be underway by next update – for failure to comply with BCN. BCN served 29/1/15. <b>(14/00591/ENBC – LB)</b>
4.	523 Loxley Road, S6	Unauthorised Car Port erected at rear of house, which includes a balcony roof.	09/12/14	<b>17/10/2016 – The appeal has been dismissed. A letter has been sent requesting compliance with EN.</b> 03/05/2016 – Awaiting Inspector decision. 26/10/2015 – Awaiting outcome of appeal. Appeal lodged against EN, process

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
				underway. EN served 19/2/15. It requires removal of canopy & balcony by 15/5/15. (12/00731/ENUD – BG)
5.	209 Stannington Road, S6	Unauthorised Front Extension to House	09/12/14	<p><b>17/10/2016 – the owner was found guilty and fined £50 with £50 costs. A further letter to be sent requesting that work is carried out as required by the EN if not the matter will be reported for 2<sup>nd</sup> prosecution.</b>03/05/2016 – Work has not been carried out as required by the Notice, prosecution file is being prepared.</p> <p>09/02/2016 – 6 month conditional discharge given in Court. A letter to be sent asking to comply with EN. 26/10/2015 – 1<sup>st</sup> hearing on the 26/11/2015. EN not complied with, legal proceedings being prepared at 09/07/15. EN served 16/1/15. It requires removal of white plastic extension from the front of house by 11/5/15. (13/00135/ENUD – BG)</p>
6.	Land, Rear of Former Middlewood Tavern, Middlewood Road North	Unauthorised Excavation Works.	09/12/14	<p><b>17/10/2016 – PP has been granted - NFA</b></p> <p>03/05/2016 - Planning application (15/03455/FUL) has been submitted. Pending consideration. (14/00141/ENUD – LB)</p>
7.	Oak Lodge Farm, Thompson Hill, S35	Unauthorised siting of 2 caravans and 4 metal	01/04/14	<b>17/10/2016 - No response received from the previous owner. Meeting to take</b>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
		containers		<p><b>place between Team Managers to discuss whether it is expedient to enforce.</b> 03/05/2016 - Letter has been sent to previous owner of property asking to confirm when the use began. 26/10/15 – 3 unauthorised containers and one caravan have now been removed from the land following the serving of an EN. One caravan remains that is being used as residential accommodation. This is considered to be a breach of planning control by way of the unauthorised change of use of the land from agricultural to residential. To be immune from enforcement action the landowner must show that the land has been used continuously for residential purposes for 10 years or more. A letter is to be sent to the previous owner seeking further information regarding the history of the use of the caravan. 16/1/15– The Council withdrew the EN &amp; its interest in the Public Inquiry due legal advice (from Council's Barrister). This is due to significant steps taken by the owner /appellant to remedy the issues covered by the EN. Step included removal of Two containers (containers 1 &amp; 3) &amp; one of the caravans (caravan B). The decision</p>

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				<p>is also due to the late submission of evidence on behalf of the appellant (a few days before the Inquiry) in relation to residential caravans (caravan B was already removed but A remains).  29/1/15 – Noted by officers on site that container 3 removed from land &amp; container 4 has now been relocated to a position between two existing farm buildings, removing planning objections to it (on visual grounds).  The only issue remaining is residential caravan A.  21/4/15 - Legal advice being taken in relation to caravan A  Appeal lodged &amp; Public Inquiry to be held 20/1/15. EN served 16/4/14, requires removal of 2 caravans &amp; 4 containers.</p>
8.	492 Barnsley Road	Unauthorised Change of Use from A1 to A5 and erection of external flue without planning permission	11/03/2014	<p><b>17/10/2016 – PP has been granted – NFA.</b> 03/05/2016 – The application has been validated and is pending consideration. 09/02/2016 – The flue has been relocated to an acceptable location. However, the use and the flue still need to be regularised. Reminder letter to be sent to validate the application. Application submitted for change of use &amp; flue, ref:</p>



NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
				14/02077/FUL Preparations being made for service of EN to remove flue and negotiations needed to find alternative method of venting fumes away without causing visual harm. (11/00147/ENUD – KM)
9.	290-308 Pitsmoor Road	(1) Use of Ground floor for retail shop, 1 <sup>st</sup> & 2 <sup>nd</sup> floors as HIMO, (11/00050/FUL refused) (2) Canopy to front of Shop refused PP	19/4/2011	<b>17/10/2016 - Application for signage (16/00262/ADV), condition discharge application (11/01912/COND1) and variation of condition application (16/00271/FUL) have been submitted pending consideration.</b> 26/10/2015 – Reminder letter to be sent if no response BCN to be served. Little progress due to other high priority work. Progress expected by next update. 06/01/15 – Conditions in breach identified, contacting new owner to address before next quarterly update, for any outstanding conditions, such as boundary treatment, surfacing works etc. (1) EN proposed regarding discharge of conditions of 11/00050/FUL as agent pulled out and no sign of progress. 31/10/12. Officers talking with agent regarding discharge of conditions before application submitted for same. 31/7/12. Discharge of conditions application being

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
				<p>prepared for this PP.            (1) New application 11/01912/FUL to improve the scheme taking account of reasons for refusal of HMO/Shop, (amendment to refusal of broadly similar scheme ref.11/00050/FUL), was granted conditionally 11/8/11. Shop &amp; HMO has PP (2) 11/03370/ granted 3/1/12, implementation will supersede the EN. EN not complied with at 30/12/12. Holding back from prosecution for time being due to new application 11/03370 for alternative canopy to the one built.            EN served 8/6/11, took effect 13/7/11.            (14/00535/ENBC – KM)</p>
10.	Youth Club Building, Burgoyne Road, S6	Non-payment of planning obligation monies £10,897.40 in relation to 05/00551/FUL. Change of use taken place and flats now occupied	25/01/2011	<p><b>17/10/2016 - Briefing notes being prepared by legal on what action to be taken.</b> 26/10/2015 - Ongoing litigation case to pursue original owner who signed the s106. Legally the new owner cannot be sued. Solicitors are examining ownership to decide who to pursue for the money. 06/04/11 Developer Mr Dempsey still owns the site. Case with litigation &amp; prosecution to be considered.</p>
11.	Parker's Yard, Stannington Road, S6	Unauthorised use as self-storage & metals recycling	10/06/2010	<p><b>17/10/2016 – new application (14/02426/CHU) under consideration /</b></p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
		facility. 09/02757/CHU refused PP.		<p><b>decision pending.</b> 14/02426/CHU submitted to retain previously refused use setting out case that it is operating without nuisance. Deadline set, of the same period given in the EN to cease the use at Parker's Yard due to lack of alternative plan from Carwood Commodities. Proposed that 16 weeks be given from date of committee if approved by Members. At Jan 2014, the lease is still being actively negotiated for the Pearson Forge Site, but it remains unsigned due to difficulties on the seller's part. The business is overcoming problems with bank &amp; with the vendor for the due to the economic climate but progress is being pushed by the company, albeit slowly due to increasing demands being asked of them. The company is determined to resolve this. 18/7/12, still delayed by solicitors, expecting contract sign for Pearson Forge soon. 1/3/12, Land contamination survey completed awaiting results of analysis, (takes 6wks= approx 10/4/12). Owner reports on 28/3/12 there shouldn't be further obstacles if analysis shows the land is ok. Business owner continues to update officers with progress</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
				<p>reports. Work on site now likely to be later, March, due to owners Bank requiring more info on structural stability of site buildings &amp; land contamination. Relocation - the legal process begun &amp; discharge planning conditions also taking place now. Initial estimate is Dec'11 for work to start at Pearson Forge. Alternative site that would be suitable for relocation identified &amp; 11/01953/CHU granted 13/9/11 for former Pearson Forge at Livesey St. Appeal against EN was dismissed 14/3/11; new compliance period ends 2/7/11. EN served requiring uses to stop by 20/4/11. Appeal against refusal of 09/02757/CHU dismissed. (10/00464/ENUD – LB)</p>
12.	Dial House Club, Far Lane/Ben Lane, S6	<p>Non-compliance with conditions attached to PP04/04797/FUL, Cond 2-materials for external surfaces, C3-design details for new apartment building, C4-landscaping for grounds, C6-highway access &amp; finishes to frontage, C8-pedestrian access to new bowling green, C9-new pavilion details, C10-bowling</p>	15/12/2009 (delegated authority)	<p><b>17/10/2016 - Condition 8 relating to pedestrian access, Condition 9 relating to details of pavilion to serve the new bowling green and condition 10 programme of maintenance have not been discharged - BCN to be served.</b> 09/02/2016 – Conditions applications have been determined site visit to be done to check if work has been carried out in accordance with what has been approved. 26/10/2015 – In discussions with Planning</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
		green maintenance.		<p>Officer to Resolve issues regarding bowling green. 26/09/2015 - Applications under consideration, decision pending. Discharge of Conditions applications, 13/00599/COND &amp; 13/00606/COND under consideration likely to come to committee in Feb/March. Development nearly complete. PP being implemented at 26/9/11, BCN now complied with. Meeting inc developer, officers &amp; Members was held in Dec10 &amp; promise to start work along agreed lines made to start Jan'11. Discharge of conditions agreed in principle with applicant at meeting 6/8/10 subject to approval of application. BCN served 21/12/09. Condition details required by 29/3/10.</p> <p>(16/00256/ENBC – LB)</p>

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## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** The Interim Head of Planning

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**Date:** 1 November 2016

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**Subject:** RECORD OF PLANNING APPEALS  
SUBMISSIONS & DECISIONS

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**Author of Report:** Claire Woods 0114 2734219

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**Summary:**

List of all newly submitted planning appeals and decisions received, together with a brief summary of the Inspector's reason for the decision

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**Reasons for Recommendations**

**Recommendations:**

To Note

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**Background Papers:**

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**Category of Report:** OPEN

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## DEVELOPMENT SERVICES

REPORT TO PLANNING &  
HIGHWAYS COMMITTEE  
1 NOVEMBER 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 the laying out and construction of a means of vehicular access at 341 Manchester Road, Stocksbridge, Sheffield, S36 2RB (Case No 16/00302/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 the reconstruction of a retaining wall and steps, restoration of dwarf stone walls and installation of railings along the street frontages and the reconfiguration, resurfacing & re-landscaping of the front car park (including removal of 4 trees) at 1 Beech Hill Road, Sheffield, S10 2SA (Case No 15/02466/FUL)

### 3.0 APPEALS DECISIONS - ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse advertisement consent for a freestanding portrait LED advertising display unit at Ponds Forge, Sheaf Street, Sheffield, S1 2PZ (Case No 16/00112/HOARD) has been allowed.

Officer Comment:-

The Inspector considered the main issues to be the effect of the proposed advert on the character and appearance of the area. Whilst she agreed that the illuminated display would draw the eye at night she did not consider it would be out of place given the scale of the buildings and the strong urban context approaching Park Square roundabout, with numerous examples of urban street furniture. She also considered the gable end of Ponds Forge to be plain in appearance and that the display would add visual interest and enliven the approach to the roundabout. She did not consider that the display would dominate the approach and concluded that the display would integrate comfortably with the prevailing character such that there would be no conflict with adopted planning policy. She therefore allowed the appeal subject to



conditions.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for alteration of existing upvc windows to plastic sash windows at 483A Glossop Road, Sheffield, S10 2QE (Case No 16/00140/FUL) has been allowed conditionally.

Officer Comment:-

The Inspector identified the main issue as being the effect on the character or appearance of the Broomhill Conservation Area.

They noted the unit is a first and second floor flat with a retail unit below and its curved façade provides a positive contribution to the street scene. The appeal proposal replaces the existing first and second floor upvc windows with new upvc windows.

The Inspector appreciates the Council's concerns about the inability of upvc windows to achieve the same characteristics as timber sliding sash units but notes that in this case the original features have already been lost. In addition the windows were a better match for the original sash windows than the current versions in place and on this basis would preserve the character or appearance of the Conservation Area.

Whilst it is disappointing that the Council's decision has been overturned by the Inspector, it is important to note that the vast majority of cases of this type are determined in the Council's favour. Each case is considered on its merits and this decision is not a precedent for future outcomes, though it is noted that the Inspector here considered that the improvement in the appearance of the windows was sufficient to deem it acceptable.

#### 4.0 RECOMMENDATIONS

That the report be noted

Flo Churchill  
Interim Head of Planning

*1 November 2016*

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