

Planning and Highways Committee

Tuesday 9 May 2017 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, David Baker, Jack Clarkson, Michelle Cook, Dawn Dale, Tony Damms, Roger Davison, Dianne Hurst, Alan Law, Zahira Naz, Peter Price, Joe Otten 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
9 MAY 2017**

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 - 8)
Minutes of the meeting of the Committee held on 18 April 2017
- 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 9 - 76)
Report of the Head of Planning
- 8. Quarterly Overview of Enforcement Activity** (Pages 77 - 80)
Report of the Head of Planning
- 9. Quarterly Update of Enforcement Activity** (Pages 81 - 104)
Report of the Head of Planning
- 10. Record of Planning Appeal Submissions and Decisions** (Pages 105 - 108)
Report of the Head of Planning
- 11. Date of Next Meeting**
The next meeting of the Committee will be held on 30 May 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 18 April 2017

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

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 No items were identified where resolutions may be moved to exclude the press and public.

3. DECLARATIONS OF INTEREST

3.1 Councillor Roger Davison declared an interest in an application under Regulation 3 of the Town and Country (General) Regulations 1992 which sought planning permission being granted to the City Council for the erection of a three-storey building to form a secondary school and sixth form, including internal and external sports facilities, multi-use games area (MUGA), associated hard and soft landscaping works, fencing, provision of cycle parking and alterations to an existing car park at part of the former Bannerdale site across the road from 152 to 194 Carter Knowle Road (Case No. 16/04750/RG3) as he was a Local Ward Councillor for the area. Councillor Davison stated that he had not pre-determined his views on the application and would therefore participate in its determination.

3.2 The Chair (Councillor Chris Rosling-Josephs) declared an interest in an application for outline planning permission for the erection of 7 dwellinghouses on land to the east of the junction with School Street and Station Road, Mosborough (Case No. 17/00516/OUT) as he lived near to the application site. When the application was considered by the Committee, Councillor Rosling-Josephs did not speak or vote thereon.

3.3 Councillor David Baker declared an interest in an application for planning permission for the demolition and site clearance, erection of 62 dwellings, with access, parking, open space, landscaping and associated works at Griffs Fireclay Works and land to the north of Griffs Works, Stopes Road (Case No. 16/04749/FUL) as he was a Local Ward Councillor for the area. Councillor Baker stated that he had not pre-determined his views on the application and would therefore participate in its determination.

4. MINUTES OF PREVIOUS MEETING

- 4.1 The minutes of the previous meeting of the Committee, held on 28 March 2017, were approved as a correct record.

5. SITE VISIT

- 5.1 **RESOLVED:** That the Interim Head of Planning, 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. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

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

(b) having (i) noted an update on ecological issues and drainage, as detailed in a supplementary report circulated at the meeting and (ii) heard oral representations at the meeting from a local resident objecting to the proposed development and from the applicant's agent supporting the development, an application for outline planning permission for the erection of 7 dwellinghouses on land to the east of the junction with School Street and Station Road, Mosborough (Case No. 17/00516/OUT) be granted, conditionally, subject to (A) additional conditions in respect of (1) surface water drainage and (2) surface water discharge, all as detailed in the aforementioned supplementary report and (B) an additional directive advising the applicant that the proposed footpath link from Station Road on to the site be removed from any future scheme;

(c) having (i) noted additional representations from local residents and the Carter Knowle and Millhouses Community Group and the officer's response, all as detailed in a supplementary report circulated at the meeting and (ii) heard oral representation at the meeting from three representatives of the Carter Knowle and Millhouses Community Group objecting to the proposed development and from two representatives of the applicant supporting the development, an application for planning permission under Regulation 3 of the Town and Country (General) Regulations 1992 be granted, conditionally, to the City Council for the erection of a three-storey building to form a secondary school and sixth form, including internal and external sports facilities, multi-use games area (MUGA), associated hard and soft landscaping works, fencing, provision of cycle parking and alterations to existing car park at part of the former Bannerdale site across the road from 152 to 194 Carter Knowle Road (Case No. 16/04750/RG3), subject to (A) amendments to Conditions in respect of (1) Condition 15 concerning the community use agreement, (2) Condition 18 concerning the continuity of the formal use of the sports pitches during development, (3) Condition 20 concerning

a financial contribution towards the replacement of formal sports provision off-site, (4) Condition 24 concerning measures to mitigate against the air quality impacts of the development, (5) Condition 25 concerning final numbers and locations for Electric Vehicle Charging Points, (6) Condition 29 concerning a footpath connecting Carter Knowle Road to the existing informal footpath network, (7) Condition 34 concerning the accessible ramp leading from the access road to the main entrance and the external seating, (8) Condition 40 concerning public art and (9) Condition 41 concerning boundary treatment, all as detailed in the aforementioned supplementary report (B) an additional directive concerning advising the applicant on any remediation strategy, as detailed in the aforementioned supplementary report, (C) an amendment to Condition 10 requiring improvements to the existing ancient hedgerow set to the south, including the section outside the site boundary and (D) an additional directive advising the applicant that a community orchard and children's play space would be desirable within the retained informal space to the south of the site;

(d) having heard oral representations at the meeting from a representative from the Loxley Valley Protection Society and a local resident objecting to the proposed development and the applicant's representative supporting the development, an application for planning permission for the demolition and site clearance, erection of 62 dwellings, with access, parking, open space, landscaping and associated works at Griffs Fireclay Works and land to the north of Griffs Works, Stopes Road (Case No. 16/04749/FUL) be granted, conditionally, subject to (i) Directive 11 being deleted in view of it being a duplication of Directive 8 and an additional directive advising of the Council's point of contact for the proposed closure/diversion of a highway associated with the development, as detailed in a supplementary report circulated at the meeting and (ii) the completion of a Legal Agreement; and

(e) an application for planning permission for the demolition of an existing dwelling and erection of 2 detached dwellinghouses at 40 Walkley Crescent Road (Case No. 16/03776/FUL) be deferred pending a visit of inspection to the site.

(NOTE In connection with the decision to grant an application for planning permission under Regulation 3 of the Town and Country (General) Regulations 1992, conditionally, to the City Council for the erection of a three-storey building to form a secondary school and sixth form, including internal and external sports facilities, multi-use games area (MUGA), associated hard and soft landscaping works, fencing, provision of cycle parking and alterations to existing car park at part of the former Bannerdale site across the road from 152 to 194 Carter Knowle Road (Case No. 16/04750/RG3), Councillor Roger Davison stated that he did not support paragraphs 1, 3 and 9 under the "Summary and Recommendation" of the report now submitted (Pages 72 and 73) and asked for this to be recorded.)

7. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 7.1 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.

8. DATE OF NEXT MEETING

- 8.1 It was noted that the next meeting of the Committee will be held at 2:00p.m. on Tuesday 9 May, 2017 at the Town Hall.



SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Head of Planning Services

Date: 09/05/2017

Subject: Applications under various acts/regulations

Author of Report: Lucy Bond 2734556
Chris Heeley 2736329
John Williamson 2734944

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.
16/04488/LBC (Formerly PP-05663544)	Former Head Post Office (Phase 3)17 Fitzalan SquareSheffieldS1 2LD	13
16/04487/FUL (Formerly PP-05663544)	Former Post Office (Phase 3)17 Fitzalan SquareSheffieldS1 2LD	17
16/04446/FUL (Formerly PP-05636070)	Waitrose Supermarket Recycling PointEcclesall RoadSheffieldS11 8HY	45
16/03776/FUL (Formerly PP-05533008)	40 Walkley Crescent RoadSheffieldS6 5BB	64

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SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To the Planning and Highways Committee
Date Of Meeting: 09/05/2017

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	16/04488/LBC (Formerly PP-05663544)
Application Type	Listed Building Consent Application
Proposal	Erection of a 10/16 storey building to provide 241 bed spaces comprising of 29 Cluster Flats and 13 Studio Units, with ancillary accommodation and installation of screening to roof mounted plant to Former Head Post Office Building
Location	Former Head Post Office (Phase 3) 17 Fitzalan Square Sheffield S1 2LD
Date Received	30/11/2016
Team	City Centre and East
Applicant/Agent	Axis Architecture
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 Planning (Listed Buildings and Conservation Areas) Regulations 1990.

Approved/Refused Plan(s)

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

26483-3(01)01 Revision B - Site Plan

26483-3(02)100 Revision D - Level L0 GA Plans
26483-3(02)101 Revision C - Level L1 GA Plans
26483-3(02)102 Revision D - Levels L2 - L4 GA Plans
26483-3(02)103 Revision C - Levels L5 - L9 GA Plans
26483-3(02)104 Revision D - Level 10 GA Plans
26483-3(02)105 Revision B - Levels 11 - L15 GA Plans
26483-3(02)106 Revision B - Level 16 Roof Plan
26483-3(02)107 - Future Adaptation (Typical Level)

26483-3(04)100 Revision C - Proposed Elevation - East
26483-3(04)101 Revision C - Proposed Elevation - South & North
26483-3(04)102 Revision C - Proposed Elevation - West
26483-3(04)103 Revision C - Proposed Elevations - Substation and Refuse Store

26483-3(04)201 - Typical Cluster Bedroom Facade (Brickwork)

26483-3(31)03 Revision A - External Envelope - Typical Detail Sections
26483-3(31)04 Revision A - External Envelope - Typical Detail Sections

26483-3(04)103 Revision A - Context Elevations - Flat Street
26483-3(04)103 Revision A - Context Elevations - Pond Street

'Mark Up Drawings - Plant Screening Building A

Reason: In order to define the permission.

Pre-Commencement Condition(s)

3. 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:

- The proposed junctions between the Grade II Listed Building and the new development; and

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

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

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

4. Details of the proposed zinc and aluminium materials to be used for the plant screen on the roof of the Grade II Listed Building shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

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

5. The brick material submitted and referenced BEA Caxton Quartz Grey (Product Code: 4180025, BEA Clay Solutions) shall be used as the facing material for all parts of the building that are identified on the approved plans as being constructed from "dark grey facing brickwork".

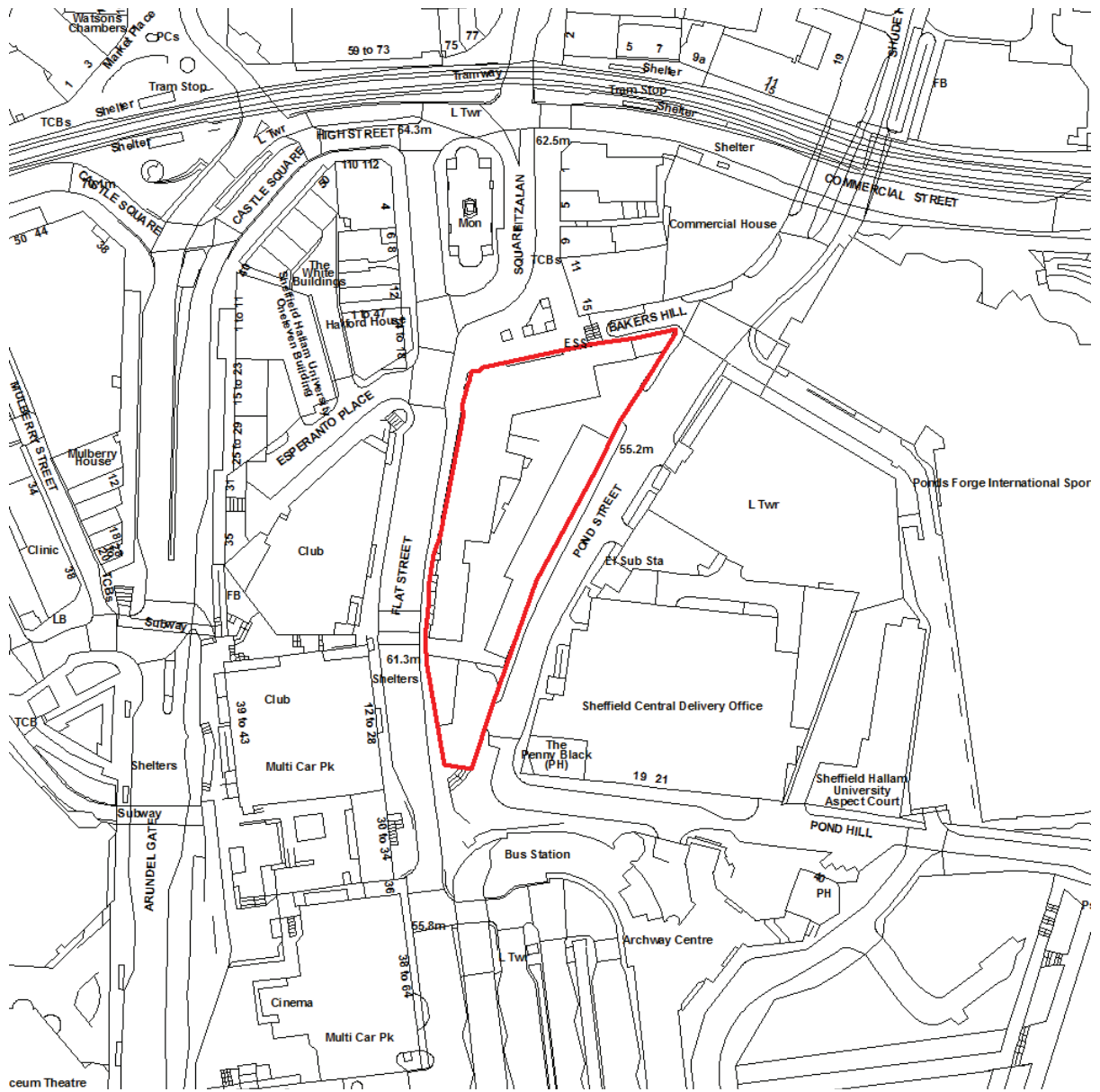
Reason: In order to ensure an appropriate quality of development.

Other Compliance Conditions

6. The roof top plant screen shall be installed by 1st September 2017 in accordance with the approved details.

Reason: In the interests of visual amenity and the character / appearance of the Grade II Listed Building.

Site Location



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Joint Report - for main report see 16/04487/FUL

Case Number	16/04487/FUL PP-05663544
Application Type	Full Planning Application
Proposal	Erection of a 10/16 storey building to provide 241 student bed spaces comprising of 29 Cluster Flats and 13 Studio Units, with ancillary accommodation and installation of screening to roof mounted plant to Former Head Post Office Building
Location	Former Post Office (Phase 3), 17 Fitzalan Square, Sheffield, S1 2LD
Date Received	30/11/2016
Team	City Centre and East
Applicant/Agent	Axis Architecture
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:

26483-3(01)01 Revision B - Site Plan

26483-3(02)100 Revision D - Level L0 GA Plans
26483-3(02)101 Revision C - Level L1 GA Plans
26483-3(02)102 Revision D - Levels L2 - L4 GA Plans
26483-3(02)103 Revision C - Levels L5 - L9 GA Plans
26483-3(02)104 Revision D - Level 10 GA Plans
26483-3(02)105 Revision B - Levels 11 - L15 GA Plans
26483-3(02)106 Revision B - Level 16 Roof Plan
26483-3(02)107 - Future Adaptation (Typical Level)

26483-3(04)100 Revision C - Proposed Elevation - East

26483-3(04)101 Revision C - Proposed Elevation - South & North
26483-3(04)102 Revision C - Proposed Elevation - West
26483-3(04)103 Revision C - Proposed Elevations - Substation and Refuse Store

26483-3(04)201 - Typical Cluster Bedroom Facade (Brickwork)

26483-3(31)03 Revision A - External Envelope - Typical Detail Sections
26483-3(31)04 Revision A - External Envelope - Typical Detail Sections

26483-3(04)103 Revision A - Context Elevations - Flat Street
26483-3(04)103 Revision A - Context Elevations - Pond Street

'Mark Up Drawings - Plant Screening Building A

Reason: In order to define the permission.

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

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

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

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

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

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

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

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

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

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

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

7. No development of the student accommodation building 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)

8. No demolition and / or construction works relating to the student accommodation building 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.

9. 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:

- The proposed junctions between the Grade II Listed Building and the new development; and
- The proposed lighting proposals and any proposed illumination of the building.

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

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

10. Details of all proposed external materials and finishes (excluding the brick referenced in Condition 34), including samples when requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

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

11. Before the development is commenced, 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.

12. Notwithstanding the details on the approved plans, before the development is commenced, or within an alternative timeframe to be agreed by the Local Planning Authority, full details of suitable inclusive access and facilities for disabled people within the development shall be submitted to and approved by the Local Planning Authority. Specifically, the details shall include:

- Full details of suitable inclusive access and facilities for disabled people to enter the building(s) and within the curtilage of the site; and
- Full large scale details (scale 1:20) of the layout of the proposed wheelchair accessible studios that are proposed to be included within the development upon occupation of the building.

That part of the development shall not be used unless such inclusive access and facilities have been provided in accordance with the approved plans. Thereafter such inclusive access and facilities shall be retained. (Reference should also be made to the Code of Practice BS8300).

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

13. Unless shown not to be feasible and viable, no development of the student accommodation building shall commence until a report has been submitted to and approved 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.

If a Combined Heat and Power System is proposed then the following details shall be submitted:

- Details of the proposed equipment and system;
- Details of the proposed fuel; and
- Details of the emissions and air quality implications generated by the development, including any subsequent mitigation measures.

Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any

part of the development is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation of the student accommodation building. 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.

14. The student accommodation building 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.

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

Reason: In the interests of biodiversity.

16. No development of the student accommodation building shall commence until full details of the proposed surface water drainage design (including calculations, appropriate model results, balancing works and off-site works) have been submitted to and approved by the Local Planning Authority. This should include the arrangements and details for surface water infrastructure management for the life time of the development. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. The scheme should be achieved by sustainable drainage methods whereby the management of water quantity and quality are provided. Should the design not include sustainable methods evidence must be provided to show why these methods are not feasible for this site. The surface water drainage scheme and its management shall be implemented in accordance with the approved details. No part of a phase shall be brought into use until the drainage works approved for that part have been completed.

Reason: In the interests of sustainable development and given that drainage works are one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences in order to ensure that the proposed drainage system will be fit for purpose.

17. The surface water discharge from this brownfield site shall be reduced by at least 30% compared to the existing peak flow. In the event that the existing discharge arrangements are not known, or if the site currently discharges to a different outlet, then a discharge rate of 5 litres per second per hectare should be demonstrated.

Reason: To comply with Policy CS67 and the National Planning Policy Framework.

18. Before the development of the student accommodation building is commenced, the improvements (which expression shall include traffic control, pedestrian and cycle safety measures) to the highways listed below shall 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 brought into use.

Highway Improvements:

- (i) New cycle route on Pond Street adjacent to the development connecting with existing cycle routes on Pond Street and Broad Street West;
- (ii) New on-street parking layout on Pond Street and Pond Hill;
- (iii) Provision of a service bay on Flat Street and drop off bay on Pond Street;
- (iv) Footway improvements to the highway in Fitzalan Square and Flat Street adjacent to the listed building in Urban Design Compendium Primary Palette;
- (v) Footway improvements to the highway on Pond Street and the remaining part of Flat Street to Urban Design Compendium secondary palette;
- (vi) New street lighting to Bakers' Hill and Steps and associated minor footway works required for safety reasons;
- (vii) Changes to the area of footway and steps at the junction of Pond Hill, Pond Street and Flat Street to improve intervisibility, access and reduce conflict where the cycle route and the pedestrian desire lines cross;
- (viii) Relocation of the pedestrian crossing on Flat Street to a position to be approved by the Local Planning Authority.

Reason: To enable the above-mentioned highways to accommodate the increase in traffic, which, in the opinion of the Local Planning Authority, will be generated by the development.

19. 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.

20. The student accommodation 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 the Transport Policies in the adopted Unitary Development Plan for Sheffield (and/or Core Strategy).

21. Prior to the commencement of the development of the student accommodation building, or an alternative timeframe to be agreed by the Local Planning Authority, a detailed Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall include:

1. Clear and unambiguous objectives to influence a lifestyle that will be less dependent upon the private car;
2. A package of measures to encourage and facilitate less car dependent living; and,
3. A time bound programme of implementation and monitoring in accordance with the City Councils Monitoring Schedule.
4. Provision for the results and findings of the monitoring to be independently validated to the satisfaction of the Local Planning Authority.
5. Provisions that the validated results and findings of the monitoring shall be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.

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

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

22. 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.

23. Before the student accommodation building is brought into use, full details of a management plan to control student arrivals/departures associated with moving in to/out of the accommodation shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter such management plan shall be adhered to.

Reason: In the interests of highway safety.

24. Before the student accommodation building is brought into use, full details of the proposed refuse and recycling storage facilities to be provided to serve the development shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include a method statement indicating how the facilities will be managed and serviced and how occupiers of the proposed development will be encouraged to maximise the use of the proposed recycling facilities to reduce general waste arising. Prior to the occupation of any phase of the proposed development the approved facilities shall have been implemented for that phase in conjunction with the approved method statement and shall thereafter be retained.

Reason: In order to ensure that proper provision for refuse is made and to encourage the maximum use of recycling in the interests of protecting the environment.

25. All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation

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

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

26. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, a Validation Report shall be submitted to the Local Planning Authority. The building or any part thereof 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 Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

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

27. Before the development of the student accommodation building is commenced full details of the public art proposals that are identified in principle on the approved elevation plans shall have been submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved details.

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

28. The student residential accommodation hereby permitted shall not be occupied unless the approved scheme of sound attenuation works has been installed and thereafter retained. Such scheme of works shall:

a) Be based on the findings of ARUP Acoustic Assessment (Ref: AAc/217919-00/RO1, Dated: 20/02/13);

b) Be capable of achieving the following noise levels:

Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);
Living Rooms & Bedrooms: LAeq (16 hour) - 35 dB (0700 to 2300 hours);
Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);
Bedrooms: LAFmax - 45dB (2300 to 0700 hours).

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

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

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

29. Before the student accommodation building is commenced, full details (including a method statement for implementation) of proposed new street trees, including species, planting specification and tree grilles, to Pond Street and Flat Street shall have been submitted to and approved by the Local Planning Authority. The method statement shall detail how and when it is intended to install the proposed street trees on the site. Thereafter the street trees shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any failures within that five year period shall be replaced unless otherwise approved by the Local Planning Authority.

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

30. Before any part of the student accommodation building is brought into use a Validation Test of the sound attenuation works to that part of the development for the relevant proposed use shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Test shall:
- a) Be carried out in accordance with an approved method statement,
 - b) Demonstrate that the specified noise levels for the proposed use 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.

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

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

32. Prior to the commencement of the development of the student accommodation building, 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.

Other Compliance Conditions

33. The roof top plant screen shall be installed by 1st September 2017 in accordance with the approved details.

Reason: In the interests of visual amenity and the character / appearance of the Grade II Listed Building.

34. The brick material submitted and referenced BEA Caxton Quartz Grey (Product Code: 4180025, BEA Clay Solutions) shall be used as the facing material for all parts of the student accommodation building that are identified on the approved plans as being constructed from "dark grey facing brickwork".

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

35. The development shall be carried out in accordance with the approved typical section details shown on Drawing Nos. 26483-3(31)03 Revision A and 26483-3(31)04, which are hereby approved.

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

36. No windows shall be blocked up, filmed over or otherwise made non transparent without the prior written approval of the Local Planning Authority.

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

37. There shall be no gates or barriers erected at the means of access to the site unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure access is available at all times.

38. No loudspeakers shall be fixed or used outside the building at any time.

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

39. No deliveries to the buildings within the site of the development shall be carried out between 21:00 hours and 08:00 hours Monday to Saturday and between 20:00hours and 09:00 hours Sundays and Public Holidays.

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

40. No movement, sorting or removal of waste bottles, materials or other articles, nor movement of skips or bins shall be carried on outside the building within the site of the development between 22:00 hours and 08:00 hours Monday to Saturday and between 21:00 hours and 09:00 hours on Sundays and Public Holidays.

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

1. 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.

2. The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.
3. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

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

Development Services
Howden House
1 Union Street
Sheffield
S1 2SH

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

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

You should apply for a consent to: -

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

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

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

The notice should be sent to:-

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

For the attention of Mr P Vickers

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

6. You are required as part of this development to implement the introduction of a Traffic Regulation Order to amend the legal use of the highway adjacent to the site under the provisions of the Road Traffic Regulation Act 1984.

To progress this TRO you should contact:-

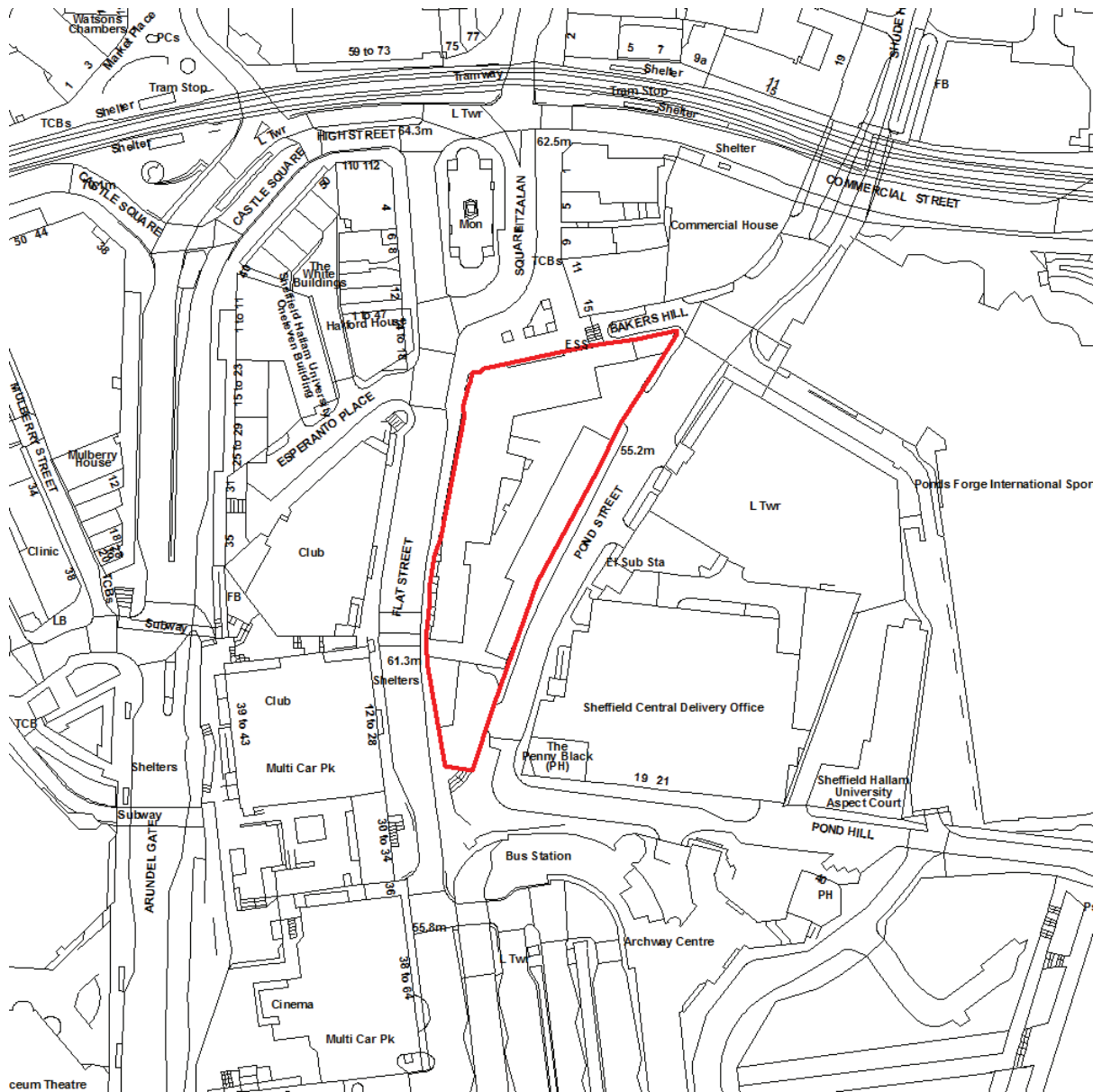
Sheffield City Council
Traffic Regulation Team
2 to 10 Carbrook Hall Road
Carbrook
Sheffield
S9 2DB

For the attention of Mr Brian Hey.

7. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from SCC Environmental Protection Service, 2-10 Carbrook Hall Road, Sheffield, S9 2DB: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.
8. You are advised that any external lighting to the site should be installed so as to meet the guidance provided by the Institution of Lighting Professionals in their document "Guidance Notes for the Reduction of Obtrusive Light (GN01: 2011)". This is to prevent obtrusive light causing disamenity to neighbours. The Guidance Notes are available for download from the Institution of Lighting Professionals' website, or telephone (01788) 576492.
9. The applicant is advised that responsibility for the safe development and occupancy of the site rests with the developer. The Local Planning Authority has evaluated the risk assessment and remediation scheme on the basis of the information available to it, but there may be contamination within the land, which has not been discovered by the survey/assessment.
10. 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.
11. 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.

Site Location



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LOCATION AND PROPOSAL

The application site is the Former Head Post Office at Fitzalan Square and vacant land within its curtilage. All existing buildings – except buildings adjoining Baker's Hill – have Grade II listed building status.

This is a combined report relating to two applications – a full planning application and a listed building application. The proposed development comprises:

1. Student Tower

The erection of a student accommodation tower comprising of a part 10 and part 16 storey building. It is proposed to contain 29 cluster flats and 13 studio flats for 241 students in total. Ancillary works are also proposed, which includes a small building on Pond Street that will house a substation and the refuse store.

The tower will be situated at the southern end of the site and at the junction of Flat Street, Pond Street and Pond Hill. The site is surrounded by existing commercial uses including the Royal Mail Delivery Office (east), the bus station (south), and the O2 Academy (west).

It should be noted that a part 22 and part 14 storey tower for 279 students in total has previously been approved on the site and is Phase 2 of the works granted under permissions 13/00770/FUL and 13/00771/LBC. This phase has not been implemented. It has been advised that the reduced scale of development now proposed is considered to be as a more feasible and viable option at this time.

2. Plant Screen

The installation of a zinc cladding screening system to help obscure unsightly flues and roof mounted plant equipment that has been installed on the main Former Head Post Office Building, which faces Fitzalan Square with a return along Flat Street. The plant installed on the roof was required in association the 'Sheffield Institute of Arts' facility and has been in situ since it opened in early 2016. The equipment currently dominates the building's roofscape and the proposed zinc cladding system is a direct response to officers' opinion that it harms the character and appearance of the Grade II Listed Buildings.

The application site is within the Sheaf Valley Quarter and is an important gateway area and academic focus for Sheffield Hallam University, of which the 'Sheffield Institute of Arts' is part.

RELEVANT PLANNING HISTORY

The building was erected in the late 19th century, and vacated by the Post Office around 2001.

05/02562/FUL & 05/02561/LBC

Planning permission and listed building consent granted (March 2006) for partial demolition, alteration, conversion and erection of buildings to form 41 apartments, offices (Class B1), restaurant (Class A3) and mixed commercial space (Classes A3/A2/A1/B1) with 44 parking spaces and landscaped gardens and erection of 9 storey hotel.

12/02757/LBC

Listed Building Consent granted (October 2012) for internal alterations, including removal of internal walls and external repairs including the formation of 2 new entrances (as amended 25.10.2012).

12/03175/FUL

Planning permission granted (November 2012) for use as Educational Establishment as amended 6.11.12.

13/00770/FUL & 13/00771/LBC

Planning permission and listed building consent granted in September 2013 for the alterations and conversion to form Educational Facility (Class D1), Business Use (Class B1), Shops (Class A1), Restaurants and Cafes (Class A3), Drinking Establishments Class A4), Non-Residential Institutions (Class D1), and Assembly and Leisure (Class D2) including ancillary student common room areas and associated plant and storage space, and erection of a 22/14 storey building to provide 279 student bedspaces in 52 cluster flats with ancillary accommodation and a commercial unit for Class A1 (Shops), A3 (Restaurants and Cafes) and A4 (Drinking Establishments) purposes, as amended 31.7.13, 9.8.13, 27.8.13, 29.8.13 and 9.9.13

15/01931/FUL & 15/01920/LBC

Planning permission and listed building consent granted in December 2015 for the iteration and conversion to form Educational Facility (Class D1), including ancillary areas and associated plant and storage space, and erection of a 22/14 storey building to provide 279 student bedspaces in 52 cluster flats with ancillary accommodation and a commercial unit for Class A1 (Shops), A3 (Restaurants and Cafes) and A4 (Drinking Establishments) purposes (application under Section 73 to substitute approved drawings and vary/remove conditions imposed by planning application and 13/00770/FUL and 13/00771/LBC to allow development to be built in separate phases).

17/01273/FUL

Planning application currently pending consideration for application under Section 73 to remove conditions 43 and 27 (external plant/services) and vary conditions 16, 17, 29 and 30 (to limit the works to paving around the perimeter of the building, omit a service lay-by, cycle lane and planting requirements, and reposition the parking bays) of planning permission 15/01931/FUL.

17/01299/LBC

Listed Building application currently pending consideration for application under Section 19 to remove condition 13 (external plant/services) as imposed by planning permission 15/01920/LBC.

SUMMARY OF REPRESENTATIONS

The application has been advertised in accordance with relevant legislation.

A total of 2 letters of representation have been received making the following comments:

- The Sustainability Statement mentions the site is located directly alongside the district heating system. Given the poor air quality in this area, close to the bus station, connecting to the district heating system seems to be the most sensible option in reducing the emissions generated by the building.
- The plans could go further by including renewable electricity generation. Given the close proximity to the Sheffield College City site, it is entirely feasible that rooftop wind generation could be used.

- Solar PV could also be incorporated into the design as there are areas of flat roofing and vertical surfaces that could be utilised and that could be in keeping with the cladding. Both of these technologies were used on the City College site and this would also be aesthetically pleasing, tying the two tall buildings to each other across the Sheaf valley.
- It is important that the proposed development maintains the setting of the listed post office building. It is important for Listed Buildings to be used & maintained to stop them becoming derelict.
- The former post office building has been vacant & neglected far too long and has become a target for graffiti / vandalism / antisocial behaviour.

PLANNING ASSESSMENT

1. Land Use Policy Issues

- National Policy

At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development, which should be seen as a golden thread through both plan-making and decision taking. With regard to decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is out of date it states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies and restrictions in the NPPF as a whole.

- Local Policy

The principle of a dense residential tower on this site has previously been established and there is considered to be no change in policy circumstance since the original application was assessed and approved in 2013.

The site is designated within the Central Shopping Area in the adopted Unitary Development Plan (UDP) and Policy S3 (Development in the Central Shopping Area) states that Housing (C3) is one of the preferred uses and that residential institutions (C2) are acceptable. Student accommodation is a Sui Generis use and, therefore, not explicitly mentioned in this policy and so must be determined on its own merits. In this regard, student accommodation has residential character and, therefore, it is consistent with appropriate identified uses in the area.

The proposal is supported by Core Strategy Policy CS 17 (City Centre Quarters) which promotes the Sheaf Valley Quarter as an important gateway area and the academic focus for Sheffield Hallam University. In this context, the student accommodation is acceptable and this is strengthened by the remainder of the Former Head Post Office site being converted for use by the University.

2. Density Issues

Core Strategy Policy CS 26 (Efficient Use of Housing Land and Accessibility) requires new housing development to make an efficient use of land but accepts

that the density of new developments should be in keeping with the character of the area and support the development of sustainable, balanced communities. Therefore, a minimum density of 70 dwellings per hectare in the city centre is required.

The proposed density is over 277.5 dwellings per hectare, which is compliant with Policy CS 26. The high density is the result of this being a large urban development characterised by multiple storeys and including a large quantity of small sized units. Given the restricted floor area of the site, the student accommodation character of the proposed development, and the nature of surrounding existing / proposed development, this density is accepted.

3. Mixed Communities Issues

Policy CS41 (Creating Mixed Communities) encourages housing development to meet a range of housing needs including a mix of prices, sizes, types and tenures. The City Centre will provide for a broad range of smaller households where no more than half the new homes in larger developments should consist of single house type. On larger sites purpose-built student accommodation will form part of a mix of housing development, but will also be limited to no more than 20% of residences within 200m of the site.

The current density of shared housing within 200m is 21%, and with the proposed student accommodation it will increase to 29%. However these densities are artificially high owing to the low number of residential properties in the vicinity and because of this the overall harm of imbalance at this location is not considered to be a significant issue, given that there is no established residential community that would be adversely affected by the lack of mix. The surrounding buildings are predominantly commercial – including the Royal Mail depot, Ponds Forge Sports Centre, Sheffield Hallam University & the bus station – and there is little scope for residential accommodation to be delivered on these sites. Therefore, the benefits of regenerating the site will have a positive effect on the area and significantly outweigh the negative aspects of introducing further student accommodation.

For the above reasons – and due to the specialist nature of the proposed facility (essentially a residential college) – no objection is raised to the proposed student accommodation on land use ground despite not strictly complying with Policy CS41.

4: Design Issues

There is no objection to the principle of a tall building on this site, as this was previously established in 2013. Indeed, the previous planning permission – that is still extant – allowed a new building that was a maximum of 22 storeys high, which is 6 storeys taller than the current proposal and would therefore have a greater impact on the visual amenity of the locality and appearance of the site. The new building has an updated design to the 2013 submission and, therefore, its overall design must be considered.

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.

Core Strategy Policy CS74 "Design Principles" expects high quality development that will enhance the distinctive heritage of the City Centre, contribute to place-making and promote the city's transformation, improving physical environments that have become rundown and lacking in distinctiveness.

UDP Policy BE5 on Building Design and Siting expects good design and good quality materials, encouraging original architecture with new buildings complementing the scale, form and style of surrounding buildings.

Scale

Policy CS 76 "Tall Buildings in the City Centre" is relevant and provides guidance on where tall buildings are appropriate. Amongst other things, it states that tall buildings are appropriate in the City Centre where they (a) help to define gateway sites, (b) mark an area of civic importance, (c) mark a principal activity node or key route, (f) support the vision for city centre quarters, and (g) reflect the strategic economic vision for the city.

In this instance, it remains that the tower will be substantially higher than the rest of the surrounding buildings, however it is still considered compliant with Policy CS 76. Specifically, the tower will help to mark a significant point in the city scape (the bus station) and define a pedestrian route that links between important civic areas, including Fitzalan Square and the railway station. Furthermore, it is considered that the proposed building will help to consolidate and strengthen the Sheaf Valley Quarter, which is identified in Core Strategy Policy CS 17 "City Centre Quarters" as being "an important gateway area and the academic focus for Sheffield Hallam University".

Massing

The Urban Design Compendium gives general rather than policy guidance on tall buildings, but does state that they should "be slender in form and proportion having a vertical emphasis to overall mass. Tall buildings which are slab-like in form and proportion will not be acceptable." The design of tall buildings should be "striking and distinctive so that they become identifiable landmarks on the skyline".

It also states that tall buildings should be "clustered in higher parts of the city centre above the 75m contour level, and should be located at a limited number of strategic sites in lower lying areas such as Sheaf Square or Park Square roundabout."

UDP Policy BE5 (Building Design and Siting) states that overall mass of new buildings should be broken down with special treatment for corner sites and varied use of materials.

The mass of the proposed building is considered to be an improvement on the original tower. The tallest 16 storey element is now more defined because of the height and design of the lower 10 storey section, which responds better to the datum of the adjacent Grade II Listed Building and helps to soften the transition to the tallest part of the new building. Furthermore, the proposed use of a grey brick material for this lower section, instead of the same metal cladding system to be used in the 16 storey element, will significantly help reduce the overall mass of the building by breaking the design down into defined sections and enhancing the tallest element of the building, which is considered to have more slender elevations and improved proportions.

Key Views

The development will be visible in long range views across the city and will be a new addition to the city centre's skyline. The scale and mass of the building was considered in depth during the evolution of the 2013 scheme and the tower was redesigned to reduce its slab-like appearance. Ultimately, it was considered acceptable and was not considered to have a disruptive presence on sensitive areas in the City Centre (including Tudor Square, Norfolk Street and listed buildings in the City Centre Conservation Area). It was also not considered to be overbearing on the City Centre when viewed from Park Hill and Park Square roundabout.

Given that the current proposal comprises of a reduction in building height, scale and mass, it is concluded that the impact of this development on key views and vistas will be acceptable. Indeed, it is considered that the new design will improve the building's relationship with sensitive surroundings, which is welcomed.

Materials

This development's main material palette will be dark grey brickwork and an aluminium cladding system with secret fixings.

The 10 storey element and lower levels of the main tower façade will be constructed from the brick using recessed joints and colour matched mortar. A sample of a high quality grey brick has been submitted for consideration, which is acceptable. The rest of the building's façade will utilise the aluminium cladding system. The final specification and cladding colours are to be confirmed; however the plans currently indicate a colour palette that is various muted shades of green and grey tones in a subtle pattern. It is intended to arrange the colours so as to help breakdown the mass of the building. The colours proposed are similar to the 2013 permission and are acceptable in principle.

In addition to aluminium cladding, a section of perforated metal cladding will be included on the building's West elevation, which prominently faces the City Centre. This will be equal to the width and height of the building's stair core and it will have a silver metallic finish to add further interest to the façade. Also, it is proposed to form the Public Art element of the scheme and it is intended to have a silver metallic finish and a perforated pattern that will be designed in consultation with a local artist. The principle of this feature being integrated into the architecture of the

building is welcomed. It is considered to be compatible with the expectations of UDP Policy BE12 “Public Art”, which encourages public art in places that can be readily seen by the public and as an integral part of the design of major developments.

The facades of the new building are dominated by openings that comprise of a slim line aluminium framed system that includes a large glazed windows and matching ventilation louvers. At ground floor levels – on the Pond Hill and Pond Street facades – there is proposed to be significant amount of glazing, which is a positive design addition as the windows will provide views into the ground floor communal spaces and add activity to the adjacent streets.

For the reasons above, the proposed development is concluded to be acceptable and compliant with the Urban Design Compendiums, UDP Policies BE5 and BE12 as well as Core Strategy Policies CS 17, CS74 and CS76. All materials and a sample panel are conditioned.

5. Impact on Listed Building

UDP Policy BE15 “Areas and Buildings of Special Architectural or Historic Interest” states that buildings of special architectural or historic interest which are an important part of Sheffield’s heritage will be preserved or enhanced. Harmful development will not be permitted.

UDP Policy BE19 “Development Affecting Listed Buildings” expects proposals for development within the curtilage of a building or affecting its setting to preserve the character and appearance of the building and its setting.

Impact of the Proposed Tower building

The principle of a tall building on the application site and within the curtilage of the listed buildings has previously been accepted. For the reasons discussed above, it is considered that the revised massing, design and material changes proposed will continue to achieve an acceptable relationship to the Listed Building. The development will affect the setting of the building but it remains the opinion of your Officers that this affect will not be harmful or detrimental to the listed building. Instead, it is considered that the tower will complete the redevelopment on the site and enhance its overall appearance and position in the city scape. Therefore, the proposal is considered compliant with UDP Policies BE15 and B19.

Impact of the Roof Proposed Plant Screen

The proposed plant screen will enclose the plant and equipment installed on the roof and southern elevation of the Listed Building to facilitate its new use. This infrastructure is extensive and currently considered to be harmful to the appearance and setting of the Listed Building, particularly dominating the long views of the building, especially from Norfolk Row.

The proposed screening is a response to your Officers concerns above. It comprises of two parts and materials – 1) the roof top equipment will be screened

using a patinated zinc screen that will be attached vertically to a supporting framework that will extend around the equipment and screen the various items in a single material, which is considered to be high quality and is used elsewhere on the building; and 2) the external ductwork on the southern façade will be screened by aluminium louvres arranged horizontally and colour coated to match the roof top zinc, which is also acceptable.

Plans and photomontages showing the proposed screening from east and west positions have been submitted, and it is concluded that this work will be a significant improvement on the existing arrangement; helping to ensure the equipment can be retained but screened from public view so as to preserve the character and integrity of the Listed Building in accordance with Policies BE15 and BE19.

6. Residential Amenity

UDP Policy H15 (Design of New Housing Developments) expects the design of new housing developments to provide good quality living accommodation.

UDP Policy S10 (Conditions on Development in Shopping Areas), part (b), permits residential use in shopping areas provided that residents are not caused to suffer from unacceptable living conditions, including air pollution, noise, other nuisance or risk to health and safety.

Key considerations in relation to this application are outlook, privacy, outdoor amenity, and noise and disturbance.

Outlook

All of the apartments within the development include large clear openings and opening windows to ensure that internal living environments will be lit by natural daylight and are comfortable for future occupiers. Communal areas for the cluster units are considered to be a suitable size.

Privacy

There are no overlooking issues because there are no other residential properties surrounding the application site and the character of other buildings that overlook the site.

Outdoor Amenity Provision

There is no external amenity space, balconies or roof terraces and the amenity facilities for residents are restricted to the areas highlighted above and internal areas, such as common rooms. Such a lack of private amenity space is not unusual for a multi-storey student development in a restricted urban location. The site is within the boundary of the city centre and close to public spaces and parks. It also has access to good public transport links to other nearby parks and outdoor amenity facilities. It is therefore considered to be satisfactory in amenity terms.

Noise and Disturbance

The City Centre Living Strategy was approved by Cabinet on 28 April 2004. Guidelines 8 and 9 of the Strategy require sound attenuation to safeguard the living conditions of residents for proposals for residential and potentially noisy uses.

The submitted noise report satisfactorily addresses the risk of noise. The dominant measured noise source is from road traffic, which includes buses creating low frequency noise. The noise generated by the site's surroundings do not warrant the refusal of this application but it is recommended that conditions be imposed that cover protection of the amenity of the future residential occupiers. The works shall be based on the findings of the submitted noise report and shall be required to achieve specified levels.

Therefore, it is concluded that the proposals are consistent with the expectations of relevant policies, subject to conditions to ensure that the submission's acoustic protection is provided, validated and retained.

7. Highways

Paragraph 17 of the NPPF seeks to focus development in sustainable locations and make the fullest possible use of public transport, walking and cycling.

UDP Policy S10 'Conditions on Development in Shopping Areas' (part f) states that new development will be permitted provided that it is adequately served by transport facilities and provide safe access to the highway network and appropriate off-street car parking.

The site is considered to be in a highly sustainable location. The site is surrounded by Sheffield Hallam University's city centre campus and given that the accommodation is focused upon students this proximity is important and will enable residents to walk to facilities. The University of Sheffield is further away but still easily accessible by excellent public transport links.

In addition to the Universities there are a wide range of local services and facilities within walking distance of the site, including the City Centre. The site is immediately next door to the City's main bus station and tram stops are within easy walking distance of the site (400m); these provide excellent links to surrounding areas. Additionally, Sheffield Railway station is close to the site thus providing further transport links to local and wider destinations.

No car parking provision is proposed within the development but given the highly sustainable City Centre location and a car-free development this is not considered to be a significant issue. However, it is confirmed that residents will not be entitled to apply for on-street parking permits.

A drop-off / pick-up bay is proposed on the site's Pond Street elevation, as per the 2013 planning approval. The position of this bay has changed marginally and is situated further to the north, which is considered a better arrangement as it enhances the setting and pedestrian approach to the main entrance of the building.

The proposal includes a dedicated cycle store in the ground floor area of the new tower with 40 spaces proposed for the students and staff in the new tower. This quantity is considered to be acceptable and improves upon the 26 spaces approved in 2013. The design of the store is considered to be acceptable –

proposing secure and dedicated accesses to internal / external areas, CCTV coverage and appropriate width entrance doors (1.2m wide).

No information has been provided about how the site will be serviced. Therefore, it is recommended that full details of management proposals for activities including the refuse and recycling regime, student drop off/pick up, deliveries and other services be controlled by a condition requiring the preparation and approval of a relevant strategy prior to occupation of the development.

In summary, it is considered that the development is in compliance with the NPPF and Policy S10 (part f).

8. Public Realm Improvement Works

Members are reminded that the 2013 application for comprehensive redevelopment of the site (13/00770/FUL) secured a financial contribution towards the enhancement of open space in the City Centre with the main intention being to spend it on Fitzalan Square and the Bakers' Hill steps. Open Space contributions are now covered by CIL and, therefore, a similar contribution cannot be agreed as part of this application.

This previous application also required improvements to the adjacent highways and public realm by condition. This work included the provision of new cycle routes, landscape works, service facilities, on-street parking, footway improvements and highways works, and street lighting. This condition was varied by the applicant in 2015 (15/01931/FUL) so that the provision of all works related to the mixed-use refurbishment / redevelopment of the Former Head Post Office as an educational facility (identified as buildings A, B, D, E or F) and not the erection of the tower (Building C). As these buildings are occupied these works should have been agreed by the Local Planning Authority and completed on site, but unfortunately to date none of the works specified in the condition have been undertaken. Furthermore, discussions with the Council about have also taken place about how parts of the public realm works could be delivered through the Knowledge Gateway Project.

Members are advised that the applicant has recently submitted an application to vary this condition and this includes removing some of the public realm works listed in the condition (17/01273/FUL, see Planning History Section). This application is pending consideration and has not been determined at the time of writing this report.

In light of the above, and in order to maintain a consistency across the development of the entire site as a whole, it is proposed that the same public realm condition be included as part of this recommendation. This application must be considered separately and it remains that the works listed in the condition are deemed relevant to this application given the scale of the proposed development and the change in use and pedestrian environment it will create at this location. This is also considered reasonable given that the application to vary/remove some of the public realm works has not yet been determined and therefore the planning position remains the same.

Your Officers are currently in discussions with the applicant about this matter and Members will be updated on the issue, if necessary, at the Planning Committee meeting.

9. Flood Risk and Drainage

Core Strategy Policy CS 67 “Flood Risk Management” requires the extent and impact of flooding to be reduced. It promotes the use of Sustainable Drainage Systems or sustainable drainage techniques to achieve this, where feasible and practicable.

- Flood Risk

With regard to flooding, it is confirmed that the application site is situated within Flood Zone 1, where there is a low probability of flood risk and it is considered to be the most appropriate location for residential accommodation. The Environment Agency has confirmed that it has not object to the application.

- Surface Water Drainage

Yorkshire Water has stated that a public sewer crosses the site, however it has been confirmed during the course of this application that this sewer has been abandoned and therefore there are no significant issues regarding its relationship to the building layout.

With regard to drainage, the information submitted does not address the surface water disposal proposals. It does not present all options for drainage management and lacks evidence to demonstrate why some surface water disposal options (other than discharge to the public sewer) are not practicable and have been discounted.

Yorkshire Water has confirmed that the public sewer will ‘only’ be accepted upon receipt of such satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, such as infiltration and watercourse. Notwithstanding this, Yorkshire Water has indicated that this matter can be resolved by condition and should not prevent the application being determined.

The Local Lead Flood Authority also considers the submitted details to be insufficient. It is, however, acknowledged from local knowledge that drainage via infiltration and the watercourse is unlikely to be an option for this site. Therefore, if surface water disposal to the sewer is proven to be the only option, then any drainage will be subject to a reduction of at least 30% compared to the existing peak discharge rate during a 1 in 1 year storm event.

Subject to a condition relating to the proper consideration of drainage disposal, it is considered that the proposal will meet the requirements of Policy CS 67 by ensuring that this new development significantly limits surface water run-off.

10. Accessibility

UDP Policy H7 (Mobility Housing) identifies that a proportion of mobility housing is to be encouraged in new. Although mobility housing provision for residential

development has been superseded by Technical Housing Standards (2015), which effectively removes the requirement for mobility housing at this time, it remains that mobility units are still required for other forms of accommodation, such as hotels and student accommodation.

It is confirmed that 5% of the units (12 studio units) will be wheelchair accessible on completion of the development. It has also been demonstrated how one accessible room per cluster flat on Levels 1 to 15 designed to necessary fully adaptable standards (with space for a hoist facility) could be provided by combining two units, as-and-when the need arises. This would provide a further 24 units and leading to a potential 15% of the units being available for occupiers, which is acceptable in terms of the Council's expectations for student accommodation. The final design of the accessible rooms and large scale details to describe the proposals will be reserved by condition.

The building entrance and approaches will benefit from level access. It is also expected that the development upgrades the steps situated immediately adjacent to the south facing elevation of the tower to access compliant standards. The final design of building entrances and steps will be reserved by condition.

Overall, sufficient detail has been supplied at this stage to demonstrate that the site will be inclusive and acceptable in accordance with Policy H7.

11. Land Contamination

A Phase I Desktop Study has been submitted which recommends an intrusive site investigation be undertaken to assess the potential risks to human health arising from ground contamination, bulk or trace gases, and potential pollution of ground or surface waters. Conditions are recommended to deal with this issue and satisfy the planning requirements.

12. Archaeology

UDP Policy BE22 relates to 'Archaeological Sites and Monuments' and states that sites of archaeological interest will be preserved, protected and enhanced. Where disturbance is unavoidable, the development will be permitted only if (a) an adequate archaeological record of the site is made; and (b) where the site is found to be significant, the remains are preserved in their original position.

South Yorkshire Archaeology Service (SYAS) has identified that there may be items of archaeological interest existing on the site of the proposed substation/store building that will be built to support the new tower on the Pond Street elevation. Such remains may relate to settlements dating back to the medieval period given that the location of this site is within what can be considered the medieval core of Sheffield. Therefore, SYAS has confirmed that we must assume that there will be an archaeological impact and that there is a need for an archaeological response, which will be covered by condition.

Subject to the above, the proposal will comply with UDP Policy BE22.

13. Sustainability

Core Strategy Policy CS 63 (Response to Climate Change) encourages action to reduce the city's impact on climate changes. This encourages high density development that is well served by sustainable forms of transport, building designs that encourage energy efficiency and reduce energy consumption, and developments that generate renewable energy.

Core Strategy CS 64 (Climate Change, Resources and Sustainable Design of Developments) requires all new buildings to be energy efficient and to use resources sustainably. It also advises that all new significant developments (5 dwellings or more) should achieve Code for Sustainable Homes Level 3, or equivalent (such as BREEAM 'Very Good'). Policy CS 65 (Renewable Energy and Carbon Reduction) requires new significant developments to provide 10% of their energy needs from decentralised and renewable or low carbon energy.

The density and sustainable location of the development on brownfield land is considered to be compliant with Policy CS 63.

The submitted Sustainability Statement emphasises energy efficiency to reduce emissions, and passive design elements to reduce demand. Water consumption will be reduced and the impact of materials used during construction and operation considered. The student tower will be naturally ventilated, with solar gain from the east and west facing rooms providing useful benefit. Natural light will be optimised, balancing the reduction of heat loss and avoiding overheating. The Sustainability Statement confirms that the project is aware of the policy requirement to achieve a BREEAM 'Very Good' rating.

To achieve a 10% reduction in predicted energy needs, the Sustainability Statement identifies that either gas Combined Heat and Power or the Sheffield District Heating, which passes the site, are likely to be adopted. Further work will have to take place on this matter but in principle either option is considered to be an appropriate energy saving technology at this stage.

The use of wind turbines and photovoltaic panels – as identified in one letter of representation received – is considered in the Sustainability Statement but their use is not deemed to be as feasible as the other options identified above. Whilst additional technologies would be welcomed, if feasible and viable, it is the case we cannot insist upon them by virtue that it is proposed to achieve the 10% policy target through alternative acceptable technology.

Guideline CC1 of the Council's supplementary planning guidance 'Climate Change and Design (2011)' encourages green / brown roofs to be incorporated into large scale developments, if appropriate. The submission confirms that the proposed development will feature a brown roof construction on the flat roof elements of the development, which is welcomed.

It is concluded that the proposals will address Core Strategy Policies CS 63, 64 and 65, subject to conditions that will ensure that the submission's commitments are provided, retained and validated.

14. Affordable Housing

The site is within the 'City Centre' Affordable Housing Market Area where a nil contribution to affordable housing is required.

15: Community Infrastructure Levy (CIL)

The application site lies within CIL Charging Zone 4 and given that this is a student development, the charge will be £30 per square metre.

RESPONSE TO REPRESENTATIONS

It is considered the main material planning issues discussed by the letters of representation have been addressed in the report.

SUMMARY AND RECOMMENDATION

The proposed student accommodation tower is acceptable. The site is currently vacant and its existing appearance does not benefit the adjacent Grade II Listed Buildings or the prominent site. The proposal comprises of comprehensive redevelopment works and a high quality architectural design. It will provide a new use for the site, which will significantly enliven it and enhance the surroundings.

Although the scheme is not strictly in accordance with land use policies in relation to mixed communities, it is concluded that an additional student use can be justified at this location. It is regarded that the site is a logical place for a tall building and a development of this character – especially given the proximity to the universities, the lack of impact on existing communities, the vision for the Sheaf Valley Quarter, and the sustainable gateway and city centre location.

The tower is considered to have an acceptable relationship with adjacent buildings and the accommodation included will provide adequate living conditions for future residents. The amenity impact on surrounding buildings will be acceptable given their commercial and non-residential characters. There are no other residential units immediately overlooking the site.

The scheme complies with other policy requirements in relation to sustainability, highways, drainage, archaeology and environmental matters, subject to recommended conditions to address the outstanding technical items.

The proposed installation of plant screen on the roof of the building is greatly welcomed. The submitted design is considered high design quality required and it will serve its purpose to screen the unsightly equipment. The proposed zinc and aluminium materials are consistent with the palette used elsewhere on the building as part of its recent refurbishment. Overall, it is concluded that the works will enhance the character and appearance of the buildings in accordance with the relevant policies.

In light of the above, it is concluded that the proposals are acceptable. Therefore, it is recommended that the Members of the Planning Committee grant both full planning permission and listed building consent, subject to the listed conditions.

Case Number	16/04446/FUL (Formerly PP-05636070)
Application Type	Full Planning Application
Proposal	Erection of a 67x apartments in 1x 8-storey building with ancillary parking at ground floor level and associated access and landscaping works
Location	Waitrose Supermarket Recycling Point Ecclesall Road Sheffield S11 8HY
Date Received	25/11/2016
Team	South
Applicant/Agent	SLA Design
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:

The drawings numbered:

001
002A
003A
004A
005A
006A
007A
008A
009A
010A

Reason: In order to define the permission.

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

3. The development shall not commence until a verification report demonstrating the completion of the defect repairs and sealing of leaking sections of culvert referred to in the Structural Condition Report prepared by Eastwood and Partners dated April 2017, document reference 40442 has been submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce any future deterioration of the culvert and in the interests of reducing flood risk as outlined in Core Strategy policy CS67.

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

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

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

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

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

6. Any measures outlined in the Geo-Environmental Site Investigation dated 31 October 2016 shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

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

7. No development shall take place until a detailed scheme for foundation design and all new groundworks has been approved in writing by the Local Planning Authority and that scheme shall be implemented and monitored to the satisfaction of the Local Planning Authority.

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

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

8. Prior to the commencement of the development, or an alternative timeframe to be agreed in writing by the Local Planning Authority, a detailed Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include:
 1. Clear & unambiguous objectives to influence a lifestyle that will be less dependent upon the private car;
 2. A package of measures to encourage and facilitate less car dependent living; and,
 3. A time bound programme of implementation and monitoring in accordance with the City Councils Monitoring Schedule.
 4. Provision for the results and findings of the monitoring to be independently validated to the satisfaction of the Local Planning Authority.
 5. Provisions that the validated results and findings of the monitoring shall be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.

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

Reason: In the interests of delivering sustainable forms of transport, in accordance with Unitary Development Plan for Sheffield (and/or Core Strategy) Policies CS53

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

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

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

10. 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 residential accommodation shall not be used unless such cycle parking has been provided in accordance with the approved plans and, thereafter, such cycle parking accommodation shall be retained.

Reason: In the interests of delivering sustainable forms of transport, in accordance with Unitary Development Plan for Sheffield (and/or Core Strategy) Policies T22

11. 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.

12. 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.

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

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

15. 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.

16. 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 4 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.

17. The building shall not be used unless the car parking accommodation for 44 car parking spaces 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.

Other Compliance Conditions

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

Reason: To ensure that the Local Planning Authority can confirm when the maintenance periods specified in associated conditions/condition have commenced.

19. Access to the culvert must be maintained on the site for the life time of the development.

Reason: Access to the culvert for repair/maintenance/replacement is required to ensure that there is no increases in flood risk to the development and surrounding area in accordance with policy CS67.

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

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

21. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) reference 40442 Issue 2 dated April 2017 prepared by Eastwood & Partners Consulting Engineers and the following mitigation measures detailed within the FRA:

The ground floor shall be retained for the purposes of car parking with no habitable accommodation as stated in the FRA and shown in Drawing 16/037 002 Revision A

The ground floor level of the entrance lobby and plant room will be set no lower than 74.20 mAOD.

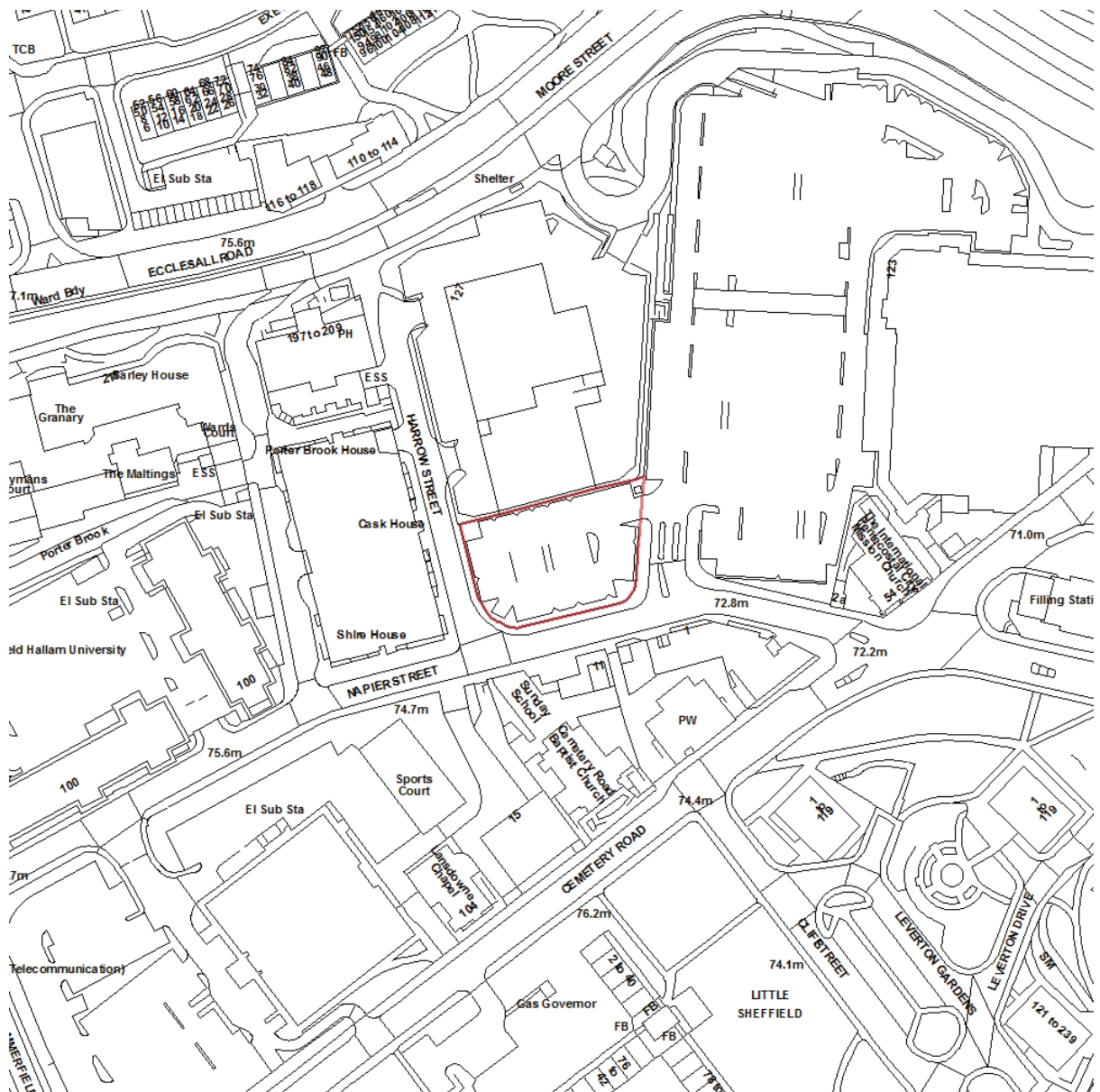
Overland flow routes will be maintained through the development site. The mitigation measures shall be fully implemented prior to occupation and retained for the lifetime of the development.

Reason: To reduce the risks of flooding to the proposed development and future occupants and to comply with policy CS67 of the Core Strategy.

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. Formal consent regarding works affecting the water course must be obtained from the Council's Development Services, Land Drainage, Howden House, 1 Union Street, Sheffield, S1 2SH (Telephone Sheffield 2735847) before work on site commence.
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. This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the Porter Brook, designated 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.
5. Formal consent regarding trade effluent discharge must be obtained from Yorkshire Water Services Ltd before work on site is commenced.

Site Location



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LOCATION AND PROPOSAL

This application relates to a unused parcel of land that was previously ancillary car parking accommodation to Waitrose supermarket, at the city centre end of Ecclesall Road. The site is bound by low boundary walls and metal railings. The site is characterised by tarmac and is still marked out with 64 car parking bays. The site was previously also home to a community recycling facility, which has since been relocated within the large car park of the supermarket.

Although the site is addressed as Ecclesall Road, more specifically, it is located in between Napier Street to the south and Harrow Street to the west. The Napier Street entrance of the main Waitrose car park runs along the eastern edge of the site.

Beneath the rear section of the site lays the Porter Brook and this is culverted throughout the site. The culvert is approximately 3 to 4 metres deep and there are access windows that look down into the culvert located outside of this application site.

The surrounding area is mixed in character with residential and commercial units; however, opposite the site to the south of Napier Street lies Cemetery Road Baptist Church, the main section of which is Grade II Listed. Within the boundary of the Baptist Church is the caretaker's dwelling with its flank elevation to Napier Street. Adjacent to the Church is a modern mixed-use development extending from four to six storeys in height. The Wards Brewery residential scheme and office development, which is between six and seven storeys in height, lies across Harrow Street to the west.

This is a full planning application seeking consent for the erection of a residential block of 67 two and three bedroom apartments in a 1 x 8 storey 'L' shaped block. The units are proposed to be private rented housing.

The proposed residential block is a contemporary designed building, which fronts both Napier Street and Harrow Street. Amended plans have been received and these have moved the building closer to the back edge of the footpaths to ensure that the building emphasises the layout of the surrounding streets and respect the character and overall built form of the prominent surrounding buildings. The ground floor provides access to the building and car parking accommodation associated with the apartments.

PLANNING HISTORY

The most relevant planning history that is associated with this application is: 08/03767/FUL: Erection of 62 apartments and associated car parking
This application was approved by the Planning and Highways Committee on 29 September 2008.

REPRESENTATIONS

The application has been publicised in accordance with the Council's Statement of Community Involvement. This has included site notices posted around the site and, as a result of this process, three representations have been received. The material planning concerns that have been raised can be summarised as:

- The proposal will increase the amount of vehicular traffic in the area and this will impact upon the on-street car parking within the area; this is considered very likely as most households have more than one car;

- The proposal will overlook other residents in the neighbouring blocks of flats;
- There needs to be consideration of the Porter Brook and the desire to open up the route of the brook through the city centre;
- Safe green cycling and pedestrian routes to connect the residents to the city centre need to be considered

The comments also raise concerns with the increase in traffic due to the construction of the apartments and, general noise and disturbance during this phase. Separate legislation exists to control noise and disturbance of construction works and to prevent construction traffic from being detrimental to highway safety. As such, these issues are not material considerations that can be given significant weight in the following assessment.

The comments also raise concerns regarding property values following the development of this site. This issue is not a material planning consideration that can be taken into account in determining this planning application.

PLANNING ASSESSMENT

This application proposes to erect a block of apartments on a former car park and above a culverted river. The main issues that need full consideration in the determination of this planning application are:

- The principle of development, in terms of both policy and land use;
- Design of the proposal and its impact upon the character and appearance of the surrounding area;
- Impact upon the neighbouring listed building;
- Affordable housing;
- The affect upon the highway network and surrounding transport links;
- The risk of flooding and impact of the proposal upon the watercourse;
- The sustainability of the proposed scheme

Policy and Land Uses

The National Planning Policy Framework (NPPF) promotes the use of previously developed land; it also places a strong emphasis on sustainability. The NPPF makes a presumption in favour of sustainable development. The NPPF has been fully adopted and is a material consideration to be taken into account in determining all planning applications.

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

The NPPF favours locating 'main town centre uses' within district centres. At paragraph 22 of the NPPF, it is recognised that residential development can play an important role in ensuring the vitality of centres.

Furthermore, the National Planning Policy Framework (NPPF) requires local planning authorities to facilitate housing provision. There is a requirement to maintain a flexible and responsive supply of land for housing and to make every effort to identify and meet the housing, business and other development needs of local communities.

Based upon the most current information available for Sheffield, there is a 4.7 year deliverable supply of housing, which means that a 5 year supply cannot be demonstrated.

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

The site is a Brownfield site that is preferred both in terms of local and national planning policies. Furthermore, support for this brownfield site arises as Sheffield has a shortage in housing land availability.

The application site falls within an area designated as a District Shopping Centre within the Unitary Development Plan for Sheffield.

This application proposes to construct an entirely residential scheme with car parking at ground floor. This is similar in scale and nature to a previous consent and the principle of the use of the land for housing has been considered to be acceptable in the past. This view has not changed and whilst residential uses are not the preferred use in shopping centres, it is considered that the site does not affect the viability of the wider shopping centre given that the former car park location identified as part of the shopping area is a small part of a much wider retail use and it is on the fringe of a residential area. It is also considered here that the sustainable location, which is close to the city centre and to good transport links, is supported by recent national and local planning policies.

At present, the wider area – Lower Porter Valley- is promoted for offices mixed with new housing. Therefore, it is again considered that the residential proposal would accord with the Core Strategy aims outlined in policy CS30.

Policy CS24 'Maximising the Use of Previously Developed Land for Housing, states that priority will be given to previously developed sites. The brownfield site that is to be developed would create 67 residential units of different housing tenures and this translates to a density of approximately 372 dwellings per hectare.

The density range outlined in policy CS26 for sites near or within the city centre is 70 dwellings per hectare. However, the policy also states that densities outside this can be acceptable provided that the character of the area is not adversely affected. The proposal is not considered to adversely affect the character of the area and this is discussed further in the subsequent report.

The proposal would not compromise the viability of the existing Waitrose store or the wider shopping centre. The proposal would be built on a Brownfield site that is set within a very sustainable location that is close to the city centre. Accordingly, it is therefore considered that the general principles of building a residential scheme in this location are acceptable in terms of local and national planning policies.

Flood Risk

The site is within an area at risk of flooding and therefore the proposal has to be assessed against local planning policy CS67 and the National Planning Policy Framework. The NPPF states at paragraph 100 that inappropriate development in areas at risk of flooding should be avoided. The NPPF seeks to steer development away from areas at risk of flooding to less vulnerable areas. However, it does recognise that this is not always possible and that there are exceptions when development of flood risk areas will be necessary.

The NPPF states at paragraph 103 that when determining planning applications local planning authorities should also ensure that flood risk is not increased elsewhere and that development is informed by a site-specific flood risk assessment following a Sequential Test and, if required an Exception Test .

The purpose of the Sequential Test, as outlined at paragraph 101, is to ensure that sites that are less vulnerable to flooding are developed first. In line with this, the applicant has submitted an appraisal of sites within a 1.4km radius of the subject site and that are within 400 metres of both high frequency public transport links and a district shopping centre. The 24 sites that were assessed were not comparable to this site, either due to financial constraints, non-availability or physical constraints - such as demolition costs or similar flood risk issues. The parameters set out for this assessment are agreed to be reasonable and it is, therefore, considered that there are no sequentially preferable sites.

The proposed site is a sustainable location that would provide a valuable contribution to the housing land supply. The sequential test has shown that a comparable development cannot be accommodated within a reasonable distance from this site and within an area that is less susceptible to flooding.

Paragraph 102 of the NPPF states that where the sequential test is passed, the Exception Test should be applied. For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and

- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The proposal is considered to be able to demonstrate that there are wider sustainability benefits and that the proposal will be safe for its lifetime without increasing flood risk elsewhere.

The site is set close to the city centre and less than 400 metres from high frequency public transport links and district shopping centres. The site is a brownfield development that currently stands isolated from the retail unit that it formerly related to and overall the principles of development are supported by the presumption in favour of sustainable development.

The parcel of land was previously used as an ancillary car park to the Waitrose supermarket and is situated within an isolated position from the supermarket. To the north of the site is a large former car sales showroom which is currently the subject of a planning application for student accommodation and retail units at ground floor level. This residential building would complement the proposal to the north of the site and create a strong built form that will enhance and regenerate this unused car park and the wider area.

This site, combined with the former car showroom, is viewed from the roundabout that links the ring road with Ecclesall Road. Ecclesall Road is a main arterial route from the city centre through to the suburbs. This development is considered - along with the redevelopment of the surrounding sites - to enable strong built forms to emerge that will create streets that are legible and visually engaging when viewed from the start of Ecclesall Road and its local shopping centre and residential areas.

The regeneration of this particular site will help contribute to the wider success and redevelopment of the area and the growth of the local economy in terms of construction related employment and an increase in spending from local residents that will live here. The site is in a very sustainable location and significant weight is given to the presumption in favour of sustainable development, especially considering the contribution of housing units that this proposal makes to the city's housing supply. The regeneration benefits are numerous and the proposal is advantageous to the local communities.

The second aspect of the Exception Test states that a site specific Flood Risk Assessment should be carried out to ensure that the proposed development is safe for its lifetime and for its users, without being to the detriment of the environment. Site specific Flood Risk Assessments have been carried out (most recently in April 2017) and these have also been coupled with further assessments of the culvert. These assessments have looked at the quality and life span of the culvert.

The use of infiltration Sustainable Drainage Systems within the site is not considered to be viable due to the geology of site. However, as the proposal seeks to develop a site that comprises completely of hard standing, there are

opportunities here to improve the overall drainage of the site. It is not considered that the proposal would increase surface water-run off and attenuation measures to reduce the surface water run-off will be utilised. Such measures, together with soft landscaping within the roof gardens, will improve the overall drainage of the site. The proposal seeks to limit the run off of surface water into the watercourse or public sewers with attenuation measures restricting the flow of water from the site between 3-5 litres per second; this is therefore a significant improvement to existing drainage of the site and any approval should be conditioned to ensure that such details can be achieved.

The proposal seeks to maintain floor levels that are 300mm above the adjacent road level and 410 mm above the estimated 1 in 100 year plus climate change flood level. The building is sited so that the lobby and means of escape are closest to areas at a lower risk of flooding and these areas link to safer zones outside the mapped flood risk areas. The residential units are all at first floor level and this factor, together with the means of escape and higher internal floor levels, are considered to be acceptable mitigation measures to ensure the safety of any future residents.

It is agreed that the Porter Brook River, which lies beneath the site, is an important waterway; furthermore, it is identified as such in the UDP. Policy GE17 advises that development will be permitted only where it would not cause damage to the waterway environment and the policy also encourages the re-opening of culverted watercourses where the opportunity arises.

Officers sought the applicant's agreement to the opening up or de-culverting of a section of the watercourse. The benefits of opening up the watercourse relate to the biodiversity of the river and a reduced risk of flooding within the wider area. The applicant has surveyed the culvert on two separate occasions and opening up the culvert would incur significant costs, with only small benefits being gained from it due to the small length that could be incorporated within this scheme. The scheme is only just financially viable as it has been submitted and this has been agreed by an independent party through demonstrations by the applicant to prove that affordable housing contributions are not viable in this instance. (Affordable housing issues are detailed further in the report). Accordingly, it is agreed that the viability of the scheme would be jeopardised as a result of insisting upon the opening up of a small 15 metre section of the watercourse, and on balance, the wider regeneration benefits of the proposal therefore outweigh these small benefits. Given the benefits of the proposal, it is not considered that the proposal could be refused on this basis alone.

The surveys carried out by the applicant have demonstrated that the culvert is in a good condition and that the proposal can be built without being detrimental to the integrity of the structure. The Environment Agency responded to the Local Planning Authority (received and dated 25 April 2017) regarding the further information that the applicant has provided. They have withdrawn their initial objection to the proposal, subject to conditions being attached to any permission. Accordingly, it is not considered that there are any outstanding material planning issues relating to the maintenance and longevity of the culvert that are contrary to local and national planning policies.

Design and Access

Policy CS74 "Design Principles" of the Core Strategy states that high quality development will be expected to respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods. It also states that development should contribute to place making and contribute to a healthy, safe and sustainable environment that promotes the city's transformation and helps to transform the character of physical environments that have become run down and are lacking in distinctiveness.

Development should also enable all people to gain access safely and conveniently, providing in particular for the needs of families, children, disabled and elderly people and should contribute towards creating attractive, sustainable and successful neighbourhoods.

UDP Policy BE5 "Building Design and Siting" also states that good design and the use of high quality materials will be expected in all new buildings.

The proposal seeks permission to erect 67 apartments within a 1 x 8 storey block. The building would have 2 and 3 bedrooomed units that are generous sizes. The proposed units have good access and will all be able to be modified to meet the requirements of any disabled persons. Lifts are of a sufficient size for a wheelchair to turn and access to all floors is catered for. Six disabled parking spaces are to be provided close to the entrance of the building. Overall, the access and living accommodation provided would be satisfactory with regards to UPD policies H5 and H7.

The building has an 'L' shape footprint and has been sited close to the back edge of the footpath along Napier Street. Access into the car parking is from Harrow Street, whilst the pedestrian entrance is strongly located on the corner where Harrow Street meets Napier Street. With the access for vehicles being on Harrow Street, the building has been set slightly back from this footpath to provide clear visibility. However, the siting of the building is considered to strengthen the urban grain of the surrounding area and the main elevations clearly relate to the strong street layout.

The building is a contemporary styled building that uses materials (red brick, large areas of glazing and metal cladding) that are commonly found within the immediate street scene. When the surrounding area to the site is viewed, Waitrose supermarket and the neighbouring Grade II Listed Church on Napier Street are anomalies in terms of their scale and massing. Waitrose has a low form, but spread across a large site, whilst the Church is significantly lower than its surrounding buildings. The immediate neighbouring residential buildings are very similar in height to the proposed building and range from 6 to 7 storeys.

The contemporary style and composition is considered to be satisfactory and respectful of the surrounding architectural styles; furthermore, it is considered that the style is appropriate for this site. The size and massing of the structure is not considered to dwarf and/ or detract from the character and setting of the

neighbouring listed building. Accordingly, in this respect, the proposal is considered to be acceptable in terms of UDP policy BE19.

The design is considered to strongly relate to the urban grain of the surrounding streets and the height and massing of the neighbouring buildings. The design, scale and massing of the building create a distinctive urban, city centre residential unit that is sympathetic to the prevailing character of the area. The re-use of a tarmacked parcel of land, that is currently unoccupied, is welcomed and deemed to be appropriate in terms of local and national planning policies regarding urban design.

Sustainability

The underlining principle of the National Planning Policy Framework is the presumption in favour of sustainable development.

The proposed development of the site is required to be assessed with regards to Core Strategy policies CS63, CS64 and CS65. These policies are concerned with the sustainability of a proposal and the impact of the proposal on climate change and the wider environment.

The site is very sustainable as it is close to the city centre and sited close to various transport links. The proposal is for the construction of a new block of residential apartments on a brownfield site. The construction methods will mean that the building can be erected efficiently and dismantled, and recycled, at the end of its usable life. Overall, it is therefore considered that the proposal will meet the requirements of policy CS63.

CS65 requires the provision of a minimum of 10% of a development's predicted energy needs to be from decentralised and renewable or low carbon energy. The proposal seeks to meet this requirement with the use of air source heat pumps. The submission of precise details, including yield data etc from such measures, have not been supplied and should be requested by way of a condition attached to any consent granted.

The Climate Change Supplementary Planning Document, in Guideline CC1, requires developments of this size to incorporate a green roof which covers at least 80% of the total roof area, where compatible with other design considerations and where viable. The scheme includes a roof garden that will be for the benefit of the residents. Whilst this will not offer the same sustainability benefits as a green roof system and will not cover 80% of the roof, an independent appraisal of the financial viability of the scheme has demonstrated that the applicant can demonstrate that the inclusion of a green roof would not be viable (see affordable housing section). It is therefore considered that the proposal is acceptable as the scheme will improve the sustainability credentials of the site and is satisfactory in terms of the requirements of policy CS63 and CS65.

Highways

The site is accessed from Harrow Street only. The proposed access is acceptable subject to visibility splays to the entrance point being provided.

The proposed development provides 50 car parking spaces in total, 6 of which are disabled spaces. Policy T21 of the UDP advises that provision will be made for car parking where it would be essential for the viability of new development, or improve the environment or safety of streets: this is provided that it would comply with the parking guidelines set out in the UDP.

The site is within a very sustainable location and close to local facilities and good public transport links. For a site as sustainably located as this, the level of parking provision is considered to be acceptable and in accordance with the Council's guidelines. The on street parking surrounding the site is minimal and it is considered by the applicant that such provisions are necessary to make the scheme viable.

The proposal includes bike storage facilities and the sustainable location is close to public transport links. The building has been moved closer to the back edge of the footpath to promote the legibility of street and overall, the proposal is considered to promote sustainable forms of transports and meet the requirements of policies CS51, CS53 and CS54.

Landscaping

Policy BE6 of the UDP states that good quality landscaping design will be expected in new developments. This proposal relates to a car parking area that has been cleared of previous soft landscaping. Although it is not proposed to incorporate large swathes of soft landscaping, the proposal will include small areas of soft landscaping and has been designed with a roof garden area to ensure that the development integrates better with the natural environment. The landscaping will be an improvement upon the existing area of tarmac given that native species will be used on the roof garden and the overall drainage of the site will be enhanced. Accordingly, the proposal is considered to be acceptable in terms of UDP policy BE6.

Public Art

Policy BE12 of the UDP advises that the provision of works of public art, which can be readily seen by the public, will be encouraged as an integral part of the design of major developments. In this regard, a condition is proposed requesting further details of public art provision in association with the development. On this basis, the application is therefore considered to accord to Policy BE12.

Living Conditions

The building is 8 storeys in height in total. However, it is considered that this height is acceptable in this location given that the neighbouring buildings are similar in overall height. The closest building would be the residential properties on the

former Wards Brewery Site across Harrow Street and these have in parts the same number of storeys. It is considered that the scale and massing is acceptable in this location and that the proposal would not be detrimental to natural light and outlook to any neighbouring properties.

Whilst it is noted that concerns have been raised regarding levels of privacy between the subject building and the existing neighbouring residential properties, the building is close to a busy arterial route into the city centre and due to the nature of apartments these are not extremely private residential properties. The views that could be obtained will be across a public highway. The neighbouring residential units have various balconies that look over one another and accordingly, although the proposal will have windows looking out onto the surrounding properties, it is not considered that the proposal would be detrimental to the living conditions of these units, in terms of loss of privacy, to a level that would warrant a refusal on this basis. Accordingly, the proposal is not considered to be detrimental to the living conditions of any neighbouring residents.

The living accommodation provided is generous in terms of sizes of bedrooms and living quarters and as such, the amenities provided for residents is considered to be satisfactory. All rooms have an outlook and access to natural light and as such, provide decent living conditions for future occupants. Although individual balconies are not provided to provide private external amenity space to each apartment, there is a shared roof top garden. Furthermore, as the proposal is set within a very sustainable location, local amenity spaces are easily accessed, along with a variety of local facilities. The design of the building provides a good standard of living and this is further enhanced by the sustainable location. Accordingly, in this respect the proposal is considered to be acceptable in terms of UDP policy H5 and the NPPF.

Community Infrastructure Levy (CIL)

The Community Infrastructure Levy was introduced in July 2015 and is now the main mechanism to seek pooled developer contributions to help meet the city's strategic infrastructure needs. CIL replaces all other financial contributions with the exception of affordable housing.

The site lies within zone 3 where the financial contribution is £30 per square metre.

Affordable Housing

Policy CS40 of the Core Strategy states that in all parts of the city, developers of all new housing schemes will be required to contribute towards the provision of affordable housing where this is practicable and financially viable. The Interim Planning Guidance on Affordable Housing states that this policy relates to all proposals of 15 or more units. The site lies within an area where the level of affordable housing provision is 10% of the gross internal floor area.

The applicant has stated that the proposal will not be viable if the contributions towards affordable housing are made. It is stated that the land values and high build costs make the proposal only just viable and further contributions, together

with the Community Infrastructure Levy – which, should be noted are non-negotiable – would make the scheme financially unviable.

The District Valuation Office has independently assessed the applicant's development appraisal in line with the Council's adopted procedures. The DVO has concluded that the proposal would not be financially viable if affordable housing contributions were made. The viability assessment has concluded that the proposal would make a profit equating to 9.68% of the gross development which is below reasonable expectations for a viable scheme. Accordingly, although the proposal does not provide any contribution to affordable housing, it has been satisfactorily demonstrated that the proposal is in line with the aims of policy CS40.

Land Contamination

The site is currently a flat former car park comprising of macadam over sandy limestone gravel. A geo-environmental site investigation has been carried out and it has been concluded that no significant land contamination issues have been identified. The proposal is considered to be acceptable in this regard, subject to conditions being attached to any approval securing the mitigation measures and precautions outlined in the Geo-environmental ground investigation dated 31 October 2016.

Archaeology

The site is set on the Porter Brook River and a tail goit from Broomhall Mill is believed to link to the culvert at this point. The mill is dated from the 17th Century and first referenced in 1664. To ensure that the development does not harm any artefacts that would improve the knowledge of this heritage asset, it is considered that any approval should be subject to conditions being attached requiring further investigations to be carried out.

SUMMARY AND RECOMMENDATION

This proposal for the erection of 67 apartments is considered to be a sustainable development of a brownfield parcel of land. Sited within an aspiring mixed use area, the land is within walking distance of shops and local amenities that increase the sustainability of the proposal; thus, weight is given to the presumption in favour of sustainable development as outlined in the NPPF.

The site has been granted consent in 2008; however, the proposal has been assessed in accordance with the most recent local and national planning policy documents. The site is located within a defined local shopping centre within the UDP, however, consideration has been given to both paragraph 22 of the NPPF and Core Strategy policy CS30, which recognise that residential uses can support and enhance retail areas by creating mixed uses. The proposal complies with the aims and aspirations of the area to become a versatile, mixed used area.

Whilst the proposal does not seek to open up the existing culvert that runs through the site, this has been considered to be acceptable on balance. A Sequential Test and an Exception Test have demonstrated no sequentially preferable sites are available, and the scheme can be made flood resilient. It can provide strong regeneration benefits, even without the culvert being opened up. Due to the concerns outlined by the Environment Agency, the applicant has thoroughly

assessed the condition of the culvert and evidenced that the culvert is in a good condition and can be maintained for the lifetime of the development. Furthermore, the surveys and supporting information have shown that repairs could be carried out, due to the construction of the building away from the culvert itself. The scheme has been demonstrated to only just be viable. As it has been demonstrated in the above report, there are significant benefits of a sustainable development such as this and, such small benefits to opening up the culvert do not therefore outweigh presumption in favour of sustainability.

Although the site is at risk of flood, this proposal has identified mitigation measures to reduce the amount of surface water run-off created and prevent the development from being detrimental to the safety of its occupants. As outlined in the Exception Test, the proposal does contribute to the regeneration of the local area significantly enough for the proposal to outweigh the risk of flooding.

The proposal is a modern construction that meets current standards regarding sustainable development. Renewable energy sources are proposed and the amenity spaces provided on the roof will ensure that there is some reduction in the amount of surface water runoff, when compared with the existing hard standing that covers the entire site. The site is within a very sustainable location and would provide a mixture of housing tenures that will provide good standards of living for future occupants, without compromising the living conditions of existing surrounding residents.

The design of the building is of a scale and massing that is respectful of the surrounding area. The eight storeys height is mindful of the listed building on Napier Street and wholly appropriate to the scale and massing of the immediate residential units along Harrow Street. The contemporary design is grounded to the surrounding vernacular with the use of materials that complement the palette of materials already in use. The amended siting of the proposal to the back edge of the footpath strengthens the buildings appearance within the street and is more legible given the new two storey high entrance. The proposal will ensure that the urban grain of the surrounding area is strengthened and the proposal will not compromise the redevelopment of any surrounding sites in the future. Consequently, the design, siting, detailing and appearance are acceptable and satisfactory with regards to policies BE5, BE19, H7, CS74 and paragraph 60 of the NPPF.

The scheme is not considered to give rise to any highways implications or other matters requiring consideration. As it has been agreed by the District Valuation Office that affordable housing requirements cannot be met in this instance, the proposal is considered to comply with all local and national planning policies and can be recommended for approval. No planning obligations are needed to ensure compliance with any local or national planning policies. The scheme is therefore recommended for approval.

Case Number	16/03776/FUL (Formerly PP-05533008)
Application Type	Full Planning Application
Proposal	Demolition of existing dwelling and erection of 2 detached dwellinghouses (amended plans and description)
Location	40 Walkley Crescent Road Sheffield S6 5BB
Date Received	05/10/2016
Team	West and North
Applicant/Agent	7 Hills Architectural Design 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:

- (a) Proposed site plan Dwg No: 02
- (b) Proposed Plans and Elevations Dwg No: 01 rev A

Reason: In order to define the permission.

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

3. Prior to the commencement of development details of the finished plot and site levels shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details

Reason: In the interests of the amenities of neighbouring properties.

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

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

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

5. Should demolition not take place before April 2018 a further bat survey/breeding bird survey shall be submitted to and approved in writing by the Local Planning Authority. The report shall include the following:
 - A). An up to date bat and nesting/breeding bird survey of the building to confirm the presence of and location of bat roosts and bird nests (internal and external inspections of buildings required);
 - B). Details of mitigation and avoidance measures during demolition/clearance works and as part of the construction.
 - C) Time scales for the demolition and clearance of the relevant buildings.

The development shall be carried out and completed in strict accordance with the approved bat/breeding/nesting bird survey, mitigation and avoidance measures and demolition timescales.

If the building is not demolished in the timescales agreed under part C) of this condition a further breeding/nesting bird surveys will be required in accordance with parts A) , B) and C) of this condition.

Reason: To ensure that bats and breeding/nesting birds, are not adversely affected by the development.

6. The demolition of the building shall be carried out in accordance with section F.2.1 (Method Statement for contractors Building 1) of the Bat Survey report (project ref: 1268 rev A dated April 2017) prepared by access Ecology or any subsequent method statement for demolition associated with the requirements of the above condition.

Reason: To ensure that bats and breeding/nesting birds, are not adversely affected by the development.

7. Should demolition take place within the bird nesting season (March to August inclusive) prior to the commencement of any demolition works a pre demolition check shall be carried out by a suitably qualified ecologist to establish the presence of nesting birds. If active bird nests are present in the building, demolition works can only proceed once all chicks have fledged.

Reason: In order to ensure that nesting birds are not adversely affected by the development.

8. Within three months of the development commencing details of 3 bird and 3 bat boxes (suitable for crevice dwellings bats), including the type and location of the boxes to be integrated into the building shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained.

Reason: In the interests of biodiversity.

Other Compliance Conditions

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking and re-enacting the order) the front elevation of the garage shall not be built up or infilled at any time and shall be available for the parking of a vehicle at all times.

Reason: In the interests of highway safety and securing appropriate provision of car parking.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0800 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from the Environmental Protection Service, 2 -10 Carbrook Hall Road, Sheffield, S9 2DB: tel. 0114 2734651.
3. 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.
4. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk. Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

Site Location



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LOCATION AND PROPOSAL

The application relates to a vacant dilapidated two storey dwelling house and associated garden area which is located on the north side of Walkley Crescent Road.

The existing dwelling is located towards the site frontage with a large garden area to the side and rear of the existing house. The site is enclosed to the street by the existing dwelling house and a two metre high stone wall.

Full planning permission is sought for the erection of two detached dwelling houses. During the course of the consideration of the application the scheme has been amended to reduce the number of properties from three to two.

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area.

RELEVANT PLANNING HISTORY

No relevant planning history.

SUMMARY OF REPRESENTATIONS

Consultations were carried out on the originally proposed scheme and all relevant neighbours and objectors to the original proposal were also reconsulted following the submission of the amended plans.

A total of 53 letters of representation have been received in the relation to the originally proposed scheme and the revised scheme. The representations received include comments from Councillor Olivia Blake and Councillor Neale Gibson-Abo-Anber. Multiple addresses have also sent more than one letter of representation.

- Three storey dwellings are too high.
- The height of the dwellings would impact the amenities of residents in terms of affecting existing outlook, daylight, sunlight and give rise to overlooking and overbearing.
- Loss of views.
- The scheme would lead to overlooking of neighbouring garden areas resulting in a loss of privacy.
- Although the scheme has been reduced it still represents an overdevelopment of the site.
- A daylight and sunlight report should be prepared to assess the impact on neighbouring properties as there are significant level differences.
- Right to light issues.

- Frontage parking pushes the dwellings back causing overlooking issues.
- A store room proposed in the new dwellings could be converted to a bedroom.
- Inadequate parking provision and manoeuvring space for 6 vehicles given the narrowness of the road.
- Already a very busy road and additional cars will exacerbate the situation.
- Parking and manoeuvring on street and into existing drives is already difficult and will be further exacerbated by the development, which could potentially affect highway and pedestrian safety.
- Other developments in the area with inadequate parking have caused highways issues.
- Bin lorries and emergency services will have difficulty accessing the site.
- If the garage is used for storage only one car parking space will be provided.
- The building line on the site frontage should reflect the neighbouring dwellings.
- Houses of this style will affect the character of the area and stone should be used.
- The demolition of Armthorpe cottage would be a great loss to the area and the existing dwelling could be retained and a new dwelling could be constructed alongside it.
- The building should be retained as demolition is contrary to adopted UDP and Core Strategy policy.
- Walkley is an area of special character.
- The development fails to recognise established separation distances and does not reflect the established scale of properties in the area.
- The proposal would be contrary to the South Yorkshire Residential Design Guide.
- The additional houses would affect the character of the street.
- The proposed materials are out of character.
- Trees should be cut back so they don't overhang boundaries.
- A tree survey is required to establish the quality of the trees.
- Some of the boundaries are owned by neighbouring properties
- Drainage issues.
- Potential impacts on retaining walls associated with the construction of the dwellings.
- Boundary walls have collapsed and are in need of repair.
- Parts of the property boundary are not in the applicant's ownership.
- Inadequate consultation has been carried out.
- Officer should conduct a site visit.
- Historic coal mining issues may affect ground stability.
- Potential for bats within the building.
- Residents are aware of interest in renovating the existing property.
- Velux windows should be provided on the site frontage instead of dormers to reduce overlooking.

- Loss of historic building.
- Disruption during construction.
- Bin storage should be provided.

PLANNING ASSESSMENT

Policy Issues

National Planning Policy Framework

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

Principle of Development

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area. UDP Policy H10 sets out that within such areas housing is the preferred use.

The development of the garden land associated with the site is technically classified as Greenfield. Core Strategy Policy CS24 prioritises the development of previously developed land requiring that no more than 12% of dwelling completions should be on Greenfield sites between 2004/05 and 2025/26. At present this scheme would not compromise this target from being achieved.

The Council cannot currently demonstrate that there is a sufficient supply of housing to meet the city's needs. 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 with only a 4.7 year supply of deliverable sites for housing in the city.

It is noted that the site is small however it is considered to be located in an established sustainable residential neighbourhood and the redevelopment of the site for two dwellings will contribute towards delivering the Councils housing targets. In light of the above the principle of redeveloping this site for two dwelling houses is considered acceptable.

Density

Core Strategy Policy CS 26 (Efficient Use of Housing Land and Accessibility) states that housing development will be required to make efficient use of land but accepts that the density of new developments should be in keeping with the character of the area and support the development of sustainable, balanced communities. It sets out appropriate density ranges for different locations depending on accessibility and states that exceptions can be made to the density range where the proposal achieves good design, reflects the character of an area or protects a sensitive area.

The site is near (200 metres) to a District Centre and is near to high frequency bus routes. Therefore the core strategy identifies that housing density should range between 30- 80 dwellings per hectare. However the supporting text to the policy does set out that high densities are not acceptable where they would be out of character with the rest of the area.

The proposed development gives a density of approximately 40 dwellings per hectare and is considered to be reflective of the established pattern and density of the development in the area and is therefore considered acceptable in this regard.

Design and Layout.

Policy BE5: Building Design and Siting within the UDP states that in all new developments there should be a comprehensive and co-ordinated approach to the overall design. BE5 goes on to state that in large-scale developments materials should be varied and the overall mass of building broken down. Policy CS74 of the CS, which relates to 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.

Section a) within Policy H14: Conditions on Development in Housing Areas within the UDP states that new buildings in Housing Areas should be in scale and character with neighbouring buildings.

Demolition of existing building

Policy BE20 of the UDP states that the retention of historic buildings that are of local interest but not listed will be encouraged wherever practicable. In terms of character there are dwellings of varying style, appearance, age and design in the locality which creates a very varied street scene. Whilst noting that the existing

dwelling is constructed in stone and is in excess of 100 years old the property is not in a conservation area, is not in an area of special character and is not listed and as such there is no overriding reason to insist on the retention of the building or in fact any policy basis to resist the demolition of the property.

Layout and Siting

The building line along Walkley Crescent Road is varied a lot of the older properties on Walkley Crescent Road are located close to the back edge of pavement including the terraced properties immediately opposite the site. The more modern properties in the street are set back to accommodate parking provision and front garden areas.

The existing dwelling on site is located close to the back edge of pavement and stands approximately 3 metres forward of the front elevations of the neighbouring properties No.24 and 42 Walkley Crescent Road. The new dwellings are proposed to be set back to more closely reflect the siting and position of the adjoining dwellings in order to accommodate the required off street parking provision. The properties continue to address the street and parking will be integrated so it does not dominate the frontage as is the case on other more recent developments in the area. In light of the above the layout of the site and siting of the dwellings is considered acceptable.

Scale

The properties either side of the site are two storeys in height, and whilst the streetscene is generally characterised by two storey properties the scale and height of these dwellings varies greatly due to the differing age, style and design of the properties. The submitted plans demonstrate that the proposed dwellings would only be marginally taller (approximately 0.6 metres) than the existing dwelling on site and taking account of the varying scale and heights of building in the street scene the proposed dwellings do not appear out of character and are not considered to be of an excessive scale.

Appearance

The replacement dwellings are of a contemporary design and incorporate large window openings and modern detailing. The dwellings are to be faced in red brick which is considered appropriate given that a number of other properties in the immediate vicinity, including the dwellings either side of the site are faced in similar materials. Parts of the existing stone walls which enclose the site will be retained, repaired and reduced in height where necessary to afford visibility and a new reclaimed stone wall will be provided on the site frontage.

Landscaping

A majority of the existing site landscaping has been cleared and due to the height of the existing boundary wall there is not considered to be any landscaping on site that is significant public amenity value. There are a number of mature trees adjacent to the rear boundary a large majority of which are indicated on the proposed plans to be pruned, reduced in height and retained. The trees will not be visible from the street once the dwellings are constructed however the retention of these mature species is welcomed as they provide some immediate mature landscaping for future residents as well as providing some welcome screening of the properties to the rear

In light of the above the proposed design, layout, scale and landscaping of the scheme is considered acceptable and the proposal is considered to comply with the relevant local and national policy in this regard.

Amenity

Section c) within Policy H14: Conditions on Development in Housing Areas within the UDP states that new development sites in such areas should not be over-developed or deprive residents of light, privacy or security.

The proposed new dwellings are to be set back from the road frontage in order to accommodate off street parking provision which results in the dwellings being sited roughly in line with the front elevations of No.24 and 46 Walkley Crescent Road which is considered to reduce any potential overshadowing of the adjoining properties. The position of the properties will actually increase the amount of natural light the front elevations of the adjoining properties receive particularly No. 42 as the existing dwelling which is set substantially forward of the existing properties will be removed.

There would be a distance of approximately of 29m between the upper floor windows of the proposed dwellings and the rear elevation of existing dwellings on Walkley Bank Road, which even taking account of the significant change in levels between the site and Walkley Bank Road the proposal is not considered to result in any unacceptable overlooking, overbearing or overshadowing of adjoining dwellings or their associated garden areas.

The relationship between the proposed dwellings and the terraced properties on the opposite side of Walkley Crescent Road is considered acceptable and reflects the general pattern of development in the area. The proposal will actually increase the separation distance to the properties on the opposite side of the street (to 16 metres) as a result of the demolition of the existing building on site.

The site is relatively level with only a very slight fall in the topography towards the northern (rear) boundary of the site. Existing tree planting is to be retained along the rear boundary which will provide some welcome, although not essential screening to the site. A new 1.8 metre high fence is to be provided to all boundaries of the rear gardens to prevent and potential overlooking of adjoining garden areas.

No 24 and 46 Walkley Crescent Road have windows in the side elevation overlooking the application site; however these windows are either secondary windows or provide light to non-habitable rooms such as landings and bathrooms and the proposal could not be resisted on the basis that adjoining properties rely and outlook and natural light for land that is not within their control. The position siting and design of the proposed dwellings is not considered to result in any harmful overlooking, overshadowing or overbearing of adjoining properties.

The proposed dwellings benefit from appropriate outlook and natural lighting and suitable sized private garden areas are provided for each of the properties.

In light of the above the proposal is considered to be acceptable from an amenity perspective and complies with policy H14.

Highways

Section d) within Policy H14: Conditions on Development in Housing Areas within the UDP states that new development should provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

Two off street parking spaces inclusive of an integral garage are provided for each dwelling which is considered acceptable for 4 bedroom dwellings houses and will minimise the proliferation of on street parking associated with the development. Permitted development rights will be removed to prevent garages from being built up to ensure that appropriate car parking can be provided. The driveways of each property are a minimum of 3.5 metres wide which will afford adequate manoeuvrability should on street parking occur on the opposite side of the street.

In light of the above the proposal is not considered to give rise to any harmful highways issues or safety concerns and as such is considered to comply with policy H14.

Mobility Housing

There is no longer any requirement to provide any form of mobility housing within new developments following the publishing of the Governments Housing Standards review as this is now covered by separate legislation.

Ecology

A key principle of the NPPF is to conserve and enhance the natural environment. The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Policy GE11 'Nature conservation and development' of the UDP seeks to protect and enhance the natural environment ensuring that the design, siting and landscaping of development respects and promotes nature conservation and includes measures to reduce any potentially harmful effects of development.

Local residents have identified the presence of bats in the immediate locality and the potential for bats to be using the existing building. Following discussions with the Councils Ecology Service the applicant has commissioned a preliminary bat roost assessment to establish the potential for bats to be roosting in the building and the need for any further survey work or mitigation. The findings were that there was no evidence of roosting bats at the property with a low suitability to support roosting bats. The ecological report recommended that a number of bat and bird boxes be provided as part of the development and this is covered by a condition.

Community Infrastructure Levy (CIL)

The Community Infrastructure Levy was introduced in July 2015 and replaces all other financial contributions, with the exception of affordable housing. The site is located in the Zone 3 charging area and the adopted charging schedule (June 2015) identifies a levy of £30 per square metre is required. The applicant has completed the additional CIL information form and has indicated that the net additional floor space created is 174 sq m.

RESPONSE TO REPRESENTATIONS

Rights to light are private non planning matters.

There is no right to a view across anyone's land in planning legislation.

Issues to do with noise and disturbance during the construction period are dealt with under separate legislation.

There are not considered to be any drainage issues associated with the development any disturbance of historic natural land drains is a private matter.

The existing retaining wall to the rear of the site is not considered to be affected by the development.

The site is not in a coal mining referral area.

Public notification has been carried out in accordance with the Councils Statement of Community Involvement (SCI).

There is adequate room to accommodate off street storage of bins.

A site visit has been undertaken by officers.

All other issues are covered in the main body of the report.

SUMMARY AND RECOMMENDATION

Planning permission is sought for the erection of two dwellinghouses on the site of an existing dwelling house and associated garden area.

The proposal would not result in an overdevelopment of the site and would be in keeping with the surrounding area. Materials would be similar to those of the neighbouring dwellings and it is considered that the development would not have a harmful impact upon the character and appearance of the Area of Special Character.

The new dwellings would not give rise to unacceptable levels of overlooking or overshadowing or raise any highway safety concerns.

It is considered that the development would accord with provision of the Unitary Development Plan the aims of Core Strategy as well as guidance contained within the National Planning Policy Framework.

It is recommended that planning permission is granted conditionally.



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: The Head of Planning

Date: 9 May 2017

Subject: Overview of enforcement activity

Author of Report: Khalid Mahmood

Summary: To inform members of the planning enforcement work being carried out in addition to the formal cases on the 6 monthly update report and to give an overview of the overall quality of the service provided by planning enforcement.

Reasons for Recommendations:

The purpose of this report is to give Committee Members an overview of planning enforcement work being carried out and the quality of service provided across the City.

Recommendations:

That members note the report.

Background Papers:

Category of Report: OPEN

DEVELOPMENT SERVICES

REPORT TO PLANNING AND HIGHWAYS COMMITTEE

9 MAY 2016

OVERVIEW OF ENFORCEMENT ACTIVITY

1. PURPOSE OF THE REPORT

- 1.1 This is the six-monthly report to inform members of the work being undertaken by the Planning Enforcement Team. The period covered runs from 1st November 2016 to 31st March 2017.

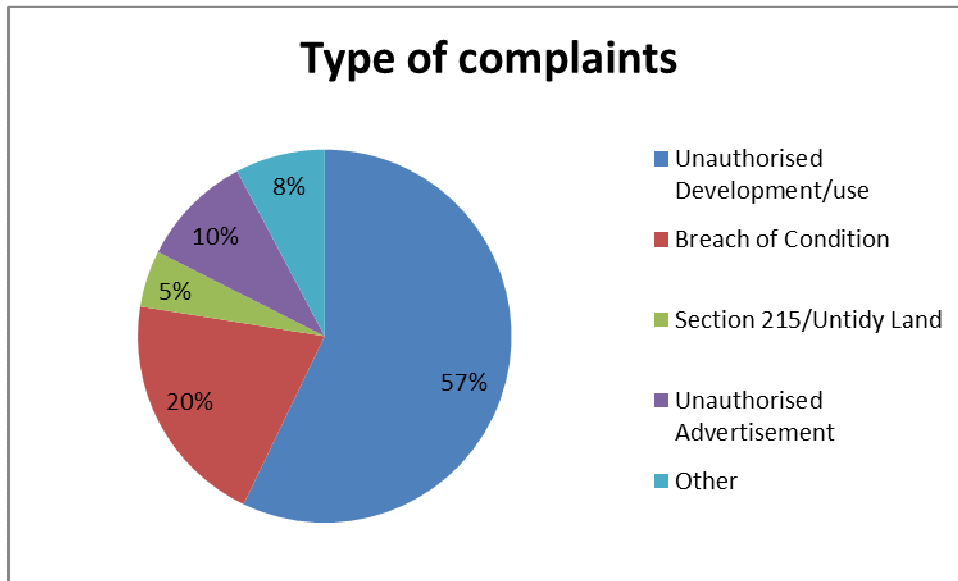
2. ACTIVITY DURING THE PERIOD

- 2.1 The National Planning Policy Framework (NPPF) is encouraging Councils to publish a Local Planning Enforcement Plan; this is to ensure that planning enforcement remains clear, transparent and accountable. The Enforcement Plan has now been implemented and is available to view on the following link https://service.sheffield.gov.uk/selfservice/L15_Portal.html?formname=PlanningEnforcement. The plan sets out how Sheffield City Council will approach alleged cases of unauthorised development, including what and how it will investigate and when it is appropriate to take enforcement action.
- 2.2 Prosecution is an important part of enforcement work, without it there is no deterrent to people who have carried out work without consent and then ignoring formal Notices. Recently officers have had excellent results with some of their cases that have been to the Magistrates Courts. In one case a company was fined £1950 including costs for not removing their signs. In another similar case a company was fined a total of £2516, which included the maximum fine possible for such a case minus the credit for a guilty plea. Officer shall be writing to these companies asking them to remove the signs or the matter will be reported for prosecution again. In another a contravener was locked up in custody for two nights after he was arrested on a warrant issued by the Courts due to his previous failure to attend court. He pleaded guilty to the enforcement notice offence and was subsequently fined. The Enforcement Notice has now been complied with.
- 2.3 The Stuck Sites programme is now in its 6th year. During the past 5 years, the programme has helped to clear land for regeneration by bringing about the demolition of ruinous, nuisance buildings, such as the former Ritz Cinema, St Vincent's Church, the former Foundry

Workers WMC and Bridge House. Listed buildings have also benefited from the programme with Globe Works, The Anglican Chapel and Lion Works enjoying essential restorations. Recently, the Stuck Site programme has been shortlisted for an RTPI award for Planning Excellence 2017 in the category for Excellence in Planning to Deliver Housing. The winner will be announced on the 15^h June.

3 SCALE OF INVESTIGATIONS, INCLUDING MONITORING AND ENFORCEMENT

3.1



3.2 A total of 245 complaints were received and 219 cases have been closed in the last 6 months of which 57% have been remedied or made acceptable. There are currently 596 live cases. Performance has fallen short of the Service target of 60% for cases closed within 6 months due to a combination of staff resourcing issues including the loss of one member of staff arising from budget pressures and a long term sickness absence.

3.3 The table below shows the number of complaints received in the last year 2016/17 and the previous year 2015/16:-

Year 1 st Apr 2015 – 31 st Mar 2016	Year 1 st Apr 2016 – 31 st Mar 2017
607	571

4 WILLINGNESS TO TAKE STRONG ACTION

4.1 The table below shows the number of formal Notices served and prosecutions carried out within the last year 2016/17 and the previous year 2015/16 to show trends: -

Notice type	Year 1 st Apr 2015 to 31 st Mar 2016	Year 1 st Apr 2016 to 31 st Mar 2017
Breach of Conditions	17	9
Discontinuance (adverts)	0	0
Enforcement	16	18
Stop	0	0
Temporary Stop	2	2
Section 215 (untidy land)	6	1
Section 225 (signs)	24	7
Total Notices Served	65	37
Prosecutions	9	10

- 4.2 The table below shows the number of formal Notices served and prosecutions carried out within this period and the previous three quarters to show trends: -

Notice type	Quarter 1 1 st Apr – 30 th Jun 2016	Quarter 2 1 st Jul – 30 th Sep 2016	Quarter 3 1 st Oct – 31 st Dec 2015	Quarter 4 1 st Jan – 31 st Mar 2015
Breach of Conditions	1	0	1	7
Discontinuance (adverts)	0	0	0	0
Enforcement	5	5	3	5
Stop	0	0	0	0
Temporary Stop	1	0	1	0
Section 215 (untidy land)	0	0	0	1
Section 225 (signs)	1	0	5	1
Total Notices Served	8	5	10	14
Prosecutions	2	2	2	4

- 4.3 The number of formal Notices that have been served in the last 12 months has decreased due to less S225 Notices being served in relation to illegal signs. The number of prosecutions and Enforcement Notices served in the last 6 months has remained consistent. However, the number of Breach of Condition Notices served has increased in the last 6 months.

5. CONCLUSION

- 5.1 Due to issues relating to staffing and resources the six month service target has not been met; number of Notices served and prosecutions have remained fairly consistent.

6. RECOMMENDATION

- 6.1 This report is for noting



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: The Head of Planning

Date: 9 May 2017

Subject: Enforcement Report

Author of Report: Khalid Mahmood

Summary: Progress report on enforcement actions authorised by committee or under delegated powers within the City.

Reasons for Recommendations:

The purpose of this report is to inform Committee members of progress on current enforcement cases in City.

Recommendations:

That members note the current progress on actions

Background Papers:

Category of Report: OPEN

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UPDATE ON LIVE ENFORCEMENT CASES WHICH HAVE BEEN GRANTED AUTHORITY UNDER DELEGATED POWERS OR BY MEMBERS

Report abbreviations

PP	Planning Permission	EN	Enforcement Notice
PD	Permitted Development	PCN	Planning Contravention Notice
BCN	Breach of Condition Notice	S330	Notice under Section 330 of the Act requiring details of interest in land
S215	Notice under Section 215 of the Act – Land adversely affecting amenity of neighbourhood.	S225	Notice under section 225 of the Act requiring removal of illegally displayed placards or posters
TSN	Temporary Stop Notice		

ITEMS IN BOLD TYPE INDICATE CHANGES SINCE LAST REPORT

CITY CENTRE & EAST AREA

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
1.	Barleywood Road, S9 5FJ	Unauthorised use as a breakers yard and erection of a building	01/11/2016	20/04/2017 – EN served 01/11/2016 took effect on 05/01/2017 compliance by 10/06/2017. A planning application (16/04583/FUL) has been submitted and this is currently being appealed against.(16/00434/ENCHU - LB)
2.	142 Devonshire Street, S3	Unauthorised signs and the repainting of the shop front	09/08/2016	20/04/2017 – Listed Building EN has been served on 06/01/2017 took effect on 13/02/2017 16 week compliance period. An application (17/00796/FUL) has also been submitted for the existing sign, which is currently invalid. (15/00068/ENLBD – FS)

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
3.	126 Birley Spa Lane S12 4EJ	Unauthorised flue, and shipping container, and prevent the unauthorised use as a Fast Food Takeaway.	09/08/2016	20/04/2017 – A TSN was served and was not complied with. The company and the occupier have been prosecuted and were fined a total of £1988. An EN has also been served on 07/12/2016 and this is being appealed against. 17/010/2016 – EN is being drafted and will be served shortly. (16/00314/ENUD- FS)
4.	Land adjacent to Finestra Systems Ltd, Old Lane, Halfway, S20	Planning application (15/04500/FUL) refused with enforcement action - Erection of a warehouse-storage unit	17/05/2016	20/04/2017 – EN has been served on 07/02/2017 took effect 13/03/2017 compliance by 03/07/2017. 17/10/2016 – the owner's agent is to submit a planning application for an alternative proposal. (16/00281/ENUD – FS)
5.	15 Westfield Terrace, S1	Signage	17/05/2016	20/04/2017 – The company has been prosecuted and fined a total of £1950. A reminder letter to be sent to new company that the signs need to be removed within a reasonable time period and if not the matter will be reported for prosecution again. 17/10/2016 – Statement to be done for prosecution. (16/00110/ENLBD – FS)
6.	25 Moor Valley, S20	Unauthorised fence	26/04/2016	20/04/2017 – The EN has not been complied with, statement to be done for prosecution. 17/10/2016 – EN has been served on 23/06/2016 and took effect on the 28/07/2016 with a 16 week compliance period. 03/05/2016 – A letter to be sent before EN is served. (15/00242/ENBC – FS)
7.	38 Sandy Acres Close, S20	Log cabin in rear garden	15/03/2016	20/04/2017 – EN has been served 07/12/16 still within compliance period, however, an application (17/00718/FUL) has also been submitted for an alternative proposal with modified roof structure which has been granted with conditions – Monitor site. 17/10/2016 – EN is being drafted and will be served shortly. 03/05/2013 – The refusal of planning permission has been

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
				appealed against (16/00263/FUL). EN to being drafted and will be served shortly. (15/00626/ENUHD – FS)
8.	3 & 5 Nursery Street, S3	Illegal signage and storage of materials outside the shop	15/03/2016	20/04/2017 – The signage has been removed NFA. 17/10/2016 – The case has been reported for prosecution, further investigations to be carried out to determine the owner before a summons is served. 03/05/2016 – Working with the occupier to achieve a more acceptable scheme for the signs, the materials stored outside are considered low key and the occupier has been asked to submit a variation of condition application. (15/00340/ENOA – FS)
9.	46 Paddock Crescent, S2	Tree House	15/03/2016	20/04/2017 – The owner of the property did not attend court and therefore a warrant was issued for his arrest which was executed by the Police and he spent 2 nights in custody and was subsequently bailed to attend court. He was fined a total of £200. The Tree House has now been removed – NFA. 17/10/2016 – EN has been served on the 3/06/2016 and took effect on the 06/07/2016 with a 16 week compliance period. 03/05/2016 – EN being drafted and will be served shortly. (14/00317/ENUHD – FS)
10.	87 High Street, S20	Flue	15/03/2016	20/04/2017 – Draft EN with legal. 17/10/2016 – EN is being drafted and will be served shortly. (14/00128/ENUD – FS)
11.	43 Moorthorpe Rise, S20	Encroachment of garden into buffer strip	22/12/2015	20/04/2017 – Some work still remains to be done, a final letter from Legal has been sent threatening prosecution, if the remainder of the work is not done the matter will be reported for prosecution. 17/10/2016 – Most of the work has been done. Site visit to be done to confirm that work has been completed as required. 03/05/2016 – Work has started on site and will be completed within the next few weeks –

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
				Monitor. 08/02/2016 – EN has been served on 20/01/2016 and took effect on the 20/01/2016 and needs to be complied with by 22/04/2016. (15/00532/ENCHU – JB)
12.	261 Staniforth Road, S9	Erection of Marquee	01/12/2015	20/04/2017 - Statement to be prepared for prosecution. 03/05/2016 - EN has been served on 22/12/2015 and took effect on 26/01/2016 compliance by 17/05/2016. (14/00017/ENUD – LB)
13.	138 West Street, S1	Fascia signs	29/09/2015	20/04/2017 – The planning application has been granted for an alternative proposal. The occupier has said that the business is to be rebranded and therefore the signage would be removed, works currently being carried out - Monitor. 17/10/2016 – Application (16/02272/ADV) has been submitted and is pending consideration. 03/05/2016 – An application for an alternative proposal to be submitted in the next few weeks. 08/02/2015 – the signage has not been removed within the time period given, a prosecution file being prepared. 20/10/2015 – Letter has been sent asking to remove sign. (13/00500/ENOA – KM)
14.	55 Bawtry Road S9	External wall insulation	24/06/2014	20/04/2017 – Reminder letter to be sent to installer. 17/10/2016 – Works have begun to comply with Notice – Monitor. 08/02/2016 – An extension of time has been given to resolve the issue until 01/02/2016, No work has been done – chasing progress, if no progress then that matter will be reported for prosecution. 20/10/2015 – Within compliance period. 08/07/2015 - An EN has been served on 25/06/2015 comes into effect on 27/07/2015 unless appeal is made and needs to be complied by 27/11/2015. (15/00058/ENBC – LB)
15.	24 Dundas Road, S9	External wall insulation	24/06/2014	20/04/2017- Reminder letter to be sent to installer. 17/10/2016 – Works has begun to comply with Notice –

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
				Monitor. 08/02/2015 – The EN has not been complied reminder letter to be sent. 20/10/2015 – Within compliance period. 08/07/2015 – An EN has been served on 25/06/2015 comes into effect on 27/07/2015 unless appeal is made and needs to be complied by 27/11/2015. (15/00059/ENBC – LB)
16.	1 Blackmore Street, S4	Re-roofing of a listed building	16/06/2015	20/04/2017 – The Notice has not been complied with, the matter to be reported for prosecution. 17/10/2016 – The appeal has been dismissed and the owner has been given 26 weeks to comply with the EN from 28/06/2016. 03/05/2016 – The EN has been appealed against and is being considered by the Planning Inspectorate. 20/10/2015 – EN has been served and an appeal has been made. 08/07/2015 – Details have been sent to legal and admin to serve an EN (14/00207/ENUD – FS)
17.	Woodhouse Spice, 14 Market Square, S13	Unauthorised signs on a listed building	26/05/2015	20/04/2017 – An application (16/04729/ADV) for alternative signage has been granted. A letter to be sent asking to remove unacceptable signage. 17/10/2016 – The owners have been prosecuted conditional discharge with costs. (14/00019/ENOA – FS)
18.	20 Dovercourt Road, S2 1UA	Untidy front and rear garden	20/11/2014	20/04/2017 – Up to date photographs to be taken before decision is made on appropriate action. 17/05/2016 – Some work has been done to tidy the site since the original successful prosecution in 2015 – monitor. (13/00084/ENS215 – FS)
19.	33 Pavilion Way, S5 6ED	Unauthorised single storey side and rear extension	09/12/2014	20/04/2017 – A statement for prosecution being prepared. 17/10/2016 – Part of the extension has been demolished a reminder letter has been sent asking when the works will be completed. 03/05/2016 – Work to begin in the next 2 weeks to remove extension and replace it with an extension what would be PD - Monitor. 08/02/2016 – Serious

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
				<p>defects with extension have made it impossible to comply with building regulations, therefore PP cannot be implemented. Alternative extension now PD and has building regulation approval. The existing extension to be demolished in the next few weeks. 20/10/2015 – Work has not started yet reminder letter to be sent. 08/07/2015 – Appeal against the planning application has been allowed conditionally – Condition requires plastic to be replaced by brickwork within 6 months – Deadline 16/10/2015 - Monitor 20/04/2015 – The planning application was refused on 17/03/2015 and an appeal has been lodged on the 01/04/2015. 19/01/2015 – Application (15/00183/FUL) has been submitted on 15/01/2015 for retention and alterations to design and materials, and is in the process of being logged on the system. (16/00121/ENBC – LB)</p>
20.	42 Dundas Road, Tinsley, S9 1SY	Unauthorised external flue	15/10/2013	<p>20/04/2017 - Awaiting Police to execute the warrant. 07/04/14 - EN has been served 3/01/14 comes into effect 07/02/14 and required compliance by 02/05/14. (13/00039/ENUD – LB)</p>
21.	484 Staniforth Road, Darnall, S9 3FW	Unauthorised roof extension	25/01/2010	<p>20/04/2017 – A prosecution statement has been done and the case is due in Court on the 6 June. 17/10/2016 – The owner was found guilty for the 2nd time and was fined £140.00 with £260 costs. A letter has been sent asking for the EN to be complied with – no response received therefore the matter will now be reported for 3rd prosecution. 03/05/2016 – Court hearing on the 9/03/2016 and was subsequently adjourned until 12/05/2016. 08/02/2016 – prosecution file with litigation waiting for court date. 20/10/2015 – 2nd prosecution statements being done. 08/07/11-Fined £200+100 costs, reminder to be sent to comply with EN. 20/01/2011</p>

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
				(10/00384/ENUD – LB)

SOUTH AREA

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
1.	Adams Express, 32 Lowedges Road, S8 7LB	Unauthorised large shipping container	170/03/2017	21/04/2017 – EN has been served 04/04/2017 takes effect on 08/05/2017 compliance by 05/06/2017. (16/00166/ENUD – JB)
2.	30 Crescent Road, S7 1HL	Breach of condition 2 relating to the painting of the fence in connection with planning permission. (13/02006/FUL)	10/01/2017	21/04/2017 – BCN has been served on 10/04/2017, comes into effect and compliance on 08/05/2017. (14/00628/ENBC – KM)
3.	12 – 14 Barber Road, S10 1ED	Breach of condition 3 relating to the fume extraction system fitted without prior approval in connection with planning permission (16/01257/FUL)	17/03/2017	21/04/2017 – A BCN has been served on 10/04/2017, comes into effect and compliance on the 28/05/2017 (17/00087/ENBC – AW)
4.	12 Croydon Street, S11 8BD	Unauthorised ground floor extension	14/02/2017	21/04/2017 – EN has been served on 15/03/2017 and takes effect on the 24/04/2017 compliance by 05/06/2017 – SV to be done to check if work has been done. (14/00435/ENUHD – AW)
5.	369 – 373 Abbeydale Road, S7 1FS	Unauthorised canopy	14/02/2017	21/04/2017 – EN being drafted and to be served. (16/00362/ENUD – FS)
6.	The Crown Inn Hillfoot Road, S17 3AX	Unauthorised use of green belt land at the rear of the Crown Inn as a beer garden.	09/08/2016	21/04/2017 – The use has stopped - NFA17/10/2016 – Various discussions have taken place with the landlord and Licensing Officers and an application is to be submitted for the Councils consideration. With regards to the non-compliance with the TSN this matter has been reported for prosecution. (16/00246/ENCHU – JB)
7.	13 College Street, S10 2PH	Planning permission (16/02068/FUL) refused	09/08/2016	21/04/2017 – Check on site if the boxes have been relocated if not serve EN. 17/10/2016 – In discussion with

		with enforcement action for the retention of Service meter boxes on the front elevation of the property		owners to get the meter boxes relocated to an alternative more acceptable location. (14/00445/ENART4 – AW)
8.	Unit B, Old Station Drive, S7 2PY	Unauthorised fence	28/06/2016	21/04/2017 – EN was served on 21/11/2016 and took effect on 02/01/2017 and compliance by 27/02/2017 – Most of the work has been done. Monitor site. 17/10/2016 – EN is being prepared and will be served shortly. (12/00772/ENUD - AW)
9.	3 Nether Edge Road, S7	Unauthorised Canopy	23/02/2016	21/04/2017- Compliance period has been extended to 01/05/2017 as alternative scheme was being approved under 16/04816/FUL which has now been approved. 17/10/2016 – EN has been served on 23/06/2016 and took effect on 10/07/2016 needs to be complied by 10/01/2017. 03/05/2016 – The owner has submitted an alternative scheme for the Councils consideration, which is under consideration. However, EN has been drafted and will be served shortly (13/00634/ENUD – LB)
10.	Broomhill Property Shop, 319 Glossop Road, S10	A fascia sign has been erected on a listed building without consent	10/11/2015	21/04/2017 – EN A letter to be sent asking to remove the signage within 21 days. (15/00087/ENLBD – AW)
11.	3 Crescent Road, S7	An erection of a tree house	22/12/2015	21/04/2017 – EN was served on 15/12/2016 and an appeal was made which was subsequently dismissed on 22/02/2017 compliance by 22/04/2017 – SV to be done to if work has been carried out. 17/10/2016 – The amended scheme application (16/01545/FUL) has been refused – A reminder letter to be sent, before EN is served. 03/05/2016 - The owner is to submit an alternative proposal for the Council's consideration. 08/02/2016 – Planning application (15/03806/FUL) has been refused and letter to be sent that an EN will be served if the tree house is not removed. (15/00256/ENUHD – AW)
12.	259 Abbeydale Road,	Unauthorised erection of		21/04/2017 – The company was prosecuted on 21/03/2017

	S7	digital signage		and fined a total of £2516. A letter to be sent asking for the sign to be removed. 17/10/2016 – An application (16/00914/ADV) has been submitted pending consideration. 08/02/2016 – A letter to be sent asking to remove signage or submit an application for an alternative more acceptable sign. (15/00454/ENBC – AW)
13.	16 Moor Oaks Road, S10 1BX	Unauthorised replacement of windows	01/12/2015	21/04/2017 – The appeal has been dismissed on 08/11/2016 compliance by 08/05/2017 - Monitor site. 17/10/2016 – Awaiting outcome of appeal. 03/05/2016 – An appeal has been made to the Planning Inspectorate, statement to be done. 08/02/2016 – EN has been served on 01/02/2016 and takes effect on 04/03/2016 and needs compliance by 04/09/2016 (14/00138/ENART4 – AW)
14.	30 Stainton Road, S11	A rear dormer balcony	01/12/2015	21/04/2017 – The balcony has been removed – NFA. 17/10/2016 – Statement to be done for prosecution. 03/05/2016 – An appeal has been made to the planning Inspectorate against the planning decision (15/03156/FUL) awaiting outcome before any further action is taken. 08/02/2016 – An EN has been served on 14/01/2016 and takes effect on 22/02/2016 and needs compliance by 16/05/2016. (15/00282/ENUHD – AW)
15.	166 Abbeydale Road, S7	Unauthorised canopy	03/03/2015	21/04/2017 The land registry still shows same owner a S330 Notice has been served no reply therefore the matter is being reported for prosecution for non-compliance with 330 Notice. – 17/10/2016 – It has been brought to the Councils attention that the ownership has changed. New Land Registry checks to be carried out and S330 Notice to be served. 03/05/2016 – 1 st hearing was on 04/02/2016 and 2 nd hearing was on 03/03/2016 did not attend for both and a warrant has been issued for his arrest. 08/02/2016 – File with litigation waiting for a court date. 21/10/2015 – EN has not been complied with - Prosecution

				file being prepared. 13/07/2015 – EN has been served on 09/04/2015 and takes effect on 11/05/2015 and compliance by 31/08/2015. (13/00146/ENUD – FS)
16.	277A Fulwood Road, S10 3BD	Unauthorised replacement of 1st floor windows	13/05/2014	21/04/2017 – EN served on 06/04/2017 takes effect on 15/05/2017 compliance by 15/11/2017 (13/00710/ENUD – BG)
17.	13 College Street, S10 2PH	Unauthorised replacement of roof tiles within an Article 4 Area	11/04/2014	21/04/2017 – Roof slates have been replaced with natural slate EN has been complied with - NFA17/10/2016 – Roof tile samples have been agreed and the owner has given assurances that works to the roof will be done end of October - Monitor 08/02/2016 - Prosecution file being prepared for litigation. 20/01/2015 – The time period for compliance has expired and reminder letter to be sent. (13/00373/ENART4 – AW)
18.	Vestry Hall 80 Crookesmoor Road, S6 3FR	Untidy Grade 2 Listed building	16/10/2014	21/04/2017 – the property is in the process of being sold – Monitor. 17/10/2016 – The works have not been done and the company has gone into receivership. Legal advice being sought on what action can be taken. 08/01/2016 – The works are in two parts 1 st part should have been completed by 31/01/2016 and 2 nd part by 31/03/2016 – no work has been done yet to comply and the matter is to be reported for prosecution. 22/10/2015 – It has been agreed in Court that the works will be done by 01/2016. 13/07/2015 – Appeal has been lodged and is due in Court on the 11 August for full hearing. 19/01/2015 – A S215 Notice has been served on the 16/10/2014. An appeal has been made. Statements being done for hearing in Court. (11/00127/LGF215- JB)
19.	44 Grange Crescent, Nether Edge, S11 8AY	Unauthorised replacement of windows, roof tiles, guttering, door and repainting of headers,	07/02/2011	21/04/2017 – No work has been carried out. Statement to be done for 3rd prosecution. 03/05/2016 - A new phased deadline has been given for the works to be carried out. If the first phase is not carried out before the 25/06/2016 then the matter will be reported for 3 rd prosecution.

		sills and architectural feature		(10/00370/ENART4 – KM)
20.	166, 223-225, 234, 235, 243-245 and 280 Abbeydale road, S7	Illegal Signs	16/09/2014	<p>21/04/2017 - Statement to be done for prosecution.</p> <p>03/05/2016 – Signs at 223- 225 have been removed. Identifying up to date details for properties 166, 234, 235 and 243 -245 before these are reported for prosecution.</p> <p>08/02/2016 – Serving 330 Notice on new occupiers and prosecution file being prepared for 223-225 Abbeydale Road.</p> <p>22/10/2015 – No 280 has been prosecuted and fined £420 in total and the signs have been removed. 13/07/2015 – Property no 280 due in Court in August 2015 and with regards to other properties officers are trying to identify the owners before reporting to prosecution. 16/01/2015 – Occupier details being identified before the matter is reported for prosecution. 14/10/2014 - Writing to owners/occupiers to advice of pending prosecution - locating up to date contact details for each property.</p> <p>(13/00164/ENOA – AW – 166)</p> <p>(13/00160/ENOA – AW – 234)</p> <p>(13/00162/ENOA – AW – 235)</p> <p>(13/00161/ENOA – AW – 243-245)</p>
21.	31 Moor Oaks Road, S10 1BX	Unauthorised replacement front door and frame	26/08/2014	<p>21/04/2017 – The EN has been complied and a new acceptable door has been installed - NFA</p> <p>17/10/2016 – The owner has agreed that the door will be replaced shortly, which has been confirmed by the joiner. Site visit to be done to check if work has been done. 03/05/2016 – The matter has been reported for prosecution. 08/02/2016 – Final letter to be sent before the matter is reported for prosecution. 22/10/2015 – Replacement door details have been agreed, if no progress made to replace door then the matter will be reported for prosecution. 22/04/2015 – Appeal has been dismissed within compliance period. 16/01/2015 – EN has been served on 14/11/2014 came into effect on the 12/12/2014 and needs to be complied with by 06/03/2015. The appeal against the</p>

				planning application has been dismissed. – Monitor. 14/10/2014 – EN with legal, due to be served shortly (14/00209/ENART4 – AW)
22.	263 Cemetery Road, S11 8FS	Unauthorised replacement of windows to the front and side of 263 Cemetery Road, S11, facing Grange Crescent Road and Cemetery Road, the erection of a new soil pipe facing Cemetery Road, a new down pipe adjacent to the bay window facing Grange Crescent Road, the replacement of guttering and the erection of roof felt on the ground floor bay windows.	05/11/2013	21/04/2017 – As the company is registered in Isle of Man it is outside of the jurisdiction of the Court and prosecution is not possible until the property is registered in the UK or there are resources available to carry out direct action works. (13/00131/ENUD – KM)
23.	204 Chippinghouse Road, Nether Edge, S7 1DR	Unauthorised replacement of windows and door within an Article 4 area	13/08/2012	21/04/2017 – Prosecution statement being prepared. 17/10/2016 – New joiner has been appointed and work should be carried out soon as possible to replace the last window. 03/05/2016 – the upstairs windows have been replaced and the old door has been put back. 12/07/13 – EN was served (21/09/12) and took effect on 26/10/12 – 9 month compliance period (26/07/13). No work commenced on site as yet. (12/00106/ENUD – KM)
24.	Archer Mews and Hazel House, Archer Road S8 0JT	Non-payment of Planning Obligation Monies: £17,664.50. Planning application 06/02875/FUL	20/12/2010	21/04/2017 - Following extensive consideration by Legal Services it is concluded that the original document was not validly executed and cannot therefore be pursued any further. In light of this it is recommended that the outstanding invoice is credited and the debt written off. -

		(Development Complete)		NFA
25.	Ball Inn, Mansfield Road, S12 2AG	Unauthorised Hoarding	21/06/2010	21/04/2017 – Seeking legal advice if action can be taken under the Proceeds of Crime Act. 17/10/2016 – A reminder letter to be sent and then the matter will be reported for prosecution. DN not served as the hoarding has been erected within the last 10 years. 03/05/2016 - Low priority but DN to be served. 22/04/2015 – S330 Notice has been served awaiting response. 16/01/2015 – Letter and S330 Notice to be served. (10/00189/ENHOA – BG)
26.	Norfolk Arms Public House, Ringinglow Village, S11 7TS	Unauthorised fume extraction and Lighting Columns.	19/05/2008 & 21/09/2009	21/04/2017 – EN to be drafted and served shortly. 17/10/2016 – Agreed with owner that a new application will be submitted for alternative lighting design. 03/05/2016 – A joint site visit to be carried out with Planning and enforcement officer to assess current situation before prosecution file is prepared. 22/10/2015 – Final warning letter to be sent before file passed to litigation. 13/07/2015 – New photographs to be taken and then statement to be done for prosecution. 14/10/2014 –Reminder letter to be sent asking him to comply with notice within 28 days. If no response then prosecution file to be prepared. (10/00759/ENBC – BG)

WEST AND NORTH AREA

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
1.	Ballast Phoenix Ltd, 2 Beeley Wood Lane, S6 1QT	Condition 8 relating to operating times and condition 21 relating to height limits are not being complied with as required by planning permission	23/01/2017	21/04/2017 – BCN served 06/02/2017 takes effect and compliance within 28 days from when it was served (17/00029/ENBC – JB)
2.	Little Intake Farm, Woodhead Road, Grenoside, S35 8RS	<p>Unauthorised alterations and change of use of barn to a dwellinghouse</p> <p>Unauthorised use of land for storage of builders materials</p> <p>Non-compliance with conditions of planning permission 13/03412/FUL</p> <p>Illegal signage</p>	22/11/2016	21/04/2017 - EN, BCN and S225 Notice being drafted. (16/00190/ENBC – LB)
3.	White Acres Farm, Spout Lane, S6 6EF	Unauthorised alterations and change of use of barn to a dwellinghouse	22/11/2016	21/04/2017 – EN has been served on 06/01/2017 and an appeal has been made against the EN and Planning decision (15/04365/FUL. (15/00607/ENUHD – LB)
4.	72 Roebuck Road, S6 3GQ	Unauthorised commercial use of land, including the provision of an unauthorised shipping container	28/06/2016	21/04/2017 – EN has not been complied with statement being done for prosecution. 17/10/2016 – EN has been served on 19/08/2016 and came into effect on the 19/09/2016. (15/00431/ENCHU - AW)
5.	110 Bolsover	Unauthorised external	11/12/2014	21/04/2017 - Difficulties in identifying the owners address

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
	Road, S5	wall insulation added to front and rear walls of house in breach of the materials condition in the planning permission under PD.		details so that a summons can be served – further investigations being carried out. 26/10/2015 – File with legal awaiting court date. 09/07/15 - Legal proceedings being prepared & should be underway by next update – for failure to comply with BCN. BCN served 29/1/15. (14/00591/ENBC – LB)
6.	523 Loxley Road, S6	Unauthorised car port erected at rear of house, which includes a balcony roof.	09/12/2014	21/04/2017 – Plead guilty and was fined a total of £530. 17/10/2016 – The appeal has been dismissed. A letter has been sent requesting compliance with EN. 03/05/2016 – Awaiting Inspector decision. 26/10/2015 – Awaiting outcome of appeal. Appeal lodged against EN, process underway. EN served 19/2/15. It requires removal of canopy & balcony by 15/5/15. (12/00731/ENUD – BG)
7.	209 Stannington Road, S6	Unauthorised front extension to house	09/12/2014	21/04/2017 – Statements being done for 2nd prosecution. 17/10/2016 – the owner was found guilty and fined £50 with £50 costs. A further letter to be sent requesting that work is carried out as required by the EN if not the matter will be reported for 2 nd prosecution. 03/05/2016 – Work has not been carried out as required by the Notice, prosecution file is being prepared. 09/02/2016 – 6 month conditional discharge given in Court. A letter to be sent asking to comply with EN. 26/10/2015 – 1 st hearing on the 26/11/2015. EN not complied with, legal proceedings being prepared at 09/07/15. EN served 16/1/15. It requires removal of white plastic extension from the front of house by 11/5/15. (13/00135/ENUD – BG)
8.	Oak Lodge Farm, Thompson Hill, S35	Unauthorised siting of 2 caravans and 4 metal containers	01/04/2014	21/04/2017 – The matter has been discussed with the Area Team Manager and it is considered that based on the evidence available that the use may have occurred for more than 10 years and therefore on balance of probability it is considered not expedient to enforce. 17/10/2016 - No

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
				<p>response received from the previous owner. Meeting to take place between Team Managers to discuss whether it is expedient to enforce. 03/05/2016 - Letter has been sent to previous owner of property asking to confirm when the use began. 26/10/15 – 3 unauthorised containers and one caravan have now been removed from the land following the serving of an EN. One caravan remains that is being used as residential accommodation. This is considered to be a breach of planning control by way of the unauthorised change of use of the land from agricultural to residential. To be immune from enforcement action the landowner must show that the land has been used continuously for residential purposes for 10 years or more. A letter is to be sent to the previous owner seeking further information regarding the history of the use of the caravan.</p> <p>16/1/15– The Council withdrew the EN & its interest in the Public Inquiry due legal advice (from Council's Barrister). This is due to significant steps taken by the owner /appellant to remedy the issues covered by the EN. Step included removal of Two containers (containers 1 & 3) & one of the caravans (caravan B). The decision is also due to the late submission of evidence on behalf of the appellant (a few days before the Inquiry) in relation to residential caravans (caravan B was already removed but A remains).</p> <p>29/1/15 – Noted by officers on site that container 3 removed from land & container 4 has now been relocated to a position between two existing farm buildings, removing planning objections to it (on visual grounds).</p> <p>The only issue remaining is residential caravan A.</p> <p>21/4/15 - Legal advice being taken in relation to caravan A Appeal lodged & Public Inquiry to be held 20/1/15. EN served 16/4/14, requires removal of 2 caravans & 4 containers.</p>

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
9.	290-308 Pitsmoor Road	(1) Use of Ground floor for retail shop, 1 st & 2 nd floors as HMO, (11/00050/FUL refused) (2) Canopy to front of Shop refused PP	19/4/2011	<p>21/04/2017 – Application 16/00271/FUL has been granted applications 16/00262/ADV and 11/01912/COND1 pending consideration. 17/10/2016 - Application for signage (16/00262/ADV), condition discharge application (11/01912/COND1) and variation of condition application (16/00271/FUL) have been submitted pending consideration. 26/10/2015 – Reminder letter to be sent if no response BCN to be served. Little progress due to other high priority work. Progress expected by next update. 06/01/15 – Conditions in breach identified, contacting new owner to address before next quarterly update, for any outstanding conditions, such as boundary treatment, surfacing works etc. (1) EN proposed regarding discharge of conditions of 11/00050/FUL as agent pulled out and no sign of progress. 31/10/12. Officers talking with agent regarding discharge of conditions before application submitted for same. 31/7/12. Discharge of conditions application being prepared for this PP.</p> <p>(1) New application 11/01912/FUL to improve the scheme taking account of reasons for refusal of HMO/Shop, (amendment to refusal of broadly similar scheme ref.11/00050/FUL), was granted conditionally 11/8/11. Shop & HMO has PP</p> <p>(2) 11/03370/ granted 3/1/12, implementation will supersede the EN. EN not complied with at 30/12/12. Holding back from prosecution for time being due to new application 11/03370 for alternative canopy to the one built. EN served 8/6/11, took effect 13/7/11. (14/00535/ENBC – KM)</p>
10.	Youth Club Building, Burgoyne Road, S6	Non-payment of planning obligation monies £10,897.40 in relation to	25/01/2011	<p>21/04/2017 - The S106 has been paid. – NFA. 17/10/2016 - Briefing notes being prepared by legal on what action to be taken. 26/10/2015 - Ongoing litigation case to pursue original owner who signed the s106. Legally the new owner cannot be</p>

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
		05/00551/FUL. Change of use taken place and flats now occupied		sued. Solicitors are examining ownership to decide who to pursue for the money. 06/04/11 Developer Mr Dempsey still owns the site. Case with litigation & prosecution to be considered.
11.	Parker's Yard, Stannington Road, S6	Unauthorised use as self-storage & metals recycling facility. 09/02757/CHU refused PP.	10/06/2010	21/04/2017 – The use has stopped and the site has been cleared – NFA. 17/10/2016 – new application (14/02426/CHU) under consideration / decision pending. 14/02426/CHU submitted to retain previously refused use setting out case that it is operating without nuisance. Deadline set, of the same period given in the EN to cease the use at Parker's Yard due to lack of alternative plan from Carwood Commodities. Proposed that 16 weeks be given from date of committee if approved by Members. At Jan 2014, the lease is still being actively negotiated for the Pearson Forge Site, but it remains unsigned due to difficulties on the seller's part. The business is overcoming problems with bank & with the vendor for the due to the economic climate but progress is being pushed by the company, albeit slowly due to increasing demands being asked of them. The company is determined to resolve this. 18/7/12, still delayed by solicitors, expecting contract sign for Pearson Forge soon. 1/3/12, Land contamination survey completed awaiting results of analysis,(takes 6wks= approx 10/4/12). Owner reports on 28/3/12 there shouldn't be further obstacles if analysis shows the land is ok. Business owner continues to update officers with progress reports. Work on site now likely to be later, March, due to owners Bank requiring more info on structural stability of site buildings & land contamination. Relocation - the legal process begun & discharge planning conditions also taking place now. Initial estimate is Dec'11 for work to start at Pearson Forge. Alternative site that would be suitable for relocation identified & 11/01953/CHU granted

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
				13/9/11 for former Pearson Forge at Livesey St. Appeal against EN was dismissed 14/3/11; new compliance period ends 2/7/11. EN served requiring uses to stop by 20/4/11. Appeal against refusal of 09/02757/CHU dismissed. (10/00464/ENUD – LB)
12.	Dial House Club, Far Lane/Ben Lane, S6	Non-compliance with conditions attached to PP04/04797/FUL, Cond 2-materials for external surfaces, C3-design details for new apartment building, C4-landscaping for grounds, C6-highway access & finishes to frontage, C8-pedestrian access to new bowling green, C9-new pavilion details, C10-bowling green maintenance.	15/12/2009)	21/04/2017 – The owner has confirmed that a pre application is to be submitted which will address the concerns. 17/10/2016 - Condition 8 relating to pedestrian access, Condition 9 relating to details of pavilion to serve the new bowling green and condition 10 programme of maintenance have not been discharged - BCN to be served. 09/02/2016 – Conditions applications have been determined site visit to be done to check if work has been carried out in accordance with what has been approved. 26/10/2015 – In discussions with Planning Officer to Resolve issues regarding bowling green. 26/09/2015 - Applications under consideration, decision pending. Discharge of Conditions applications, 13/00599/COND & 13/00606/COND under consideration likely to come to committee in Feb/March. Development nearly complete. PP being implemented at 26/9/11, BCN now complied with. Meeting inc developer, officers & Members was held in Dec10 & promise to start work along agreed lines made to start Jan'11. Discharge of conditions agreed in principle with applicant at meeting 6/8/10 subject to approval of application. BCN served 21/12/09. Condition details required by 29/3/10.

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
				(16/00256/ENBC – LB)

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: The Head of Planning

Date: 09 May 2017

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
9 MAY 2017

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 a two-storey front/side and single-storey side extensions to dwellinghouse at 1 Vernon Road Sheffield S17 3QE (Case No 16/04247/FUL)

3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the delegated decision of the Council to refuse planning consent for the erection of a dwellinghouse at Curtilage Of 27 Normanton Spring Road Sheffield S13 7BA (Case No 16/04024/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the proposal on the living conditions of the occupiers of 29 Normanton Spring Road, particularly in respect of privacy, outlook and sunlight.

She concluded that the dwelling would result in windows directly overlooking the rear garden to No.29 to an unacceptable degree. She also concluded that the gable end of the house would appear unduly prominent and overbearing to that garden and would result in overshadowing to the garden as the proposed dwelling is set to the east of it.

The Inspector therefore dismissed the appeal due to its unacceptable impact on the living conditions of No.29, being contrary to Policy H14 of the UDP and at odds with the NPPF which seeks a good standard of amenity for all existing and future occupants of land and buildings.

4.0 APPEALS DECISIONS - ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse advertisement consent for a free standing double sided internally illuminated digital advertising panel opposite Sheffield Midland Station Sheaf Street Sheffield S1 2BP (Case No 16/04174/HOARD) has been allowed.

Officer Comment:-

The Inspector considered that the proposed advert would not materially harm the prevailing busy urban and commercial character of the area within which it would be sited or result in the area being unduly cluttered.

She also concluded that it would not have a discernible impact on setting of the Grade 2 listed station across the road (and behind the public art water feature) or on the improvements that have taken place to the public realm in recent years.

In summary she concluded that the proposed advert would not harm the character and appearance of the area and would preserve the setting of the listed station and was in accordance with UDP Policy and the NPPF.

5.0 RECOMMENDATIONS

That the report be noted

Rob Murfin
Head of Planning

9 May 2017

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