

Planning and Highways Committee

Tuesday 13 December 2016 at 2.00 pm

**To be held at the Town Hall, Pinstone
Street, Sheffield, S1 2HH**

The Press and Public are Welcome to Attend

Membership

Councillors 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.

PUBLIC ACCESS TO THE MEETING

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

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk. You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday. You may not be allowed to see some reports because they contain confidential information. These items are usually marked * on the agenda.

Recording is allowed at Planning and Highways Committee meetings under the direction of the Chair of the meeting. Please see the website or contact Democratic Services for details of the Council's protocol on audio/visual recording and photography at council meetings.

Planning and Highways Committee meetings are normally open to the public but sometimes the Committee may have to discuss an item in private. If this happens, you will be asked to leave. Any private items are normally left until last.

Further information on this or any of the agenda items can be obtained by speaking to Martyn Riley on 0114 273 4008 or email martyn.riley@sheffield.gov.uk.

FACILITIES

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

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

**PLANNING AND HIGHWAYS COMMITTEE AGENDA
13 DECEMBER 2016**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 1 - 4)
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 5 - 10)
Minutes of the meeting of the Committee held on 22 November 2016
- 6. Site Visit**
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 7. Applications Under Various Acts/Regulations** (Pages 11 - 98)
Report of Interim Head of Planning
- 8. Record of Planning Appeal Submissions and Decisions** (Pages 99 - 104)
Report of the Interim Head of Planning
- 9. Date of Next Meeting**
The next meeting of the Committee will be held on 10 January 2017

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

If you are present at a meeting of the Council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest (DPI)** relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either -
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's 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.

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SHEFFIELD CITY COUNCIL

Planning and Highways Committee

Meeting held 22 November 2016

PRESENT: Councillors Chris Rosling-Josephs (Chair), Ian Auckland, David Baker, Jack Clarkson, Michelle Cook, Dawn Dale, Tony Damms, Dianne Hurst, Joe Otten, Zahira Naz, Peter Price, Peter Rippon, Andrew Sangar (Substitute Member) and Zoe Sykes

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1. APOLOGIES FOR ABSENCE

- 1.1 An apology for absence was received from Councillor Roger Davison and Councillor Andrew Sangar attended as the duly appointed substitute. An apology for absence was also received from Councillor Alan Law, 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 There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETING

- 4.1 The minutes of the previous meeting of the Committee, held on 1 November 2016, were approved as a correct record.

5. SITE VISIT

- 5.1 **RESOLVED:** That the Interim 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. PROPOSED DIVERSION OF FOOTPATH BRA/71: BROAD OAK HOUSE, STOPES ROAD

- 6.1 The Interim Head of Planning submitted a report seeking authority to process the Public Path Diversion Order required altering the course of definitive public footpath BRA/71, at Stopes Road, Stannington. The report stated that it was proposed by the land owner of Broad Oaks Farm to divert a 120m section of footpath by moving it 22 metres to the West. Although the proposed route would be slightly longer, it was considered by the land owner that it would be beneficial in terms of security and privacy at the Farm and that it would be an easier walk

through open fields, with pedestrians not in potential conflict with private vehicle movements around the Farm.

6.2 **RESOLVED:** That (a) no objection be raised to the proposed diversion of definitive public footpath BRA/71, as detailed in the report of the Interim Head of Planning and as shown on the plan now exhibited, subject to satisfactory arrangements being made with the Statutory Undertakers with regard to their mains and services that may be affected; and

(b) authority be given to the Director of Legal & Governance to:

(i) take all necessary action to divert the footpath under the powers contained within Section 119 of the Highways Act 1980;

(ii) confirm the Order as an Unopposed Order, in the event of no objections being received, or any objections received being resolved; and

(iii) submit the Order to the Secretary of State for confirmation in the event that objections received cannot be resolved.

7. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

7.1 **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 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 a mixed use development incorporating student accommodation, comprising 69x studio apartments, 17x one bedroom apartments and 85x cluster flats providing a total of 543 bedspaces, two commercial units (Use Class A1 (with no more than 250sqm retail floorspace per unit), A2, A3, A4, A5, B1 & D1), associated works including access, cycle parking, a pedestrian link walkway, and ancillary facilities at the site of the former car park at Rockingham Street (Case No. 16/03503/FUL) be granted, conditionally, subject to amended conditions in respect of (i) Condition 2 concerning a revised drawing, (ii) Condition 3 concerning the completion of a "Written Scheme of Investigation for an Archaeological Strip, Map and Recording Watching Brief", and as a result of the amendment, the Condition be reallocated under "Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)", (iii) Condition 4 concerning highway improvements and (iv) Condition 33 concerning opening hours, all as detailed in a supplementary report circulated at the meeting;

(c) having (i) noted that no further comments on the proposed development had been made by the Sheffield Conservation Advisory Group had at its meeting held

on 18 October, 2016, as detailed in a supplementary report circulated at the meeting and (ii) heard an oral representation at the meeting from the applicant's representative in support of the proposed development, an application for planning permission under Regulation 3 of the Town and Country Planning (General) Regulations 1992 for the erection of a 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 formation of new highway between Backfields and Carver Street at land at the junction of Pinstone Street, Wellington Street & Charter Square (Case No 16/03328/RG3) be granted, conditionally, subject to (A) amended conditions in respect of (1) Condition 2 concerning revised plans, (2) Condition 6 concerning revised working hours, (3) Condition 17 by the addition of the words "including cap profiles and reveal details" after the words "Glazed curtain walling", (4) Condition 19 by the addition of the words "within six months of the commencement of development" after the words Local Planning Authority", (5) Condition 24 by the addition of the words (I) "pedestrians and motorised traffic along Pinstone Street and Union Street, and on streets linking these, between and including its junctions with Charles Street and Furnival Gate" after the words "movement of cyclists" and (II) "to mitigate for development works on Wellington Street and Charles Street" after the words "cycling routes", (6) Condition 30 by the addition of the words (I) "office floorspace" prior to the words "hereby approved" in the first paragraph and (II) "retail floorspace" prior to the words "hereby approved" in the second paragraph and (7) Condition 31 in respect of revised drawings and (B) additional conditions in respect of (1) the opening hours of the A3 and A4 units and (2) highway closures, all as detailed in the aforementioned supplementary report;

(d) having (i) noted an amended recommendation from the officer that the proposed application, if approved, would not be referred to the Secretary of State for clearance, as detailed in a supplementary report circulated at the meeting and (ii) having heard oral representations at the meeting from a local resident and a local Ward Councillor objecting to the proposed development and from the applicant's representative supporting the proposed development, an application for planning permission for the demolition of an existing building and erection of 28 apartments with associated car parking accommodation at the site of TTS Car Sales Ltd, Archer Road (Case No. 16/02751/FUL) be granted, conditionally, subject to (A) the completion of a legal agreement and (B) Conditions 12 and 13 being deleted, as detailed in the aforementioned supplementary report;

(e) having noted additional information provided by the officer on the revised appearance and prominence of the entrance points to the building that had been recently negotiated with the developer, as detailed in a supplementary report circulated at the meeting, an application for planning permission for the demolition of an existing industrial unit and the erection of 54 flats in 4 x 4 storey blocks with associated cycle parking and landscaping at Ewen Engineering Co., Roscoe Road (Case No. 16/02551/FUL) be granted, conditionally, subject to (i) amended conditions in respect of (A) Condition 2 concerning revised plans and (B) Condition 22 by the addition of the words "Meadow Street" prior to the words "Permit Parking Zone" and (ii) an additional condition in respect of the proposed balconies, railings and surrounds, all as detailed in the aforementioned

supplementary report;

(f) an application for planning permission for the demolition of bungalow and garage, and erection of 5 apartments with associated landscaping and undercroft parking at 33 Lyndhurst Road (Case No. 16/00833/FUL) be deferred pending a visit of inspection to the site;

(g) having (i) considered eight additional representations objecting to the development and the officer's response, as detailed in a supplementary report circulated at the meeting and (ii) 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 6 dwellinghouses, associated landscaping, parking and access arrangements at land to the rear of 183 to 273 Greystones Road (Case No. 16/00530/FUL) be granted, conditionally, subject to an additional condition requiring the development to be carried out in accordance with the skyline Ecology Phase 1 Habitat Survey (dated 24th May 2016), as detailed in the aforementioned supplementary report; and

(h) having heard oral representations at the meeting from a representative of the Loxley Valley Protection Society and a local resident objecting to the proposed development and from the applicant's representative supporting the proposed development, a retrospective application for planning permission for alterations and retention of the use of a former barn as a dwellinghouse at White Acres Farm, Spout Lane (Case No. 15/04365/CHU) be refused (i) for the reasons detailed in the report now submitted and (ii) with authority given to (A) the Interim Director of Development Services or the Interim Head of Planning, having noted the officer's view that in respect of this application the planning policies outweighed the Human Rights Act 1998, to take all appropriate action including, if necessary, enforcement action and the institution of legal proceedings at White Acres Farm, Spout Lane to secure the return of the building to its former open fronted structure; used for storage purposes in connection with the livery business and (B) the Interim Head of Planning, in liaison with a Co-Chair of this Committee, to vary the action in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

8. ENFORCEMENT OF PLANNING CONTROL: LAND AT LITTLE INTAKE FARM, WOODHEAD ROAD, GRENOSIDE

- 8.1 The Interim Head of Planning submitted a report on his investigation into a breach of planning control in respect of the unauthorised alterations to a building to form a dwellinghouse, unauthorised use of land and building for the storage of building materials, non-compliance with planning permission Case No. 13/03412/FUL and the unauthorised erection of an advertisement at land at Little Intake Farm Woodhead Road, Grenoside. The report stated that planning permission Case No. 13/03412/FUL, which allowed the land owner to change the land use from grazing to a caravan and campsite, the conversion of redundant agricultural buildings to create a reception area with accommodation for a site manager at first floor level, indoor play area and Shire Horse stud area, had not been implemented so far and that the pre commencement conditions had also not commenced. A site visit to the property had also revealed that other alterations had been carried

out to a barn which were unauthorised and did not meet the conditions attached to the aforementioned planning permission. The breaches of control and non-compliance with eight pre commencement conditions attached to Planning Permission 13/03412/FUL, were identified in the report.

8.2 In assessing the breach of control, regard was given to the enforcement options under Sections 171C 172 and 224(3) of the Town and Country Planning Act 1990.

8.3 **RESOLVED:** That (a) the Interim Director of Development Services or the Interim Head of Planning be authorised to take all appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure at land at Little Intake Farm, Woodhead Road, Grenoside:

(i) the removal of the unauthorised harmful alterations to the rear elevation of the barn and the reinstatement of the wall;

(ii) cessation of the use of the land and buildings for storage of building materials and building waste and the removal of the said materials and waste;

(iii) compliance with the approved plans and conditions imposed on planning permission 13/03412/FUL should the permission be commenced; and

(iv) the removal of the advertisement board from the field adjacent to Woodhead Road; and

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

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

9.1 The Committee received and noted a report of the Interim Head of Planning 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 13 December, 2016 at the Town Hall.

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SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Interim Head of Planning

Date: 13/12/2016

Subject: Applications under various acts/regulations

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

Summary:

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

Recommendations:

Background Papers:

Category of Report: OPEN

Application No.	Location	Page No.
16/03725/FUL (Formerly PP-05483946)	1 - 5 The Moor, Sunwin House And 12-24 Furnival Gate (Known As Block 8) Sheffield S1 4PF	15
16/03120/FUL (Formerly PP-05408765)	Site Of 58 Ivy Park Road Sheffield S10 3LB	34
16/03067/FUL (Formerly PP-05397411)	Site Of 58 Ivy Park Road Sheffield S10 3LB	55
16/02344/FUL (Formerly PP-05181930)	4 Furnival Square Sheffield S1 4QL	63
16/00833/FUL (Formerly PP-04830783)	33 Lyndhurst Road Sheffield S11 9BJ	83

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SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To the Planning and Highways Committee
Date Of Meeting: 13/12/2016

LIST OF PLANNING APPLICATIONS FOR DECISION OR INFORMATION

NOTE Under the heading "Representations" a Brief Summary of Representations received up to a week before the Committee date is given (later representations will be reported verbally). The main points only are given for ease of reference. The full letters are on the application file, which is available to members and the public and will be at the meeting.

Case Number	16/03725/FUL (Formerly PP-05483946)
Application Type	Full Planning Application
Proposal	Demolition of existing structures and erection of a three-storey retail building (A1 Use), provision of a digital screen, and associated infrastructure and ancillary works
Location	1 - 5 The Moor, Sunwin House And 12-24 Furnival Gate (Known As Block 8) Sheffield S1 4PF
Date Received	30/09/2016
Team	City Centre and East
Applicant/Agent	NJL Consulting
Recommendation	G Conditional Subject to Legal Agreement

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:

AP(04)0115 P01 - proposed site plan
AP(04)0120 P02 - Proposed basement plan
AP(04)0121 P02 - proposed ground floor
AP(04)0122 P02 - proposed first floor
AP(04)0123 P02 - proposed second floor plan
AP(04)0124 P02 - proposed roof plan
AP(05)0130 P02 - proposed elevations
AP(05)0131 P02 - proposed elevations
AP(06)0140 P02 - proposed sections
AP(09)0115 P02 - proposed demolition
AP(20)0150 P02 - proposed strip section 1
AP(20)0151 P02 - proposed strip section 2

D723/207 - highways drawing

Highways drawing

Reason: In order to define the permission.

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

3. Development (with the exception of demolition) shall not commence until full details of the proposed surface water drainage, including calculations, 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. The calculations shall demonstrate a reduction in discharge by at least 30% compared to existing peak flow. This should be achieved by sustainable drainage methods where feasible. Should the design not include sustainable methods evidence is to be provided to show why sustainable drainage methods are not feasible for this site.

Reason: To ensure surface water flooding and pollution management

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

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

5. Development (with the exception of demolition) shall not commence until the improvements (which expression shall include traffic control, pedestrian and cycle safety measures) to the highways listed below have either;

- a) been carried out; or
- b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the development is/are brought into use.

Highway Improvements: Footway widening of Matilda Way

Reason: In order to improve pedestrian accessibility/safety

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

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

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

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

- a) Service Yard Gates
- b) Plinth
- c) Windows, including stone framing details
- d) Window reveals
- e) Shop fronts
- f) Cladding
- g) Doors
- h) Eaves and verges
- i) Junction between the change from stone to cladding on the Matilda Way elevation
- j) Rainwater gutters, downpipes and external plumbing

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

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

- 8. Prior to construction of the corner elevation facing The Moor and Furnival Gate, large scale details of the corner of the building shall be submitted to and approved in writing by the Local Planning Authority to show the integration of the digital screen, including frame depth, means of fixing and relationship with the building. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: In order to ensure an appropriate quality of development

- 9. No demolition and/or construction works shall be carried out unless equipment is provided for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway. Full details

of the proposed cleaning equipment shall be approved in writing by the Local Planning Authority before it is installed.

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

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

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

11. The building shall not be used unless details have been submitted to and approved in writing by the Local Planning Authority, showing how surface water will be prevented from spilling onto the public highway. Once agreed, the measures shall be put into place prior to the use of the development commencing, and shall thereafter be retained.

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

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

The Travel Plan(s) shall include:

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

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

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

13. The footway width between the back edge of the carriageway and the face of the building along Furnival Gate shall be no less than the distances detailed in drawing reference D723/207.

Reason: In order to ensure that an appropriate footway width is maintained in this busy city centre location.

14. The development hereby approved shall be constructed to achieve a minimum rating of BREEAM 'very good' and within 6 months of the development being 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.

15. Before development (with the exception of demolition) commences, or an alternative timescale to be agreed in writing by the Local Planning Authority, the following shall be submitted to and approved in writing by the Local Planning Authority:
- i) a report 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
 - ii) an alternative fabric first approach to offset an equivalent amount of energy; or
 - iii) a report which demonstrates that the above measures are not feasible or viable

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.

16. Before the occupation of any unit, bin storage details for that unit, which shall be within the site boundary, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details thereafter.

Reason: In the interests of the amenities of the locality

17. All development and associated remediation shall proceed in accordance with the recommendations given in Table 29 of the Phase I and II Geo-Environmental Report carried out by CCG (Ref. CCG-C-12-6526, January 2012). 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.

18. Upon completion of any measures identified in Table 29 of the Phase I & II Geo-Environmental Report carried out by CCG (Ref. CCG-C-12-6526, January 2012) 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

19. 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 vehicular 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.

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

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

21. 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.

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

22. Plant and equipment shall be designed to ensure that the total LAeq plant noise rating level (including any character correction for tonality or impulsive noise) does not exceed the LA90 background noise level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.

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

23. No window vinyl or obscure glazing shall be applied to any of the shop fronts or windows.

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

24. The digital screen shall not play any amplified sound and shall not be used for any purpose other than advertising.

Reason: In the interests of traffic safety and the amenities of the locality

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. Please be aware that the developer is required to fund all works associated with any new Traffic Regulation Orders that will be required as part of the highway improvement works associated with this development.
3. 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.
4. As the proposed development will involve the closing/diversion of a footpath(s) you are advised to contact the City Solicitor and Head of Administration, Town Hall, Sheffield, S1 2HH, as soon as possible with a view to the necessary authority being obtained for the closure/diversion of the footpath(s) under Section 257 of the Town and country Planning Act 1990.
5. You are required as part of this development, to carry out works within the public highway: As part of the requirements of the New Roads and Street Works Act 1991 (Section 54), 3rd edition of the Code of Practice 2007, you must give at least three months written notice to the Council, informing us of the date and extent of works you propose to undertake.

The notice should be sent to:-

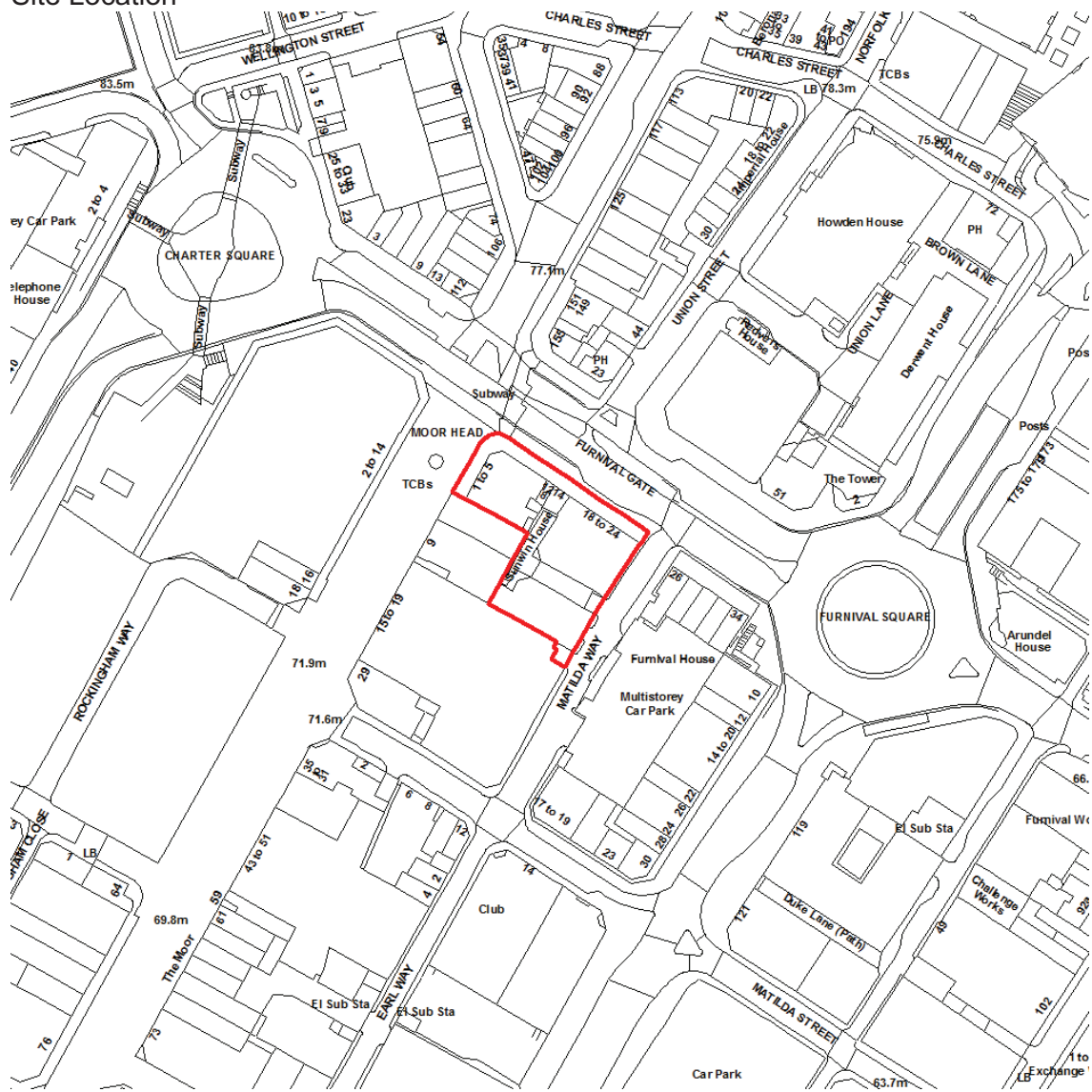
Sheffield City Council
Town Hall
Penistone Street
Sheffield
S1 2HH

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.

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. 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 the redevelopment of the north-east corner of The Moor, known as Block 8. The site occupies a prominent position in the City Centre and is bounded by The Moor to the west, Furnival Gate to the north and Matilda Way to the east.

The application site extends for approximately 50 metres along Furnival Gate, encompassing existing built form between the Moor and Matilda Way; these buildings were formerly occupied as the Co-operative department store and McDonald's restaurant. It also occupies 22 metres of frontage along the Moor and 43 metres along Matilda Way. The remainder of the buildings adjoining the site will be retained and will be refurbished, subject to further planning applications.

Development along The Moor varies in height with the majority of development being three or four storeys in height. All buildings with the exception of the new markets have flat roofs. Portland stone is the overriding fascia material to The Moor and is particularly prevalent on buildings between Furnival Gate and Cumberland Street.

The Moor has undergone extensive redevelopment during recent years. This includes redevelopment of Block 6 for the new Sheffield Indoor Market and ongoing redevelopment of Block 1 for a mixed use development including retail and a cinema. Extensive public realm improvements have also been undertaken. The development proposed through the current application will enable the continued redevelopment and transformation of this important shopping street.

Permission is sought for the demolition of existing buildings and erection of a three-storey building to provide a large retail unit for a major fashion retailer. A digital screen is proposed for the corner of the building and associated works include a servicing area and related infrastructure.

The site is located within the Central Shopping Area as defined in the adopted Sheffield Unitary Development Plan (UDP). It is also adjacent to the new Core Retail Area as defined by the Sheffield Development Framework Core Strategy (CS).

RELEVANT PLANNING HISTORY

11/02250/FUL – partial demolition of buildings, retention of facades to Nos.7-9 The Moor, erection of three-storey mixed use development comprising of A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes) uses, provision of a digital screen and associated infrastructure and ancillary facilities – granted conditionally in October 2011.

The key differences between the previous and current application are detailed below

- Current application relates to a smaller footprint as units 7 - 9 are no longer included in the scheme (previous façade retention)
- The design of the building is largely similar to the previous approval, with the main differences relating to detailing and the loss of the previous glazed corner feature
- Footprint of the building extended by 0.7 metres on the Furnival Gate elevation

SUMMARY OF REPRESENTATIONS

One letter of representation has been received. The points raised are detailed below:

- The Design and Access statement refers to the use of Portland Stone
- The drawings indicate that reconstituted stone is proposed
- If approved, there should be a condition that only natural stone and other natural materials should be used,
- The use of reconstituted stone on other new buildings on The Moor should not be used to set a precedent
- Council documents, for example the Urban Design Compendium, make it clear that Portland Stone is the expected primary material.

PLANNING ASSESSMENT

Land Use

The development meets a number of the core planning principles set out in the NPPF (paragraph 17) as detailed below:

- Supporting sustainable economic development and growth
- Promoting the vitality of our main urban areas
- Re-using existing sites and brownfield land
- Making use of sustainable transport and sites

Furthermore, paragraph 23 of the NPPF seeks to “promote competitive town centre environments...for the management and growth of centres”.

The site is located within the Central Shopping Area as defined in the adopted UDP.

Policy S3 “Development in the Central Shopping Area” defines shops (A1) as a preferred use.

CS14 “City-wide Distribution of Shopping and Leisure Development” states that “New shops and leisure facilities with city-wide and regional catchments will be concentrated in the City Centre Primary Shopping Area and immediately adjacent shopping streets of the City Centre”.

Whilst The Moor does not form part of the Primary Shopping Area, it is identified in Policy CS18 “Shopping in the City Centre” as performing an important retail function that requires the retention of shopping uses at ground floor.

Although the development will provide retail at all levels, it is replacing existing retail units. As such, it is considered that the scheme would not prejudice or hamper the success of the adjacent Primary Shopping Area. The provision of retail uses in this location accords with Policy CS18.

The retail function of The Moor is further strengthened by CS17 “City Centre Quarters”, which identifies The Moor as a linear retail area anchored by several major stores...”

Section a) within Policy S10: Conditions on Development in Shopping Areas within the UDP states that in shopping areas new development should not lead to a concentration of uses which would prejudice the dominance of preferred uses in the area. In this respect the dominant use within the retail core would remain Shops (A1) and the proposal would therefore accord with this section of Policy S10.

In light of the above, the proposal is considered to be acceptable from a land use perspective.

The existing buildings are no longer in use and do not meet the operational requirements of modern retail/commercial occupiers. The development will aid the regeneration of Sheffield City Centre by introducing a large modern floor space, of a scale which is currently lacking in the City. This will help consolidate the retail function of The Moor and contribute to the regeneration of the City Centre.

The proposal will not detract from the Sheffield Retail Quarter proposals and will only serve to increase the offer of the City Centre. As such the scheme is considered to be of substantial importance and is welcomed in principle.

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.

UDP Policy BE1 “Townscape Design” 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”, requires good design and the use of high quality materials in all new buildings.

Core Strategy Policy CS74 “Design Principles” advises 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. Policy CS74 also advises that any new development should respect the topography of the City, views and vistas and the townscape and landscape character of the particular area with their associated scale, layout, form and building style and materials.

Scale and siting

The proposed development is three-storeys high, some slight variations of heights have been introduced across the elevations to reflect the topography of the streets and to offer some articulation to break up the massing of the scheme. The development is highest at the corner, this will ensure the entrance is the most prominent feature and will aid legibility. The height then steps down along The Moor; the building will be higher than No.7 The Moor, this reflects the local topography where the land slopes gently down from north to south and is welcome.

The building steps down gently along Furnival Gate to reflect the slope along this section of the highway. The elevation is also articulated along this frontage to break up the scale and massing. Overall the height of the building is similar to the existing development.

The development will follow the existing building line along The Moor, this is welcome. The introduction of the angled corner feature will increase the openness of Moorhead. It is proposed to enclose the majority of the colonnade on the Furnival Gate elevation such that the entire elevation is set only slightly further back than the upper floors of the building as currently built. This will involve the loss of the adopted footway beneath the colonnade and lead to the narrowing of the footway along Furnival Gate, this will be discussed in detail in the Highways section. However, from a visual aspect, the loss of the colonnade is welcome and the siting of the building is acceptable.

Detailing

The building is simple in design, benefiting from large shop fronts at ground floor with narrow vertical openings above. The openings have projecting stone features to their edges to add articulation and interest to the building. The intricate glazed corner feature approved as part of the 2011 application has been replaced by a much simpler corner which is more in keeping with the rest of the building and The Moor generally.

The main material on The Moor and Furnival Gate elevations is reconstituted Portland Stone, which is the dominant material along The Moor. It is noted that the use of natural stone would have been more desirable, however reconstituted stone has been used on blocks 1 and 6 owing to cost restraints and these set a precedent. The other notable materials on these elevations are glazing and a granite plinth which will provide robustness at street level.

The materials are more varied along the Matilda Way elevation, the Portland Stone turns the corner and beyond this black aluminium cladding is proposed. A variety of materials are evident along Matilda Way and it is considered that cladding can be accommodated on this elevation, subject to it being of a high quality. This façade also incorporates metal gates to the service yard, whilst not ideal this does need to be accommodated and is set away from the most public elevations of the building.

Digital Screen

A large digital screen is proposed to the corner of the building, this must be assessed against the design policies detailed in the preceding section and UDP Policy BE13. This states that illuminated advertisements will not be permitted if they would be a traffic hazard or harm the character or appearance of the area.

It is highlighted that the screen will be used to display advertisements only and will not include amplified sound.

The screen is well integrated into the design of the building; nevertheless by its very nature it will form a prominent feature which is not in keeping with the locality. The impact of the screen is increased owing to the illumination of the screen and its prominent location, which will allow long views from the surrounding area.

Nevertheless and despite the above assessment, regard is had to the fact that a similar sized screen in the same location was granted through the previous application for this site (11/02250/FUL). The officer report on that scheme raised strong concerns about the design and appearance of the screen. However, the applicant was unwilling to remove the screen and on balance it was determined that the wider benefits of the scheme (regeneration, investment, employment) outweighed these concerns.

From a highways safety perspective there is concern that the digital screen could lead to highway safety issues given its potential to distract motorists and pedestrians by its changing illuminated display. It is noted that ultimately the purpose of such a display is to attract attention. The screen is adjacent to a busy highway junction, highly trafficked by vehicles and pedestrians crossing over to/from The Moor. It is considered that the additional distraction could lead to an increased risk of accidents, especially from pedestrians accidentally stepping out into the path of vehicles.

Since the previous decision a scheme of highway improvement works along Furnival Gate and Charter Square have been approved, are on site and will be finished by Spring 2017. These include a reduction from two lanes to one along Furnival Gate on the same side as the development. Consequently this will result in pedestrians having to cross fewer lanes of traffic and this is an improvement in highway safety terms. Nevertheless, it is still considered that the screen will be a distracting feature and could be harmful to highway and pedestrian safety. Again, the overall benefits of the scheme were considered to outweigh safety concerns during the previous application.

Despite concerns regarding safety and the visual prominence of the screen, in light of the previous decision it would now be unreasonable to reject this component of the scheme.

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, close to a range of excellent public transport links.

The proposal includes alterations to the extent of the adopted footway to Furnival Gate and Matilda Way. The current building has a colonnade at ground floor level; the area beneath this is adopted footway. It is proposed to bring the building forward so that the majority of the colonnade is removed. This will result in the narrowing of the footway, leaving a width between the building and the back edge of the vehicle carriageway on Furnival Gate of between 4.9 and 5.2 metres. The previous proposal also involved the removal of part of the footway beneath the colonnade, but this was to a lesser extent. The current proposal will result in the loss of a further 0.7 metres of the footway.

The reduction in footway must be considered in light of highway improvement works to Furnival Gate which are to be completed by Spring 2017. These will change the road layout from two lanes to one, with the lane closest to the development being turned into a bus stop lay-by. The edge of the footway will remain as existing, but the number of bus stops will be increased from one to two in order to accommodate additional services which will stop at this location. As such two passenger bus shelters will also be constructed in the footway, these are shown on existing plans to be 1.5 metres wide, but in reality these may be as wide as 2.1 metres. The bus stops will be cantilevered style with the solid edge facing the highway. The plans indicate that existing street furniture will be retained.

The minimum separation distance between the back edge of the building and existing street furniture (tree grills and benches) will be 2.4 metres. Likewise the minimum width between the new bus stops and back edge of the building will be 2.6 metres (assuming larger bus stops). There is no policy on minimum footway widths. However, 'Transport for London's Pedestrian Comfort Guidelines' provides guidance on the widths required for installation of infrastructure and for pedestrian movement. Along this section of Furnival Gate the following is recommended starting at the edge of footway:-

- i. 0.45m safety clearance from the carriageway.
- ii. 2.10m width of bus shelter.
- iii. 0.60m passenger overspill (this could be as much 1.2m)

- iv. 0.20m building buffer
- v. 0.20m street furniture buffer

The above results in a width of 3.55 metres, which when subtracted from the total width, would leave a further 1.65m width for pedestrians. In practice however, the buffers are not obstructed and the passenger overspill from the bus shelters will be of a temporary nature only.

Highways have raised concerns that the reduction in footway widths may cause significant congestion and difficult movement for pedestrians. The narrowing of the footway is far from ideal and has been the subject of extensive discussions during the course of the application. Attempts have been made to pull the building line back to the same position as the previous approval to create a wider footway. The applicant has been unwilling to do this and has stated that the end user (an international fashion retailer) would pull out of the scheme if the floor space was reduced and that the development would then not proceed.

The benefits of the scheme must be considered, namely that the proposal will remove a currently derelict building and replace it with a modern development in a prominent location in the City Centre. The development will provide a modern unit for a large international retailer and this will greatly add to the offer of the City Centre. The proposal represents part of the wider regeneration of The Moor and is considered to be of strategic importance, with regard to the wider vision for the City Centre. Furthermore, it is not envisaged that the footway will form part of a key route to the retail quarter.

On balance, whilst far from ideal, the benefits the scheme will bring outweigh the concerns about the remaining footway width.

Given that the loss of the colonnade results in the loss of the current sheltered area for bus passengers, the applicant has agreed to fund the provision of the new bus shelters by entering a legal agreement. This is considered later in this report.

Servicing

The servicing access is to be taken from Matilda Way, which is how the current units are serviced. Although service access from this narrow street is not ideal it is a recognised constraint of this tight city centre site. The servicing arrangements will be improved from existing by the provision of a purpose built internal service yard, which is welcomed.

The proposal is to increase the width of the footway onto Matilda Way, which will improve the pedestrian environment.

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. In practice, to satisfy the main body of the policy non-residential developments should achieve a BREEAM rating of very good as a minimum. It has been confirmed that the development will achieve this rating and an appropriate condition will be applied accordingly.

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. The applicant has confirmed that there are a number of feasible on-site options available to ensure the building will meet this requirement. Again, this can be secured by condition.

In light of the above it is considered that the proposal meets the sustainability requirements set out within the Sheffield Development Framework Core Strategy.

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 under one hectare, a flood risk assessment has not been submitted with the application.

In this instance, given the constrained urban nature of the site it is not feasible to incorporate Sustainable Urban Drainage. It is however proposed to reduce the surface water run off rate by 30% compared to existing. This will be done through on site storage and will be secured by condition.

Air Quality

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

The development is in a highly sustainable location, is replacing an existing commercial use and does not include any car parking. As such it will not have an adverse impact in terms of air quality.

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.

It was agreed as part of the previous application that public art would be provided to the kiosks on The Moor. This work is currently being undertaken by the developer as part of the wider redevelopment and therefore it seems reasonable not to ask for further public art on this development.

Access

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

The development incorporates a level access, automatic doors and a lift. These features will enable equal access to the building.

Amenity

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

The nearest sensitive use is residential flats at Redvers Tower, set approximately 35 metres away. Midcity house, on the opposite side of Furnival Gate also has permission for residential accommodation and is also approximately 35 metres away from the application site.

The plans indicated that plant is to be located internally on the second floor and so noise from this should be minimal. The retail use itself will not give rise to unacceptable noise and the store will not be open during the quieter night time period. As such it is considered that the development will not be harmful to nearby residential uses.

Contamination

A Phase I and II contamination survey has been submitted with the application. This identifies that the site has some contamination (soil and ground water) and identifies appropriate remediation measures. The remediation is considered acceptable and will be secured by condition. In light of this, there will be no risk to human health.

Archaeology

An archaeological appraisal has been submitted with the application. This summarises that the current development involved the construction of substantial basements in all but one of the buildings. As such the site has little or no potential for remains of all periods prior to the 1960s.

Community Infrastructure Levy

The Community Infrastructure Levy was introduced in July 2015 and aims to provide infrastructure to support new development in an efficient way. CIL replaces previous payments negotiated individually as planning obligations (with the exception of affordable housing).

The proposed development is CIL liable as it is a major retail development (defined as over 3000 square metres). The charge is £60 per square metre. The developer has indicated that they will seek CIL relief as they don't believe the scheme is viable enough to pay the CIL. The developer will need to demonstrate that they comply with requirements of regulation 55 of The Community Infrastructure Regulations 2010, in order to seek such relief, which will then be carefully considered in accordance with the Council's procedure.

Legal Agreement

The applicant is proposing to provide a financial contribution of £20,000 towards the provision of the new bus stops on Furnival Gate.

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

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

The proposal meets these requirements given that the removal of the colonnaded area of the footway removes the existing passenger shelter and new passenger shelters are required to ensure passenger comfort and encourage sustainable forms of travel to this city centre site.

SUMMARY AND RECOMMENDATION

The proposed development for a large retail unit at the corner of The Moor is in accordance with the relevant land use policy and strategic vision for regeneration of the City Centre.

The building is well designed and will be a positive addition to the street scene.

The digital screen is not ideal from a highways safety point of view, however regard is had to the fact that this feature was approved as part of the previous planning approval for this site. There are also strong concerns regarding the loss of footway on Furnival Gate and the resulting impact on pedestrian safety. Nevertheless, on balance, the wider regeneration and economic benefits of the development outweigh these concerns in this case.

The scheme is in a highly sustainable location and has good sustainability credentials.

In light of the above the scheme is recommended for approval subject to the listed conditions and to the completion of a legal agreement with the following heads of terms.

Heads of Terms

The developer shall pay £20,000 towards the provision of two bus shelters and associated infrastructure within the footway adjacent to the development on Furnival Gate.

Case Number	16/03120/FUL (Formerly PP-05408765)
Application Type	Full Planning Application
Proposal	Demolition of bungalow and garage, erection of 10 apartments and provision of 17 parking spaces. (Amended scheme - 15/03670/FUL to change apartment 10 into a duplex apartment and to incorporate additional rooflights)
Location	Site Of 58 Ivy Park Road Sheffield S10 3LB
Date Received	14/08/2016
Team	West and North
Applicant/Agent	FJF Construction Ltd
Recommendation	Grant Conditionally

Time limit for Commencement of Development

1. The development shall be begun not later than the expiration of three years from the 27th April 2016.

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

Approved/Refused Plan(s)

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

Drawing no. FJF/IP/001 (Layout Plan Existing)
Drawing no. IPR 01A (Tree Survey)
Drawing no. IPR 02A (Tree Constraints Plan)
Drawing no. IPR 03 Revision C (Tree Protection Plan)
Drawing no. IPR 04 Revision D (Landscape Masterplan)
Drawing no. 1058/020C (Design Proposals Lower Ground Floor)
Drawing no. 1058/021C (Design Proposals Ground Floor)
Drawing no. 1058/022C (Design Proposals First Floor)
Drawing no. 1058/023C (Design Proposals Second Floor)
Drawing no. 1058/024C (Design Proposals Roof and Site Plan)
Drawing no. 1058/025A (Design Proposals South and West Elevations)

Drawing no. 1058/027A (Design Proposals Site Section Elevations/Materials Proposed)
Drawing no. FJF-IVY-110 Rev A (Third Floor Plan)
Drawing no. FJF-IVY-120 (West Elevation)
Drawing no. FJF-IVY-121 (East Elevation)
Drawing no. FJF/IVY/02 (Existing & Proposed Drainage Connection)
Drawing no. FJF-IVY-10 (Site Set Up and Traffic Plan)
all received on 14.8.16.

Drawing no. 1058/026C (Design Proposals North and East Elevations) received on 16.8.16.

Reason: In order to define the permission.

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

3. Construction works shall not take place on the site unless the measures to protect the existing trees and shrubs to be retained as described in the 'Landscaping and Ecological Management Plan' dated 29th April 2016 prepared by FJF Construction Ltd and the 'Arboricultural Impact Assessment & Construction Method Statement' dated April 2016/ Revision A - April 2016 prepared by Weddle Landscape Design and shown on drawing no. IPR 03 Revision C have been implemented. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The protection shall not be removed until the completion of the development.

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

4. The development shall be carried out in accordance with the guidance and recommendations contained in the 'Landscaping and Ecological Management Plan' dated 29th April 2016 prepared by FJF Construction Ltd, the 'Arboricultural Impact Assessment & Construction Method Statement' dated April 2016/ Revision A - April 2016 prepared by Weddle Landscape Design, and the 'Bat Presence/Absence Survey' (ref: UES01772/01) dated 7th June 2016 prepared by United Environmental Services Ltd and shown on the 'Landscape Masterplan drawing no. IPR 04 Revision D. The Landscape and Ecological Management Plan shall thereafter be implemented as approved.

Reason: In the interests of protecting the biodiversity of the site.

5. Construction works shall not take place on the site unless in accordance with the details of means of ingress and egress for vehicles engaged in the construction of the development shown on drawing no. FJF-IVY-10. 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.

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

6. No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources shall have been installed before any part of the development is occupied and a post-installation report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

Reason: In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change 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. Large scale details, including materials and finishes, at a minimum of 1:10, of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:

- (a) windows and glazing framework
- (b) window reveals
- (c) doors
- (d) eaves and verges
- (e) external wall construction including string coursing
- (f) brickwall detailing
- (g) balconies
- (h) roof ridge
- (i) rainwater goods
- (j) parapets

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

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

8. 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.

9. 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.

10. Before development commences details of the alterations to the front boundary wall and pavement including arrangements to remove and reposition the gate pier resulting from the widening of the southernmost access to the site shall have been submitted to and approved in writing by the Local Planning Authority. The apartments shall not be occupied until the alterations to the wall and pavement have been carried out in accordance with the approved details.

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

11. Before development commences details of the layout and appearance of the bin store and cycle store including cycle stands shall have been submitted to and approved in writing by the Local Planning Authority. The apartments shall not be occupied until the bin store and cycle store have been provided in accordance with the approved details. Thereafter the bin store and cycle store shall be retained.

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

12. Before development commences details of the retaining walls on the site shall have been submitted to and approved in writing by the Local Planning Authority. The apartments shall not be occupied until the retaining walls have been constructed in accordance with the approved details.

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

13. 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.

14. Before development commences details of the roof terrace including screen planting and glazed screens shall have been submitted to and approved in writing by the Local Planning Authority. Notwithstanding the details shown on the submitted drawings the roof terrace shall include glazed screens on the east side of the roof terrace in addition to glazed screens on the west and south sides of the roof terrace. The apartments shall not be occupied until the roof terrace has been provided in accordance with the approved details and made available for use by occupants of the proposed apartments. Thereafter the roof terrace, screen planting and glazed screens shall be retained and maintained.

Reason: In the interests of the amenities of occupiers of adjoining property and the future occupants of the proposed apartments.

15. The apartments shall not be used unless the car parking accommodation for 17 cars as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

16. 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.

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

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

18. The apartments shall not be used unless details have been submitted to and approved in writing by the Local Planning Authority, showing how surface water will be prevented from spilling onto the public highway. Once agreed, the measures shall be put into place prior to the use of the apartments commencing, and shall thereafter be retained.

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

19. Notwithstanding the details shown on the submitted drawings, details of the surfacing of the access drive and parking areas shall have been submitted to and approved in writing by the Local Planning Authority before development commences. The apartments shall not be occupied until the surfacing of the access drive and parking areas has been carried out in accordance with the approved details and thereafter retained.

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

20. Before development commences details of the sustainable measures to be incorporated into the development shall have been submitted to and approved in writing by the Local Planning Authority. The apartments shall not be occupied until the sustainable measures have been provided in accordance with the approved details.

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

21. Before the first occupation of the apartments hereby permitted the following windows and glazed screens shall be fitted with obscure glazing to a minimum privacy standard of Level 4 Obscurity and the windows and screens shall be permanently retained in that condition thereafter:
 - (a) the windows on the north facing elevation of the building to apartments nos. 2, 4 and 5;
 - (b) the rooflights to apartment no. 9 on the north facing elevation of the building;
 - (c) the glazed screens on the north side of the balconies to apartments nos. 4, 7, 8, 9 and 10;
 - (d) the windows on the north facing elevation of the communal stair and lift core;
 - (e) the windows on the south facing elevation of apartments nos. 1, 3 and 6 and glazed doors to apartment no. 1;

- (f) the glazed screens on the south side of the balconies to apartments nos. 3 and 6;
- (g) the glazed screen on the west, south and east elevations of the roof terrace;

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

Other Compliance Conditions

- 22. Unless otherwise indicated on the approved plans no tree, shrub or hedge shall be removed or pruned without the prior written approval of the Local Planning Authority.

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

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

Reason: To ensure access is available at all times.

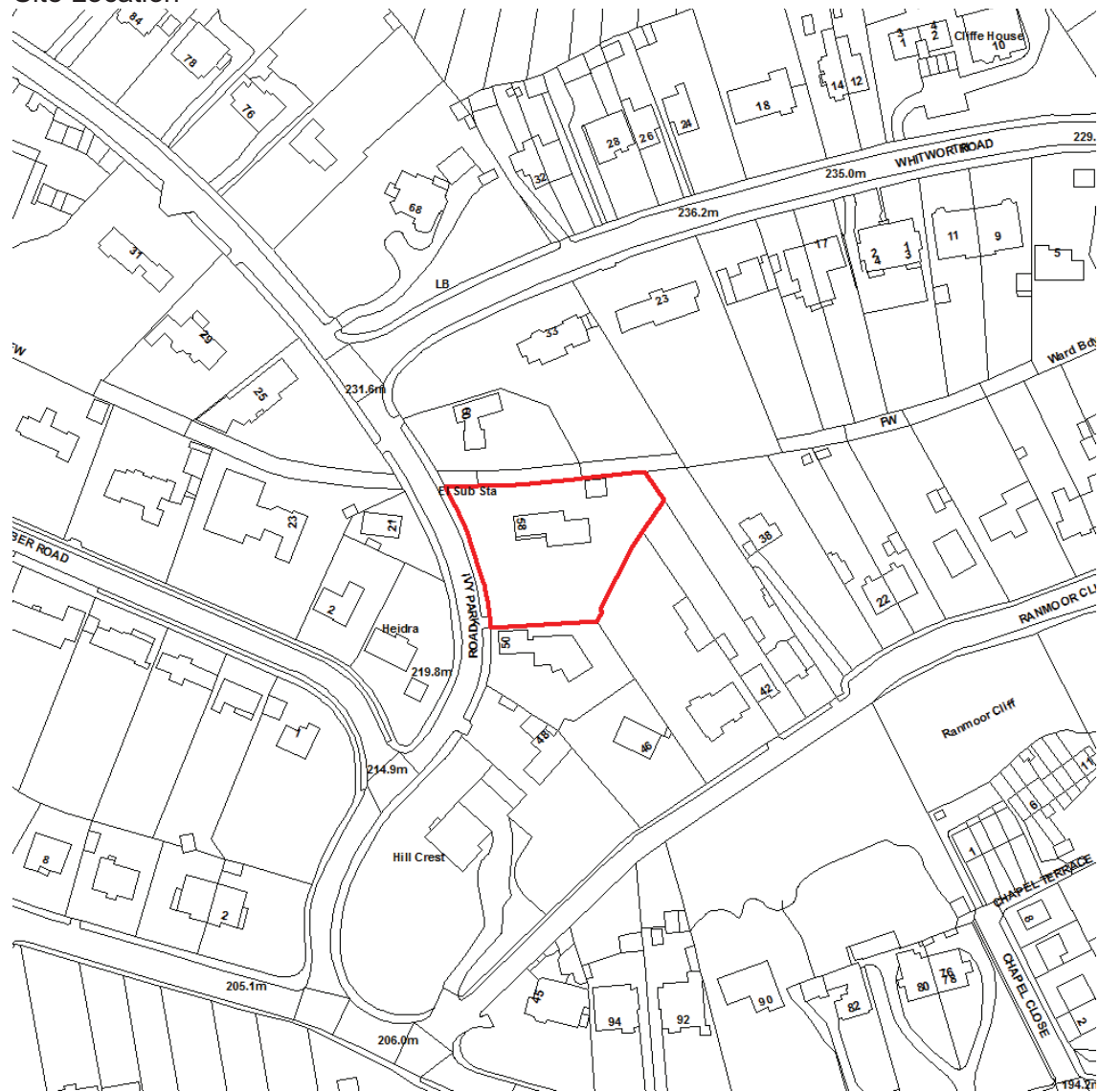
- 24. No development shall take place until details of the proposed means of disposal of surface water drainage, including any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority. Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal.

Attention is Drawn to the Following Directives:

- 1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
- 2. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk. Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

Site Location



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LOCATION

The site is located on the east side of Ivy Park Road in a predominantly residential area of Ranmoor.

Full planning permission for the redevelopment of this site was granted in April 2016 under planning permission 15/03670/FUL. That redevelopment involved demolition of a bungalow and garage, the erection of 10 residential apartments, and provision of 17 parking spaces. The site works have subsequently commenced including demolition of the bungalow and garage, and a start on excavating ground levels.

The site comprises approximately 0.21 hectares of land consisting of the former detached bungalow (no. 58) and garage and its large garden. The bungalow was set back from the road frontage and was sited towards the northern part of the site.

The former ground levels of the site and those of the surrounding area generally fell by approximately 5 metres from the north part of the site to the south. The former bungalow was slightly cut into the rising ground level.

The site has a slightly curved frontage of approximately 45 metres which follows the alignment of the road. The depth of the plot to the rear boundary varies from approximately 33 metres to 62 metres.

The site's frontage consists of a stone wall behind which are several mature trees. The main vehicular access to the site is towards the northern end of its frontage. There is a second access at the southern end of the site's frontage.

Within the site there were lawns to the south side and to the rear of the bungalow with mature shrubs and trees alongside the garden boundaries. The lawns have been since been excavated and the ground levels lowered. The boundary trees shown for retention in the approved scheme remain and are protected from the construction works by temporary fencing. A wall runs along the side boundaries, whilst the rear boundary is partly walled and partly fenced.

PROPOSAL

This proposal seeks to revise the previously approved scheme to change one of the upper floor apartments (apartment 10) into a duplex apartment and incorporate additional rooflights.

This application is made under Section 73 of the Town and Country Planning Act 1990. This procedure enables an application to be made to vary or remove conditions associated with a planning permission, and enable a minor material amendment where there is a relevant condition that can be varied. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission which remains intact and unamended.

The substantive development seeks to demolish the existing bungalow and garage on the site and erect a building to provide 10 apartments comprising 9 two-bedroomed and 1 three-bedroomed duplex apartment.

The proposed building has a generally 'L-shaped' layout comprising two blocks on the frontage and a third block to the rear linked by a central circulation area which provides an element of separation between them.

The two blocks facing the frontage of Ivy Park Road would comprise a four-storey block and a three-storey block. The four-storey block would be situated on the higher ground level towards the northern end of the site's frontage and would have its upper storey in the ridged roofspace. The three-storey block sited on the central/southern part of the frontage on the lower ground levels and would have a flat roof on which there would be a roof terrace bounded by parapet walls and a 1.8 metre high planted screen. There would be three apartments in each of these two blocks.

The proposed duplex apartment would be on the top two floors of the northernmost of these two blocks. The duplex's second and third bedrooms and a bathroom would be within this roofspace with 4 rooflights (2 rooflights to each bedroom) all in the rear east facing roofslope of this block. The previous approved scheme had no rooflights in this, as then, unused roofspace.

The third block comprising a four-storey rear wing with a ridged roof which would be positioned to the rear of these frontage buildings towards the northern boundary of the site on the excavated lower ground level.

The three blocks comprising this overall building would be faced in stone (natural Derbyshire gritstone). The gabled roofs over two of the blocks would be faced in grey slate. The windows would have aluminium powder coated window frames. The design of the proposed building includes balconies on the front elevation, on the east facing rear elevation of the rear wing, and on the east facing rear elevation of the southernmost block.

Vehicular access is proposed from the southern access which would be widened to 4.5 metres which leads to the proposed parking area for 17 cars. The northernmost access would be reduced in width to pedestrian access only.

A cycle store is proposed close to the southern boundary next to the parking area. A bin store is proposed on the northern boundary.

Seven trees on the southern boundary and southern part of the frontage were previously shown for removal and have since been felled. Some retained trees on the frontage will have the eastern extent of their canopies reduced. Replacement tree planting is proposed as part of the landscaping scheme for the site.

RELEVANT PLANNING HISTORY

In April 2016 full planning permission was granted subject to conditions for demolition of bungalow and garage, erection of 10 apartments and provision of 17 parking spaces (application 15/03670/FUL refers).

In August 2016 a planning application was submitted for the erection of two double garages in separate blocks in the northeast corner of this site (application no. 16/03067/FUL refers). This application is considered elsewhere on this agenda.

SUMMARY OF REPRESENTATIONS

The application has been publicised by notification letters to neighbouring properties, by newspaper advertisement and by display of site notices.

2 representations of objection have been received relating to the following matters:

- the original application received a high number of objections due to the adverse impact of this development on the conservation area due to its scale and intrusive impact on neighbouring properties;
- this amendment seeks to increase the internal size of the property, an earlier submission had been reduced and now this application seeks to increase it up again;
- the higher duplex will look down through the velux windows of 2 bedrooms in house at no. 50 Ivy Park Road;
- the photomontages are misleading, do not present image that ties in with the size of the property.

PLANNING ASSESSMENT

Policy Issues

The proposed revision to the previously approved scheme to change one of the upper floor apartments into a duplex apartment and incorporate additional rooflights does not significantly affect the policy issues relevant to this development. The modest increase in residential accommodation contributes to the variety and choice of accommodation in the locality.

The Sheffield Local Plan includes the Core Strategy and the saved policies and proposals map of the Unitary Development Plan (UDP).

The Pre-Submissions version of the Draft City Policies and Sites (CPS) Document and Draft Proposals Map are also a material consideration albeit with limited weight given that the documents are not to be submitted to the Secretary of State.

Both the UDP and the Draft CPS Proposals Map identify the site as being within a Housing Area where housing is the preferred use in principle subject to satisfactory details. The proposal complies with UDP Policy H10 relating to development in housing areas.

The UDP also identifies the site as being within the Ranmoor Conservation Area. The impact of the proposal on the conservation area is assessed below.

Core Strategy Policy CS26 sets out appropriate density ranges for different locations in relation to accessibility. This site is not near to a District Centre or high frequency public transport route and therefore the appropriate density range is 30-50 dwellings per hectare. Densities outside these ranges can be allowed where they achieve good design, reflect the character of the area or protect a sensitive area. The site area is approximately 0.2 hectare giving a range of 6 to 10 units under Core Strategy Policy CS26. The proposal for 10 apartments is at the upper end of this range.

The proposal would make a net contribution to the provision and supply of housing within the city. The latest update of the Council's Strategic Housing Land Availability Assessment (SHLAA) estimates that there is a shortfall of deliverable housing sites over the 5 year period. The SHLAA estimates that there is a 4.7 year supply of deliverable sites for housing in the city.

The Government's National Planning Policy Framework (NPPF) states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (NPPF paragraph 49). Paragraph 14 of the NPPF relating to housing policies states that for decision making where relevant policies are out of date, this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole, or specified policies in the Framework indicate that development should be restricted.

There are no policy objections in principle to the proposed development.

In this instance it is considered that the key issues for the proposed development of the site are its impact on the character and appearance of the Ranmoor Conservation Area, its impact on the highway safety, and its impact on the amenities of the locality and nearby residents.

Highway and Transportation Issues

The proposed revision to the previously approved scheme to change one of the upper floor apartments into a duplex apartment and incorporate additional rooflights does not significantly affect the traffic generation and parking issues relevant to this development.

The application site fronts onto the outside of a bend on the lower section of Ivy Park Road between its junctions with Whitworth Road and Clumber Road.

The northernmost access is 3.6 metres wide, the southernmost access is 2.6 metres wide. The proposed widening of the southernmost access to 4.5 metres wide would allow cars entering and leaving the main parking provision on the site to pass each other at this entrance.

The proposed access arrangements are considered to be satisfactory. There are no highway objections to the proposed siting and widening of the southern access to the site or to the use of the northernmost access as a pedestrian access only.

The proposal seeks to provide 17 off-street car parking spaces to serve the 10 apartments which is within the range of acceptable provision contained in the Council's maximum car parking guidelines. It is considered that the provision of 17 off-street parking spaces would be acceptable for the proposed development and would not lead to significant on-street parking that would harm the safe and free flow of traffic on Ivy Park Road.

There are no highway objections to the proposal subject to appropriate conditions.

Impact on the Amenities of the Locality

The proposed revision to the previously approved scheme to change one of the upper floor apartments into a duplex apartment and incorporate additional rooflights does not significantly affect the appearance and character of the proposed building. The siting, height and massing of the proposed building remains as previously approved.

The site is within the Ranmoor Conservation Area.

UDP Policy BE5 seeks good design in new developments and Core Strategy Policy CS74 relating to design principles also expects high quality development respecting distinctive features and heritage including townscape and landscape character.

UDP Policy BE6 seeks good quality landscape design. UDP Policy GE15 seeks to encourage and protect trees and woodland and particularly requires developers to retain mature trees wherever possible and replace any trees which are lost.

UDP Policies BE15, BE16 and BE18 seek to preserve or enhance the character and appearance of conservation areas. The Government's planning policy guidance on the historic environment is contained in the National Planning Policy Framework (NPPF).

The appearance of the street in the vicinity of the site is of stone walls along front boundaries with mature trees behind. Buildings are generally set back from the street frontage and whilst there is a variety of plot widths reflecting a range of house sizes several properties have larger more spacious gardens reflective of the generally low density of development in the area.

This part of Ivy Park Road has a less uniform streetscape pattern with varying architectural styles.

The adjacent dwelling to the north of the site at no. 60 Ivy Park Road is part two-storey, part three-storey with a flat roof and is set back from the frontage by between 12 to 15 metres.

The adjacent dwelling to the south of the site at no. 50 Ivy Park Road is single-storey in appearance with accommodation in parts of its roofspace. It is sited close to the road frontage and has an elongated footprint running generally west to east.

The former bungalow on the application site had a staggered twin pitched roof with its gables facing towards the Ivy Park Road frontage. Its low ridge heights and being slightly cut into the rising ground levels resulted in the former bungalow having little impact on the character of this part of the conservation area. The bungalow and its garage were not significant heritage assets and their demolition does not harm the character and appearance of the Ranmoor conservation area.

It is considered that the proposed widening of the lower access to the site would not significantly harm the character and appearance of the stone boundary wall on the site's frontage.

The proposed apartment building would have a significantly larger footprint and massing than the former building on the site and would significantly change the character and appearance of the site.

The proposed building would be sited approximately 2.1 to 2.6 metres closer to the site's frontage than the former bungalow giving it a set back distance of between 9.5 and 13 metres from the site's frontage. Its orientation would be slightly angled to the front and side boundaries of the site.

The frontage of the proposed building would be approximately 24 metres wide. This frontage element of the proposed building (comprising the two frontage blocks) would be sited between 6 and 7 metres from the northern boundary of the site and between 12 and 14 metres from the southern boundary of the site. The rear element of the proposed building (comprising the third block) would be between 3 and 4.5 metres from the northern boundary of the site.

The massing and height of the front elevation of the proposed building is stepped and generally follows the falling ground levels of the site. The northern element of it would be four-storeys with the fourth storey being within the ridged roof, whilst the southern element is sited on ground level approximately 3 metres lower and has three-storeys with a roof terrace.

The height of proposed building would be approximately 0.6 metres higher than the adjacent dwelling to the north at no. 60 Ivy Park Road. The parapet height of the southern element of the proposed building would be 5.3 metres and 4 metres higher than the ridges of the adjacent dwelling to the south at no. 50 Ivy Park Road.

It is considered that the siting and massing of the front elements of the proposed building would retain sufficient separation and openness to both sides of the building. The stepping down of the overall height of the proposed building's front façade following the falling contours of the site and the street breaks up the massing of the building and ensures that it retains the character of spaciousness whilst not appearing overly dominant and imposing within the streetscene.

The siting and massing of the rear block will be visible in part from the road frontage, however it is considered that it would have limited impact on the appearance of the streetscene.

The architectural style of the proposed building follows a contemporary approach incorporating some traditional features and plain decorative detail. The elevations include string courses to denote the lower storey plinth and the top storey of the building. The main windows on the building are grouped providing an element of verticality. The remaining window treatment on the upper floors includes stone heads and cills. The building would be mainly faced in stone and slate. The massing has been broken into three main elements linked by a mainly glazed central core.

It is considered that the scale, proportions and design of the building are acceptable on this site. Overall the proposed building is an acceptable response to this site and its setting within this part of the Ranmoor Conservation Area.

The removal of the existing access drive and re-landscaping of the northwestern part of the site improves the setting of the proposed development.

The access drive and provision of parking spaces on the southern and rear part of the site would change the appearance of the former garden. Most of the mature trees around this perimeter of the site are to be retained.

The seven mature trees on this southern part of the site previously shown for removal have since been felled. The trees removed were three less prominent trees (a maple -T9, a cedar -T10, and a mountain ash -T11) and four lower quality trees in the frontage belt (a holly -T12, two beech -T13 and T14, and a sycamore -T16). The removal of these trees opens up a view into the site although the pinch point created by the retained frontage trees and the adjacent building to the south will ensure that the character of the street is not harmed.

It is considered that the loss of these trees is acceptable and would not significantly harm the general character of the area. Replacement tree planting is proposed as part of the landscaping of the site.

It is therefore considered that the proposal would not significantly harm the character and appearance of the Ranmoor Conservation Area.

The proposal complies with UDP Policies BE5, BE6, BE15, BE16, BE18 and GE15, and Core Strategy Policy CS74.

Effect on the Amenities of Residents

The main issue of the proposed revision to the previously approved scheme to change one of the upper floor apartments into a duplex apartment and incorporate additional rooflights is whether there are any significant impacts on the amenities of adjacent and nearby residents.

UDP Policies H5 and H14 are particularly relevant to development in Housing Areas.

UDP Policy H5 seeks to ensure that the concentration of flats, bed-sitters and shared housing would not cause serious nuisance to existing residents, that the living conditions would be satisfactory for occupants of the accommodation and that there would be appropriate off-street car parking.

UDP Policy H14 relates to conditions on development in Housing Areas including matters of design, amenity and highway safety.

There are residential properties adjacent and close to the site off Ivy Park Road, Whitworth Road, Ranmoor Cliffe Road and Clumber Road.

The properties at no. 60 Ivy Park Road and 33, Whitworth Road adjoin the northern boundary of the application site.

The incorporation of the duplex accommodation does not change the siting, height and massing of the proposed building from that previously approved. The four proposed rooflights on the roofslope of the duplex would all face east and whilst the lower cill of these rooflights would be less than 1.7 metres above the internal floor level they would generally be oriented away from the properties at no. 60 Ivy Park Road and 33, Whitworth Road with only an angled view of and across those properties. It is considered that the positioning of the four proposed rooflights in the duplex would be sufficient to ensure that there would be no significant overlooking of nos. 60 and 33.

The dwelling at no. 60 Ivy Park Road has an 'L-shaped' footprint. Its three-storey side elevation and a recessed two-storey wing on higher ground levels both include windows facing south towards the application site. There is a separation distance of approximately 11 metres and 21 metres respectively from these elevations to the application site and an overall separation distance of approximately 19 metres and 29 metres between the opposing elevations of the proposed apartment building. This relationship complies with the daylighting guidance in the South Yorkshire Design Guide.

It is considered that this separation distance is sufficient to ensure that the proposed building would not significantly overbear or overshadow the adjacent property at no. 60 Ivy Park Road.

The side elevation of the proposed apartment building facing north towards no. 60 includes bedroom and lounge windows on the lower two storeys and the fourth storey of the rear wing, and two windows at ground level on the frontage block. The proposed central stair core which is recessed back from the main north elevation also includes obscure glazed windows on each landing of the stairs facing northwards towards no. 60.

As the lower cill of the roof windows on the fourth storey of the rear wing would be below 1.7 metres above the internal floor level of the rooms these windows would require the provision of obscure glazing to mitigate any potential overlooking of the

adjacent property. Whilst the other windows on the lower two storeys would be below the height of the boundary wall running along the northern boundary it is considered that these would require obscure glazing to prevent overlooking of the upper floor windows of the property at no. 60.

The proposed apartment building also includes the provision of balconies on the front and rear facing elevations. The proposals include provision of 1.8 metre high obscure glass screens on the north facing side of these balconies.

It is considered that subject to the provision of obscure glazing to the north facing windows and rooflights, the north facing stair core windows and the north facing side elevations of the balconies the proposal would not significantly overlook the adjacent property at no. 60 Ivy Park Road.

The dwelling at no. 33 Whitworth Road has a rear garden approximately 36 metres long. It is considered that this separation distance would ensure there would be no significant overbearing or overshadowing of no. 33 from the proposed development. The provision of obscure glazing to the rooflights and north facing side elevations of the balconies would ensure there would be no significant overlooking of the property at no. 33.

The dwelling at no. 50 Ivy Park Road is sited close to the southern boundary of the site and is sited on land approximately half a storey lower than the southern part of the application site. This dwelling has ground floor windows and rooflights on its elevation facing northwards towards the application site.

The four proposed rooflights on the roofslope of the duplex facing east would generally be oriented away from the property at no. 50 Ivy Park Road. It is considered that the positioning of the four proposed rooflights in the duplex would be sufficient to ensure that there would be no significant overlooking of no. 50.

The side elevation of the proposed building facing south towards no. 50 includes study and lounge/dining room windows on each of its three storeys and glazed doors on the ground floor with a separation distance of approximately 16 to 17 metres between the proposed building and the side facing windows of no. 50. The proposed apartment building also includes the provision of balconies on the rear facing elevation of this southern block and a roof terrace. The proposals include provision of 1.8 metre high obscure glass screens on the south facing side of these balconies and on the west and south sides of the roof terrace.

It is considered that despite the elevated position of the proposed building in comparison to the property at no. 50, the proposal would achieve satisfactory separation between these opposing buildings to ensure there would be no significant overbearing or overshadowing of no. 50 from the proposed development. This relationship complies with the daylighting guidance in the South Yorkshire Design Guide. However to ensure there would be no significant overlooking of no. 50 the south facing side windows of this southern block of the proposed building and the south facing side elevations of its balconies would require glazing with obscure glass. As the windows are secondary windows to

those apartments there would be no significant impact on the living conditions of the future occupants of those apartments.

The rear wing of the proposed building also includes south facing windows, however the separation distance of approximately 30 metres would be sufficient to ensure there would be no significant overbearing, overshadowing or overlooking of no. 50.

The properties at nos. 40, 42 and 44 Ranmoor Cliffe Road adjoin the rear boundary of the application site. These properties have long rear gardens of approximately 35 metres or more which will ensure that there would be sufficient separation distance between the rear elevations of these dwellings and the proposed building.

The four proposed rooflights on the east facing roofslope of the duplex would be approximately 27 metres away from the eastern boundary of the site. It is considered that the separation between these rooflights and the end of the rear gardens of nos. 40, 42 and 44 would be sufficient to ensure there would be no significant overlooking from the windows of these properties and their gardens.

The proposed building would however have its rear and partly its south side elevations, which include balconies and the glazed eastern elevation of the central stair core, facing towards the end of the rear gardens of the properties at nos. 40, 42 and 44 Ranmoor Cliffe Road. These elevations and balconies would be approximately 15 metres at their nearest point to the site's boundary with the neighbouring gardens at nos. 40, 42 and 44. The roof terrace would be approximately 17 metres away from the eastern boundary. The glazed stair core is approximately 23 metres from the eastern boundary of the site.

It is considered that the separation between the proposed building and the end of the rear gardens of nos. 40, 42 and 44 would be sufficient to ensure there would be no significant overlooking from the windows and balconies of these end gardens of these properties. However to ensure there is no significant overlooking from the more intensive use of the roof terrace continuation of the proposed 1.8 metre high glazed screen around the east side of the terrace would be required.

The proposed building achieves sufficient separation to other properties opposite the site and in the surrounding locality.

Overall, it is considered that, subject to the provision of obscure glazing to specified window, balcony screens and roof terrace, the proposal provides sufficient separation distances with neighbouring properties adjacent and opposite the site and in the surrounding locality to safeguard the living conditions of nearby residents.

The proposed parking spaces, bin store and cycle store will result in the movement of people and vehicles within the site close to the site's boundaries with adjacent properties. The site is bounded by low walls and fencing. It is considered that the noise and disturbance created by the movement of vehicles and pedestrians

generated by this development of 10 apartments would not be so significant to cause harm to the living conditions of adjacent and nearby residents.

Seven of the apartments have balconies. The proposed site layout provides private communal open space on the retained garden areas alongside the north and eastern perimeters of the site with additional communal space on the proposed roof terrace. Together these provide approximately 590 sq metres of private and communal space which is just below the guidance of 60sq metres per unit contained in the South Yorkshire Residential Design Guide. The frontage tree belt is not included in this assessment of open space. The proposal provides alternative qualities of open space comprising the lawned area beneath the tree canopies on the eastern boundary, more open areas alongside the apartment building and the more formal roof terrace.

It is considered that the proposal would provide sufficient quality of open space to serve the future occupants of the proposed apartments.

The proposal complies with UDP Policies H5 and H14.

Sustainability

The Government's National Planning Policy Framework (NPPF) sets out a commitment to sustainable development. Core Strategy Policies CS63 to CS65 relating to climate change are also relevant.

Whilst the site is located approximately 510 metres and 530 metres from the bus routes running along Sandygate Road to the north and Fulwood Road to the south, the site is within an existing residential community and would make an efficient use of land. On-site cycle parking facilities are proposed.

The proposed scheme would incorporate photovoltaic tiles set flush within the south facing roof to generate electricity with envisaged surplus being sold back to the grid. In addition to natural light to the rooms the use of LED and low energy lighting is proposed to mitigate excessive use of artificial light. Insulation standards in excess of the Building Regulations are proposed.

The proposed drainage strategy would continue to direct foul drainage to the public sewer. Water saving measures are to be incorporated in the internal plumbing arrangements. The ground conditions will be investigated to enable the use of soakaways for surface water roof drainage. Reinforced grass polythene matting/geogrid type cellular matting is proposed within the parking areas to provide permeable areas of drainage.

Conditions are recommended to secure the incorporation of sustainable measures with the development.

The proposal complies with Core Strategy Policies CS63 to CS65.

Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is applicable to this development. The site lies mainly within CIL Zone 5 where the contribution is £80 per sq m and partly within CIL Zone 3 where the contribution is £30 per sq m. The funds generated through CIL will be used in connection with strategic infrastructure needs.

SUMMARY

This proposed revision to the previously approved scheme to change one of the upper floor apartments into a duplex apartment and incorporate additional rooflights does not significantly affect the policy issues relevant to this development. The modest increase in residential accommodation contributes to the variety and choice of accommodation in the locality. The proposed revision does not significantly affect the traffic generation and parking issues relevant to this development. The proposed revision does not significantly affect the appearance and character of the proposed building and it is considered that the positioning of the four proposed rooflights in the duplex and the separation distances to adjacent and nearby properties would be sufficient to ensure that there would be no significant overlooking.

The proposal involving the replacement of a former bungalow with a three/four-storey apartment building would have a substantial impact on the character and appearance of this site.

The proposal seeks to maximise the development potential of this site.

The site has several features worthy of retention including stone boundary walls and mature trees and is situated in an established residential area with neighbouring properties adjoining the site.

It is acknowledged that there is a shortage of deliverable housing sites in the city, however the key issues in this instance are whether any adverse impacts outweigh the benefits.

The principle of housing development is acceptable. The proposed density is at the upper end of the acceptable range under Core Strategy Policy CS26.

There are no highway objections to the proposal subject to appropriate conditions. The proposed access arrangements are considered to be satisfactory.

The proposed provision 17 off-street car parking spaces to serve the 10 apartments is within the range of acceptable provision contained in the Council's maximum car parking guidelines and would not lead to significant on-street parking that would harm the safe and free flow of traffic on Ivy Park Road.

The appearance of the street in the vicinity of the site is of stone walls along front boundaries with mature trees behind. Buildings are generally set back from the street frontage and whilst there is a variety of plot widths reflecting a range of house sizes several properties have larger more spacious gardens reflective of the generally low density of development in the area. This part of Ivy Park Road has a less uniform streetscape pattern with varying architectural styles.

The former bungalow and garage on the site are not significant heritage assets and their demolition does not harm the character and appearance of the Ranmoor conservation area. The proposed widening of the lower access to the site by would not significantly harm the character and appearance of the site's frontage.

It is considered that the siting and massing of the proposed building would retain sufficient separation and openness to both sides of the building. The stepping down of the overall height of the proposed building's front façade following the falling contours of the site and the street breaks up the massing of the building and ensures that it retains the character of spaciousness whilst not appearing overly dominant and imposing within the streetscene.

The siting and massing of the rear block will be visible in part from the road frontage, however it is considered that it would have limited impact on the appearance of the streetscene.

The architectural style of the proposed building which follows a contemporary approach incorporating some traditional features and plain decorative detail is acceptable and the scale, proportions and design of the building are acceptable on this site. Overall the proposed building is an acceptable response to this site and its setting within this part of the Ranmoor Conservation Area.

The access drive and provision of parking spaces on the southern and rear part of the site would change the appearance of this existing garden. Whilst most of the mature trees around this perimeter of the site are to be retained, the proposal will result in the loss of seven mature trees on the southern part of the site which are visible within the streetscene.

The trees removed under the extant planning permission are three less prominent trees and four lower quality trees. The loss of these trees does not significantly harm the general character of the area. Replacement tree planting is proposed as part of the landscaping of the site.

It is considered that the proposed development would not significantly harm the character and appearance of the Ranmoor Conservation Area.

Consideration has been given to the impact on nearby residents in particular those close to the site.

The proposed building will be higher than adjacent houses and includes windows on all its elevations. Balconies are proposed on the west and east facing elevations and a roof terrace is proposed on the southernmost block.

Overall, it is considered that, subject to the provision of obscure glazing to specified windows and the roof terrace, the proposal provides sufficient separation distances with neighbouring properties adjacent and opposite the site and in the surrounding locality to safeguard the living conditions of nearby residents.

It is considered that the noise and disturbance created by the movement of vehicles and pedestrians generated by this development of 10 apartments would not be so significant to cause harm to the living conditions of adjacent and nearby residents.

It is considered that the proposal would provide sufficient quality of open space to serve the future occupants of the proposed apartments.

The proposal includes the use of photovoltaic tiles and other sustainable measures.

The Community Infrastructure Levy (CIL) is applicable to this development. The funds generated through CIL will be used in connection with strategic infrastructure needs.

The proposal complies with UDP Policies H5, H10, H14, BE5, BE6, BE15, BE16, BE18 and GE15, Core Strategy Policies CS26, CS63 to CS65 and CS74, and the Governments planning policy guidance contained in the NPPF.

In conclusion, it is considered that whilst the proposal would result in a substantial change to the character and appearance of the site, it would not cause any significant adverse impacts that would outweigh the benefits of the proposal.

RECOMMENDATION

It is recommended that planning permission is granted subject to conditions.

Case Number	16/03067/FUL (Formerly PP-05397411)
Application Type	Full Planning Application
Proposal	Erection of two double garages in separate blocks as amended 23.8.16
Location	Site Of 58 Ivy Park Road Sheffield S10 3LB
Date Received	09/08/2016
Team	West and North
Applicant/Agent	FJF Construction Ltd
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Drawing no. FJF/IP/001 (Layout Plan - Existing) received on 9.8.16.

Drawing no. FJF/IVY/112 Rev A (Det. Double Garage (Nos. 12-13);
Drawing no. FJF/IVY/114 Rev B (Proposed Garages 15 and 16);
Drawing no. IPR 01 Revision A (Tree Survey);
all received on 23.8.16.

Reason: In order to define the permission.

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

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

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

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

Other Compliance Conditions

4. The garages hereby approved shall be used solely for the parking of cars and shall not be used for any other purpose that prevents the garages from always being available for use for the parking of cars.

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

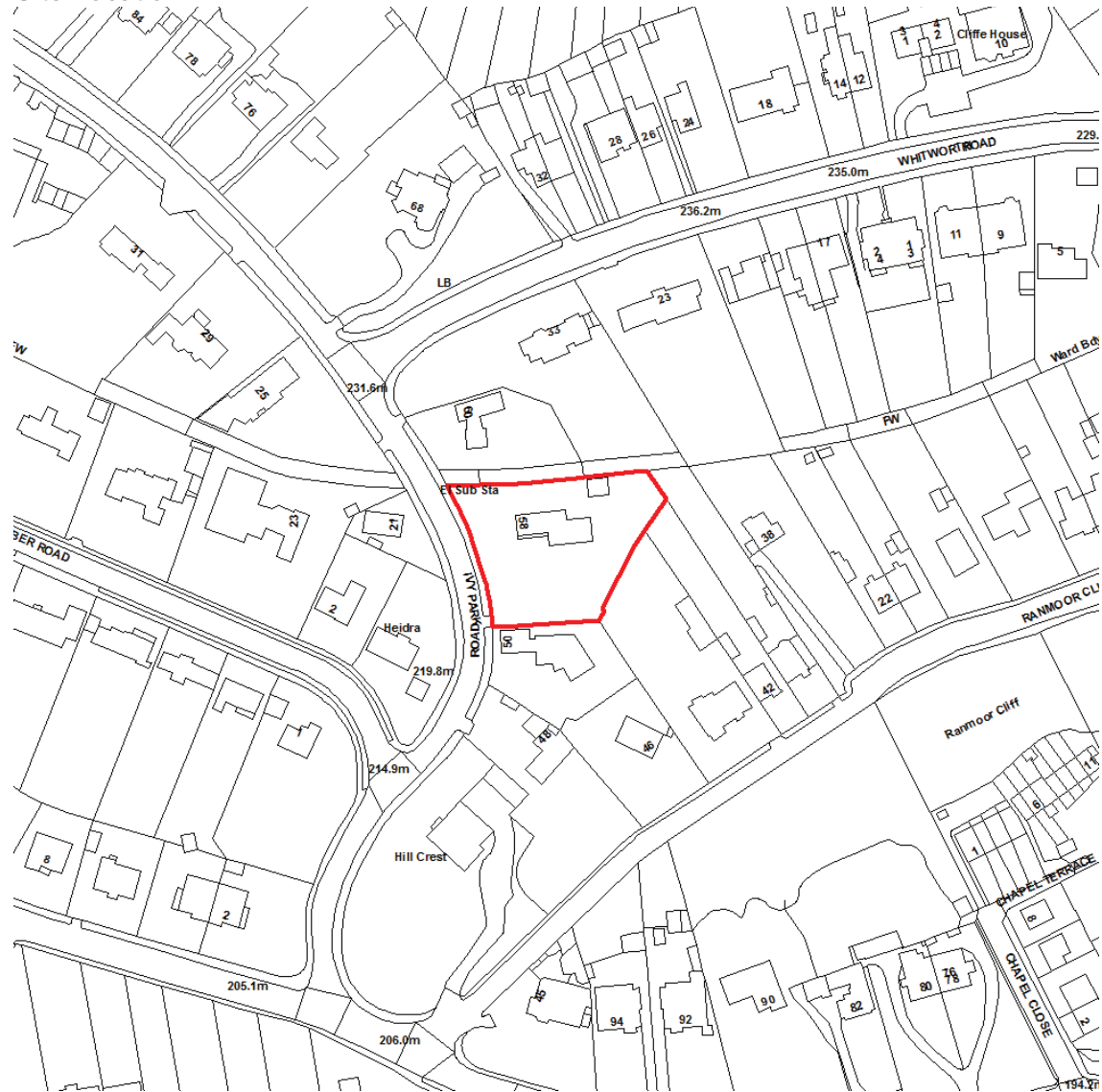
5. No windows, doors or other openings shall at any time be formed in the side or rear elevations or in the rear facing roofslope of the garages.

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

Attention is Drawn to the Following Directives:

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

Site Location



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LOCATION

The site is located on the east side of Ivy Park Road in a predominantly residential area of Ranmoor.

The site comprises approximately 0.21 hectares of land consisting of the former detached bungalow (no. 58) and garage, which have been demolished, and its large garden. The bungalow was set back from the road frontage and was sited towards the northern part of the site.

PROPOSAL

The proposal seeks full planning permission for the erection of 4 garages arranged in two blocks with each block containing a pair of double garages.

The proposed garages would be sited in the northeast corner of the site backing onto the adjacent boundaries. The garages would have stone faced walls and slated ridged roofs.

Each pair of garages would be approximately 6.7 metres wide, 6 metres deep and 2.5 metres high to the eaves and 4.2 metres high to the ridge.

The proposal would require the removal of two holly trees.

RELEVANT PLANNING HISTORY

This site has been subject to two recent applications for its redevelopment.

In April 2016 full planning permission was granted subject to conditions for demolition of bungalow and garage, erection of 10 apartments and provision of 17 parking spaces (application 15/03670/FUL refers).

In August 2016, an application was submitted under Section 73 of the Town and Country Planning Act 1990 seeking to revise the previously approved scheme to change one of the upper floor apartments (apartment 10) into a duplex apartment and incorporate additional rooflights (application no. 16/03120/FUL refers). This application is considered elsewhere on this agenda.

SUMMARY OF REPRESENTATIONS

The application has been publicised by notification letters to neighbouring properties, by newspaper advertisement and by display of site notices.

2 representations of objection have been received relating to the following matters:

- previous concerns for the size of the development and its impact on the conservation area;
- adds more density of building to a site that had already increased the density of the existing buildings by a significant amount and which had been the main source of complaints;

- out of keeping with the conservation area to have properties of a high density, does nothing to enhance the conservation area, the typical development is for low density with large gardens, detrimental to the area, a further intrusion into the neighbours enjoyment of their gardens and open spaces;
- no justification why 2 garages are necessary, further encroachment on several of the neighbouring properties, potential damage to trees that are screening the proposed vast development;
- creeping expansion of the overall development, should this proposal not sit with the new proposal for further alterations to the main development, otherwise piecemeal proposals rather than well thought out plan, how many more amendments will follow.

PLANNING ASSESSMENT

Policy Issues

The Sheffield Local Plan includes the Core Strategy and the saved policies and proposals map of the Unitary Development Plan (UDP).

The Pre-Submissions version of the Draft City Policies and Sites (CPS) Document and Draft Proposals Map are also a material consideration albeit with limited weight given that the documents are not to be submitted to the Secretary of State.

Both the UDP and the Draft CPS Proposals Map identify the site as being within a Housing Area where housing is the preferred use in principle subject to satisfactory details.

The proposed garages would provide ancillary parking facilities for the previously approved redevelopment of the site.

The proposal would not conflict with UDP Policy H10 relating to development in housing areas. The proposal involves ancillary buildings and as such does not change the number of dwellings per hectare previously approved or currently proposed for this site.

There are no policy objections in principle to the proposed development.

Highway and Transportation Issues

The parking layout previously approved under planning permission 15/03670/FUL provides 17 car parking spaces in total of which 5 parking spaces would be located in the northeast corner of the site.

The four proposed garages would replace four of the parking spaces that were shown on the approved layout for the redevelopment of this site under planning permission 15/03670/FUL. The fifth parking space would be retained but slightly repositioned between the two pairs of garages.

One of the proposed pairs of garages would be sited in a similar position to the previously approved parking spaces backing onto the northern boundary whilst the other pair would be sited approximately 5 metres further southeast backing onto the eastern boundary of the site.

The proposal maintains the overall amount of car parking accommodation to serve the proposed redevelopment of the site. To ensure that the garages are not used for other purposes, such as solely for storage, which may prevent their use for parking, a condition is recommended to ensure the garages are always available for parking cars thereby retaining the required amount of off-street parking to serve the proposed development.

Impact on the Amenities of the Locality

The site is within the Ranmoor Conservation Area.

UDP Policy BE5 seeks good design in new developments and Core Strategy Policy CS74 relating to design principles also expects high quality development respecting distinctive features and heritage including townscape and landscape character.

UDP Policy BE6 seeks good quality landscape design. UDP Policy GE15 seeks to encourage and protect trees and woodland and particular requires developers to retain mature trees wherever possible and replace any trees which are lost.

UDP Policies BE15, BE16 and BE18 seek to preserve or enhance the character and appearance of conservation areas. The Government's planning policy guidance on the historic environment is contained in the National Planning Policy Framework (NPPF).

The appearance of the street in the vicinity of the site is of stone walls along front boundaries with mature trees behind. Buildings are generally set back from the street frontage and whilst there is a variety of plot widths reflecting a range of house sizes several properties have larger more spacious gardens reflective of the generally low density of development in the area. This part of Ivy Park Road has a less uniform streetscape pattern with varying architectural styles. Several properties have outbuildings and garages within their gardens.

The size and scale of the proposed garages are in keeping with the ancillary nature of buildings in the gardens of residential properties and are subordinate to the proposed apartment building. The design and external materials reflect an appropriate quality for the area and the proposed redevelopment of the site. The location of the proposed garages to the rear of the site will not significantly impact on the appearance of the streetscene. The proposal would retain sufficient outdoor amenity space for the proposed development. It is considered that the introduction of the proposed additional buildings into the grounds of the proposed development would not result in an over-development of the site.

The two holly trees to be removed are low quality early mature trees. Whilst these trees are part of the group of boundary trees around the site that provide screening

between the site and neighbouring properties, the loss of the two trees would not significantly harm the appearance and landscape setting of the site or the proposed development.

The proposal would not harm the character and appearance of the Ranmoor conservation area.

The proposal complies with UDP Policies BE5, BE6, BE15, BE16, BE18 and GE15, and Core Strategy Policy CS74.

Effect on the Amenities of Residents

UDP Policy H5 seeks to ensure that the concentration of flats, bed-sitters and shared housing would not cause serious nuisance to existing residents, that the living conditions would be satisfactory for occupants of the accommodation and that there would be appropriate off-street car parking.

UDP Policy H14 relates to conditions on development in Housing Areas including matters of design, amenity and highway safety.

The proposed garages would be sited alongside the boundary wall of the site and the height of the garages would be higher than the boundary wall and as such the upper part of the garages and their roofs would be visible from adjacent residential properties. No windows are proposed in the rear elevations or within the roofs of the garages.

It is considered that whilst the proposed garages would be visible from adjacent and nearby properties, their design, size and massing is small in scale and would not overlook or significantly overbear or overshadow the adjacent gardens or dwellings.

Whilst these trees are part of the group of boundary trees around the site that provide screening between the site and neighbouring properties, the existing separation distances between the approved apartment scheme and neighbouring properties is sufficient to ensure there would be no significant loss of amenity to existing and future residents with or without these two holly trees.

The proposal complies with UDP Policies H5 and H14.

SUMMARY

The proposed garages would provide ancillary parking facilities for the previously approved redevelopment of the site for residential purposes.

The proposal would not conflict with UDP Policy H10 relating to development in housing areas and does not change the number of dwellings per hectare previously approved or currently proposed for this site.

There are no policy objections in principle to the proposed development.

The proposal maintains the overall amount of car parking accommodation to serve the proposed redevelopment of the site.

A condition is recommended to ensure the garages are always available for parking cars thereby retaining the required amount of off-street parking to serve the proposed development.

The size and scale of the proposed garages are in keeping with the ancillary nature of buildings in the gardens of residential properties and are subordinate to the proposed apartment building. The location of the proposed garages to the rear of the site will not significantly impact on the appearance of the streetscene. The introduction of the proposed additional buildings into the grounds of the proposed development would not result in an over-development of the site.

The two holly trees to be removed are low quality early mature trees. The loss of the two trees would not significantly harm the appearance and landscape setting of the site or the proposed development.

The proposal would not harm the character and appearance of the Ranmoor conservation area.

Although the proposed garages would be visible from adjacent and nearby properties, their design, size and massing is small in scale and would not overlook or significantly overbear or overshadow the adjacent gardens or dwellings.

Whilst the two holly trees are part of the group of boundary trees around the site that provide screening between the site and neighbouring properties, the existing separation distances between the approved apartment scheme and neighbouring properties is sufficient to ensure there would be no significant loss of amenity to existing and future residents with or without these two holly trees.

The proposal complies with UDP Policies H5, H10, H14, BE5, BE6, BE15, BE16, BE18 and GE15, and Core Strategy Policies CS74, and the Governments planning policy guidance contained in the NPPF.

RECOMMENDATION

It is recommended that planning permission is granted subject to conditions.

Case Number	16/02344/FUL (Formerly PP-05181930)
Application Type	Full Planning Application
Proposal	Mixed use development comprising office accommodation and 137 student accommodation units (85 studio apartments and 52 cluster flats (344 bedspaces)) in a 23 storey block with ancillary facilities, basement car and cycle parking, landscaped roof terrace and courtyard (Amended scheme)
Location	4 Furnival Square Sheffield S1 4QL
Date Received	17/06/2016
Team	City Centre and East
Applicant/Agent	WYG Planning
Recommendation	G Conditional Subject to Legal Agreement

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:

P000 Site Location Plan
P001-B Facade Detail - Brick Cladding
P002 Existing Basement Level
P003-A Lower Ground Floor Level
P004-A Ground Floor Level
P005-A Level 1
P006-A Level 2-5
P007-A Level 6
P008-A Level 7-14
P009-A Level 15-16
P010-A Level 18

P011-A Level 19
 P012-A Roof Level
 P013-A Proposed Furnival Square Elevation
 P014-A Proposed Eyre Street Elevation
 P015-A Proposed Eyre Street Elevation in Context
 P016-B Proposed Furnival Street Elevation
 P017-B Proposed Furnival Street Elevation in Context
 P018-B Proposed Eyre Lane Elevation
 P019-B Proposed Eyre Lane Elevation in Context
 P020-A Courtyard Sectional Elevation AA
 P021-A Courtyard Sectional Elevation BB
 P022-A Courtyard Sectional Elevation CC
 P023-A Courtyard Sectional Elevation DD
 P024-A Courtyard Sectional Elevation EE
 P025-A Facade Detail - Curtain Walling
 P027-A Proposed Site Plan
 P028-A Proposed Basement Level
 P029-A Proposed Furnival Square Elevation with previous approval outline
 P030-A Proposed Eyre Street Elevation with previous approval outline
 P031-A Proposed Furnival Street Elevation with previous approval outline
 P032-A Proposed Eyre Lane Elevation with previous approval outline
 P033-A Proposed Courtyard Sectional Elevation BB with previous outline approval
 P037-A 3D View from Arundel Gate
 P038-A 3D View from Furnival Gate
 P039-A 3D View from Furnival Square
 P040-A 3D Night View from Furnival Square
 P041 Level 17
 P042 Level 20
 P043 Level 21
 P044 Facade Detail Eyre Lane
 0553 - 01B Landscape Courtyard
 0553 - 01B Metal Planter Detail
 0553 - 01B Roof level 18
 0553 - 01B Roof Landscape level 20

Reason: In order to define the permission.

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

3. No development shall commence until a management plan detailing the means of ingress and egress for vehicles engaged in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. The management plan shall include the arrangements for restricting the vehicles to the approved ingress and egress points the transportation and storage of plant and materials and proposals for the effective cleaning of the wheels and bodies of vehicles leaving the site if needed, to prevent the depositing of mud and waste on the highway. Thereafter the development shall be carried out in accordance with the approved details.

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

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

Highway Improvements:

1. Resurfacing of the footpath along the Eyre Lane frontage of the site in accordance with the secondary palette as set out in the Urban Design Compendium
2. Provision of 2 stainless steel Sheffield Cycle Stands on the Furnival Square frontage of the site.

Reason: In the interests of the amenities of future occupiers of the site, encouraging access by sustainable modes and improving the environmental quality of site surroundings to reflect the introduction of residential uses into this former industrial area.

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

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

6. Prior to the commencement of development, a detailed Employment and Training Strategy, designed to maximise local opportunities for employment from the construction (and occupation) of the development shall have been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include a detailed implementation plan, with arrangements to review and report back on progress achieved to the Local Planning Authority. Thereafter the Strategy shall be implemented in accordance with the approved details.

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

7. 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.

8. Notwithstanding the submitted details the development shall not 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. The details shall demonstrate a reduction in surface water discharge of 30% compared to existing peak flow. 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 in accordance with the National Planning Policy Framework

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

9. The basement car parking layout is not approved as part of this consent and revised details including 2 disabled parking bays, a disabled drop-off area, motorcycle parking and security arrangements for the cycle parking shall be submitted to and approved by the Local Planning Authority before any of the uses commence. The approved details shall be implemented before the occupation of the building and thereafter permanently retained.

Reason: In order to ensure a safe and secure parking layout where vehicles can easily manoeuvre in and out of spaces and in order to provide easy access for disabled people, in the interest of traffic and pedestrian safety.

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

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

11. Prior to the landscaping works being implemented details of the growing medium for the roof gardens shall be submitted to and approved by the Local Planning Authority. Thereafter the approved details shall be implemented as part of the landscaping works.

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

12. Notwithstanding the details shown on the approved plans revised details of en-suites in the accessible rooms and seating within the landscaped spaces shall be submitted to and approved by the Local Planning Authority. Thereafter the approved details shall be implemented before the student accommodation is brought into use.

Reason: In the interests of meeting the needs of disabled people.

13. The residential units shall not be occupied until details of a scheme have been submitted to and approved by the Local Planning Authority to ensure that future occupiers of the residential units will not be eligible for resident parking permits within the designated Permit Parking Zone. The future occupation of the residential units shall then occur in accordance with the approved details.

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

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

The Travel Plan(s) shall include:

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

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

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

15. The building shall not be used unless 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 Sheffield Core Strategy Policy CS51

16. 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.

17. 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.

18. A sample panel of the proposed masonry, metal cladding and windows including the louvres 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.

19. Prior to construction of the following elements details shall be submitted to and approved by the Local Planning Authority:

1. Glass balustrade at the top of the tower.
2. Soffit and glazing to student entrance and signage strategy for the office and student uses.
3. External lighting scheme including details of the fittings.
4. External grille extracts other than those shown on the approved plans.

Reason: In the interests of the visual 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 specifications given in sections 3 and 10 of the noise report carried out by Adnitt Acoustics (Ref.1798/ARR/R1a) dated 10th June 2016.
- b) Be capable of achieving the following noise levels:
Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours);
Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours);
Other Habitable Rooms: Noise Rating Curve NR35 (0700 to 2300 hours);
Bedrooms: LAFmax 45dB (2300 to 0700 hours).
- c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.
[Noise Rating Curves should be measured as an LZeq at octave band centre frequencies 63 Hz to 8 kHz.]

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

21. 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 based on the findings given in sections 4 and 11 of the noise report carried out by Adnitt Acoustics (Ref.1798/ARR/R1a) dated 10th June 2016.
- b) Be capable of achieving the following noise level:
Noise Rating Curve NR40 - (0700 to 2300 hours).

c) 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 63 Hz to 8 kHz.]

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

22. 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.

Other Compliance Conditions

23. The top of the parapet to the roof terrace at the top of the tower shall be increased to 1.5m above the terrace level and the landscape scheme shall be developed with the input of a specialist wind engineer.

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

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

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

25. The scheme shall be designed so that doors do not open out across the highway.

Reason: In the interests of pedestrian safety.

Attention is Drawn to the Following Directives:

- 1. The applicant is advised that the Local Planning Authority consider the deep reveals shown on the approved plans are crucial to the design quality of the scheme and the Council is unlikely to look favourably on amendments which seek to reduce this quality.
- 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
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.

3. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk. Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.
4. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.
5. 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

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

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

7. The developer is advised that in the event that any un-natural ground or unexpected contamination is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority.
8. Plant and equipment shall be designed to ensure that the total LAeq plant noise rating level (including any character correction for tonality or impulsive noise) does not exceed the LA90 background noise level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.
9. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
10. 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 site is located at the corner of Eyre Street/ Eyre Lane/ Furnival Street and adjoins the Furnival Square roundabout. It lies within the Cultural Industries Quarter Conservation Area. It has been vacant for almost 10 years and accommodates the basement and foundations of an office block that stalled during the recession.

Adjoining the site to the south-west is Jury's Inn which is 10 storeys high on Eyre Street and 6 storeys high to Eyre Lane. To the east and north and on the opposite side of Furnival Square there is a concrete faced multi story car park and two 9 storey office buildings. On Furnival Street, opposite the site, there is a 5 storey Hallam University building. Opposite the site on Eyre Lane is a 3 storey Hallam University building; a 5 storey building under construction and a recently completed 5-7 storey residential development. Further to the south-east and fronting on to Arundel Street are listed buildings at 90/92A and Challenge Works.

The surrounding area is characterised by a mixture of commercial, residential and higher education uses.

The development takes the form of a 23 storey tower that faces Furnival Square which will be faced in brickwork with vertically orientated windows deeply recessed between brick columns. Either side of the main tower are two lower elements stepped back slightly and faced in metal rainscreen cladding with vertically orientated window openings and projecting metal fins. The Eyre Lane block drops down to 7 storeys with an 8th storey set back approximately 2.7m. It is faced in brickwork and glazing with double height curtain wall glazing panels at ground and first floor with vertically orientated windows and louvres set between brick columns.

Due to the slope across the site, the ground floor on Eyre Lane is one storey lower than the ground floor on Eyre Street/Furnival Square. The student accommodation will be accessed from Eyre Lane with the remainder of the ground floor accommodating a reception, kitchen, seating area, cinema, laundry and student bin storage. The offices will be accessed from Furnival Square and are one floor above the communal student accommodation.

Office floorspace of 2,200 sqm is spread over two floors. Above this is student accommodation comprising of cluster flats and studio rooms except for the top floor of the tower which accommodates a gym and common/study space. There will be a landscaped courtyard at second floor level and a roof garden on top of the tower.

The basement floor layout shows 22 parking spaces including 2 disabled spaces, 4 motorcycle spaces and 206 cycle spaces for the students. A further 10 cycle spaces will be provided to serve the offices on the lower ground floor. The

basement parking is accessed from Eyre Lane via the same access that serves the Jury's Inn car park.

RELEVANT PLANNING HISTORY

Planning permission was granted in 2007 for a part 6, 9 and 17 storey office block and a hotel, including leisure unit and café bar in a part 6 and 10 storey building (planning permission reference 06/02316/FUL). This permission has been implemented by the construction of the hotel and the basement of the office building, although the office building stalled and the foundations and basement which adjoins Furnival Square are currently surrounded by a timber screen fence.

SUMMARY OF REPRESENTATIONS

Two objections have been received. The main issues raised are:

- There is too much student accommodation in the area and given that over half the units are of a single type the scheme does not comply with Policy CS41.
- Residential homes for families are required in the City Centre as there is a shortfall in the five year supply of housing.
- Student developments do not deliver economic regeneration.
- The affordable housing contribution is insufficient.
- The development does not promote biodiversity and is not sustainable.
- The student accommodation will generate noise disturbance and there may not be sufficient police resources to handle the additional students
- The building is too high and it does not benefit the city skyline, it will obscure light to adjacent buildings and will look out of place in the conservation area.

PLANNING ASSESSMENT

Principle of development and policy

Employment Policy

The site is within a Fringe Industry and Business Area in the Unitary Development Plan where business B1, general industry B2 and warehousing B8 uses are preferred (Policy IB6). B2 and B8 uses are no longer appropriate following the adoption of the Core Strategy in which Policy CS6f identifies the area as one where manufacturing in the City Centre should be encouraged to relocate.

Office uses are promoted in this location by Core Strategy Policy CS3 which identifies the City Centre as the key location for offices in the city. Policy CS4a

identifies Eyre Street as priority location for offices, particularly prestige office accommodation. Policy CS3 also requires that the City Centre and its edge should account for at least 65% of new office development in the city. Currently the 65% target is being met, the latest calculation suggests that new office development in the City Centre and its edge stands at 70%. This percentage includes an allowance for the extant permission on the site (06/02316/FUL) that was expected to deliver 14,200 square metres of new office floorspace. The new application includes less office floorspace (2,200 sq.m.). This reduction in office floorspace would reduce the City Centre proportion to 68.8%, which will still meet the policy target.

The applicant has advised us that the existing office approval has been marketed for nearly 10 years with various publicity releases since the grant of planning approval in 2007 but there has been insufficient interest. The residential element of the current scheme will allow the developer to bring forward the speculative A grade office floorspace as part of the mix.

Policy CS17c promotes a mix of uses in the area and identifies it as one of the key growth clusters. This means that employment uses should be dominant in this part of the City Centre. This approach in the Core Strategy to promote a mix of uses, plus the need to promote office development, is reflected in the proposed designation of a Business Area in this location in the Draft City Policies and Sites document.

Whilst not an adopted policy, the City Policies and Sites are the means for implementing the Core Strategy policies in detail. The Business Areas are intended to promote a wide variety of employment uses, and to do this, part of the policy approach is to restrict residential uses to no more than 40% of the floorspace in the area (draft city policy H1).

The draft City Policies and Sites Background Report on Economic Prosperity and the City Region states that residential uses are at 19% in the area. Assuming that the proposal would provide approximately 12,000 square metres of residential floorspace this would change the balance of residential uses from 19% to 23%, which is acceptable under the draft policy.

Housing Policy

Core Strategy Policy CS 41 part a) seeks to promote mixed communities by providing housing for a broad range of smaller households in the City Centre where no more than half the new homes in larger developments would consist of a single house type. In this case 62% of the units would be studio apartments and 38% cluster flats so the proposal is contrary to this part of the policy. However the mix of units is better than some recently permitted schemes as it contains a range of cluster unit sizes from 4 bedrooms to 9 bedrooms. This policy is mainly intended to

secure a wider mix of general needs housing accommodation. As the residential element of this scheme is targeted towards students this part of the policy should be given less weight. However the applicant has demonstrated the building could be converted to a range of different apartment sizes should the need for student accommodation change in the future, which would allow a future residential conversion to be compliant with this part of the policy.

The proposal is consistent with part c) of the policy which seeks to provide new purpose built student accommodation primarily in the City Centre and areas directly to the north-west and south of the City Centre.

Part d) of the policy proposes limiting conversions to purpose built student accommodation where the community is already imbalanced by such uses. This will be achieved by limiting the forms of purpose built student accommodation and shared housing where more than 20% of residences within 200m of the site are shared housing. In this case the proportion of shared housing is 21%. This scheme will raise the proportion of shared housing to 23% and therefore is contrary to part D of the policy. The purpose of the policy is to protect established communities from being overwhelmed by shared accommodation. In this part of the city there is not considered to be a well-established community and therefore this part of the policy can be given less weight. Furthermore the site is well located for student accommodation given its proximity to Hallam University.

Scale massing and Design

Policy BE5 of the Unitary Development Plan seeks to achieve good design and the use of good quality materials with a respect for the scale, form and architectural character of the area.

Core Strategy Policy CS 74 is concerned with Design Principles. This says that high quality development will be expected which will respect, take advantage of and enhance the distinctive features of the city. This includes the townscape and landscape character of the city's districts, neighbourhoods, and quarters, with their associated scale, layout and built form, building styles and materials.

The City Centre Urban Design Compendium has been adopted as a material consideration in planning decisions in the city centre. The compendium identifies Furnival Square as a vehicular/pedestrian gateway and these locations are earmarked as presenting opportunities for tall buildings.

The scale and massing of the development is a key consideration. The site offers the potential to deliver a key gateway building that addresses Furnival Square which is a primary vehicular route whilst responding to the lower scale of the conservation area and secondary street character of Eyre Lane to the south-east.

Whilst the site is not identified as a specific location for a tall building in the Urban Design Compendium it is one of the vehicular and pedestrian gateways where the guidance says there are opportunities for tall buildings.

The proposal has been inserted into the City 3D model in order to consider its relationship with existing development and from various viewpoints. This demonstrates that a building of the scale proposed would not have a detrimental impact on the skyline and will be of an appropriate scale to mark this key gateway site.

In order to create a building that marks this key gateway, the tower element needs to be significantly taller than the adjacent buildings that surround the site. The proposed design achieves this, whilst the cut back shoulder elements reduce the massing of the scheme and ensure the tower is a more elegant slimmer form whilst creating a better transition with adjacent development. The use of different facing materials for the central tower and the lower wings also reinforces the distinctiveness and vertical emphasis of the main tower. The scale and massing of the current proposal is broadly similar to the previously approved scheme. The main body of the tower is approximately 5m higher. Increasing the height of the tower and having lower wings has the effect of reducing its bulk creating a more distinctive tower as compared with the previous scheme.

The highly glazed lower office floors will ensure the scheme has an active frontage at street level. The upper two floors of the tower are more highly glazed and set back with strong brick piers which will create a distinctive top to the tower.

The buildings fronting on to Eyre Lane drop down in scale considerably in order to respond to the narrower and secondary character of this street. The elevation is of a similar scale to the set-back upper floors of the Jury's Inn building where it fronts the street. An additional floor is set back almost 3m so will not appear obvious from street level. When compared to the approved scheme the scale of the built form to Eyre Lane is similar.

In terms of design the submitted scheme will deliver a high quality contemporary design. The double height glazed front on the ground floor of the tower emphasises the grandeur of the building. The central tower element facing on to Furnival Square is faced in brick with deeply expressed columns and window openings that create a strong vertical emphasis. Projecting horizontal bands and the irregular rhythm of window openings helps to break up the massing of the building and create a pleasing facade. The deep reveals will provide depth and modelling to the elevations. The simpler more reflective wings of the tower will contrast with the more varied highly modelled tower and the use of materials of glass and glossy cladding will result in a light weight appearance contrasting with the more robust tower. The Eyre Lane elevation is predominantly faced in

brickwork and glass. The double height openings at street level and entrance to the student accommodation will create an active street frontage whilst the regular window openings above will provide a pleasing elevation to the street.

The previous planning permission which has been partially implemented is a material consideration. This is of a similar scale and massing to the current proposal albeit that the tower has increased in height by two stories. The previous scheme was permitted whilst the Conservation area designation was in place.

Impact on the character of the Conservation Area and Listed Buildings

The application site lies within the Cultural Industry Quarter Conservation Area. Unitary Development Plan policy BE16 states that permission will only be given for proposals that would preserve or enhance the character or appearance of the Conservation Area. Redevelopment of sites that detract from a Conservation Area will be encouraged where it would enhance the character or appearance of the Area.

The CIQ Conservation Area Appraisal part 2 forms Supplementary Planning Guidance. The application site is identified as a peripheral character area within the conservation area with the Furnival Street / Eyre Street junction being highlighted as a gateway.

The guidance advises that development should respect the grid form with new development built to the back of the pavement and of a scale and form that respects existing development. Buildings should also address and front the street. In the Peripheral Area the main aim is to secure a higher quality redevelopment with buildings that define and enclose but do not overshadow the street.

In the Urban Design Compendium the site adjoins but is outside of the Arundel Street character area. The guidance says that innovative and imaginative designs will be encouraged and that development should maintain the existing robust street pattern. Outside the character areas modern materials will be permitted.

Whilst the whole of the site lies within the conservation area there is clearly a different character between the larger scale spaces and buildings adjoining Furnival Square/Eyre Street and the rear of the site adjoining Eyre Lane where more intimate scale with more character buildings dominates.

The proposed development responds to these different characters by providing the scale and massing on the roundabout and stepping down at the rear to respect the lower scale and character of the conservation area.

The building is positioned to the edge of the site on Eyre Lane and is respectful of the existing street pattern. The vertical emphasis, simple regular window

openings, and use of red brick as the main facing material will ensure the building responds to the character of the area in a contemporary way.

This prominent vacant gateway site currently detracts from the character of the conservation area and redeveloping the site with a high quality scheme that will mark this gateway site whilst respecting the more traditional character of Eyre Lane will significantly enhance the character of the conservation area.

The nearest listed buildings are approximately 35m away on Arundel Street with car parks or buildings between. Given that the scale of development reduces significantly on the Eyre Lane elevation which is nearest to the listed buildings, and the physical separation, it is concluded that the impact on the setting of the listed buildings will not be significant.

Access Issues

The application site is highly accessible and there is no requirement for off-street parking. The basement car park will utilise the same access as the Jury's Hotel basement car park which is adequate to serve the amount of parking proposed. The layout of the car park needs some further work to ensure the parking spaces can be safely and easily accessed however this can be controlled by condition.

Sufficient cycle parking is proposed for both the offices and the students.

Over 5% of the rooms will be suitable for disabled occupants and the scheme design allows for inclusive access.

Community Infrastructure Levy (CIL)

The Council has adopted a charging schedule for the Community Infrastructure Levy. The CIL charge for purpose built student accommodation is £30 per square metre.

Affordable Housing

Core Strategy Policy CS40 sets out the policy approach to the provision of affordable housing with the delivery mechanism explained in the Supplementary Planning Document "Community Infrastructure Levy and Planning Obligations". The application site is located in the City Centre West Affordable Housing Market Area where the expected affordable housing contribution is 10%. A contribution of £430,400 is due which the applicant has agreed to pay and will be secured by a S106 agreement. Given that there will be a large CIL payment due on commencement of development officers have agreed to a phased payment of the

affordable housing contribution in order to facilitate the regeneration of the site. This will be reflected in a Section 106 Legal Agreement.

Sustainability

The application site is previously developed land located in a highly sustainable location where shops, services and public transport are easily accessible on foot. The provision of a high density student scheme in a highly accessible location and close to the University is also considered to be sustainable. The development will also make use of the existing foundations and basement of the stalled scheme rather than starting again.

The applicant is intending to meet the 10% renewable energy requirement of policy CS 65 by a combined heat and power unit that provides a minimum of 11.3% of the total energy demand.

BREEAM pre-assessments have been carried out for both the office and student accommodation which demonstrate that the development should be able to achieve the BREEAM Very Good design requirement set out in Policy CS 64.

A small area of green roof will be provided on one of the wings that abut the main tower; this will provide a limited biodiversity enhancement. Conditions are proposed which will ensure the surface water run-off is reduced by 30% over the existing situation.

Drainage

The drainage connections for the site are in place from the part completed 2009 development. The applicant is proposing to utilise the existing connection but provide a 30% reduction in surface water run-off by providing a green roof on part of the site. This reduction will compensate for the increase in foul drainage discharge resulting from the current scheme. The means of delivering the reduced run-off requires further work but this can be controlled by condition.

Employment skills and training strategy

The applicant has indicated a willingness to work with the Council to develop an Employment and Training Strategy to facilitate local access to construction employment and training and to provide opportunities for the local supply chain. A planning condition is proposed to secure the submission of an employment and skills plan.

Noise

The application site is affected by traffic noise and noise from nightclubs on Eyre Street. A noise assessment has been submitted with the application which concludes that satisfactory internal noise levels can be achieved with appropriate attenuation. The Environmental Health Officer is satisfied with the submitted scheme and the recommendation is subject to conditions that will secure the appropriate internal noise levels and ensure the attenuation scheme is validated before occupation of the flats.

Wind

A wind assessment has been submitted in support of the application. It considers the Lawson Comfort Criteria and whether the different parts of the site and the surrounding footpaths will be comfortable for sitting, standing, strolling, walking or whether they will be uncomfortable. It also considers the impact of strong winds.

During the windiest season the wind comfort level around the site is likely to be suitable for standing and strolling use. The wind conditions around the building entrances are expected to be suitable for standing.

The amenity spaces will only be accessible to occupiers and visitors. The terrace at the top of the tower will be suitable for strolling during summer. The wind consultants have recommended mitigation in the form of the balustrade being increased to 1.5m high with a mixture of planters, shrubs and trees to improve comfort conditions. A condition is proposed to cover this mitigation.

Strong winds are not expected in thoroughfare locations; however high wind speeds may still occur to the north of development but they are not expected to exceed pedestrian discomfort levels.

Ground Conditions

The borehole results from the land contamination assessment carried out for the 2006 scheme found no evidence of contamination. Given this and the fact the site will be hard surfaced there is no need for any land contamination conditions.

The site lies within a Coal Mining Development High Risk Area. The Coal Authority has considered the Coal Mining Risk Assessment and has no objections; they have not recommended any conditions.

SUMMARY AND RECOMMENDATION

The proposal is not contrary to the key land use policies that apply to this site in that it will deliver some speculative office accommodation and the proportion of residential accommodation will remain within the target level within the area as defined in emerging policy. The office element is only viable due to the cross funding from the residential element of the scheme.

The proposal is however contrary to Policy CS41 in that more than half the units are of one type and it will increase the proportion of shared housing in an area where the proportion already exceeds the policy objective. However as this part of the city does not have a well-established community to protect, the policy should be given less weight.

In addition there are sustainability benefits in providing student accommodation close to the University and in a City Centre location where it is likely to reduce the pressure on family housing in the residential areas around the city centre.

The scheme will deliver a high density development in a sustainable location. It will also provide a high quality design that respects and enhances the character of the conservation area and is of a fitting quality for a tall building visible over a wide area and to mark this gateway site. The scheme will make a positive contribution to the skyline whilst the tower element will add to the stock of good quality tall buildings in the city.

The scheme will regenerate a key gateway site that is currently detracting from the conservation area. Given this and the other benefits referred to above it is considered that the benefits significantly outweigh the housing policy concerns. Therefore it is recommended that planning permission is granted subject to the listed conditions and to the applicant entering into a legal agreement to secure the following heads of terms.

Heads of Terms

The applicant enters into an agreement to secure an affordable housing contribution of £430,400 with phased payments at 6 months and 18 months following the commencement of the development.

Case Number	16/00833/FUL (Formerly PP-04830783)
Application Type	Full Planning Application
Proposal	Demolition of bungalow and garage, erection of 5 apartments with associated landscaping and undercroft parking (amended plans)
Location	33 Lyndhurst Road Sheffield S11 9BJ
Date Received	01/03/2016
Team	South
Applicant/Agent	Coda Planning Ltd
Recommendation	Grant Conditionally

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:

Basement floor plan Scan Date 19.10.2016 Ref 2152-1-Rev J
 Ground floor plan Scan Date 19.10.2016 Ref 2152-2-Rev J
 First floor plan Scan Date 19.10.2016 Ref 2152-3-Rev J
 Second floor plan Scan Date 19.10.2016 Ref 2152-4-Rev J
 Roof plan Scan Date 19.10.2016 Ref 2152-5-Rev J
 Sections Scan Date 19.10.2016 Ref 2152-6-Rev J
 North and West Elevations Scan Date 19.10.2016 Ref 2152-7-Rev J
 South and East Elevations Scan Date 19.10.2016 Ref 2152-8-Rev J
 Site and Location Plans Scan Date 19.10.2016 Ref 2152-9-Rev G
 Site Plan Scan Date 19.10.2016 Ref 2152-10-Rev G

Reason: In order to define the permission.

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

3. No development shall commence until full details of measures to protect the existing trees, shrubs and hedges to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

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

4. 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.

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

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

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

6. 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.

7. 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.

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

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

9. The existing landscaped areas within the site shall be retained and protected from construction activity. Any damage during construction / demolition works shall be made good by reinstating to the condition/appearance prior to the commencement of the works.

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

10. 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.

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

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

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

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

13. Details of all proposed external materials and finishes, including samples when requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is

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

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

14. Large scale details, including materials and finishes, at a minimum of 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
- External doors
- Garage doors
- Balconies
- Entrance Details
- Eaves
- Roof covering to parapet
- Rainwater goods

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

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

15. The surface water discharge from the site shall be reduced by at least 30% compared to the existing peak flow and detailed proposals for surface water disposal, including calculations to demonstrate the reduction, must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, or an alternative timeframe to be approved in writing by the Local Planning Authority. In the event that the existing discharge arrangements are not known, or if the site currently discharges to a different outlet, then a discharge rate of 5 litres/hectare should be demonstrated. The development shall thereafter be carried out in accordance with the approved details.

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

16. Before the first occupation of the building hereby permitted, the windows in the roof slope at second floor level on both side elevations shall be fitted with obscure glazing to a minimum privacy standard of Level 4 Obscurity to any part of the windows that is less than 1.7 metres above the floor of the room in which it is installed and shall be non-opening. The windows shall be permanently retained in that condition thereafter.

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

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

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

18. The apartments shall not be used unless details have been submitted to and approved in writing by the Local Planning Authority, showing how surface water will be prevented from spilling onto the public highway. Once agreed, the measures shall be put into place prior to the use of the apartments commencing, and shall thereafter be retained.

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

19. Before the first occupation of the building hereby permitted, the full height screens on both sides of the balconies on the rear at first floor level shall be fitted with obscure glazing to a minimum privacy standard of Level 4 Obscurity. The screens shall be permanently retained in that condition thereafter.

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

20. Details of a suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority and the 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.

Other Compliance Conditions

21. Rooflights shall be conservation style whereby no part of the rooflight shall project above the surface of the roofing slates unless otherwise approved in writing by the Local Planning Authority.

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

22. 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.

23. All the rainwater gutters, downpipes and external plumbing shall be of cast iron or cast aluminium construction and painted black.

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

24. Surface water and foul drainage shall drain to separate systems.

Reason: To ensure satisfactory drainage arrangements.

25. The stone boundary wall to the front of the site abutting Lyndhurst Road shall be retained, and at no point shall any part of the wall be removed.

Reason: In order to protect the character of the building and the surrounding Conservation Area.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk. Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.
3. 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.
4. Section 80 (2) of the Building Act 1984 requires that any person carrying out demolition work shall notify the local authority of their intention to do so. This applies if any building or structure is to be demolished in part or whole. (There are some exceptions to this including an internal part of an occupied building, a building with a cubic content of not more than 1750 cubic feet or where a greenhouse, conservatory, shed or pre-fabricated garage forms part of a larger building). Where demolition is proposed in City Centre and /or sensitive areas close to busy pedestrian routes, particular attention is drawn to the need to consult with Environmental Protection Services to agree suitable noise (including appropriate working hours) and dust suppression measures.

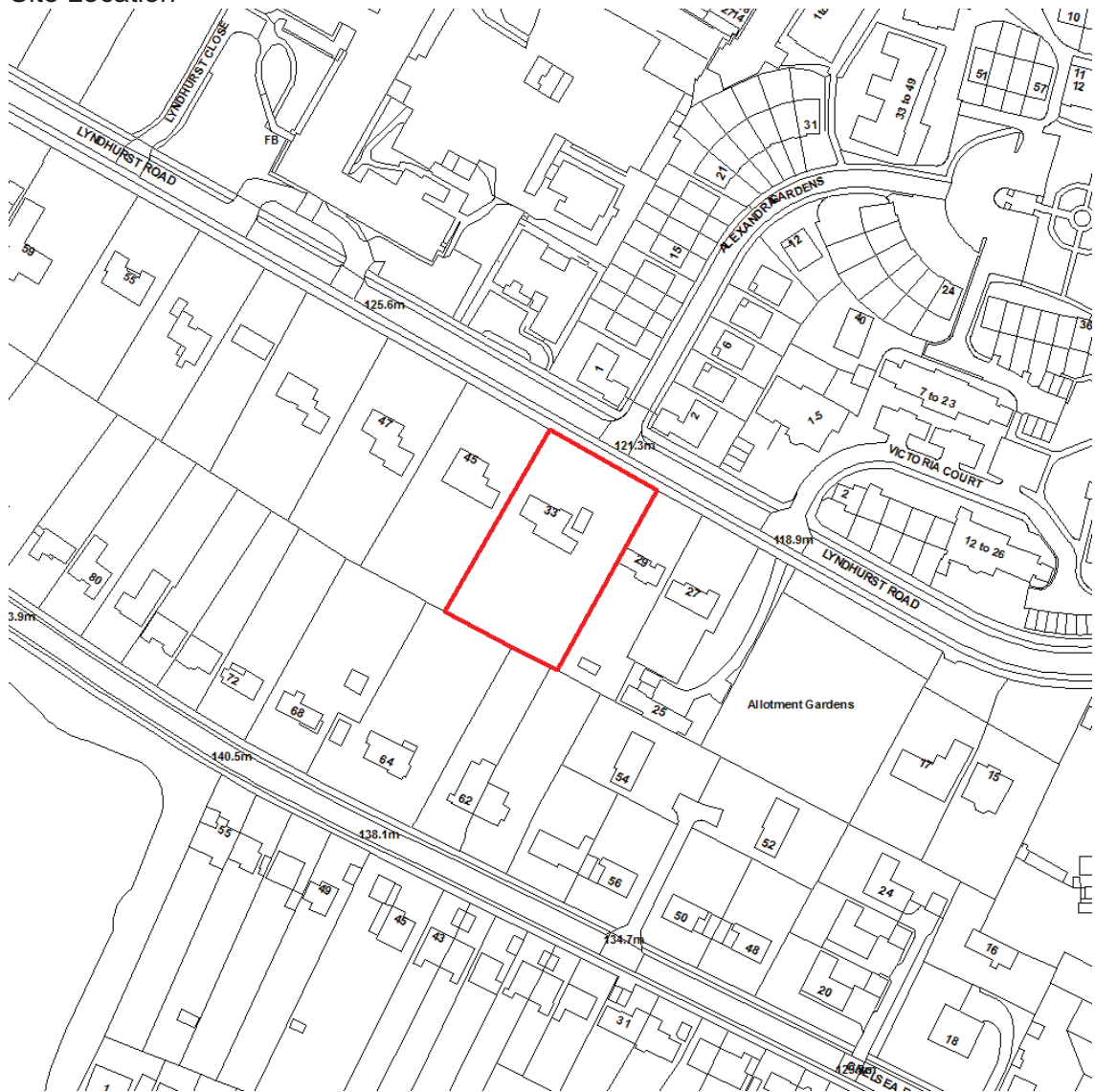
Form Dem 1 (Notice of Intention to Demolish) is available from Building Control, Howden House, 1 Union Street, Sheffield S1 2SH. Tel (0114) 2734170

Environmental Protection Services can be contacted at Development Services, Howden House, 1 Union Street, Sheffield, S1 2SH. Tel (0114) 2734651

5. 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.
6. The developer is advised that in the event that any un-natural ground or unexpected contamination is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority.

7. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk. Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.
8. 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.
9. 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.
10. 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.

Site Location



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INTRODUCTION

Members will recall this application was deferred at the last committee meeting for a site visit.

LOCATION AND PROPOSAL

The application site is currently occupied by a large detached bungalow which is set back from the highway within substantial grounds. The site lies within the Nether Edge Conservation Area, and within a Housing Area as defined in the Unitary Development Plan (UDP).

The street is characterised by a mixture of building styles and design, which are predominantly in residential use. The land slopes up from the front of the site to the rear, following the natural topography of the area.

Planning permission is sought for the demolition of the existing house on the site, and the construction of a building which includes three floors of accommodation (including one within the pitched roof), providing 5 apartments, plus an additional level of partial subterranean car parking accommodation beneath the building.

RELEVANT PLANNING HISTORY

There is no relevant formal planning history relating to re-development of the site, however pre-application advice has recently been sought for a larger scheme than that which is subject of this application. There have been a number a small scale extensions granted in the 1990's to the existing building.

SUMMARY OF REPRESENTATIONS

Original Submission

19 representations were received objecting to the proposal, including objections from both immediate neighbours, from Councillor Akther and from Nether Edge Neighbourhood Group. Issues raised include:

- The building is out of character with the other houses along Lyndhurst Road, and the wider Conservation Area.
- It is a storey higher than the neighbours, with the roof scape being overly dominant
- The proposal will set a precedent for other such developments in the area
- The deep footprint of the building is out of context
- There will be a loss of sunlight and overshadowing to neighbouring properties
- The level of excavation could potentially damage neighbouring buildings.
- The proposal could impact on the local water table and water run-off in the surrounding area.
- The balconies and roof terrace are elevated and will allow views over neighbouring properties. Natural boundary treatment should not be a justification.
- The building is overly fenestrated.
- The proposal will create more traffic, noise and pollution.

- The density of the proposal is too high, harming the distinctiveness of the road.
- The undercroft parking does not reflect the “characteristic parking arrangements” within the area.

Amended Submission (August 2016)

Following a second round of consultation on the amended plans, 10 representations have been received, all of whom commented on the original scheme.

- The alterations have no impact on the mass of the building which is still significantly greater in every dimension and contrary to policy G5, and is made worse by pulling the building forward.
- Sinking the building in the ground by a further 1.2 metres will result in more excavation, further impacting on the water table and neighbours, and damaging the roots of the mature planting already on the site.
- The undercroft car parking is not in character with the surrounding area and is more akin to an office development.
- The roof scape is now worse with roof lights inserted with the removal of the hip roofs.
- Moving the buildings forward means the balconies are moved closer to the back of the neighbouring houses, having a wider view which would create additional overlooking and would also generate significant noise which is contrary to DHE8 (draft SPD guidance for designing house extensions) and against the Human Rights Act.
- The garage exit in the side will create vehicle noise and fumes to neighbours (esp 29 Lyndhurst Road)
- The site is not a brownfield site, and is contrary to the NPPF.
- The density still remains too high and does not reflect policy CS26.
- The existing hedging is oppressive and oversized and should not be relied on to provide screening, especially when it is in close proximity to the excavation.

Amended Submission (October 2016)

Following a third round of notification of amended plans, 6 representations were received, including from Councillor Akther and Councillor Teal and from the Nether Edge Neighbourhood Group. A joint letter from both of the immediate neighbours has been received which is a lengthy 17 page document. A brief summary of the main points has been listed below. General comments which have been included in the previous rounds of comments have not been listed below.

The proposal remains too big in relation to the plot and will dominate the lower end of the road, being disproportionate in size to the surrounding adjacent properties and impact on the character of the street scene and conservation area.

- The overbearing nature of the building has arisen from it being too big for the site, intruding into neighbouring privacy and amenities.
- Moving the building forward by 2 metres brings it closer to properties opposite.

- Removing one set of garage doors, results in a concentration of traffic movement impacting on properties closest to the entry/exit experiencing excessive traffic flow, and excessive noise from vehicles.
- The gain of 4 units does not outweigh the harm to the integrity, character and distinctiveness of Lyndhurst Road.
- Pre-planning guidance required the building to have the appearance of a house, however this is not the case and it is clearly a block of flats
- The flattening of the front garden area to allow the building to be lowered into the ground would impact negatively on the surrounding street and the conservation area.
- The proposal is 2.4 metres (a storey) higher than No. 29 and 1 metre higher than No. 45 which breaks the rhythm of the street in terms of the roof scape and the natural stepping.
- There are now 10 windows in the side facing No. 29 and 12 windows facing No. 45 which will overlook both neighbouring properties.
- The balconies and the new walkway will create overlooking to neighbouring properties, along with the noise emanating from the use of these areas by 5 individual properties.
- The proposed building does not improve the character and quality of the area nor the way it functions.
- The plans are still not up-to-date, and much of the precise details still remain guesswork.

PLANNING ASSESSMENT

The main issues to be considered are whether the principle of the development is acceptable, the effect on the character and appearance of the area and the Conservation Area, the effect on living conditions of future and existing residents and whether suitable highways access and off-street parking is provided.

Principle of Development

The application site falls within a Housing Area, and the principle of redeveloping the site for housing (C3) is in line with the preferred use identified within UDP policy H10. Policy CS23 seeks to focus at least 90% of new dwellings in the main urban area and Policy CS24 gives priority to previously developed sites. The proposal is in accordance with these policies.

Policy CS26 requires that new housing sites should make efficient use of land, and states the ideal density for a site in this type of location would be 30 – 50 dwellings per hectare. The density of this proposal falls below the recommendation at 21 dwellings per hectare. It is acknowledged that densities on the opposite side of the road in the former Hospital Site are much higher than the proposal, however when taking into consideration the character of this part of the conservation area where single buildings are set within large grounds, and the substantial depth of the site, this density is similar to that already found in the vicinity. As such, Policy CS31, which gives priority to safeguarding the character of South West Sheffield is complied with.

Based upon the most current information available, a deliverable supply of housing land over the coming 5 years cannot be demonstrated. The Local Planning

Authority has identified a 4.7 year of supply. Paragraph 49 of the NPPF advises that relevant policies relating to housing supply should not be considered to be up to date if a five year supply cannot be demonstrated and that the presumption in favour of sustainable development should apply. The issue of a shortage in housing land availability is a material consideration which supports the principle of residential development at this site and the proposal would provide a small and helpful contribution to the local supply of housing land, in a sustainable location.

In terms of sustainable development, the site is surrounded by residential properties. It is close to bus routes, and within walking distance of the Nether Edge Shopping Centre. The proposals represent efficient use of a previously developed site. The overall package of measures will result in an energy efficient building which will comply with Policies CS63, CS64, CS65 and CS67.

Character and Appearance of Conservation Area

The site falls within the Nether Edge Conservation Area, and as such Policy BE16 is relevant. The site however falls outside of the character areas and is not indicated as a building of historic interest in the Nether Edge Conservation Area Appraisal. The existing building is of little architectural merit or historic interest and its demolition is acceptable in principle, subject to its replacement.

The surrounding area is characterised by large properties within significant grounds along this side of Lyndhurst Road, and directly opposite are two and three storey stone built dwellings with pitched roofs which are on the site of the old Nether Edge Hospital complex. This proposal is set towards the centre of the site, and does not fill the width of the site, allowing for the views between the proposal and immediate neighbours, which safeguards the green character of the area, meeting the requirements of Policy CS31. Furthermore, car parking is mainly contained within the garaging, and the proposal is not car dominated when viewed from the highway.

The majority of properties within the surrounding area are constructed from natural stone, under pitched slate roofs. This proposal has been designed as a contemporary approach to a traditional villa, with a central entrance and bay window/projections on either side. The massing of the building has been reduced and this has been achieved by lowering the basement level so that it is 2.8 metres below the existing floor level, reducing the pitch of the roof, removing the gables to the side and bringing the building 2 metres further forward. Natural stone and slate are proposed for the front elevation, and parts of the sides, details and samples of which can be controlled through a condition.

The result is a building which it is acknowledged will be more visible than the existing dwelling, but which now sits comfortably between the neighbouring properties and within the street scene. It has a ridge line that is higher than its immediate neighbours (approx. 2.4m higher than No.29 and 1 m higher than No.45) though not to a degree that renders it out of scale or character. This complies with Policy CS74 and BE5 which seek high quality developments which do not detract from the character of an area.

The NPPF paragraph 132 requires 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 goes on to say 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 Conservation Area is the heritage asset. The existing building is of little merit and the site falls outside of the character areas identified within the Conservation Area Appraisal. In this context, given the replacement building is considered to be of acceptable design, the development is not considered to be harmful to the heritage asset.

Overall, the building is well designed and subject to satisfactory building materials being used, a good quality scheme can be achieved and the proposals will comply with Policies BE5, BE16, H14 and CS74.

Effect on Living Conditions

UDP policy H14 requires that all residential units should provide good quality amenities for all future occupants. The policies also seek to ensure that the amenities of existing neighbouring residents are not compromised.

Whilst the Local Planning Authority's Supplementary Planning Guidance: Designing House Extensions (SPG) is not strictly relevant to the assessment of this application, some of the guidelines help to interpret policy H14 of the Unitary Development Plan. In particular in this instance Guidelines 4-6 are relevant which essentially require extensions to avoid overshadowing neighbouring property and to maintain minimum levels of privacy.

Future Occupiers

The apartments are spacious and the units would provide good quality living conditions for future occupants. Each unit has a good outlook, patio area, terrace or balcony providing a small degree of private amenity space, with a large communal garden area to the rear which will provide more than sufficient external space. Therefore adequate levels of residential amenity can be provided and maintained for proposed residents and in these respects the proposals thereby comply with Policies H5, H14 and H15.

Effect on Existing Occupiers of Neighbouring Properties

When assessing the effect of unreasonable overshadowing and over dominance of a proposal, the principles of Guideline 5 of the SPG relating to house extensions can be applied. The neighbouring properties are located within close proximity of the site boundary, with the proposal standing approximately 9-10 metres away from the side boundaries. The neighbouring properties have primary windows in the front and back of their properties, and the relationship of the proposed development is positioned sufficient distance away from these windows to prevent adverse levels of overshadowing, meeting the recommended 45 degree rule found in Guideline 5. The proposal at the rear is essentially two storeys in nature under a pitched roof. It is not considered that depth of the building would cause any significant over dominance or overbearing, being set back from the boundaries of the site which consists of mature tall evergreen hedging. At present

the boundary treatment is particularly tall, however, should this be reduced in size, there still would be adequate screening.

With regard to privacy, the 2 units at first floor have balconies on the rear which have obscure glazed screens to both sides. A terrace is proposed to the top floor which is set within the fabric of the building with pitched roofs located on either side of the terrace. With the screens in place, the presence of the roof structure, and a distance of approximately 10 metres to the side boundaries, it is not considered that significant overlooking will be created by the balconies/terrace located on the rear to occupiers of the adjoining properties. Furthermore, owing to the footprint of the building extending back into the site, the most private areas of garden space which are normally immediately to the rear of a property are protected, along with windows in the rear of immediate neighbours.

There are a number of windows proposed in each side elevation. 6 small windows are proposed on each side elevation which are high level windows with a minimum height of 1.7 metres above the floor level of the room they serve. A set of double patio doors are also proposed on ground floor in the sides which are set away from the boundaries and as such will not create overlooking to neighbouring properties. Several roof lights are proposed on both sides of the roof slope, which are largely high level and will not create any adverse overlooking to occupiers of the neighbouring properties. A condition will ensure any such windows positioned less than 1.7m above floor height will be obscurely glazed and fixed.

Amended plans have been received show a single set of garage doors located close to the boundary with no.29 but facing Lyndhurst Road. The set of garage doors are located below the ground floor level of the neighbouring property and as such headlights of cars entering and exiting the garage will not shine into the neighbouring properties windows. With regards to cars entering and exiting the garage to the side, there will be a retaining wall, with a mature evergreen hedge along the boundary and it is considered that the potential for noise and disturbance from the garage will be mitigated by these factors to an acceptable level.

The properties to the rear along Chelsea Road and those to the front on the opposite side of road are considered to be such a distance away from the proposal that no material impact will occur from the development.

Therefore it is considered that the proposal would not result in a significant and/or unreasonable loss of privacy to neighbours or result in a development having an overbearing or overshadowing nature which would be to the detriment of neighbours' amenities meeting the requirements of Policy H14, the NPPF and the principles of the SPG.

Highways

In total 8 parking spaces are provided within the garage, with 2 parking spaces located to the front of the building. This is considered sufficient for 5 apartments in this location and therefore the development is in accordance with UDP Policy H14 (d), and BE9.

Access arrangements utilise existing openings and the intensification in vehicle use is not of a level that would warrant improvement of the access arrangements, or generate a highway safety concern.

Landscape Issues

Policy BE6 requires that good landscape design is required in all new developments. A number of trees within the centre of the site are to be removed which do not contribute significantly to the visual amenity of the street scene or Conservation Area character as such. The soft landscaping and trees to the front of the building are to be retained, along with the boundaries treatments on all sides. The front garden area is to be flattened and regraded, and a condition can be attached to any approval to ensure appropriate landscaping is provided as part of the development and that the existing landscaping is retained.

Other Issues

The Community Infrastructure Levy - CIL has now been formally introduced; it applies to all new floor space and places a levy on all new development. The money raised will be put towards essential infrastructure needed across the city as a result of new development which could provide transport movements, school places, open space etc. The application site lies within CIL Charging Zone 3 with the charge for this development being £30 per square metre.

Flood Issues - The site is not within a high or medium risk flood zone which would affect the principle of the development, and as such does not require a Flood Risk Assessment to be carried out.

Issues relating to the water table can be given little weight, however conditions restricting surface water run off can be attached to any approval to ensure any alterations are to a minimum.

RESPONSE TO REPRESENTATIONS

Issues relating to excavation, construction noise, and construction traffic are all regulated through Environmental Protection Services or the Highway Authority. These disturbances are an unavoidable consequence of development, however a directive can be added to inform the applicant of appropriate hours of construction.

With regard to the Human Rights Act, the Council should be aware of and take into account any implications that may arise when making a decision. Under the Act, it is unlawful for a public authority to act in a manner which is incompatible with the European Convention on Human Rights. Particular reference is made to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of possessions, including land). In addition, under Article 6 the applicant and those third parties (including local residents) who have made representations have the right to a fair hearing which means that full consideration should be given to their comments.

When making its decision the Council must balance any likely private harm against the wider public good to ensure that interference with anyone's rights shall only be permitted if it is proportionate (the degree of harm to the individual balanced against the public interest). On this occasion it is the view of Officers that any

interference is in accordance with the law and justified as being in the public interest and on the basis of the planning merits of the proposal. Any restriction on rights caused as a result of the proposed development is considered to be proportionate to the wider benefits of granting permission and that such a decision falls within the margin of discretion afforded to the Council.

SUMMARY AND CONCLUSION

The principle of demolishing the existing dwelling on site and replacing with 5 apartments within a single block is acceptable. The amendments secured to the proposal have resulted in a development that is considered to have an acceptable impact upon the character of the immediate street scene and the surrounding Conservation Area. Therefore, in the context of the NPPF, no substantial harm would occur to the heritage asset. It is considered that the development would not adversely impact on the living conditions of neighbouring occupiers, or impact on highway safety.

The proposal would represent efficient use of previously developed land, in a sustainable location and would provide four additional housing units which would make a small contribution to the city's housing stock.

Therefore, the proposals comply with the applicable policies and guidance outlined above and it is recommended that planning permission is granted subject to conditions.



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Interim Head of Planning

Date: 13 December 2016

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Claire Woods 0114 2734219

Summary:

List of all newly submitted planning appeals and decisions received, together with a brief summary of the Inspector's reason for the decision

Reasons for Recommendations

Recommendations:

To Note

Background Papers:

Category of Report: OPEN

DEVELOPMENT SERVICES

REPORT TO PLANNING &
HIGHWAYS COMMITTEE
13 December 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 alterations to front window opening to form door opening and provision of external seating area including erection of jumbrella at The Place Nile Street Sheffield S10 2PN (Case No 16/03026/FUL)

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to Grant Part and Refuse Part advertisement consent for 1 no. externally illuminated post sign, 1 no. externally illuminated letters sign, 1 no. internally illuminated display case at The Place Nile Street Sheffield S10 2PN (Case No 16/03032/ADV)

(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the removal of entrance porch, provision of timber cladding to two-storey front projection and provision of render to section of side elevation at The Place Nile Street Sheffield S10 2PN (Case No 16/03025/FUL)

3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the delegated decision of the Council to refuse planning consent for alterations to ground floor of building for use as hot food take away (Use Class A5) with ancillary seating area and installation of extraction equipment to the rear at 126 Birley Spa Lane Sheffield S12 4EJ (Case No 16/01299/FUL) has been dismissed.

Officer Comment:-

The Inspector considered that the two main issues in this case were the effect of the proposal on the vitality of the shopping parade and the effect of the scheme on the living conditions of residents in the vicinity.

On the first issue the Inspector noted that there are already 6 hot food

premises in the parade and have a significant presence. Most do not open during the day and as such have a negative effect on the character and vitality of the centre. The addition of a further similar use would further erode the centre and prejudice the dominance of shops, contrary to adopted policy.

On the second issue, the Inspector considered the position of the flue to be completely inappropriate, being immediately outside the windows of residential flats and having the potential to cause significant harm to living conditions through noise, vibration and fumes, contrary to adopted policy.

The appeal was dismissed and enforcement action is ongoing to seek the removal of the unauthorised flue.

(ii) An appeal against the delegated decision of the Council to refuse planning consent for a two-storey side/rear extension, single-storey rear extension and formation of gable end at 21 Glenorchy Road Sheffield S7 2EL (Case No 16/01695/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the main issues as the effect of the proposed development upon :-

- The character and appearance of the area; and
- The living conditions of adjoining occupiers.

She noted the dwelling was one of a pair of very symmetrical semi-detached dwellings with hipped roofs on a prominent corner at the junction of Glenorchy Road and Bannerdale Road.

She considered the side extension to be too wide and flush with the front elevation, which when combined with the use of a gable roof, resulted in an extension which would be too big and disproportionate, spoiling the symmetry. She felt this would be incongruous and prominent in the street scene and added that similar extensions nearby do not justify further harm. In this respect the development would adversely affect the character and appearance of the area in conflict with para 60 of the NPPF and Guidelines 1 and 2 of the Council's SPG.

In terms of living conditions she agreed with officers that owing to the angle of the property to the adjacent house on Glenorchy Road would result in significant loss of privacy to 19 Glenorchy Road from a rear bedroom window very close the boundary in conflict with the Council's SPG. She did not however agree that the extension would be overbearing to this neighbour.

She noted the appellant's large family and that medical issues require one child to have their own bedroom but stated these issues did not outweigh the harm identified, and dismissed the appeal.

(iii) An appeal against the delegated decision of the Council to refuse planning consent for a second-floor extension to dwellinghouse (Re-submission of

15/01394/FUL) at 200 Norton Lane Sheffield S8 8HB (Case No 16/01351/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the main issue to be the effect of the extension upon the character and appearance of the host dwelling and the street scene.

She noted the dwelling is an art deco semi-detached house with a distinguishing curved parapet which is a strong feature of the pair of dwellings at upper floor level.

She agreed with officers that the extensions would erode the characteristic features of the dwelling and completely spoil its symmetry. This concern was exacerbated by the prominent location of the pair of dwellings.

As such she agreed also that the extension would harm the character and appearance of the host dwelling in conflict with the Council's guidelines and the NPPF, and dismissed the appeal.

4.0 APPEALS DECISIONS - WITHDRAWN

(i) An appeal against the delegated decision of the Council to refuse planning consent for the demolition of car showroom and associated buildings and erection of mixed use development comprising four blocks ranging from 6-12 storeys in height to provide 2027m² of retail space, 130 residential apartments, 44 student cluster flats (209 beds) with subterranean car parking accommodation, associated landscaping works, external bin store, cycle parking and electricity substation at 245 Ecclesall Road Sheffield S11 8JE (Case No 15/01180/FUL) has been withdrawn.

Officer Comment:-

This has been withdrawn following the recent grant of permission for an alternative scheme (ref:16/03159/FUL).

5.0 APPEAL – ENFORCEMENT NOTICE

(i) To report that an appeal against an Enforcement Notice served in respect of the unauthorised installation of replacement UPVC windows at 16 Moor Oaks Road has been dismissed and the notice is upheld.

Officer Comment:-

The appellant appealed the service, in February 2016, of an enforcement notice which required the removal of the upvc windows within 6 months. The appellant appealed on grounds a), c) and f) (see below) of s174 of the Town and Country Planning Act :-

Ground a) - that planning permission should be granted for the works; and

Ground c) – that the works do not require planning permission; and
Ground f) – that the steps required to be carried out to remedy the breach are excessive

The Inspector considered ground c) first and noted that as a mid-19th Century dwelling in the Broomhill Conservation Area that is subject to an Article 4 Direction removing Permitted Development rights. The appellant claimed no knowledge of the Article 4 direction but the Inspector makes it clear that such matters are the owner's responsibility. The appellant also stated he acted on the requirements of the Council's Private Sector Housing team in replacing the windows but the Inspector confirmed this did not avoid the need for planning permission. He concluded on ground c) that the windows were clearly significantly different from the originals and planning permission was needed, confirming that the ground c) appeal fails.

For ground a) the main issue was the impact of the replacement windows on the character and appearance of the conservation area. He noted the attractive, coherent nature of the street scene and that the original windows were traditional timber sliding sashes. He considered the upvc windows lack the fine detailing, opening mechanism and texture of painted timber and the removal of the original stone mullion at first floor level had distorted the proportions of the windows. He concluded therefore that they were out of character with the host property.

He noted the street contained a number of examples of traditional sliding sash windows being replaced with upvc, to the detriment of the character and appearance of the area and that the purpose of the Article 4 Direction is to halt such erosion of character and reintroduce traditional features when replacements are sought. He noted this was a long but worthwhile process for the benefit of the Conservation area as a whole. He concluded therefore that the windows were harmful to the host property, the street scene and the Conservation Area in conflict with policies BE15, BE16 and BE19 of the UDP, and CS74 of the Sheffield Local Plan Core Strategy.

He noted that the appellant's letter from the Council's Private Sector Housing team required upvc replacement but also that it required the owner to obtain any necessary consents and is not therefore justification for replacing the windows in their present form. The ground a) appeal therefore failed.

In terms of ground f) the appellant suggested lesser steps (than removal) could remedy the situation, either accepting the Council's letter as mitigation, or seeking a financial contribution from the Council towards the replacement of the windows. The Inspector regarded neither as appropriate steps and concluded that no lesser steps than specified in the notice would address the breach. Ground f) therefore failed.

The enforcement notice was therefore upheld.



6.0 RECOMMENDATIONS

That the report be noted

Flo Churchill
Acting Head of Planning

13 December 2016