

Planning and Highways Committee

Tuesday 22 August 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 Dianne Hurst (Chair), Peter Rippon (Chair), Ian Auckland, David Baker, Jack Clarkson, Michelle Cook, Tony Damms, Roger Davison, Bob Johnson, Alan Law, Zahira Naz, Joe Otten, Peter Price, Chris Rosling-Josephs 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
22 AUGUST 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 1 August 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 - 92)
Report of the Chief Planning Officer
- 8. Quarterly Enforcement Update Report** (Pages 93 - 112)
Report of the Chief Planning Officer
- 9. Record of Planning Appeal Submissions and Decisions** (Pages 113 - 116)
Report of the Chief Planning Officer
- 10. Date of Next Meeting**
The next meeting of the Committee will be held on 12 September 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 1 August 2017

PRESENT: Councillors Peter Rippon (Chair), David Baker, Jack Clarkson, Michelle Cook, Tony Damms, Roger Davison, Dianne Hurst, Zahira Naz, Joe Otten, Bob Pullin (Substitute Member), Chris Rosling-Josephs and Ian Saunders (Substitute Member)

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Alan Law and Ian Auckland and Councillors Ian Saunders and Bob Pullin attended the meeting as the duly appointed substitutes. Apologies for absence were also received from Councillors Bob Johnson, Peter Price and Zoe Sykes, but no substitutes were appointed.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 The Co-Chair, Councillor Peter Rippon, declared a personal interest in an application for planning permission for a single-storey extension including a raised patio with storage area underneath to the rear of a dwellinghouse (Re-submission of 17/01531/FUL) at 10 Park Terrace (Case No. 17/02139/FUL) as he knew the applicant's family. Prior to consideration of the application he vacated the Chair and left the room, and the Chair was occupied by Councillor Dianne Hurst for the rest of the meeting.

3.2 Councillor Jack Clarkson declared a personal interest as a Member of Stocksbridge Town Council in respect of an application for planning permission for the use of a hairdressing salon (Class A1) as a hot food takeaway (Class A5) including repairs to shop front and installation of a fume extraction flue pipe to the rear at 352 to 354 Manchester Road, Stocksbridge (Case No. 17/02175/FUL). He stated that the Town Council had considered the application, but he had not taken part in the discussion and would participate in its determination as he had not predetermined his views on the proposed development.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the meeting of the Committee held on 11 July 2017 were approved as a correct record.

5. SITE VISIT

- 5.1 **RESOLVED:** That the Chief Planning Officer, 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 for this date 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 additional representations from two local Ward Councillors and a neighbour objecting to the proposed development and the officer's response, as detailed in a supplementary report circulated at the meeting and (ii) heard representations from a neighbour speaking at the meeting against the proposed development, an application for planning permission for the use of a hairdressing salon (Class A1) as a hot food takeaway (Class A5) including repairs to shop front and installation of a fume extraction flue pipe to the rear at 352 to 354 Manchester Road, Stocksbridge (Case No. 17/02175/FUL) be granted, conditionally;

(c) having heard representations from the applicant's agent speaking at the meeting supporting the proposed development, an application for planning permission for the erection of a 17xstorey/6xstorey building for use as purpose built student accommodation (sui generis) with ancillary amenities and associated access and landscaping works at St George's Close Car Park, St George's Close (Case No. 17/02022/FUL) be granted, conditionally;

(d) having noted clarification given by the officer (i) on the reason why the proposed development was being considered at Committee and not under delegated powers and (ii) in respect of the prior approval application process and, as a result, the necessary correction to the report recommendation to confirm that prior approval of the Planning Authority was required for the proposed application, as detailed in a supplementary report circulated at the meeting, an application for prior approval to change the use of a building from a shop (Use Class A1) to a cafe (Use Class A3) at Crosspool Hardware, 54A Sandygate Road (Case No. 17/01726/A3PN) be granted, conditionally;

(e) having (i) noted a correction to the report now submitted requiring Paragraph 10 to be deleted under the Summary and Recommendation (Page 83) and (ii) heard representations from the applicant's agent speaking at the meeting supporting the proposed development, an application for planning permission for the demolition of an existing office extension, alterations and extensions to an existing building to create eleven apartments, and the erection of a dwellinghouse and associated access, parking and amenities at Wake Smith & Co, 68 Clarkehouse Road (Case No. 17/00675/FUL) be granted conditionally; and

(f) having heard representations from a neighbour speaking at the meeting against the proposed development and from the applicant speaking in support of the proposed development, an application for planning permission for a single-storey extension including a raised patio with storage area underneath to the rear of a dwellinghouse (Re-submission of 17/01531/FUL) at 10 Park Terrace (Case No. 17/02139/FUL) be granted, conditionally.

7. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 7.1 The Committee received and noted a report of the Chief Planning Officer 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 22 August, 2017 at the Town Hall.

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SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Chief Planning Officer

Date: 22/08/2017

Subject: Applications under various acts/regulations

Author of Report: Chris Heeley, Lucy Bond and Michael Johnson
(2039183)

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.
17/01443/FUL (Formerly PP-05898056)	Manor Boot Site At Manor Top Prince Of Wales Road Sheffield S2 1EU	13
17/00445/FUL (Formerly PP-05801110)	C J Osteopathy Ltd 1 Sale Hill Sheffield S10 5BX	47
16/04807/FUL (Formerly PP-05641627)	127 Ecclesall Road Sheffield S11 8HY	62

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SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To the Planning and Highways Committee
Date Of Meeting: 22/08/2017

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	17/01443/FUL (Formerly PP-05898056)
Application Type	Full Planning Application
Proposal	Erection of 256no. dwellings, including associated landscaping and open space, drainage and highway works
Location	Manor Boot Site At Manor Top Prince Of Wales Road Sheffield S2 1EU
Date Received	05/04/2017
Team	City Centre and East
Applicant/Agent	MPSL Planning & 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:

Dwg. No. 15058_00 - Site Location Plan
Dwg. No. 15058_01 Rev. T - Proposed Site Layout (Black & White)
Dwg. No. 15058_02 Rev. R - Illustrative Site Layout (Colour)
Dwg. No. 15058_03 Rev. C - Inclusive Design Layout
Dwg. No. 15058_04 Rev. C - Storey Heights Layout
Dwg. No. 15058_05 Rev. C - Boundary Treatment Details
Dwg. No. 15058_06 Rev. C - Boundary Treatment Layout
Dwg. No. 15058_07 Rev. C - Materials Layout
Dwg. No. 15058_08 Rev. B - Phasing Plan - Showing Phase 1 and 2
Dwg. No. 15058_09 - Street Scenes - 01 of 02
Dwg. No. 15058_10 - Street Scenes - 02 of 02
Dwg. No. 15058_11 - Sections Sheet 1 of 2
Dwg. No. 15058_12 - Sections Sheet 2 of 2
Dwg. No. 15058_13 Rev. A - Proposed Finished Floor Levels & Retaining Walls

Character Area Design:

Dwg. No. 15058 CA01 Rev. B - Character Area Design - Green Street
Dwg. No. 15058 CA02 Rev. B Character Area Design - Spine Street
Dwg. No. 15058 CA03 Rev. B Character Area Design - Access Street
Dwg. No. 15058 CA04 Rev. b Character Area Design - Shared Surface Street

House Type:

Dwg. No. 15058 HT01 - Type 942 - Floor Plans & Elevations
Dwg. No. 15058 HT02.1 Rev. A - Type 1011 - Floor Plans
Dwg. No. 15058 HT02.2 Rev. A - Type 1011 - Elevations
Dwg. No. 15058 HT03 - Type 1028 - Floor Plans & Elevations
Dwg. No. 15058 HT04 - Type 1031 - Floor Plans & Elevations
Dwg. No. 15058 HT05 Rev. A - Type 1046 - Floor Plans & Elevations
Dwg. No. 15058 HT06.1 Rev. A - Type 1264 - Floor Plans
Dwg. No. 15058 HT06.2 Rev. A - Type 1264 - Elevations
Dwg. No. 15058 HT07 - Type 1294 - Floor Plans & Elevations
Dwg. No. 15058 HT08 Rev. A - Type 1046 - Floor Plans & Elevations
Dwg. No. 15058 HT09.1 Rev. A - Type 1233 - Floor Plans
Dwg. No. 15058 HT09.2 Rev. A - Type 1233 - Elevations
Dwg. No. 15058 HT10 Rev. A - Type 1298 - Floor Plans & Elevations
Dwg. No. 15058 HT11 - Type 1336 - Floor Plans & Elevations

Landscape Works

Dwg No. c-1365-10 Revision C - Swale Planting Proposals
Dwg No. c-1365-11 Revision B - Detailed Planting Proposals Sheet 1 of 6
Dwg No. c-1365-14 Revision A - Detailed Planting Proposals Sheet 4 of 6
Dwg No. c-1365-15 Revision A - Detailed Planting Proposals Sheet 5 of 6

Dwg No. c-1365-16 Revision A - Detailed Planting Proposals Sheet 5 of 6
Dwg No. c-1365-17 Revision C - Swale Planting Proposals
Dwg No. c-1365-18 Revision C - Swale Planting Proposals

Ecology

Dwg. No. HSh/10432/FX - Hedgehog Highway Plan (August 2017)

- Phase 2 Geotechnical and Geo-environmental Site investigation Report - Manor Boot Site, Queen Mary Road, Sheffield, ref: 38838-003, Issue 4, dated 20/7/17 (Eastwood and Partners).

- Implementation Plan - Manor Boot Site, Queen Mary Road, Sheffield, ref: 38838-008, Issue 3, dated 20/7/17 (Eastwood and Partners).

Reason: In order to define the permission

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

3. No development shall commence until further intrusive site investigations have been undertaken to establish the exact coal mining legacy issues on the site and a report explaining the findings has been submitted to and approved in writing by the Local Planning Authority. In the event that site investigations confirm the need for remedial works to treat areas of shallow mine workings details of the remedial works shall also be submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the safety and stability of the proposed development.

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

4. 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.

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

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

6. Before the casting of the foundations of the first dwelling on site or any works occurring in the Woodthorpe Ravine, or an alternative timeframe to be agreed by the Local Planning Authority, full details of the proposed Sustainable Drainage System drainage design (construction drawings), including calculations, design and operational details of any flow control structures and appropriate whole system model results, shall 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 surface water drainage scheme and its management shall be implemented in accordance with the approved details. No part of the development 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, including the control of surface water run-off and mitigate against the risk of flooding.

7. Surface water discharge, to the watercourse, from the completed development site shall be restricted to a maximum flow rate of Q_{Bar} based on the area of the development. A 30% allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided for up to the 100 year return period storms plus climate change.

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.

8. No earthworks, construction or trackout activity shall take place on site until a Construction Environment Management Plan has been submitted to and approved by the Local Planning Authority. This document shall provide full site specific details of proposed measures to monitor, control and reduce the emission of dust during the construction phase of this development. These proposals shall be in accordance with IAQM guidance as well as the content of Table 19: Fugitive Dust Mitigation Measures of the Air Quality Assessment (REC Ltd., Ref. AQ10115R1). Thereafter, the development shall be carried out in accordance with the approved Construction Environment Management Plan.

Reason: In the interests of the air quality of the locality and subsequent amenities of occupiers of properties in the surrounding area.

9. All individual and shared private drives shall be surfaced in a bound material and drained to prevent the discharge of surface water to the public highway. Full details of the proposed surfacing and drainage shall be submitted to and approved by the Local Planning Authority prior to the installation of the drives and shall thereafter be retained.

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

10. The development shall be carried out using the following materials:

- Red Brick: Ibstock, Priory Red
- Dark Brick: Ibstock, Milburn Ashen Brown Blend
- Roof Tile: Russell Grampian interlocking tile (Slate Grey)

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

11. Before that part of the development is commenced, a sample of the proposed windows, rainwater goods, and stone (wall) shall be submitted to and approved by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

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

12. A sample panel of the proposed brick and stone masonry shall be erected on the site and shall illustrate the colour, texture, bedding and bonding of masonry and mortar finish to be used (including example of first floor detailing). The sample panel shall be approved 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.

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

Typical window and doors - including reveal depths;
Door canopies
Eaves and verges
Brickwork - including textured/ patterned
Rain water goods
Typical retaining structures to be used within garden areas

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

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

14. Before the casting of the foundations of the first dwelling on site, full details of the proposed timeframe for the inclusion of public art within the development shall have been submitted to and approved by the Local Planning Authority. Thereafter, the provision of public art shall be implemented in accordance with the agreed details.

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

15. The development shall be carried out in line with the details set out in the 'Tree Protection - Method Statement' (Ref. BA6265 - Dated: 11.07.2017) by Barnes & Associates and Drawing No. BA6265TPP (Title: Tree Protection Plan). The protection measures shall be installed on site before the commencement of any clearance works or construction operations. Protection of the trees shall be in accordance with BS 5837, 2005 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development unless otherwise approved.

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

16. The proposed landscape works (excluding the landscape and SUDS proposals Woodthorpe Ravine) shall be carried out in accordance with the details provided on Drawings Nos. c-1365-10 Revision C, c-1365-11 Revision B, c-1365-14 Revision A, c-1365-15 Revision A, c-1365-16 Revision A, c-1365-17 Revision C, c-1365-18 Revision C. Before the casting of the foundations of the first dwelling on site, full details of the proposed timeframe and phasing of the implementation of landscaping across the development shall have been submitted to and approved by the Local Planning Authority. Thereafter, the provision of landscaping shall be implemented in accordance with the agreed details and phase.

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

17. Notwithstanding the details on the approved plans, the final design of the landscape works and alterations in the Woodthorpe Ravine part of the site is not approved. Before the casting of the foundations of the first dwelling on site, or an alternative timeframe to be agreed by the Local Planning Authority, a comprehensive and detailed hard and soft landscape scheme for this part of the site shall have been submitted to and approved by the Local Planning Authority. The scheme shall include:

- Full design details of the new landscaping proposed within the SUDS;
- Full design details of the new children's play area to be created, including any apparatus and / or natural play; and
- Full details of the proposed timeframe and phasing of the implementation of landscaping across the Woodthorpe Ravine.

Thereafter, the provision of landscaping shall be implemented in accordance with the agreed details.

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

18. The approved landscape works shall be implemented in accordance with the timescales agreed in Conditions 16 and 17. 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.

19. In accordance with email received from John Clephan (Sheffield Housing Company, 07/08/2017 at 09:09), a minimum of 26 home electric vehicle charging points shall be installed into 26 of the dwelling units hereby approved. Prior to their installation, full details of the equipment shall have been submitted to and approved by the Local Planning Authority, including details of the Plot numbers where the units are proposed to be installed (including 1no. unit in the designated Show Home), the position of the units on the dwellings, and the design specification of the units. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: In the interests of the air quality of the locality and subsequent amenities of occupiers of properties in the surrounding area.

20. The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been installed and thereafter retained.

Such scheme of works shall:

- a) Be based on the findings of the Report No. NIA/7470/17/7281/v3/Manor Boot (24.07.2017) prepared by Environmental Noise Solutions Limited.

b) Be capable of achieving the following noise levels:

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

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

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

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

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

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

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

Other Compliance Conditions

22. The construction works (including contractor car parking, site compound location, wheel wash facilities and vehicle routes) shall be carried out in accordance with the details shown and described in the 'Traffic Management Plan Manor Boot, Sheffield' (received 21.07.2017).

Reason: In the interests of the amenities of the locality and occupiers of adjoining property as well as protecting the free and safe flow of traffic on the public highway.

23. The gradient of shared pedestrian/vehicular access shall not exceed 1:12.

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

24. The proposed boundary treatments shall be carried out in accordance with the details shown on:

1. Drawing No. 15058 05 Rev. C - Drawing Title: Boundary Treatment Details
2. Drawing No. 15058 06 Rev. C - Drawing Title: Boundary Treatments Layout
3. Drawing No. Hsh/10432/FX (Title: Hedgehog Highway Plan) - Hedgehog Streets

The works shall be implemented before that part of the development brought into use and retained thereafter.

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

25. The development shall be carried out in line with the recommendations made in the following documents:

1. The 'Ecological Appraisal' (Ref: 7446, March 2016) by ECUS Environmental Consultants;
2. Drawing No. 01 Rev. S (Title: Planning Layout) - Bird and Bat Boxes Details; and
3. Drawing No. Hsh/10432/FX (Title: Hedgehog Highway Plan) - Hedgehog Streets

The works shall be implemented before that part of the development brought into use and retained thereafter.

Reason: In the interests of biodiversity.

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Schedule 2, Part 1 (Classes A to E inclusive), Part 2 (Class A), or any Order revoking or re-enacting that Order, no extensions, porches, garages, ancillary curtilage buildings, swimming pools, enclosures, fences, walls or alterations which materially affect the external appearance of the dwellings hereby approved shall be constructed without prior planning permission being obtained from the Local Planning Authority.

Reason: In the interests of the amenities of occupiers of adjoining property, bearing in mind the restricted size of the curtilage.

Attention is Drawn to the Following Directives:

1. Where highway schemes require developers to dedicate land within their control for adoption as public highway an agreement under Section 38 of the Highways Act 1980 is normally required.

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

If you require any further information please contact:

Mr S Turner
Highway Adoptions
Highways Maintenance Division
Howden House, 1 Union Street
Sheffield
S1 2SH

Tel: (0114) 273 4383
Email: stephen.turner@sheffield.gov.uk

2. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

You should contact the S278 Officer for details of how to progress the S278 Agreement:

Mr J Burdett
Highways Development Management
Highways Maintenance Division
Howden House, 1 Union Street
Sheffield
S1 2SH

Tel: (0114) 273 6349
Email: james.burdett@sheffield.gov.uk

3. Before commencement of the development, and upon completion, you will be required to carry out a dilapidation survey of the highways adjoining the site with the Highway Authority. Any deterioration in the condition of the highway attributable to the construction works will need to be rectified.

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

Telephone: 0114 273 6677
Email: highways@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 here:

<http://www.sheffield.gov.uk/home/roads-pavements/Address-management>

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.

5. You are advised that any information which is subject to the Environmental Information Regulations and is contained in the ecological reports will be held on the Local Records Centre database, and will be dealt with according to the Environmental Information Regulations (EIR). This will be subject to the removal of economically sensitive data. Information regarding protected species will be dealt with in compliance with the EIR. Should you have any queries concerning the above, please contact:

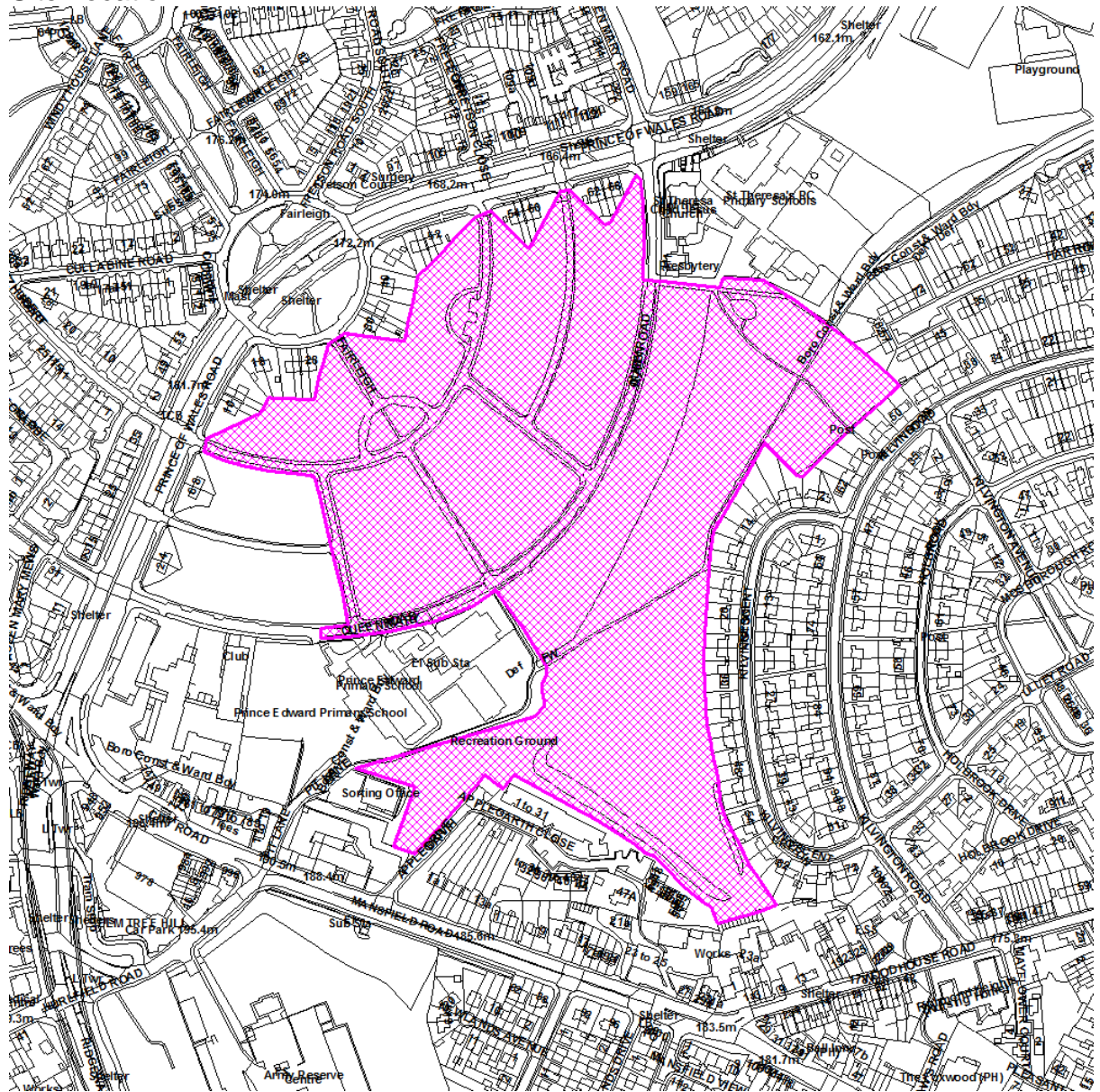
Richard Harris
Ecology Manager
Sheffield City Council
Meersbrook Park
Brook Road
Sheffield
S8 9FL

Tel: 0114 2734481
E-mail: richard.harris@sheffield.gov.uk

6. 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.
7. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.

8. 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.
9. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

Site Location



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LOCATION AND PROPOSAL

Planning permission is sought to construct a modern residential development comprising 256 dwellings and associated landscaping, open space, drainage and highway works. The dwellings vary in size and comprise of 3 and 4 bedroom units.

The application site is located on the south side of Prince of Wales Road (A6102) within the Manor neighbourhood to the south east of the City Centre. The site is situated close to Manor Top, which is an existing District Centre containing predominantly retail and community facilities.

The site is irregular shaped and is large, covering an overall area of 11.6 Hectares. It is currently owned by the Council and previously contained Council Housing stock that was cleared several years ago.

Although the houses have been demolished, the road network remains and the proposed development will be built around it.

The site is on an east facing slope and falls gently from Prince of Wales Road to the Woodthorpe Ravine. It is characterised by two distinct areas:

- 1) The northern section – comprising of brownfield land, which now appears as open grassland with a scattering of trees and divided by the retained crescent shaped roads of Fitzhubert Road and Queen Mary Road which are intersected by Travey Road and Fairleigh;
- 2) The southern section – contains the Woodthorpe Ravine, an expanse of green open space land, including footpaths that stretches along the eastern boundary of the site, sits in between the northern section and existing residential streets to the south, east and north-east.

Most of the uses positioned adjacent to the application site, and in the surrounding area, are low density semi-detached housing and sheltered flats. Other existing uses include the Former Prince Edward Primary School, the New Prince Edward Primary School, and St Theresa RC Church and Primary School.

This application has been submitted by Sheffield Housing Company (SHC) and Sigma Capital Group Plc. SHC is a long term regeneration vehicle working across the city to build new homes in Sheffield and Sigma is a provider of Private Rented Sector housing. The proposals form part of Phase 3 of a project that is a partnership between SHC, Sigma, Keepmoat Homes and Sheffield City Council. Overall, the partnership has a 15 year plan to build 2,300 homes in seven of Sheffield's neighbourhoods.

It is proposed to construct the development in a phased approach (Phase 1 and Phase 2). Phase 1 comprises of Plot Nos. 35 – 137 and part of the Woodthorpe Ravine in the most northern portion of the site. Phase 2 contains the rest of the development. The approach is proposed for project delivery and CIL payment purposes.

RELEVANT PLANNING HISTORY

16/02940/EIA: an EIA Screening request was made for the site and it was determined that an Environmental Statement was not required (09.08.2016).

SUMMARY OF REPRESENTATIONS

The application has been advertised by neighbour notification letter, site notice and press advert.

1. Local Representations

In total, 3 representations have been received.

Prince Edward Primary School

- The housing will really enhance the area.
- Keen for the school's caretaker to be rehoused into a new house right outside the front of the school.
- School numbers are nearly at maximum for all year groups so the school does not want interested parties to be aware that of the 270 houses, we have approximately 3 spaces per year group.

St. Theresa's Catholic Primary School

- Support the building of this new housing development. However having looked at the plans and read the Transport Report, there are concerns about the impact the plans will have on local traffic.
- Currently extremely high volumes of traffic are experienced from 8.40-9.00am and 2.50-3.30pm on Queen Mary Road. There are two primary schools located on this road with over 500 pupils between them. The plans show traffic calming measures near the south exit from Queen Mary Road. This exit is currently where most of the problems lie, traffic does not flow freely at the peak periods and the road is regularly blocked with cars unable to turn onto Queen Mary from Prince of Wales Road.
- Does the report by Sanderson Associates take into account these peak periods? If not, it is suggested that before work takes place you visit again at these times to assess the situation.
- As these dwellings are family homes, it is advised that there is 1 space currently throughout school. It is heavily oversubscribed each year for new Reception intake.

Resident of Applegarth Close

- The proposed development is excessively large.
- The field from St. Mary's Church is well used by the public and provides an area for young people to play. It is the only large green space within easy access for many residents in the area.

- The areas opposite St. Mary's Church and over to Prince of Wales Road are not used and they are unsuitable for recreational play. It is mostly grassed over brick and rubble – not suitable for proper public use.
- The Council should preserve recreational areas, reduce the development and limit it to the unused public areas. Leave the Woodthorpe Ravine as a recreation space for the local population and residents.

2. Sheffield Wildlife Trust

- The site generally seems suitable for new housing. However the new area for development extends beyond the previous housing footprint (south of Queen Mary Rd). There will also be a number of trees removed (see tree survey) and habitats for birds, invertebrates, foxes and hedgehogs (at least) will be lost.
- Support the inclusion of bat and bird boxes within the scheme and wonder if there can be a way of ensuring that residents keep the boxes on the properties? More than 3 tree bird boxes are encouraged.
- Mitigation for the loss of hedgehog habitat is recommended. This includes small gaps (about 30cm x 30cm) in the boundary walls. The Ecology Unit's recommendation of hedgerows to be used instead of fencing is recommended. Hedgehogs are a priority species that have suffered declines but were recorded in the area.
- Support the ambitious SUDS schemes on the site, including the de-culverting of part of the Car Brook. The Trust managed the nearby Carbrook Nature Reserve and have been reassured by SCC Sustainable Drainage Lead Authority that the water will be cleaned by the natural features before entering the watercourse.
- Support the inclusion of meadows in the landscape plan and trust that these will be of native species.
- Re-assurance requested that there is a named body responsible for the on-going management of the 'green' areas of the development who have experience of managing SUDS and meadows and that a management plan (even a simple one) is written before development begins.
- The inclusion of a children's play area is supported – this should comprise of natural play features to fit with this part of the site.

PLANNING ASSESSMENT

1. Land Use – The Principle of Development

1.1: National Planning Policy Framework (NPPF)

The NPPF sets out the Government's planning policies for England and how it expects them to be applied. The key goal of the NPPF is the pursuit of sustainable development and it is advised that there should be a presumption in favour of it. It should involve 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 has due regard to these overarching principles – including high quality design, transport, climate change, and conservation / enhancement of the natural environment.

1.2: Local Planning Policy

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

The UDP Proposals map identifies the site as falling part within a Housing Area (northern section) and part within an Open Space Area (southern section). Therefore, the principle of the development must be assessed against relevant retained UDP policies and more recently adopted Core Strategy policies for these existing designations.

Development in the designated Housing Area:

UDP Policy H10 (Development in Housing Areas) identifies C3 residential uses as the Preferred land use in Housing Areas.

Core Strategy Policies CS22 (Scale of the Requirement for New Housing), CS23 (Locations for New Housing), and CS24 (Maximising the Use of Previously Developed Land for Housing) are relevant. They promote new residential development in Sheffield – at appropriate and sustainable locations – to assist the delivery of suitable sites for housing in the City over future years.

The principle of building new dwellings in the designated Housing Area is acceptable; the construction of 256 units on a previously developed and sustainably located site will have a positive impact on the City's housing land supply. Therefore, the proposal is concluded to be compliant with the aspirations of the policies described above.

Development in the designated Open Space Area:

The proposed development will result in a loss of approximately 0.28 hectares of existing designated open space land from the Woodthorpe Ravine area. This space is in the form of a thin strip of land on the southern part of the site and it will be lost to accommodate Units 113 – 153 and their shared surface access road.

UDP Policy LR5 (Development in Open Space Areas) relates to the positive contribution of open space areas and seeks to ensure that new development does not damage/detract/harm their character. Furthermore, Core Strategy Policy CS47 (Safeguarding Open Space) does not permit development on open space unless these areas are proved to be surplus to requirements.

An assessment has confirmed that the loss of informal open space resulting from this development will not lead to an overall shortage of informal open space provision in the local area (within 400m). Despite the removal of 0.28 hectares, the

provision will remain greater than the 2.7 hectares of open space per 1,000 people standard as set by Policy CS47. Additionally, we are aware that large areas of open space land exist just beyond the 400m boundary that is available and is easily accessible to the public.

No formal open space exists of the site and therefore the impact on such provision in the locality will be neutral.

There is no replacement land proposed to be provided to compensate for the loss on site - but this is not required to justify the proposals in policy terms because the area will not be deficient as a consequence of the loss. Furthermore, as discussed in later sections of this report, it is considered that the overall benefits of the proposals to regenerate the site, which promote good urban design principles and include high quality architecture and wealth of landscape enhancements, weigh positively in the development's favour and justify the proposed loss.

For the reasons above, it is concluded that the proposal will not contravene any of the criteria within policies LR5 and CS47.

1.3: Informal Planning Advice Note (IPAN)

An IPAN has been prepared by the Planning Service for the part of the application site that was contained council housing. The document provides advice on policy as well as the development issues and opportunities. They have not been approved by the Planning Committee and have no formal status in their own right, although the policies and the evidence they are based on do.

The IPAN supports the principle of redeveloping the land for housing, subject to various material planning considerations and opportunities/constraints being addressed.

For the reasons above, it is concluded that there is sufficient national and local policies and project work to justify the housing use across the site in the areas proposed. Therefore, the principle of residential development at this location is concluded to be acceptable.

2: Proposed Density

Core Strategy Policy CS26 (Efficient Use of Housing Land and Accessibility) states that housing development should make efficient use of land but accepts that the density of new developments needs to 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 but states that exceptions can be made where the proposal achieves good design, reflects the character of an area or protects a sensitive area.

Policy CS26 states that the density target for the site should be 50 – 80 dwellings per hectare because of its sustainable location near to the Manor Top District Centre, Supertram stops and numerous high frequency bus routes. However, the provision of 256 homes on the site's developable area (6.7 hectares) equates to a

density of 38.2 dwellings per hectare, which is below the density and therefore exceptions must be considered.

Despite the shortfall, at this site it is considered that the proposed density is appropriate and justified. The development retains the existing road network, which subsequently impacts on the position and number of dwellings proposed. It also includes high quality public realm and incorporates features that have been requested by the Council in the IPAN (i.e. Green Street). Finally, it is believed that a more dense development would not be in-keeping with the character and appearance of existing housing in the surrounding area, which are predominately of low density and family sized post-war semi-detached dwellings. Taking these considerations into account, it is confirmed that the proposed density can be justified at this site and, therefore, it can be accepted under the exceptions highlighted in Policy CS 26.

3: Proposed Mix

Core Strategy Policy CS 41 (Creating Mixed Communities) encourages development of housing to meet a range of housing needs, including a mix of prices, sizes, types and tenures. It is expected that this policy be implemented principally through the development management process and planning applications.

The Council's SHLAA Interim Position Paper (2016) identifies that in 2016 only 23% of all houses completed in the City were either houses or bungalows with the remainder being apartments.

The proposed accommodation is a mix of 3 (164no.) and 4 (92no.) bedroom dwellings in semi-detached, detached and townhouse house types. The designs comprise of 2, 2.5 and 3 storey heights. There are no bungalows proposed. The tenures will be mixed, comprising of 93no. open market housing and 163no. private rented sector (PRS) units.

Given the site's accessible location, the proposal falls short of the expectations of Policy CS 41 (part a.) because more than half the new homes will be 3 bedroom units and so the mix across the site is not as broad as policy would prefer. However, it is generally the case that this policy is more relevant to dense city centre apartment schemes and student schemes, which often propose limited mix, rather than the nature of housing proposed. Therefore, it is considered that this shortfall should be given limited weight at this site.

Furthermore, this mix deficiency should be considered against the more positive characteristics of the development. Positively, the proposed development will lead to more houses being built in the City (SHLAA) and enhance its wider housing mix. It will also support the construction of more houses in an accessible location that will be available for larger households, especially families, in a mixture of tenures. It is also noted that there are 11 house types proposed in a variety of different character area for future residents to choose from. All of these aspects are considered to be consistent with the aspirations of Policy CS41 (including Part b.) and they are considered to outweigh the mix deficiency identified.

It is concluded that the proposed development will support the objective of creating mixed and balanced community, in accordance with Policy CS 41.

4: Design

UDP Policy BE5 (Building Design and Siting) expects good overall design and the use of high quality materials. Original architecture is encouraged, but new development should also complement the scale, form and architectural style of surrounding buildings.

Core Strategy Policy CS 74 (Design Principles) reiterates the expectation of high quality design as well as recognising that new development should take advantage of and enhance the distinctive features of the city.

4.1: Scale and Architecture (including Materials)

The proposed house types vary across the site and the 2 – 3 storey scale is considered to be consistent with the size of surrounding buildings and thus acceptable. In particular, the larger 3 storey properties are proposed to be placed in strategic locations to assist the creation of character areas and provide a diverse/interesting streetscape. Indeed, it is considered that this arrangement will be particularly successful on the south-east portion of the developable area where generally 3 storey properties are proposed to be arranged to overlook the enhanced landscaping in the Woodthorpe Ravine open space.

In terms of the proposed architecture, the new dwellings have contemporary design with clean lines and crisp detailing. Positively, the architecture is not specific to tenures.

All of the properties will be constructed from either a red or brown brick and these contrasting colours will be arranged in a varied manner to reflect the character areas proposed across the scheme. The roofs will be pitched gables, some house types have dormer windows, and all will be constructed from an interlocking tile (slate grey). This is considered to be a simple and acceptable material palette, which is in-keeping with the surrounding built environment that generally comprises of red and brown brick.

On the main elevation of each dwelling, it is proposed to incorporate alternate projecting courses to break up the extent of brickwork between the windows at first floor level. Additionally, large picture frame window openings with grey framed windows are proposed to be set in reveals in order to create additional visual interest to the elevations and enhance natural light to habitable rooms.

It is confirmed that the proposed scale and architecture of the new buildings are acceptable and will be a positive addition to the existing built environment, in accordance with Policies BE5 and CS74.

4.2: Housing Layout

The proposed housing layout comprises of several character areas that are arranged around the retained road arcs of Fitzhubert Road and Queen Mary Road, which will be the main “Spine Streets” at the centre of the scheme. New “Access Streets” run in-between these roads with small “Shared Access Streets” leading off them. These roads will be a mix of adopted routes, shared surfaces and private drives containing various traffic calming measures (including street trees), pedestrian crossing points, and varied surfacing materials.

The “Green Street” will enhance the existing Fairleigh, which runs through the centre of the site from north-west to south-east. This route links the Prince of Wales circle and areas beyond the application site to the Woodthorpe Ravine and its enhancement is welcomed. The “Green Street” is proposed to be the widest street in the development (approximately 23m wide) and it will be characterised as a softer more rural space, including a substantial green verge on its north side and a natural stone wall defining front dwelling boundaries on its south side. The green verge includes soft landscaping, statement trees, and swales that are intended to channel surface water into the new SUDS drainage works proposed in the Woodthorpe Ravine.

The provision of the Green Street is welcomed; it will be a positive addition to the development and provide enhanced links to wider parts of the Manor, thus fulfilling a requirement of the IPAN and the Manor Neighbourhood Development Framework.

All of the proposed properties have their own front door, enclosed rear garden areas and in curtilage car parking provision. The layout enables many of the new car parking spaces to be positioned to the side, leading to less hardstanding to front areas, more front gardens and boundary walls. This arrangement is welcomed, having a positive impact on the appearance of the streetscenes and the quality of the development.

Overall, the design approach is acceptable in principle. It is concluded that the development will sit well within the local context as well as creating their own sense of place and character, in accordance with the aims of the Policies BE5, and CS74.

5: Sustainability Issues

Core Strategy Policy CS64 relates to ‘Climate Change and the Sustainable Design of Developments’ and expects development to achieve a high standard of energy efficiency, make the best use of solar energy, passive heating and cooling, natural light and ventilation, and minimise the impact on existing renewable energy installations.

The submission includes a Sustainability Statement confirming that the development will aim to incorporate sustainable design principles where possible. The developer (Keepmoat Homes) proposes to adopt a Sustainability Strategy containing robust practices with respect to site pollution, waste generation and material selection. It also states that the proposed SUDS system will restrict and delay surface water run-off from site, and that the proposed landscape works will

enhance the ecological value – all enhancing the development’s sustainability credentials.

The Statement also indicates that the developer proposes to construct energy efficient homes that will be built in line with current Building Regulations and provide a development seeking to enhance the health and wellbeing of future occupiers by including suitable living/dining/family spaces, natural light to rooms, gardens, recycling facilities, open landscapes spaces, and an overall site layout to ease travel for cyclists and pedestrians.

In light of this Statement – as well as the overall design and quality of the scheme – it is concluded that the proposed development meets the aims of Policy CS64.

Policy CS65 of the Core Strategy says that all significant development will be required to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy, if feasible and viable.

The submission includes a Project Viability Report which states that the provision of renewable technology would render the scheme unviable and, therefore, it formally requests that a planning condition requiring the delivery of 10% renewable is not included within the development. To justify their case, the applicant calculates that the delivery of renewables would increase the project’s development costs by an additional £233,600, thus rendering the project unviable on the basis that it would reduce the residual land value and / or reduce the development (profit) margin to an unfeasible level in line with market risk. It also advises that insistence upon the renewable target would result in implications on the quality of the development, including value engineering, and it could lead to non-delivery of the development.

In terms of viability, as well as the viability dispensations of Policy CS65, Paragraph 96 of the NPPF states that, in determining planning applications, local planning authorities should expect new development to “comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable.”

In light of the above, it is concluded there is sufficient evidence to justify non-compliance with the 10% renewable energy requirement required by Policy CS65 in this instance.

Overall, the proposed development is considered to align with the guidance of the NPPF and the requirements of Core Strategy Policies CS64 and CS65.

Guideline CC1 of the Council's supplementary planning guidance 'Climate Change and Design (2011)' requires green roofs to be incorporated into all large scale developments. There are no green roofs provided as part of this development but given the other design considerations and the viability issues discussed, the failure to include a green roof is not considered to be a reason to refuse the application.

6: Amenity

UDP Policy H15 'Design of New Housing Developments' expects the design of new housing developments to provide good quality living accommodation. This includes adequate private garden space or communal open space to ensure that basic standards of daylight, privacy, security and outlook are met. It also expects that walls or fences are provided around rear garden areas next to roads, footpaths or other open areas.

6.1: Amenity for Existing Residents

For the existing properties situated beyond the east and south boundaries of the application site, it is considered that the amenity relationship will be acceptable. The properties are separated from the new dwellings by the Woodthorpe Ravine and, therefore, the distance between them is substantial. In light of this, it is considered that there will be no overlooking, overshadowing or over dominance issues created by the new dwellings for existing residents.

Given the shape of the site and the staggered boundary, the greatest amenity consideration is between Plots 1, 22 and 23 and the existing dwellings at Nos. 10, 28 and 30 Prince of Wales Road. These properties will share a rear garden boundary and the new dwellings will be sited approximately 7m away from it, which is a shorter distance than the 10m normally encouraged in the Council's supplementary planning guidance (Design House Extensions); but not unacceptable as a consequence. This relationship is justified on the basis of General Permitted Development Order permitting two storey extensions (including habitable room windows) to be built 7m away from the host dwellings rear boundary. Also, the new dwellings will be sited marginally lower, because of the topography of the land, and there will be no direct overlooking of habitable rooms spaces because the existing / proposed elevations are positioned at right angles to one another.

It is concluded that the amenity environment for existing residents will be acceptable. The regeneration of the site and creation of a new residential development containing family housing, enhancements to streets and upgraded open space will have a positive impact on the amenity of existing as well as future residents.

6.2: Amenity for Future Residents

The main issues relate to privacy, outdoor garden provision and the surrounding environment.

Privacy

There is considered to be no unacceptable overlooking at substandard distances within the development. The proposed rear gardens generally range from 8 to 10m long and the site's slopes are gentle, thus resulting in the privacy distances between elevations being within accepted levels for a new development of the scale and density proposed. As a consequence, there are no significant privacy concerns.

Outdoor garden provision

The shape, size and level of garden spaces vary across the site – but it is advised that all of the new dwellings will achieve more than 50 square metres of private space, which would normally be expected for the type of housing proposed.

The size of new gardens varies due to the arrangement of the buildings and will provide options for potential future occupiers. A number of the gardens will have to be built over different levels because of the topography of the land, but this is considered to be unavoidable due to the character of the site. Some gardens will rise upwards or slope away and access between levels will be achieved through the inclusion of steps. In spite of this, all properties include patio areas and level spaces immediately adjacent to their rear elevations (accessed via patio doors) to ensure that there is some flat amenity space next to the house for the enjoyment of occupiers.

Surrounding Environment

The application site is located in a residential area with relatively low background noise levels throughout the late evening. The predominant noise source is road traffic from nearby main roads where vehicle movements are considered moderate and include public transport. The schools within close proximity of the new dwellings also have the potential to generate noises on a daily basis which necessitate consideration.

It is necessary that living rooms and bedrooms are designed to adequately attenuate surrounding noise sources and provide suitable internal noise levels to satisfy SCC standards. The significant potential break-in point for external noise is the glazing to habitable rooms and noise levels for external amenity areas necessitate consideration. The submitted noise assessment confirms this.

In light of the above, there is no objection to the application, but it is recommended that conditions be applied to any consent, which will require a scheme of sound insulation works to be installed that achieves specified noise levels to bedrooms, living rooms and other habitable rooms. It is also recommended that permitted development rights be removed in relation to the erection of new extensions so as to ensure that garden spaces are not overdeveloped and amenity is not compromised. Subject to this, it is concluded that the proposed residential environment will be acceptable at this location and the development is consistent with the aspirations of UDP Policy H15.

7: Air Quality

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

Core Strategy Policy CS 66 (Air Quality) encourages action to improve air quality in all areas of the City, particularly where residents in road corridors with high levels of traffic will be exposed to levels of pollution above national targets.

An Air Quality Assessment has been submitted in support of this application to quantify pollutant levels across the site, consider its suitability for residential use, and assess potential impacts as a result of the development. The Council's Air Quality Officer has confirmed that the assessment and methods used are known and are acceptable, and were properly carried out.

The Assessment looks at two main air quality impacts; construction phase and the operational phase.

Construction Phase (including earthworks, construction, and trackout),

The Assessment identifies receptors that will be sensitive (existing schools and dwellings) to potential dust impacts within close proximity of the development boundary. It identifies that the potential sensitivity risk of the receiving environment to dust soiling is high and that the potential risk to human health is low (from earthworks and construction activities) and medium (from trackout activities). It is advised that these risks are based on a worst-case scenario of works being undertaken at the site boundary closest to each sensitive area and, therefore, actual risk is likely to be lower than that predicted during the majority of the construction phase.

In light of the above, the Assessment recommends various mitigation measures that could be implemented during the construction phase and states that these will be effective in reducing the residual effects from all dust generating activities to negligible levels. The mitigation measures are based on guidance provided by the Institute of Air Quality Management and listed in the Assessment.

The Council's Air Quality Officer has confirmed that the mitigation measures recommended in the Assessment are acceptable means of addressing the potential construction phase risks. Therefore, it is recommended that these measures be included within the Construction Environmental Management Plan (CEMP), which is proposed to be secured as a pre-commencement condition.

Operational Phase

The Assessment identifies that additional vehicle movements associated with the operation of the proposed development will generate exhaust emissions, such as NO₂ and PM₁₀, on the local and regional road networks. Therefore, it has used dispersion modelling in order to quantify potential changes in pollutant concentrations at sensitive locations in the vicinity of the site.

The dispersion modelling results indicate that pollutant levels at sensitive locations across the site will be below the relevant Air Quality Objectives. Therefore, it is concluded that the site is suitable for residential use with no mitigation methods required. Predicted impacts on NO₂ and PM₁₀ concentrations as a result of operational phase exhaust emissions are predicted to be negligible at all sensitive

receptor locations within the vicinity of the site. The overall significance of potential impacts was determined to be not significant, in accordance with the Environmental Protection UK and Institute of Air Quality Management guidance.

Whilst mitigation measures are not necessary, the applicant has agreed to install a home electric charging point for electric vehicles into 10% of the dwellings hereby proposed. In addition, it is proposed to install infrastructure that provides capacity for an extra circuit to be easily added to the dwelling if residents require in the future. It is advised that this will include an enhanced circuit board as well as a blank conduit and trunking behind the plasterboards. These proposals are welcomed and support the Council's desire to achieve air quality impact neutrality where possible, especially as Sheffield has an urban Air Quality Management Area. It is also considered to be a positive response to the new National Air Quality Plan (July 2017) as well as the Guidance by Environmental Protection UK / Institute of Air Quality Management "Land-Use Planning & Development Control: Planning for Air Quality (January 2017). The provision of these facilities will be secured by condition.

Therefore, the Council's Air Quality Officer has confirmed that the development is unlikely to have a significant impact on local air quality and there is deemed to be no reason to resist the application on such grounds. The development is concluded to be compliant with UDP Policy GE23 and Core Strategy Policy CS66.

8: Highways

UDP Policy H15 expects new development to provide safe access to the highway network, appropriate off-street parking and does not endanger pedestrians.

Core Strategy Policy CS53 'Management of Demand for Travel' includes a package of measures to make better use of road space. In new developments, this policy encourages the implementation of Travel Plans (Part d.) for new developments (Part d.), the active promotion of more efficient and sustainable use of vehicles and incentives for using alternatively fuelled vehicles (Part e.), and the application of maximum parking standards to manage the provision of private parking spaces.

8.1: Impact on Existing Highway Network

The Transport Assessment considers the impact of the development on the highway environment and estimates that vehicular traffic likely to be generated by the proposed development will be: AM peak (08:15am – 09:15am): 127 vehicles (two way), PM peak (16:45pm – 17:45pm): 129 vehicles (two way).

All vehicles will access Prince of Wales Road via existing junctions leading from the retained estate roads of Fitzhubert Road, Queen Mary Road, and Fairleigh. The Transport Assessment contains capacity assessments at these junctions - and the results indicate that whilst there will be some slight reduction in capacity, the junctions will still operate within their theoretical capacity. An assessment of the Manor Top Gyratory has not been required as it is considered unlikely that the

levels of the additional traffic generated by the site will result in a material increase at this location.

It is confirmed that the proposal raises no concerns from a highway capacity perspective. Furthermore, it is acknowledged that the site is well located and highly accessible to modes of transport other than the private car, including various buses along Prince of Wales Road (30 services per hour during weekday peak periods) and the Supertram route at Manor Top.

With regard to existing accident history for the roads around the site, the Transport Assessment identifies that there has been a fatality in the study area but this was due to driver error rather than any highway layout issue.

Overall, it is confirmed there are no concerns about the impact of this development on the highway capacity or safety of roads around the site, in accordance with the policies described above.

8.2: Car Parking Provision

Car parking provision is provided at 2 spaces per dwelling which equates to 512 spaces across the site. The spaces are provided in curtilage but in a number of different ways - including on plot in front of the properties, and single or tandem spaces between or at the side of properties. Visitor parking will also be provided. Overall, the level and nature of parking is considered acceptable for the scale of the scheme and position of the site.

8.3: Travel Demand

A Travel Plan which sets out a number of actions that will be implemented by a Travel Plan Coordinator, with the main aim of encouraging residents of the development to use alternative sustainable means of travel instead of single occupancy car trips for their journey to work. The Travel Plan also includes proposals to monitor, review and report for the life of the Plan (5 years). The content of this document is confirmed as being acceptable and will be secured by a condition.

Overall, it is confirmed that the proposed development includes an acceptable package of measures which will help to make better use of road space by promoting sustainable forms of travel and mitigating the negative impacts of transport, in accordance with the relevant policies described above.

9: Public Art

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

The applicant is committed to the provision of Public Art and intends to engage with the community to involve local people by creating activities through their

community engagement budget. However, they anticipate that this will be delivered towards the end of the construction programme.

The overall commitment to provide Public Art is welcomed and it is recommended that a condition be imposed which expects the applicant to put forward a strategy that includes a timetable for the proposed community involvement, implementation on site, completion date etc. It is concluded that this approach would achieve Public Art works as part of the project and satisfy Policy BE12.

10: Ecology

UDP Policy GE11 (Nature Conservation and Development) states that the natural environment should be protected and enhanced and that the design, siting and landscaping of development needs to respect and promote nature conservation and include measures to reduce any potentially harmful effects of development on natural features of value.

An Ecological Appraisal has been submitted in support of the application. The Council's Ecology Unit has assessed its content and confirms that there are no major ecological constraints to prevent the development. Given that it is a former housing site, the land is of comparatively low ecological value.

The landscape and drainage enhancement works within the Woodthorpe Ravine will have a positive impact on the site's ecological value, in particular the de-culverting of the Carbrook and the construction of the SUDS retention ponds will provide new habitats that do not currently exist.

The installation of bird and bat boxes as part of the development are welcomed and species rich native wildflower planting of different appropriate species is recommended in order to ensure that there is a net gain in floral species diversity. Furthermore, the applicant has confirmed the intention to leave small gaps in boundary walls to help create 'Hedgehog Highways' to enhance their habitats.

The Ecology Unit has encouraged the inclusion of more mixed hedgerow planting along the boundary between the Woodthorpe Ravine and the housing in order to go some way to replacing lost habitat as a result of the development and uphold the Council's biodiversity duty. The applicant has declined to meet this request at this stage but has advised that it is intended to provide new low level hedgerow over time to further enhance the habitat within the development and the Ravine. Through its management company and the future management plan for the Ravine, Sheffield Housing Company intends to work with the residents, local schools and users of Woodthorpe Ravine to fund and plant the hedgerow within the next five years.

In light of the above as well as the enhancements being proposed across the development, which includes hedgerow planting along spine streets, it is concluded that the proposal is acceptable from an ecological perspective and complies with the aspirations of Policy GE11.

11: Mobility Housing

UDP Policy H7 (Mobility Housing) and the associated Supplementary Planning Guidance encourages the incorporation of 25% of homes within a new development to be built to the Mobility Housing Standard. However, this can no longer be required following the findings of the Government's Housing Standards which were required to be implemented by all planning authorities from 1 October 2015.

The proposal includes 9% mobility homes within the development, which is understood to be a requirement that has been imposed by the landowner (i.e. Sheffield City Council) as part of the sale. This is not a planning requirement, and may be subject to change, but its inclusion is welcomed nonetheless as it improves the variety of accommodation available on the site.

12: Flood Risk & Drainage Issues

Core Strategy Policy CS67 relates to (Flood Risk Management) and, in part, seeks to ensure that more vulnerable uses (including housing) are discouraged from areas with a high probability of flooding. It also promotes sustainable drainage techniques and management where feasible and practical.

A Flood Risk Assessment (FRA) confirms that the site falls within Flood Zone 1, which means it has a low probability and risk of flooding. As a consequence, the Environment Agency has no objection to the application but has offered advice about the potential high risk of pollution to controlled waters because part of the development site has previously been the subject of past industrial activity. Land contamination has been addressed by the Council's Environmental Protection Service and the Phase 2 survey and Implementation Plan have already been agreed. Conditions are recommended to ensure that remediation of the site proceeds in accordance with the agreed details.

With regard to drainage, a variety of methods are proposed. The existing highways of Fitzhubert Road and Queen Mary Road will drain to the combined sewer, as previously. The remainder of the site will drain at an agreed rate to the culverted watercourse (Carbrook) using the SUDS features proposed in the Woodthorpe Ravine. This will include attenuation storage accommodated in detention basins created in the Ravine and profiled to create semi-permanent wetland areas for treatment prior to discharge to the watercourse. Further SUDS features across the site will include swale drainage within the Green Street and permeable paving on new roads.

Yorkshire Water has confirmed that there is no objection to the drainage proposals, subject to the development being carried out in accordance with the details submitted.

The Lead Local Flood Authority (LLFA) has confirmed that the principle of the proposed drainage works is acceptable but further work is required which will be secured by condition.

For the reasons given above, the proposal is considered to satisfy the flood risk and drainage the requirements of Policy CS 67.

13: Coal Mining Legacy

The application site falls within a Development High Risk Area and The Coal Authority records indicate the presence of four recorded mine entries (shafts) within, or within 20m of the planning boundary.

The Coal Authority has confirmed that the applicant has obtained appropriate and up-to-date coal mining information for the site and included this within their Geo-technical and Site Investigate Report. It also concurs with the recommendations of these documents; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to the development in order to establish the exact situation regarding coal mining legacy issues on the site.

Therefore, The Coal Authority has stated that it has no objection to the proposed development, subject to an appropriate condition being attached to any permission.

14: Affordable Housing

Core Strategy Policy CS 40 (Affordable Housing) states that, in all parts of the city, new housing developments will be required to contribute towards the provision of affordable housing where practicable and financially viable. The Affordable Housing Interim Planning Guidance (IPG) was updated in 2014 and it should be read alongside Policy CS40.

IPG Guideline 2 identifies the site as being located within the “Manor/Arbourthorne/Gleadless” Affordable Housing market Area and there is no contribution required towards affordable housing provision.

15: Community Infrastructure Levy (CIL)

The site is within Charging Zone 3 and therefore the charge that is levied upon this application equates to £30 per square metre. The money from this development will be pooled to help the city’s strategic infrastructure needs, as set out on the Regulation 123 List.

16: Education Provision

The Council’s School Organisation Project Team has supplied details about the schools potentially affected by the proposed development.

At the primary stage, this development falls within the Prince Edward NIJ catchment area. Current forecasts indicate that as catchment residents any children residing in the proposed development would be likely to receive a place at the school.

It is noted that Prince Edward NIJ is popular with families who live in neighbouring catchment areas where the schools have either high catchment populations or high catchment populations and is oversubscribed from catchment. Therefore, it is understood that any demand generated by the proposed development may reduce the number of places available to children residing outside of the catchment area.

At the secondary stage, this development falls within the Sheffield Springs Academy catchment area. Current forecasts indicate that as catchment residents any children residing in the proposed development would be likely to receive a place at the school.

The proposed development is in the Manor Castle area and this is one of the areas where additional primary and secondary school places are identified as a priority under the Community Infrastructure Levy (Adopted Regulation 123 List, April 2015).

17: Landscaping Proposals

UDP Policy BE6 'Landscape Design' expects good quality design in new developments in order to provide interesting and attractive environments, integrate existing landscape features, and enhance nature conservation.

The development includes two elements of landscaping – 1) In the development area and 2) within the Woodthorpe Ravine.

17.1: Landscaping in Development Area

All dwellings will have garden space to their front and rear. The proposals are simple and essentially comprise of grassed space, tree and shrub planting. Hedgerows are also proposed to front boundaries of some streets, which is a welcomed addition. Rear gardens will be predominantly grassed and shall utilise the nature topography of the land.

Public landscaping within the new streets includes the implementation of the enhanced Green Street along Fairleigh leading to the Woodthorpe Ravine and new street tree planting across the development. These proposals are welcomed and will enhance the new housing environment.

17.2: Landscaping in the Woodthorpe Ravine

There are significant works proposed in the Woodthorpe Ravine – the area of open space in the south-east portion of the application site situated in-between the new housing and the existing properties on Kilvington Crescent. This space is currently grassland with footpaths running through it and it is intended to carry out a significant scheme that will enhance the aesthetics and usability of the space for local residents as well as providing SUDS that will support the drainage of the site and promote nature conservation. Key highlights include:

- The opening up the Carbrook culvert to create an overland stream running through the space;

- The creation of basins that will be linked to the swales on the Green Street and create wetland/pond features during periods of high rainfall;
- New landscaping and tree planting;
- The creation of a children's play space; and
- The retention of existing tree planting and most public footpaths running through the site.

The proposed landscape works submitted are acceptable and considered to be a positive element of this application. They will significantly enhance the aesthetical, ecological and functional qualities of the Woodthorpe Ravine and provide an attractive setting for the new housing, which meets the aspirations of UDP Policy BE6.

RESPONSE TO REPRESENTATIONS

It is considered that the comments made in relation to traffic, school places, and open space use by those who have submitted representations received have been addressed in the assessment above.

SUMMARY AND CONCLUSION

This application will see the development of a vacant site in an existing Housing Area to create 256 new dwellings and associated works. A large proportion of the site is brownfield land in need of redevelopment and the proposal will change this space into a new high quality residential environment that follows a design approach, which is appropriate to the overall setting and context. The development will result in the loss of some designated Open Space land but the material consideration of local and national policy is considered to provide the opportunity for allowing this to happen. Indeed, the excess of informal open space land in the local area and the overall benefits of the proposals, which promote good urban design principles and include high quality architecture and landscape enhancements, are considered to weigh positively in the development's favour and overcome this land use policy shortfall.

In all other regards, and as set out earlier in this report, the proposal either satisfies local and national policy or there is considered to be reasonable justification for the development where there is some conflict or requirements cannot be met. The imposition of appropriate conditions will ensure that the development is satisfactory, where further details or information is required. Furthermore, appropriate CIL contributions will be secured in accordance with the associated regulations.

The application is therefore recommended for approval subject to the listed conditions.

HIGHWAY CLOSURE

This development requires a small area of all-purpose Adopted Public Highway to be Stopped Up (i.e. permanently closed). This is a short cul-de-sac offshoot of Queen Mary Road that previously had to remain open as Public Highway to serve

one retained house when all other dwellings at this location were demolished. Therefore, it had to be omitted from Highway Stopping Up Orders at that time but it is now completely redundant (shown hatched on the plan 17/01443/FUL – STOP_UP). Also, part of the footpath network in the Woodthorpe Ravine open space is required to be closed as part of the landscaped works (shown heavy-black-edged on the plan 17/01443/FUL – STOP_UP). All other public footpaths in the Ravine are unaffected and will thus remain open and available for public use.

Accordingly, if Members are minded to approve this application, they are also requested to confirm that:

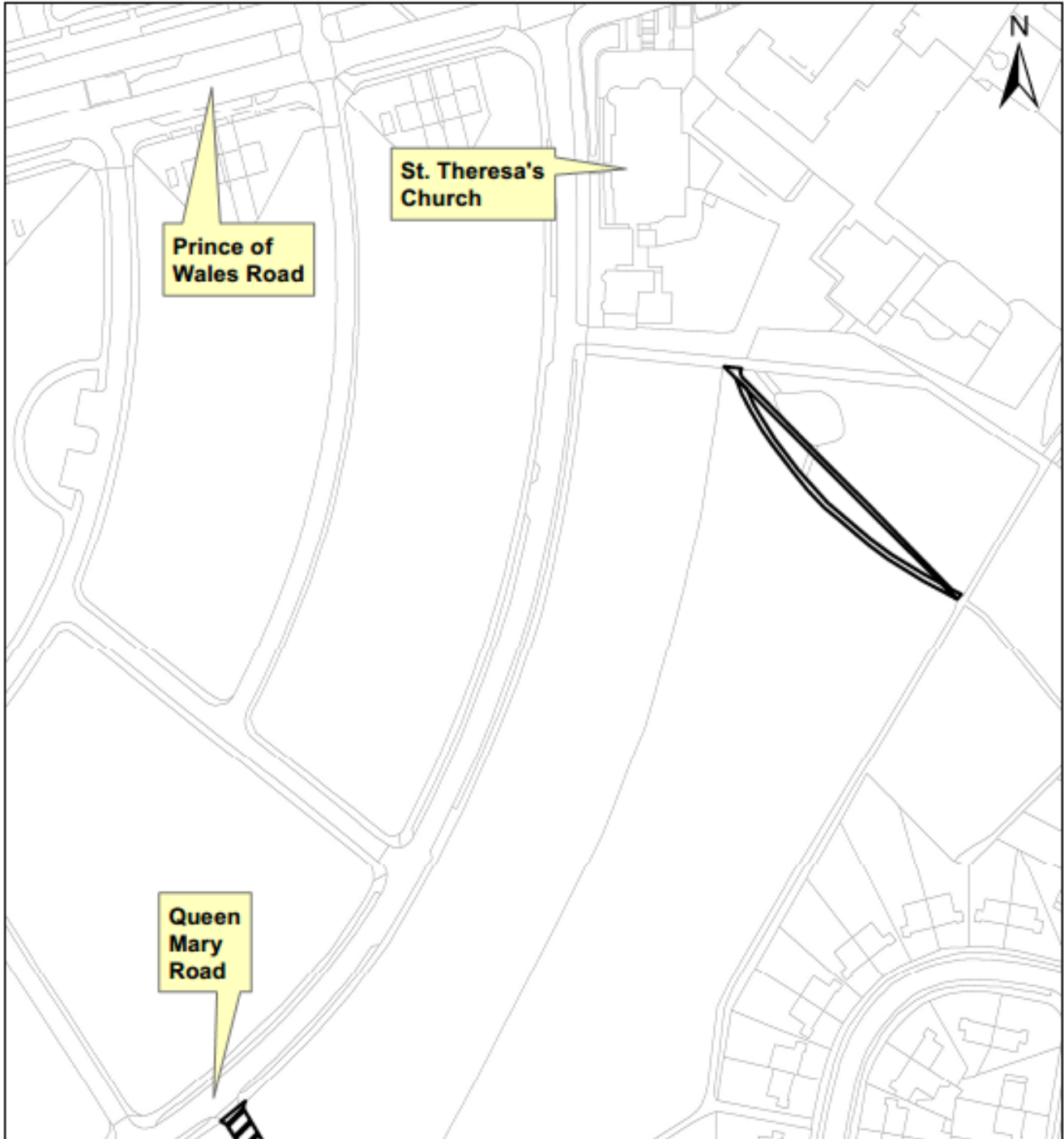
- a. No objections are raised to the proposed stopping-up of the areas of highway shown hatched and heavy-black-edged on the plan 17/01443/FUL – STOP_UP, subject to satisfactory arrangements being made with Statutory Undertakers with regards to such of their mains and services that may be affected.
- b. Legal Services are authorised to take all necessary action on the matter under the relevant powers contained within Section 247 of the Town & Country Planning Act 1990.



Highway Records
Culture & Environment
Howden House
Union Street
Sheffield
S1 2SH

Manor Boot - 17/01443/FUL -- STOP_UP
Highways proposed for
permanent Stopping Up using
Section 247 Town & Country Planning Act 1990

Scale: 1:1,500



LEGEND

All-purpose Highway proposed for Closure



Footpath proposed for Closure



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Case Number	17/00445/FUL (Formerly PP-05801110)
Application Type	Full Planning Application
Proposal	External alterations and change of use of dwelling/osteopathic studio to 5 bed House in Multiple Occupation (Use Class C4), self-contained 1 bed flat (Use Class C3) and osteopathic studio (Use Class D1) (amended plans scanned on 09 June 2017)
Location	C J Osteopathy Ltd 1 Sale Hill Sheffield S10 5BX
Date Received	02/02/2017
Team	South
Applicant/Agent	R Bryan Planning
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. Unless required to comply with any of the following conditions, the development must be carried out in complete accordance with the following approved documents received via email dated 09 June 2017:

Site/Red Line Plan Ref: 1SH-PL-01-A.

Site Layout Plan Ref: 1SH-PL-02-A.

Floor Plans Ref: 1SH-PL-03-A.

Elevations Ref: 1SH-PL-04-B.

Reason: In order to define the permission.

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

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

3. A sample of the stonework for the new front boundary wall shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

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

4. Large scale details, including materials and finishes, at a minimum of 1:20 of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:
 - a) New windows.
 - b) New doors.
 - c) New rooflights.

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

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

5. Before first occupation of the corresponding elements details of a scheme(s) shall have been submitted to and approved in writing by the Local Planning Authority that ensures future occupiers of the one bedroom self-contained unit and the House in Multiple Occupation will not be eligible for resident parking permits within any surrounding designated Permit Parking Zone. Future occupation shall then occur in accordance with the approved details.

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

6. Before any of the hereby approved residential and House in Multiple Occupation uses commence suitable bin storage, including screening, shall be in place in accordance with details which shall firstly have been submitted to and approved in writing by the Local Planning Authority. Once in place the agreed details shall thereafter be retained.

Reason: In the interests of the amenities of the locality and future tenants.

7. Notwithstanding the hereby approved plans, before the self-contained one bedroom apartment and/or House in Multiple Occupation are occupied a layout plan showing the location of the retained and any new boundary treatments shall have been submitted to and approved in writing by the

Local Planning Authority. The agreed boundary treatments shall be in place before first occupation of the self-contained one bedroom apartment and/or House in Multiple Occupation.

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

8. The osteopath studio use shall not commence unless a scheme of sound attenuation works, designed to restrict noise transmission between this use and the hereby approved House in Multiple Occupation and one bedroom apartment, has been implemented, the details of which shall have been submitted to and approved in writing by the Local Planning Authority prior to installation. The approved works shall be thereafter retained.

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

Other Compliance Conditions

9. Notwithstanding the hereby approved plans the ground floor window within the front elevation of the one bedroom self-contained apartment fronting Sale Hill shall at all times be clear glazed.

Reason: To ensure futures residents benefit from suitable outlook.

10. Notwithstanding the terms of the Town and Country Planning (Use Classes) Order 1987, or any statutory instrument revoking and re-enacting that order, the osteopath studio shall be used solely for the use hereby permitted and shall not be used for any other purpose within Use Class D1.

Reason: In the interest of highway safety and the amenities of the occupiers of adjoining property.

11. The osteopathy studio shall not be used on any Sunday or any Public Holiday and shall be used only between 0800 hours and 1930 hours on any other day.

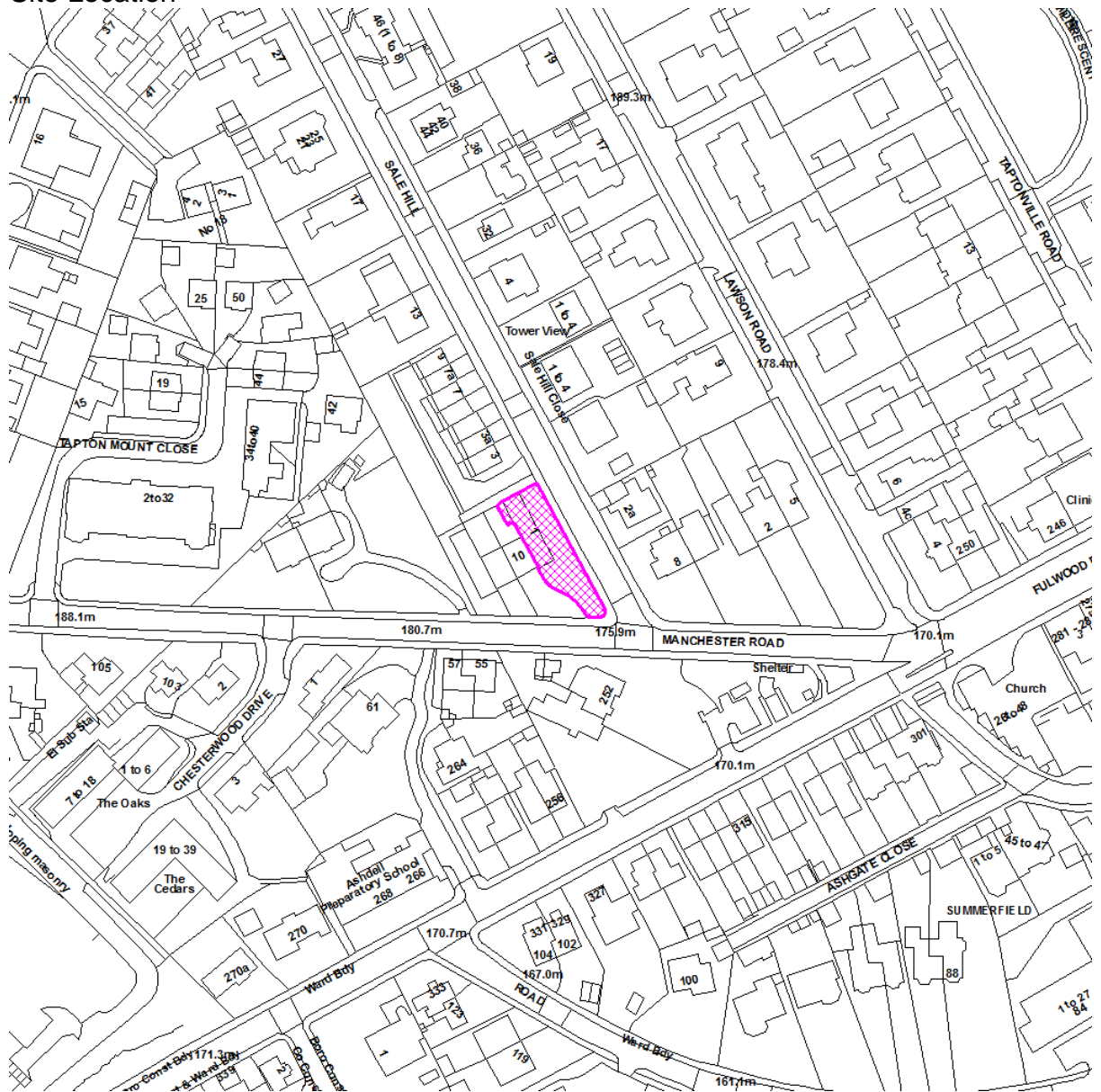
Reason: In the interests of the amenities of the locality and occupiers of adjoining property.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process,

or a draft Liability Notice will be sent if the liable parties have not been assumed using Form 1: Assumption of Liability.

Site Location



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LOCATION AND PROPOSAL

This application relates to a two storey end terrace stone property located within the Broomhill Conservation Area, which has frontages onto both Manchester Road and Sale Hill. The plot does not benefit from a private rear amenity area, although, owing to it being set back from the road frontages, it does have a reasonable amount of garden space to the frontages.

The property, which also benefits from accommodation in its pitched roof space, is currently utilised as an osteopathic clinic at ground floor and a four bedroomed family unit on the first and second floor. A single storey pitched roof extension is set on the northern side of the property and currently accommodates a kitchen and seating area associated with the clinic and a single garage.

Following revisions to the submitted plans the proposal would see the property split into three separate uses, which are broken down as follows:

1. The osteopathic clinic will be retained but is now located at ground and first floor. This unit would not expand notably in size and at ground floor would provide a reception area, toilet, kitchen and treatment room, with a second treatment room being provided at first floor.

2. A self-contained one bedroom unit would occupy the space currently used as a single garage at ground floor and the roof space of the existing single storey extension.

The accommodation for this unit would see a living room and kitchenette at ground floor, with a bedroom and en-suite bathroom at first floor.

3. The provision of a five bedroom House in Multiple Occupation (HMO) (Use Class C4) within the main two storey building.

The ground floor of this unit would provide a kitchen/dining space and bedroom, while two bedrooms would be provided on the first and second floor respectively.

It is noted that the originally proposed front extension has been removed from the scheme. However, several external alterations are still being proposed, these being:

- The removal of a porch from the Sale Hill elevation.
- The replacement of the existing openings within the single storey section of the building, including the garage doors, with increased/new glazing.
- The introduction of roof lights into the front roof slope of the single storey section of the building.
- The erection of a new section of stonewall along the Sale Hill frontage.

The proposal is also to remove the existing two parking spaces from within the red line boundary, but the applicant has provided evidence that they have rights to park vehicles on the access path to the immediate north, which is within their ownership.

The site is located within a Housing Area and as such the vast majority of the surrounding units are in some form of residential use, be that as dwellinghouses, apartments or HMOs. Broomhill centre is located very close to the application property, being approximately 140 metres to the east.

RELEVANT PLANNING HISTORY

The use of part of the ground floor as an osteopathy clinic was granted planning permission in January 2006 under planning reference 05/04290/CHU.

SUMMARY OF REPRESENTATIONS

Aside from the extensive information provided by a residents group that challenges the figures used by the local planning authority to determine the density of HMOs in a defined radius of the application site, which is discussed in more detail within the below assessment, the following additional representations have been received.

- Councillor Magid has objected to the application, having provided the following comments:

'This application seeks to add to a cluster of HMO's at the bottom end of Sale Hill going round the corner to Manchester Rd. Sale Hill is poorly served in conservation area terms compared to neighbouring roads with these HMO's and a number of apartments and housing blocks of poor architectural merit, like the neighbouring 3 Sale Hill. I also note the velux-type windows proposed and the poor maintenance of buildings and gardens that often goes hand in hand with conversion to HMO's.

I believe the council is encouraging students to move into purpose built blocks in the city centre and note the huge increase in provision for this and the next academic year. There appears no need for more residential house conversions at this time - the opposite should be happening. I believe CS41 should apply here and the application should be refused - it is not suitable for the conservation area and not helpful to local community cohesion.'

Councillor Harpham has objected to the application, having provided the following comments:

'I would like object to this application for change of dwelling as a Councillor representing this area. I feel it is unnecessary for even more buildings/residences in the Broomhill area to be converted to Houses in Multiple Occupation as there already exists an overwhelming amount. I would strongly urge the planning committee to take this into consideration.'

- Broomhill Action Neighbourhood Group (BANG)

BANG have stated that they object to this application on the same grounds as those put forward by the existing residents.

- 21 representations have been made by 16 neighbouring residents, which raise objections to the proposal. These are as follows:
- The density figure put forward by the local planning authority is inaccurate/out of date and should be amended based on additional information provided by residents.
- There are already a number of HMO properties in close proximity to the application property. Therefore, even if the density figure for the purposes of Policy CS41 is under 20%, given the location of the existing HMO's in the area to the application property, there would be an excessive concentration in a more localised area than the 200 metre radius identified within CS41. This should be accounted for. Particular note is made to the units to the immediate north of the application site (numbers 3-11 Sale Hill).
- The provision of an additional HMO unit here will only serve to harm the sense of wellbeing for local residents and the preservation of community cohesion.
- The density figure is misleading because of the amount of small apartments within the radius.
- The scheme would be contrary to Sections a), b) & c) of Policy H5 within the Sheffield Unitary Development Plan (UDP).
- There is limited car parking in the area and this proposal would add to this demand/shortfall, which will also increase parking problems in nearby areas that do not have parking restrictions.
- Inconsiderate parking is an issue along Sale Hill.
- In the application it is stated that one of the two existing car parking spaces will be lost. However, the track to the north is not allowed to be used for parking because of the access rights of neighbouring properties.
- The existing student houses create issues with litter and this proposal would add to this.
- Noise associated with students will lead to disturbance to neighbouring family houses and exacerbate existing disturbance in the area. A few representations list complaints made to responsible authorities in relation to existing HMOs within the area.
- The proposal is for a seven bedroom property with no communal areas, excluding a small kitchen. This is both overdevelopment and is more likely to lead to a group of younger students occupying the premises.
- The one bedroom unit in the revised scheme does not seem large enough for residential occupation.
- The proposal would discourage single family ownership on this block.

- The city is already over supplied with student accommodation.
- This proposal would devalue neighbouring properties.
- Amendments to the scheme have failed to address previous concerns around issues such as HMO density and car parking.
- The applicant actually objected to a similar application on a neighbouring property recently.

PLANNING ASSESSMENT

Land Use

Although being moved to a slightly different section of the building, the current osteopathic use will be retained at a similar scale to existing. As such, this use, which was originally granted in 2006, is accepted from a land use perspective.

The site is located within a Housing Area, as defined by the adopted Sheffield Unitary Development Plan (UDP) and, as such, Policy H10 (Development in Housing Areas) within this document lists a number of uses that are either classed as preferred, acceptable or unacceptable.

The proposed one bedroom unit falls within Use Class C3 (Dwellinghouses) which is considered to be a preferred use within Policy H10 and is therefore supported from a land use perspective.

Given that Use Class C4 (Houses in Multiple Occupation) did not exist when the UDP was adopted in 1998, this element of the proposed use must be judged on its own merits, which are discussed further below.

Creating Mixed Communities

Policy H5 (Flats, Bed-sitters and Shared Housing) within the UDP seeks to avoid a concentration of flats, shared housing and bed-sits in Housing Areas. However, in terms of quantifying what an appropriate community mix should be, the most up to date policy is CS41 (Creating Mixed Communities) within the Sheffield Development Framework Core Strategy (CS).

In this instance it is section d) within Policy CS41 that is most relevant, as this seeks to limit to 20% the amount of shared housing units within a 200 metre radius of an application site. The definition of shared houses within the policy includes HMOs and purpose built student developments.

In this case, there are 81 shared housing units out of a total of 437 units within the relevant 200 metre radius. This results in the current percentage of shared units within 200 metres of the application site being 18.5%, which is under the 20% threshold.

It should be noted that this final density figure has been arrived at following further information being provided by both surrounding residents, who object to the scheme, and the applicant. This information has included surveys of properties within the relevant radius to demonstrate if these are (or are not) in use as shared houses.

In this particular case any evidence and counter evidence has been heavily scrutinised by officers with the help of the Sheffield's Council Tax Section and the Private Sector Housing Team. This has ultimately only seen the density figure shift from the original projection of 17.5%, to the figure now considered as accurate 18.5%.

More generally, it is noted that the evidence provided by both parties has demonstrated that the figures used by the local planning authority with regard to this particular subject may not be entirely accurate, which of course is regrettable, but it is considered that they have been collated using best endeavours and should be relied on.

The neighbours have suggested that a more localised survey should be considered given the amount of HMO's and small apartments in closer proximity than the recognised 200 metres radius. This is not an approach that is considered reasonable for consistency reasons.

Based on the above the proposed new shared housing unit is considered to be acceptable from a housing density perspective.

Amenity

Policy H5 (Flats, Bed-sitters and Shared Housing) within the UDP states that planning permission will be granted for such accommodation only if living conditions would be satisfactory for occupants of the accommodation and for their immediate neighbours.

Section c) of Policy H14 (Conditions on Development in Housing Areas) within the UDP states that new development should not deprive residents of light, privacy or security, or cause serious loss of existing garden space which would harm the character of the neighbourhood.

It has been agreed with the applicant that notwithstanding the annotation on the submitted plans, the ground floor windows serving the one bedroom apartment and facing Sale Hill will not be obscure glazed, as this would have resulted in a very poor outlook for this resident. This change would be secured via a planning condition should Members be minded to approve the scheme. As such, it is considered that all habitable rooms would be provided with suitable outlook, natural light and privacy.

Partly owing to concerns expressed by officers about the original scheme with regard to the amount of bedrooms being proposed in comparison the amount of internal communal space, such as living rooms and kitchens, the application revisited the proposed layout/uses. It is now considered the proposed large

kitchen/dining space that will serve the revised five bedroom HMO would be acceptable in respect of the ratio between bedrooms and communal living space.

Although small, the one bedroom apartment provides future residents with a living/kitchen space and, as Sheffield does not have adopted space standards, this accommodation is accepted from this perspective.

Future residents will be afforded external amenity space, but as these amenity areas front onto the adjoining highways they are not very private and would also be fairly noisy.

Whilst this is not an ideal situation, it could also reasonably be argued that the amenity space provided suits the type of residential uses now being proposed, as opposed to a family house, which would see children playing adjacent to a busy road with little privacy. In addition, the proposed future tenants would not have such reliance on this external space for essential amenity and would be more likely to utilise local green spaces, which would not necessarily be so easily the case for a family with young children for example.

When the osteopath clinic was originally approved in 2006 (see reference 05/04290/CHU) it had several measures imposed to ensure noise was not an issue for residents occupying the family house on the upper floors. This included ensuring that the people running the business lived in this dwellinghouse, which will now no longer be the case. As such continued measures need to be put in place to ensure noise transmission/nuisance does not become an issue between the proposed uses. The following measures are therefore proposed:

- Limiting the hours of opening to those imposed in the earlier permission, these being no operation on any Sunday or any Public Holiday, and between 0800 hours and 1930 hours on any other day.
- Requiring fabric improvements to the internal walls and ceilings, as deemed relevant by further investigations.
- Ensuring that no alternative D1 uses can take place without further planning permission being obtained.

Given the limited external alterations proposed and the established uses on the site it is not considered that the scheme would create issues for existing residents in relation to privacy, shadowing or dominance.

A number of local representations have expressed concerns about the potential for noise and disturbance from a new shared housing unit and the impact this would have on the living condition of existing residents. In truth this is always a difficult issue to deal with because the assumption that all occupiers of this type of accommodation will cause nuisance such as noise is unreasonable. In addition, if anti-social issues do occur then this can be dealt with through the relevant responsible body, be that the police or environmental health for example. A few other points of note in this respect are:

1. The bedrooms within the HMO are large and all benefit from en-suite facilities, which could easily appeal to more mature students or key workers at the hospitals for example.

2. The applicant is to continue to work within the osteopathic studio and, whilst this cannot be guaranteed in perpetuity, this does ensure there is a degree of general supervision present at various times.

Based on the above the scheme is therefore considered to be acceptable from an amenity perspective.

Highways

Policy H5 (Flats, Bed-sitters and Shared Housing) within the UDP states that planning permission will be granted for such accommodation only if there would be appropriate off-street car parking for the needs of the people living there.

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

The existing garage and car parking space to the frontage are proposed to be removed and therefore no car parking will be provided within the red line. However, the applicant has stated that the access path, which is approximately 2.8 metres wide and set to the immediate north of the application site, is within their ownership and they have rights to park two vehicles on this area.

The applicant has confirmed that other residents in the terrace do have pedestrian access rights across this path, but it is felt that 2.8 metres is sufficient to park a car and allow pedestrian access through.

In terms of the residential/shared housing element, it is acknowledged that demand for parking spaces could be a little higher than would be the case for a family house. However, as the site is very close to local facilities, Sheffield University, the hospitals and local public transport facilities, reliance on motor vehicles is not essential.

It is therefore reasonable to accept a scheme that has a parking provision below maximum standards, or even a car free scheme in a location such as this, but this will require a condition to be imposed to prevent future residential occupiers from acquiring a parking permit should Members be minded to approve the scheme.

In relation to the commercial use, this will continue to operate at a similar intensity to existing and again, owing to the sustainable location, on-site car parking provision could not reasonably be insisted upon.

Given the above the scheme is therefore considered to be acceptable from an amenity perspective.

Design/Conservation

Policy BE16 (Development in Conservation Areas) within the UDP states that new development should preserve or enhance the character of such areas.

The National Planning Policy Framework (NPPF) also needs consideration. Of most relevance is Paragraphs 132 to 134, which state that when considering the impact of a proposed development on the significance of a designated heritage asset (such as a conservation area), great weight should be given to the asset's conservation.

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

Originally the scheme proposed an extension to the front of the single storey element, but this was felt to be harmful to the conservation setting as it had to prominent an appearance within the existing street scene. As a result it has been removed from the proposals.

The proposed removal of the porch to the Sale Hill elevation is accepted as this is not an original feature.

Subject to final details, the replacement of the existing openings within the single storey section of the building, including the garage doors, with increased glazing will create more coherent elevation in comparison to the original. It will also create a more appropriate and welcoming entrance into the clinic.

The new roof lights will follow conservation principles, being that they will not project above the plane of the existing roofslope, and they will be limited in number. Such rooflights are not uncommon in conservation areas.

The new section of wall fronting Sale Hill will match in with the existing wall and is therefore acceptable.

Given the limited scale and high quality of the proposed alterations, it is felt that the scheme would not lead to harm to the relevant conservation assets, be that substantial or otherwise.

Community Infrastructure Levy (CIL)

The scheme would be liable to the CIL at a rate of £30 per square metre.

RESPONSE TO REPRESENTATIONS

The majority of the matters raised in the representations have been addressed in the above assessment. The other matters are addressed as follows:

- The density figure is misleading because of the amount of small apartments within the radius.

In response, small apartments are not classed as shared housing.

- Inconsiderate parking is an issue along Sale Hill.

In response, there is no suggestion that future tenants of this scheme would park inconsiderately and this can be enforced by parking services if it becomes an issue.

- The existing student houses create issues with litter and this proposal would add to this.

In response, a condition will be added for details of bin storage for each of the three units to ensure there is suitable capacity.

- The proposal would discourage single family ownership on this block.

In response, this may or may not be the case, but ultimately the proposal does not result in an exceedance of the shared housing density limits set out in Policy CS41 and discussed in the above assessment.

- The city is already over supplied with student accommodation.

In response, this unit could be occupied by young professionals or key workers. Furthermore, if there is not demand for a shared house then it may well become a family house in the future.

- This proposal would devalue neighbouring properties.

In response, the impact on the value of surrounding properties is not a material planning consideration.

- The applicant actually objected to a similar application on a neighbouring property recently.

In response, again this is not actually a material planning consideration.

SUMMARY AND RECOMMENDATION

From a land use perspective the osteopathic clinic already exists on the site and is simply being slightly relocated within the building, while the proposed one bedroom apartment is a preferred use within this defined Housing Area.

After significant scrutiny, it is concluded that the inclusion of a House in Multiple Occupation within the building would not result in the 20% density restriction for shared housing within a defined 200 metre radius of the application site being exceeded.

The proposed future residents would be provided with suitable living conditions in respect of matters such as privacy, outlook and light. In addition, given the limited

amenity offered by the external garden areas it is felt the site is better suited to the residential uses proposed, as opposed to a family house.

It would not be reasonable to assume that future tenants would create noise and disturbance for existing residents, but if incidents do occur then this would be a matter for the relevant responsible authorities.

Although two useable off-street parking spaces do exist on land to the north of the site, it is considered that given the sustainable location, in close proximity to the many amenities and public transport options within Broomhill Centre, a car free scheme would also be acceptable. In addition, a condition is being proposed to stop future tenants being eligible to join the adjacent residents parking scheme, which will discourage car ownership and mitigate any impact on the adjoining highways.

Based on the above the scheme is being recommended for conditional approval.

Case Number	16/04807/FUL (Formerly PP-05641627)
Application Type	Full Planning Application
Proposal	Demolition of car showroom and erection of a mixed-use development comprising of 561 student bedspaces, commercial use of A1, A2, A3, A4, A5, B1a, B1b, D1 & D2 with associated car parking, landscaping and cycle parking (Amended Description & Plans)
Location	127 Ecclesall Road Sheffield S11 8HY
Date Received	21/12/2016
Team	South
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:

26877 (03)20 Rev C
26877 (04)17 Rev A
26877 (04)18 Rev A
26877 (31)02 Rev A
26877 (31)03 Rev A
26877 (31)04 Rev A
26877 (00)00 Rev G
26877 (00)20 Rev V
26877 (02)30 Rev D

26877 (02)31 Rev E
26877 (02)33 Rev D
26877 (02)34 Rev D
26877 (02)35 Rev D
26877 (02)36 Rev D
26877 (02)37 Rev D
26877 (02)38 Rev E
26877 (02)39 Rev G
26877 (02)40 Rev E
26877 (02)41 Rev G
26877 (02)42 Rev F
26877 (02)43 Rev E
26877 (02)44 Rev B
26877 (02)45 Rev A
26877 (04)11 Rev G
26877 (04)12 Rev A

Reason: In order to define the permission.

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

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

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

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

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

5. Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR11

(Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

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

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

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

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

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

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

8. Notwithstanding the demolition and clearance of any building above ground level, no further development shall commence until details of the implementation, adoption, maintenance and management of the sustainable drainage system relating to the development have been submitted to and approved in writing by the Local Planning Authority.

Those details shall include a timetable for implementation, and a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or

statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

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

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

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

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

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

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

Reason: In order to protect the amenity of surrounding sensitive uses.

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

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

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

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

13. Within three months of the development being commenced, the improvements (which expression shall include traffic control, pedestrian and cycle safety measures) to the highways listed below have either;
 - a) been carried out; or
 - b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the development is brought into use.

Highway Improvements: (Improvements to be confirmed prior to Committee)

Reason: To enable the above-mentioned highways to accommodate the increase in traffic, which, in the opinion of the Local Planning Authority, will be generated by the development, and in the interests of protecting the free and safe flow of traffic on the public highway it is essential that this condition is complied with before any works on site commence.

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

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

15. A comprehensive and detailed hard and soft landscape scheme shall be submitted to and approved in writing by the Local Planning Authority within three months of development commencing, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

The approved landscape work shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved in writing by the Local Planning Authority.

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

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

16. Before first occupation details of a scheme shall have been submitted to and approved in writing by the Local Planning Authority that ensures future occupiers will not be eligible for resident parking permits within any

surrounding designated Permit Parking Zone. Future occupation shall then occur in accordance with the approved details.

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

17. Sample panels of proposed masonry shall be erected on the site and shall illustrate the colour, texture, bedding and bonding and mortar finish to be used. The sample panel(s) shall be approved in writing by the Local Planning Authority before any block/brick work associated with the development is erected and shall be retained for verification purposes until the completion of said development.

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

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

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

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

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

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

Such scheme of works shall:

a) Be based on the findings of Arup: Acoustic Planning Report, Ecclesall Junction, Job no-251677, dated 16/12/2016, the approved noise survey of the application site.

b) Be capable of achieving the following noise levels:

- i) Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours);
- ii) Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours);
- iii) Other Habitable Rooms: Noise Rating Curve NR35 (0700 to 2300 hours);
- iiii) Bedrooms: LAFmax 45dB (2300 to 0700 hours).

c) Include a system of alternative acoustically treated ventilation to all habitable rooms.

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

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

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

20. Before the student use is commenced, validation testing of the sound attenuation works to the student accommodation shall have been carried out and the results submitted to and approved in writing by the Local Planning Authority. Such Validation Testing shall:
- a) Be carried out in accordance with an approved method statement.
 - b) Demonstrate that the specified noise levels have been achieved.

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

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

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

Such a scheme of works shall:

- a) Be based on the findings of Arup: Acoustic Planning Report, Ecclesall Junction, Job no-251677, dated 16/12/2016, the approved noise survey of the application site

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

- (i) as a 15 minute LAeq, and;
- (ii) at any one third octave band centre frequency as a 15 minute LZeq.

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

- (i) Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours);
- (ii) Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours);
- (iii) Other Habitable Rooms: Noise Rating Curve NR35 (0700 to 2300 hours);
- (iv) Bedrooms: LAFmax 45dB (2300 to 0700 hours).

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

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

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

22. Within three months of development commencing full details of proposals for the inclusion of public art within the application site, including a timetable for delivery, shall have been submitted to and approved in writing by the Local Planning Authority.

The public art proposals shall then be implemented in accordance with the agreed details.

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

23. Prior to the occupation of the development, a detailed Travel Plan(s) designed to: reduce the need for and impact of motor vehicles; increase site accessibility; and to facilitate and encourage alternative travel modes, shall have been submitted to and approved in writing by the Local Planning Authority.

Detailed Travel Plan(s) shall be developed in accordance with a previously approved Framework Travel Plan for the proposed development where that exists.

The Travel Plan(s) shall include (as relevant):

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

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

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

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

Reason: In the interests of delivering sustainable forms of transport, in accordance with Unitary Development Plan for Sheffield (and/or Core Strategy) Policies CS55

25. No demolition and/or construction works shall be carried out unless equipment is provided for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway. Full details of the proposed cleaning equipment shall be approved in writing by the Local Planning Authority before it is installed.

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

26. 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 within three months of the development commencing, 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.

27. The building shall not be used unless the car parking accommodation for 65 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.

28. Before the occupation of any hereby approved commercial unit by an A3 Use (Cafe/Restaurant), A4 Use (Public House) or A5 Use (Hot Food Takeaway) a scheme for the installation of equipment to control the emission of fumes and odours from kitchens associated with the corresponding unit shall be submitted for written approval by the Local Planning Authority. These details shall include:

- a) Plans showing the location of the fume extract including a low resistance cowl.
- b) Acoustic emissions data.
- c) Details of any filters or other odour abatement equipment.
- d) Details of the systems required cleaning and maintenance schedule.

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

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

29. Before any outside seating associated with any of the hereby approved commercial uses commences the following details associated with the corresponding area shall have been submitted to and approved in writing by the Local Planning Authority:

- a) Locations and design of any furniture and cafe screens.
- b) Hours of use.
- c) Domain of area.

The outside seating area(s) shall not operate unless the cafe screens are in place and they shall be operated in accordance with the approved details thereafter.

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

Other Compliance Conditions

30. The development shall be carried out in accordance with the following mitigation measures as detailed within the submitted Flood Risk Assessment dated July 2017 (Reference: Final Rev D) and prepared by EWE Associates Ltd:

- Finished floor levels shall be set no lower than 74.19m above Ordnance Datum (AOD).
- The proposed development will have only less vulnerable uses on the ground floor.
- The flood resilience and resistance measures identified within the FRA will be incorporated into the proposed development.
- There will be no development within 8 metres of the Porter Brook Culvert.

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

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

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

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

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

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

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

34. Any of the hereby approved commercial uses permitted to operate within Use Classes A1, A2, A3, A4, A5, B1a, B1b, D1 & D2 shall only operate between the hours of:

- 0700 hours and 2300 hours Monday to Friday
- 0900 hours and 2230 hours on Sundays and Bank Holidays.

Reason: In the interest of the amenities of the local area.

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

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

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

Reason: To ensure access is available at all times.

37. 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.

38. At no time shall more than 50% of the commercial floor space associated with the hereby approved A1, A2, A3, A4, A5, B1a, B1b, D1 & D2 units be in use for any of the following use classes, or as any combination of the following use classes:

- a) Use Class A3 (Cafes/Restaurants).
- b) Use Class A4 (Public Houses).
- c) Use Class A5 Use (Hot Food Takeaways).

Reason: In the interests of the living conditions of surrounding residents and to help ensure the vibrancy of the District Shopping Centre.

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 the signage indicated on the submitted drawings is not approved as part of this permission and will require separate Advertisement Consent. To discuss arrangements for obtaining such consent, and to request application forms, the applicant should contact Development Management Section, Development Services, on Sheffield (0114) 2039183 or go to www.sheffield.gov.uk/in-your-area/planning-and-city-development
3. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

You should contact the S278 Officer for details of how to progress the S278 Agreement:

Highways Development Management
Highways Maintenance Division
Howden House, 1 Union Street
Sheffield
S1 2SH

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 here:

<http://www.sheffield.gov.uk/home/roads-pavements/Address-management>

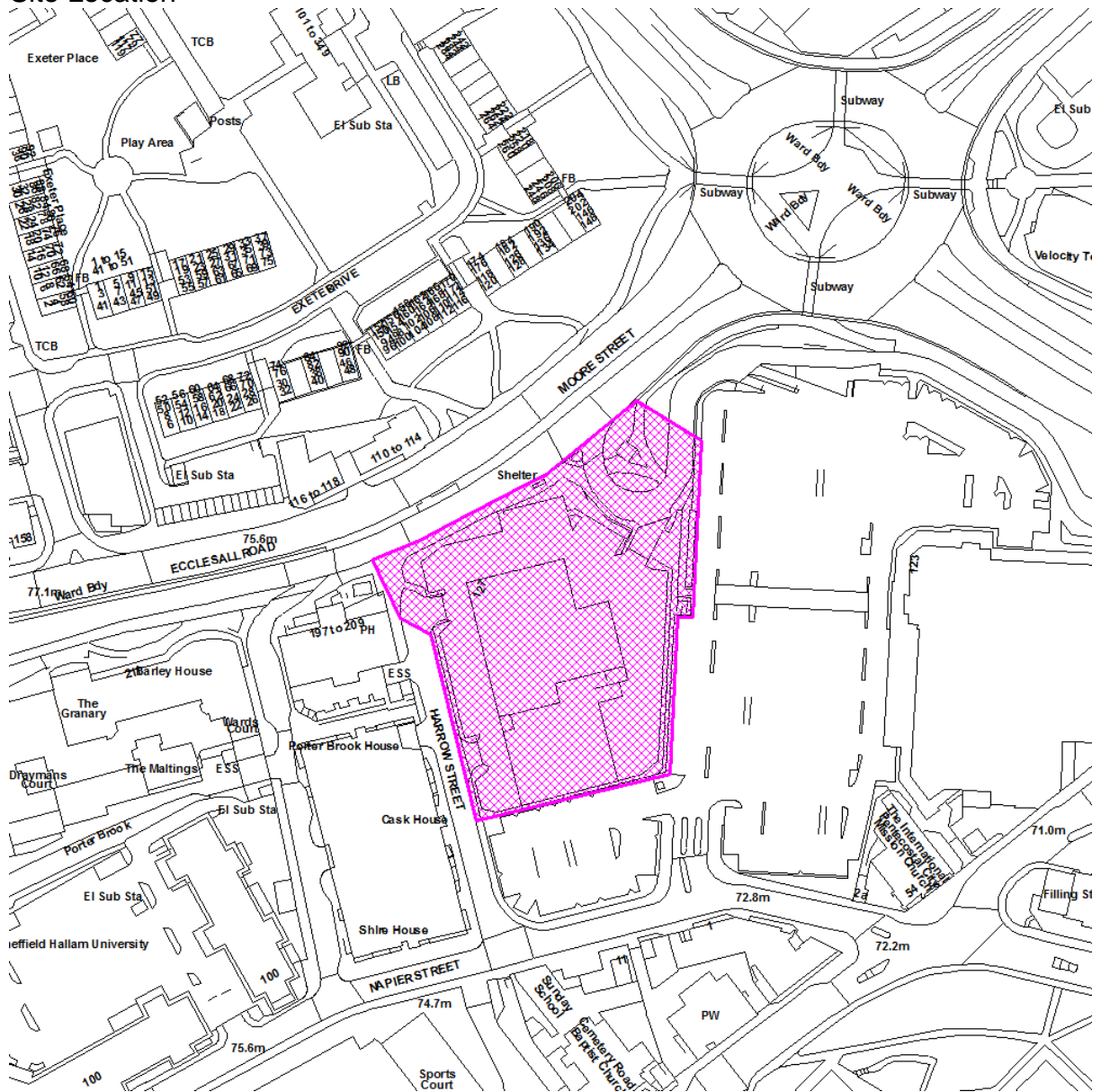
For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk.

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.

5. 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>.

6. Formal consent regarding trade effluent discharge must be obtained from Yorkshire Water Services Ltd before work on site is commenced.
7. You may need a Premises Licence under the Licensing Act 2003. You are advised to contact Sheffield City Council's Licensing Service for advice on Tel. (0114) 2734264 or by email at licensing@sheffield.gov.uk.
8. For larger commercial kitchens or cooking types where odour risk is high, a risk assessment should be conducted in accordance with Annex C of the document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (Defra; 2005) to determine appropriate odour abatement options. Annex B of the document provides guidance on the information required to support a planning application for a commercial kitchen.
9. 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.
10. 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, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.

Site Location



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LOCATION AND PROPOSAL

The application relates to a large, vacant former car sales showroom that is located off St Mary's Roundabout, where Ecclesall Road meets St Mary's Gate. The site is fairly flat and accessed from both Ecclesall Road and Harrow Street. The site is approximately 0.56 hectares in size.

The existing building is set centrally within the site has a flat roof and is clad in brickwork. The current site also provides a large expanse of hardstanding that is used for car parking.

The site is surrounded by a large supermarket (Waitrose) to the east and residential units to the north, west and southwest. Further commercial units are also found directly to the west on the site of the former Wards brewery. Directly south of the site is an overspill car park used by Waitrose and this has been granted permission recently to erect a residential scheme (see 16/04446/FUL).

This application seeks permission to demolish the existing building and erect an 'L' shaped block reaching an overall height of 15 storeys at the corner of the Ecclesall Road and the Waitrose car park. To the rear of the site close to Harrow Street, the southern and western sections of the building would be 8 and 10 storeys, respectively. Harrow Street would give the site its main vehicle ingress and egress point.

The building would comprise of seven commercial units at ground and first floor levels, which could be used for any of the following:

- Use Class A1 (Retail).
- Use Class A2 (Financial and Professional Services).
- Use Class A3 (Cafes/Restaurants).
- Use Class A4 (Public Houses).
- Use Class A5 (Hot Food Takeaways).
- Use Class B1(a) (Offices).
- Use Class B1(b) (Research and Development).
- Use Class D1 (Non-Residential Institutions).
- Use Class D2 (Assembly and Leisure).

In addition, the scheme includes 561 student bed spaces, split into 251 units on the floors above the commercial uses. These residential units range from 1 bed studios and shared cluster flats of between 4 and 6 beds. A large communal space is provided on the 9th floor, together with an outdoor roof terrace. Another roof terrace is also provided on the 11th floor.

RELEVANT PLANNING HISTORY

Since the building was built and brought into use, various planning applications have been submitted relating to alterations and advertisement consents, with the most relevant to this planning application being 16/00515/FUL.

This application was for the change of use from sui generis car showroom to mixed use commercial/retail (A1/2/3/4/5/B1/D2) in 7 units, including two-storey extension to the rear and removal/replacement mezzanine areas, alteration of original facades to include shop frontages, alterations to the highway accesses on Ecclesall Road/Harrow Street and provision of temporary public short-stay car parking on site during construction.

Permission was approved for this scheme in June 2016 and it is yet to be implemented.

SUMMARY OF REPRESENTATIONS

Neighbour Representations

The application has been publicised in accordance with the Council's Statement of Community Involvement. Site notices were posted around the site when the application was initially received. As a result of this process, two representations were received.

Amendments to the proposal were then received from the applicant changing the massing and scale of the development, but not the fundamental mix of uses. After advertising these changes by posting further site notices, a further seven representations were received.

The material planning concerns that have been raised from all nine representations can be summarised as:

- The proposal will generate further traffic and parking problems on an already heaving road when the students arrive;
- The building will create further pollution to the area;
- The building will be detrimental to the living conditions of the neighbouring residents due to the noise and late night student activities;
- The proposal will generate litter and fly tipping in the area;
- The quality of life of the neighbouring residents will deteriorate during buildings works;
- The design and scale of the building is out of keeping with the wider area and the neighbouring properties and it should be the same height as the wards brewery;
- The proposal will affect the sight lines to the listed building on Napier Street;
- Close to Porter Brook and the culvert here should be opened up;
- The height will reduce privacy and natural light to the neighbouring residential units;
- The occupation will be only part of the year and this accommodation will alter the mix/ character of the area which is mostly families and professionals;
- This development will push people away from the area and affect the community that has developed. This is not sustainable and this is demonstrated as some of the Wards Brewery units are still not occupied;
- The building design is bland with no landscaping at ground level;
- Brutal architecture and out of character;
- Doesn't improve the cycle lane;

- The proposal will affect people's views. Although personal views are not material planning considerations the wider view and vistas of the site are applicable to this planning assessment;
- Unsuitable for young families and is not suitable for conversion;
- The previous scheme was a better proposal;

Although the comments state that the proposal will impact upon their house prices, this issue is not a material planning consideration.

The representations have also stated that there is no need for the student accommodation or commercial premises and other units have not been occupied since Wards Brewery was converted. Whilst it is acknowledged that some of the units within the Wards Brewery have not been let, this is for the market forces to determine and it is not a material planning consideration that warrants any notable weight in this instance.

Representation from the Environment Agency (EA)

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

PLANNING ASSESSMENT

This application proposes to erect a large mixed use building on a former car showroom and ancillary car parking. 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 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.

Principle of Development

The National Planning Policy Framework (NPPF) is a material consideration to be taken into account in determining all planning applications and promotes the use of previously developed land. The NPPF also makes a presumption in favour of sustainable development.

The relevant local policy documents are the adopted Unitary Development Plan (UDP, 1998) and the Sheffield Development Framework (SDF) Core Strategy document (2008).

Retail/Office Land Use Policies

The site is identified by the UDP as being in the London Road District Shopping Centre and UDP Policy S7 lists Class A1 (Retail) as a preferred use, while the other proposed commercial uses are listed as acceptable in principle.

The NPPF favours locating 'main town centre uses' within existing centres, such as the district centre the application site is located within. Main town centre uses include those commercial uses proposed here at the lower levels: retail development, leisure, (including health and fitness centres) and offices.

Paragraph 26 of the NPPF states that applications for retail and leisure uses that are over 2500 square metres and set outside of town centres should be accompanied with a Retail Impact Assessment. This site is within a District Shopping Centre and an impact assessment is not therefore required.

The B1 office uses would be located at the edge of the city centre and would therefore be in line with Core Strategy Policy CS3b (Locations for Office Development), which prioritises such accessible sites for this type of use.

In addition, the site is within the Lower Porter Valley for the purposes of Core Strategy Policy CS30. Policy SC30 states that in the Lower Porter Valley, offices will be promoted when mixed with new housing, including new purpose-built student accommodation.

Given the above it is considered that the commercial uses are supported in principle from a land use perspective.

Retail Dominance

Section a) within UDP Policy S10 requires more than half the ground floor units in the London Road District Shopping Centre to be in the preferred retail use (Use Class A1). The existing centre is failing to achieve this target, with only 43% of the relevant units currently being within this use.

It is possible, although unlikely, that all of the proposed commercial units within the application scheme could fall outside of the preferred retail use, which would further dilute the wider retail offer. However, it is considered that as the application site is significantly segregated from London Road's street frontage, and most recently benefited from a none retail use, it would be unreasonable to resist the scheme on these grounds.

Consequently, the proposed commercial uses would not significantly impact the overall vitality and viability of the London Road District Centre.

Student/Housing Land Use Policies

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

Policy CS23 (Locations for New Housing) of the Core Strategy seeks to focus at least 90% of new dwellings in the main urban area, and as this site located within such an area it accords with this policy.

The site is classed as brownfield and priority is given to redeveloping such sites both in terms of local and national planning policies.

The NPPF requires local planning authorities to facilitate housing provision, with a requirement to maintain a flexible and responsive supply of land for housing. One key way of achieving this is for local authorities to identify a 5 year supply of specific 'deliverable' sites for housing with an additional 5% buffer.

Although latest monitoring shows Sheffield has a 5-year supply of housing sites against the Core Strategy target, the target pre-dates the National Planning Policy Framework (2012) and should now be considered out of date. The latest Government household growth projections suggest that housing need in the city is higher than was previously planned for in the Core Strategy; as such, the city has an approximate 4.1 year supply of housing using the latest growth projections.

Although a sui generis use, this type of accommodation is counted towards Sheffield's five year housing target and the scheme would therefore make a welcome contribution towards housing supply as set out in Policy CS22 (Scale for the Requirement for New Housing) of the Core Strategy.

Housing Density

The application site would create 251 residential units of different housing tenures and this translates to a density of approximately 448 dwellings per hectare.

The density range outlined in Policy CS26 within the Core Strategy 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 below, with particular reference to the Design Section.

Creating Mixed Communities

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

Section a) within CS41 states that housing development should provide for a broad range of smaller households in the City Centre and other highly accessible locations and it is considered that in principle the scheme accords with this given the house types proposed and edge of centre location.

In addition, the policy aim is for no more than half of new homes in larger developments (defined as 60 or more dwellings) to consist of a single house type.

This proposal will contain 251 units in total that comprise of 1 bed studios and cluster flats of between 4 and 6 rooms. The mixture of units equates to 67% of units being 1 bed studios and accordingly, this is contrary to this element of Policy CS41.

The application includes a sketch plan to demonstrate how the layout of the building could be reconfigured into larger apartments in the future, if market conditions change and there is less demand for student facilities, or for one bedroom studios. This would be achieved by the removal of small non load bearing partition walls in order to create small 2 and 3 bed roomed family units. Consequently, given the flexibility of the building as shown, it is not considered that the split of units would unacceptably jeopardise the aims of policy CS41 to create mixed communities.

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

The current shared housing density within 200m of the site, including extant permissions, is 4%. This scheme (providing 80 shared units and 171 non-shared units) will not raise the density above the 20% and will therefore conform to section d) of CS41.

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

The applicant has stated that owing to matters such as land values and high build costs the proposal would only just be viable and further contributions, together with the Community Infrastructure Levy, which is not subject to a viability test, would make the scheme financially unviable.

The District Valuation Office (DVO) 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 DVO viability assessment has concluded that the proposal would make a profit on cost equating to 6.25% if the full affordable housing contribution was made and a profit on cost of 14.74% if no affordable housing contribution was made. The

DVO has concluded that a viable scheme should make a profit on cost of 15%. 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.

Sustainability Issues

The proposed development 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 proposal is for the regeneration of a brownfield site in a sustainable location and overall, is satisfactory with regards to the requirements of Policy CS63.

The applicant has stated that the new building's envelope would be highly energy efficient and that any commercial unit over 500 square metres will achieve a BREEAM rating of very good, which is in accordance with the requirements of Policy CS64 now the Code for Sustainable Homes targets have been nationally revoked.

CS65 requires the provision of a minimum of 10% of a development's predicted energy needs to be from decentralised, renewable or low carbon energy. Sheffield now also allows this to be achieved via a 'fabric first' approach if this is preferable to a developer.

Various means of achieving this 10% requirement are being investigated, however, the submission of precise details have not been supplied and should be requested by way of a condition attached to any consent granted.

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 feasible and practical.

Although greens roofs are not considered to be financially viable on this scheme, which is a point reinforced by the findings of DVO report, the proposals do include some planting on the external roof terraces, which is to be welcomed, as, for example, it does assist with managing surface water run-off.

Flood Risk Issues

The site is within an area at risk of flooding and therefore the proposal has to be assessed against Core Strategy Policy CS67 and the National Planning Policy Framework.

The site is close to the Porter Brook and set mostly within a Flood Risk Zone 2, but includes a small section of Flood Zone 3(a) on the southern fringe. As such the application has been accompanied by a Flood Risk Assessment (FRA).

The Environment Agency have been consulted and they have considered the proposal to be acceptable, subject to the recommendations outlined in the FRA, such as only allowing less vulnerable uses to occupy the ground floor.

The NPPF seeks to steer development away from areas at risk of flooding to less vulnerable areas (the sequential approach). However, it does recognise that this is not always possible and that there are exceptions when development in flood risk areas will be necessary.

The scheme has been accompanied by a Sequential Test that includes an appraisal of sites within a similar distance to the main university buildings and that are comparable in size for commercial and residential purposes. Following assessment of this information it is considered that there are no sequentially preferable sites for a development of this scale and nature.

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

In addition to the above, the proposal will provide further benefits from a drainage/flooding perspective and this includes increasing the amount of soft landscaping and reducing the surface water run off rates by at least 30%.

Design Issues

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.

CS74 also states that development should contribute to place making and 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.

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

- Demolition of Existing Building

The site is currently occupied by a large flat roofed building with ancillary car parking sited around it. The building is of its time and does not have any significant architectural merit that is deemed worthy of protection. The loss of this building is therefore not considered to be detrimental to the overall character and appearance of the area.

- Layout

This application seeks consent for a large 'L' shaped building on an irregular shaped plot of land. The site is set off Ecclesall Road, but very close to the

Moorfoot roundabout that links Ecclesall Road with the ring road. Although Waitrose supermarket butts up to the roundabout, the car park to the supermarket dominates what is viewed from the ring road and up from Ecclesall Road, which is a main arterial route to and from the city centre.

The 'L' shaped building has been laid out so that there are two main active retail frontages; one faces the car park and supermarket, whilst the other faces Ecclesall Road. Although the building would ideally sit closer to Ecclesall Road and respect the curvature of the highway, this is not possible due to legal covenants. The layout of the site has been amended so that the building is sited closer to eastern edge of the site and as a result, it will not appear to sit within vast swathes of car parking.

The scheme respects the building line along Ecclesall Road and the amended layout has brought the building closer to the boundary with the supermarket car park. This helps reduce the impact of the building upon neighbouring residents to the west and also improves the prominence of the building, which is considered to help regenerate the local built environment and a prime gateway site that helps mark the outer boundary of the city centre and the start of an arterial city route.

The layout does not significantly alter the access to the site, however, unlike at present, the main vehicular access is taken from Harrow Street. Between the building and Ecclesall Road there will be a shared surface that prioritises pedestrian access. This area will create a strong active retail frontage and increase the legibility of the pedestrian routes along Ecclesall Road, which is currently interrupted by various boundary treatments. The building will also create small active frontages along the east and south elevations. The southern point will form a legible pedestrian route across to the supermarket from Harrow Street and allow the development to respond positively to the neighbouring site should the culverted river ever be opened up in the future.

- Scale

The local built environment comprises of buildings that vary significantly in scale, built form, massing and design. For example, the built forms that surround the site range from relatively low rise, large footprint units, to high rise, small footprint units.

To the east of the site there is a large supermarket that is fairly low, whilst to the west there is a 7-8 storey 'Wards Exchange' office block. On the opposite side of the road there is a five storey purpose built student accommodation building with commercial units at ground floor. Further afield, yet close enough to the site to form the surrounding built context of the site, is Velocity Tower which is over 15 storeys in height.

The site is at the head of Ecclesall Road and this parcel of land is considered to be a gateway that marks the start this main arterial route in and out of the city centre; although lower two storey buildings form the main district shopping centre along Ecclesall Road, closer to the city centre from the former brewery up to the roundabout, the heights of buildings increase quite significantly. This increased height has also been reinforced by recently granted planning permissions in the

immediate vicinity at 245 Ecclesall Road (Ref: 16/03159/FUL) & 10 Summerfield Street (Ref: 16/01362/FUL).

The increase in height of buildings is therefore considered to be a distinctive character of this part of Ecclesall Road and although the Waitrose site is relatively low in scale and massing, this is very much an anomaly of the wider area.

It is therefore considered that the scale of the proposed building will reflect the importance of the site as the gateway to one of the city's most important residential/ commercial areas. Furthermore, such a prominent land mark building will improve the views and vistas out from the city centre and create a welcoming entrance to Ecclesall Road.

- Massing, Detailing and Materials

The original built form that was submitted to the Local Planning Authority has been altered to reflect the importance of the site and to reflect the varying heights of the neighbouring buildings. As such, this sees the taller section fronting Ecclesall Road and set on the corner closest to the ring road, while this scale drops closer to the residential units associated with the Wards Brewery development. The proposed massing is considered appropriate.

The height and prominence of the key north eastern corner is emphasised by the design and elevational treatments of the building, which is welcomed. In addition, a number of features are employed to ensure visual interest, which includes deep windows reveals, brick detailing around windows and generous areas of glazing. The two storey high ground floor commercial units would provide a strong frontage and overall, the design is considered to be elegant and respectful to the surrounding built environment.

It is proposed to use a red brick that is found on various surrounding buildings, including the close Grade II Listed church on Napier Street.

- Design Conclusions

Overall it is considered that the scale, massing and detailing of the structure is appropriate, ensuring that the proposal takes the opportunity to provide a land mark building at the head of Ecclesall Road. The proposal is therefore considered to be acceptable with regards to the NPPF relevant local design policies.

Impact on Heritage Assets

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

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

A Grade II Listed Church is sited to the south of the proposed building approximately 75 metres away. A proposal for an 8 storey residential building has been approved to the south of the proposed building and this would be set in between the Grade II Listed church and this proposed development.

Although the proposed building would be significantly taller than the listed building and the neighbouring site has not been developed as yet, the siting of this proposal and the stepped built form is considered to prevent the proposal from creating substantial harm to this heritage asset.

Due to the scale of the development, it would however be difficult to argue that the proposal would not create less than substantial harm upon the neighbouring heritage asset. Consequently, this impact should be weighed against the public benefits.

This planning assessment overall has identified that the scheme would regenerate a prominent vacant site, that represents a significant investment and employment opportunity for the city. Moreover, such a scheme would also help towards the shortfall in respect of Sheffield's housing land supply. The site is also within a highly sustainable location.

When weighted against the less than substantial harm identified, these associated benefits of the scheme ensure it is not in itself considered to be so harmful as to warrant the refusal of the application on conservation grounds.

Landscaping and Ecology

Policy BE6 of the UDP states that good quality landscaping design will be expected in new developments. Furthermore, policies GE15 and GE17 seek to improve the ecology of a site and seek to protect and enhance trees, woodlands and waterways.

This proposal relates to a site that has minimal soft landscaping, although some sections of the landscaping along the eastern edge of the site with the supermarket is within the ownership of the applicant.

Although it is not proposed to incorporate large swathes of soft landscaping, the proposal improves the quality and appearance of the areas of hardstanding on the site and will incorporate the plantation of some new trees. Furthermore, the proposal has been designed with roof garden areas to ensure that the development integrates better with the natural environment and improves biodiversity.

The site is close to the culverted Porter River, but at no point does it encroach upon it. The applicant does not have control over the culvert and cannot influence the opening up of the river. However, the proposal has recognised the importance of opening up streams and rivers and the building has been designed so that in future, should the neighbouring site be opened up in full, or in part, the building would have an active frontage facing any potential public realm improvements.

Accordingly, with regards to the above, the proposal is considered to be acceptable in terms of UDP policy BE6, GE15 and GE17.

Living Conditions of Future Occupants

Policy H7 (Mobility Housing) of the UDP has set standards for acceptable levels of mobility housing within residential development. However, as these standards are not part of an up to date local plan they have been superseded by the recently introduced Technical Housing Standards (2015), which effectively removes the requirement for mobility housing until Sheffield has an up to date Local Plan.

With that said, the proposed units are able to be modified to meet the requirements of any disabled persons and lifts are of a sufficient size for a wheelchair to turn. This lift access is provided to all floors.

The living accommodation provided is generous in terms of the sizes of bedrooms and living quarters and 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, which would give a private external amenity space to each apartment, there are various large communal areas, including shared roof top gardens. Furthermore, as the proposal is set within a very sustainable location, local amenity spaces are easily accessed, along with a variety of local facilities.

Impact of Proposal upon Living Conditions of Neighbouring Properties

The neighbouring buildings are slightly lower than the subject building, with the closest residential properties being the former Wards Brewery Site across Harrow Street, which is up to 8 storeys in height. The proposed building has been designed so that the lowest parts are the closest points to the existing neighbouring residential buildings and these are approximately 45 metres away in relation to a direct line of site. In addition, the taller section of the building that is closest to this road is sited next to the Wards Exchange office building, rather than any residential apartments.

Therefore, although the height of the building is taller than the existing residential building to the west, the siting and overall massing of the building is not considered to significantly restrict light or outlook to the extent that permission should be refused on this ground.

Concerns have been raised regarding the levels of privacy between the subject building and the existing neighbouring residential properties. The building is set so that its closest part to Harrow Street is next to the Wards Office building, rather than the neighbouring residential properties. In addition, any direct overlooking with the existing residents in the block to the west will occur over a distance of approximately 45 metres, which is more than sufficient to retain acceptable privacy levels.

Ecclesall Road separates the scheme from the residents to the north, which again provides a sufficient separation distance with regard to privacy.

As such, the proposal is not considered to be detrimental to the living conditions of any neighbouring residents/uses and therefore accords with the relevant amenity policies.

Noise Impact and Residential Amenity

A noise impact assessment has been carried out and the main noise source identified is traffic along Ecclesall Road, which is busy arterial road. There is also potential for noise and disturbance from the commercial uses being proposed on the lower floors.

As such a number of measures are being proposed to ensure these noise sources are managed, including:

- Limiting the amount of potentially noisy night time uses.
- Limiting the hours the commercial units can operate.
- Introducing noise management measures into the design of the commercial units.
- Ensuring the glazing specification and ventilation used in the student units is appropriate.

Additional Response to Comments Raised by Neighbouring Residents

The majority of the matters raised within the representation have been addressed in the above assessment. The remaining issues are addressed as follows:

- Local residents raised concerns with potential noise and late night student activities. Concerns were also raised regarding fly tipping, litter generation and decline of standards of living during the construction phase.

In response, it is not reasonable to assume that such anti-social issues will occur simply because the use is as student accommodation.

In addition, there are high background noise levels in the area already and the neighbouring apartments would have been built with suitable measures to deal with such noise.

The site is also surrounded by various litter bins and the redevelopment of the site will improve the appearance, security and maintenance of the area. As such, issues such as littering and fly tipping should be reduced as residents and commercial units will take ownership of the areas surrounding the building.

Although it is acknowledged that during the construction phase noise and disturbance will be increased, Environmental Protection Services have powers to ensure that the construction works are carried out at reasonable times and in ways that will not be detrimental to the living conditions of the neighbouring residents to an unacceptable level. The conditions also require a construction management plan, which will help with matters such as dust nuisance.

Microclimate Impact

The building has a massing of mostly 8 and 10 storeys, which is comparable to the immediate neighbouring buildings. The tallest section reaches 15 storeys in height, but this is set away from the neighbouring properties and close to the large open space that is used as a car park for the supermarket. The building's massing is broken up and the siting is not close to other buildings of significant height that could collectively affect the micro climate around the proposed building. A micro-climate assessment has not been carried out for this proposal; however, it is considered that the siting of the building, together with its design and massing, are acceptable and would not adversely affect the surrounding micro climate to the extent that further scrutiny of the proposal in this regard would be required by this planning application.

Highway Issues

The application contains a full Transport Assessment and it is proposed to provide 65 car parking spaces and 30 cycle spaces, together with 6 motorcycle spaces. Car parking provision is less than the Council's maximum parking guidelines, however, the site is very sustainable, given its close proximity to the city centre and various bus links on Ecclesall Road.

The proposal will make slight changes to the vehicle access; however, the access off Ecclesall Road will be one way only, as it is now. The proposed changes are considered to be satisfactory with the main access from Harrow Street and the proposal is therefore not considered to be detrimental to highway safety.

TRICS data has been used to model the traffic generation and proposed junction changes. This suggests the proposed arrangements would not lead to a significant increase in car travel to and from the site that would be unsafe and detrimental to the safety of the surrounding highway network.

The proposal would also provide cycle parking within the site and the arrangement of the car parking within the site is designed so as not to conflict with other modes of transport. A cycle network runs along Ecclesall Road and down to the underpass towards the city centre. The proposed changes to the entrance link the site to these networks and it is considered that the proposal complies with these policies.

Air Quality

Policy GE23 (Air Pollution) of the UDP sets out that development will only be permitted where sensitive uses would not be affected by air pollution.

Core Strategy Policy CS66 (Air Quality) is also relevant and stipulates that action to protect air quality will be taken in all areas of the city, especially where residents in road corridors with high levels of traffic are directly exposed to levels of pollution above national targets.

The whole of the City's urban area is designated as an Air Quality Management Area (AQMA) and an Air Quality Assessment has been carried out in order to

assess the impact of the proposed development on the AQMA. The report has predicted pollutant concentrations resulting from the construction phase and operation of the building.

In relation to the operational phase, owing to factors such as the already consented scheme on the site (see 16/00515/FUL) this phase of the development will have a negligible impact on local air quality.

The report recommends that mitigation measures are employed during the construction phase in order to reduce dust nuisance and limit emissions and these measures will be secured by condition should Members be minded to approve the application.

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.

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.

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

Land Contamination

Owing to past land use(s) there is likely to be land contamination that would require remediation. As such, before development commences the applicant will be required to submit information to characterise the contamination on site and propose a remediation scheme to ensure safe redevelopment. This remediation work will have been completed before the site is occupied ensuring issues of contamination are dealt with.

Archaeology

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

As the development is set over 8 metres away from any section of the adjacent culverted river, it is not considered that the proposal would be harmful to the archaeologically important features that are believed to be close to this area. Consequently, it is not considered that further archaeological investigations are required on this site.

SUMMARY AND RECOMMENDATION

This proposal, for the erection of 251 apartments within a purpose build student block set above seven commercial units, is considered to be a sustainable development on a brownfield parcel of land.

Sited within an aspiring mixed use area, the land is within walking distance of other existing 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 is located within a defined District 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.

With regard to flooding, the Sequential Test and an Exception Test have demonstrated no sequentially preferable sites are available, and the scheme can be made flood resilient. In addition, 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, together with the proposed drainage measures, will ensure that there is a suitable reduction in the amount of surface water runoff.

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, with the highest part creating a focal point to the entrance of Ecclesall Road, while the elegant 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 eastern edge of the site reinforces the stature of the building and gives it a strong presence that is acceptable in the context of the surrounding built environment, which includes the tall velocity building on the roundabout that links Ecclesall Road to the ring road. The presence is furthered by a strong, well detailed building that benefits from a two storey high entrance above the commercial units.

The scheme is not considered to give rise to any unacceptable 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 conditional approval.



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Chief Planning Officer

Date: 22 August 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.	White Waters, Station Road, Halfway, S20	Erection of building and change of use to residential	14/07/2017	08/08/2017- An email has been sent informing the owner to stop using the property as residential and to remove the building. EN is being drafted and will be served shortly. (17/00398/ENCHU – KM)
2.	Unit 2, Holbrook Rise, S20	Condition 3 relating to operating times in connection with planning permission (13/03823/FUL)	30/05/2017	08/08/2017- A BCN was served on the 23/06/2017 and it has now been complied with - NFA. (17/00121/ENBC – FS)

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
3.	83 Northern Avenue, S2	Unauthorised erection of a high fence at the front of the property	13/04/2017	08/08/2017 – EN served on 25/07/2017 with a 12 week compliance period. (15/00346/ENUHD – FS)
4.	Barleywood Road, S9 5FJ	Unauthorised use as a breakers yard and erection of a building	01/11/2016	08/08/2017 – Awaiting appeal decision. 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)
5.	142 Devonshire Street, S3	Unauthorised signs and the repainting of the shop front	09/08/2016	08/08/2017 – EN has not been complied with and planning application remains invalid. Statement to be done for prosecution. 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)
6.	126 Birley Spa Lane S12 4EJ	Unauthorised flue, and shipping container, and prevent the unauthorised use as a Fast Food Takeaway.	09/08/2016	08/08/2017 – The use is still continuing and the container and the flue have not been removed either. Evidence is being gathered for prosecution for non-compliance with EN. 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)
7.	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	08/08/2017 – The EN has not been complied with, statement to be done for prosecution. 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)

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
8.	15 Westfield Terrace, S1	Signage	17/05/2016	08/08/2017 – File being prepared for 2nd prosecution. 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)
9.	25 Moor Valley, S20	Unauthorised fence	26/04/2016	08/08/2017 – Witness statement has been done and file to be sent to Legal Services for prosecution on 09/08/2017. 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)
10.	38 Sandy Acres Close, S20	Log cabin in rear garden	15/03/2016	08/08/2017 – The EN has not been complied with and the works approved in application (17/00718/FUL) have not been complied with either, therefore the matter is to be reported for prosecution on 09/08/2017. 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 appealed against (16/00263/FUL). EN to being drafted and will be served shortly. (15/00626/ENUHD – FS)
11.	87 High Street, S20	Flue	15/03/2016	08/08/2017 – Draft EN with legal and will be served shortly. (14/00128/ENUD – FS)

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
12.	43 Moorthorpe Rise, S20	Encroachment of garden into buffer strip	22/12/2015	08/08/2017 – Works have been done - NFA 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 – 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)
13.	261 Staniforth Road, S9	Erection of Marquee	01/12/2015	08/08/2017 - 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)
14.	138 West Street, S1	Fascia signs	29/09/2015	08/08/2017- The sign has been removed – NFA. 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)
15.	55 Bawtry Road S9	External wall insulation	24/06/2014	08/08/2017- Statement being done for prosecution. 20/04/2017 – Reminder letter to be sent to installer. 17/10/2016 – Works have begun to comply with Notice –

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
				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)
16.	24 Dundas Road, S9	External wall insulation	24/06/2014	08/08/2017- Statement being done for prosecution. 20/04/2017- Reminder letter to be sent to installer. 17/10/2016 – Works has begun to comply with Notice – 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)
17.	1 Blackmore Street, S4	Re-roofing of a listed building	16/06/2015	08/08/2017 – The building has been taken over by a new owner. A letter sent to new owners on 20/07/2017 asking to comply with EN by 12/10/2017. 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)
18.	Woodhouse Spice, 14 Market Square, S13	Unauthorised signs on a listed building	26/05/2015	08/08/2017 – The signage has not been removed and the matter is now to be reported for prosecution. 20/04/2017 – An application (16/04729/ADV) for alternative signage has

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
				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)
19.	20 Dovercourt Road, S2 1UA	Untidy front and rear garden	20/11/2014	08/08/2017 - 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)
20.	33 Pavilion Way, S5 6ED	Unauthorised single storey side and rear extension	09/12/2014	08/08/2017 - Seeking legal advice on enforcement options, there are building regulation issues that need to be considered. 20/04/2017 – Appeal against the planning application (15/00183/FUL) was allowed conditionally – Condition requires plastic to be replaced by brickwork. Serious defects with extension have made it impossible to comply with building regulations; therefore this PP cannot be implemented. (16/00121/ENBC – LB)
21.	42 Dundas Road, Tinsley, S9 1SY	Unauthorised external flue	15/10/2013	08/08/2017 - Awaiting Police to execute the warrant which was issued on the 13/08/2015. 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)
22.	484 Staniforth Road, Darnall, S9 3FW	Unauthorised roof extension	25/01/2010	08/08/2017- The owner was found guilty and fined £250, costs £350 and £30 Surcharge. 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 2 nd time and was fined £140.00 with £260 costs. A letter has been sent asking for the EN to be complied with – no response received therefore the matter will now be reported for 3 rd prosecution. 03/05/2016 – Court hearing on the 9/03/2016 and was subsequently adjourned until 12/05/2016.

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
				08/02/2016 – prosecution file with litigation waiting for court date. 20/10/2015 – 2 nd prosecution statements being done. 08/07/11-Fined £200+100 costs, reminder to be sent to comply with EN. 20/01/2011 (10/00384/ENUD – LB)

SOUTH AREA

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
1.	17 High Trees, S17	Unauthorised tree house	02/08/2017	08/08/2017- Retrospective PP has been refused – A letter to be sent asking for the tree house to be removed within 21 days. (16/00586/ENUHD – AW)
2.	41 Glen Road, S7	Unauthorised creation of hardstanding	07/07/2017	08/08/2017 – EN is being prepared and will be served shortly. (16/00403/ENART4 – AW)
3.	84 Psalter Lane, S11	Unauthorised removal of boundary wall	26/07/2017	08/08/2017 – S330 Notice has been served. (14/00264/ENART4 – AW)
4.	23 Brincliffe Gardens, S11	Unauthorised erection of relating wall and re-grading of front garden	06/06/2017	08/08/2017 – Retrospective PP has been refused – A letter to be sent asking for the wall to be removed and garden area to be reinstated within 21 days. (16/00482/ENUHD – FS)
5.	Adams Express, 32 Lowedges Road, S8 7LB	Unauthorised large shipping container	17/03/2017	08/08/2017 – The Notice has not been complied with. Statements have been prepared and file is with legal. 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)
6.	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	08/08/2017 – The works has been done which is considered acceptable - NFA 21/04/2017 – BCN has been served on 10/04/2017, comes into effect and compliance on 08/05/2017. (14/00628/ENBC – KM)
7.	12 – 14 Barber Road, S10 1ED	Breach of condition 3 relating to the fume extraction system fitted without prior approval in connection with	17/03/2017	08/08/2017- Planning application (17/02056/FUL) has been submitted and is pending consideration, any further enforcement action held in abeyance until application has been determined. 21/04/2017 – A BCN has been served on 10/04/2017, comes into effect and compliance on the

		planning permission (16/01257/FUL)		28/05/2017 (17/00087/ENBC – AW)
8.	12 Croydon Street, S11 8BD	Unauthorised ground floor extension	14/02/2017	08/08/2017 – EN has not been complied with and the matter has been reported for prosecution. 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)
9.	369 – 373 Abbeydale Road, S7 1FS	Unauthorised canopy	14/02/2017	08/08/2017 – EN was served on 09/05/2017, took effect on 12/06/2017 and has a 16 week compliance period 02/10/2017. 21/04/2017 – EN being drafted and to be served. (16/00362/ENUD – FS)
10.	13 College Street, S10 2PH	Planning permission (16/02068/FUL) refused with enforcement action for the retention of Service meter boxes on the front elevation of the property	09/08/2016	08/08/2017 – EN served on 3/07/2017 and takes effect on 02/08/2017, compliance by 18/10/2017 - 21/04/2017 – Check on site if the boxes have been relocated if not serve EN. 17/10/2016 – In discussion with owners to get the meter boxes relocated to an alternative more acceptable location. (14/00445/ENART4 – AW)
11.	Unit B, Old Station Drive, S7 2PY	Unauthorised fence	28/06/2016	08/08/2017- Site visit to be done to check if all the work has now been done as required in the EN. 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)
12.	3 Nether Edge Road, S7	Unauthorised Canopy	23/02/02016	08/08/2017 – EN has been complied – NFA. 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)
13.	Broomhill Property Shop, 319 Glossop Road, S10	A fascia sign has been erected on a listed building without consent	10/11/2015	08/08/2017 – The signage has not been removed statement to be prepared for prosecution. 21/04/2017 – EN A letter to be sent asking to remove the signage within 21 days. (15/00087/ENLBD – AW)
14.	3 Crescent Road, S7	An erection of a tree house	22/12/2015	08/08/2017 – Most of the work has been done – Monitor site. 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)
15.	259 Abbeydale Road, S7	Unauthorised erection of digital signage		08/08/2017 – the sign has been switched off and is no longer being used as a sign. Seeking legal advice to determine if the box is now considered as an operational development. 21/04/2017 – The company was prosecuted on 21/03/2017 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)
16.	16 Moor Oaks Road, S10 1BX	Unauthorised replacement of windows	01/12/2015	08/08/2017 – the EN has been complied with – NFA. 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)
17.	166 Abbeydale Road, S7	Unauthorised canopy	03/03/2015	08/08/2017 - 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)
18.	277A Fulwood Road, S10 3BD	Unauthorised replacement of 1st floor windows	13/05/2014	08/08/2017 – EN was served 06/04/2017 and took effect on 15/05/2017 with compliance required by 15/11/2017. (13/00710/ENUD – BG)
19.	Vestry Hall 80 Crookesmoor Road, S6 3FR	Untidy Grade 2 Listed building	16/10/2014	08/08/2017 – 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)
20.	44 Grange Crescent, Nether Edge, S11 8AY	Unauthorised replacement of windows, roof tiles, guttering, door and repainting of headers, sills and architectural feature	07/02/2011	08/08/2017 – Statement has been prepared and file is with Legal Services. 21/04/2017 – No work has been carried out. Statement to be done for 3 rd 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. (10/00370/ENART4 – KM)
21.	166, 223-225, 234, 235, 243-245 and 280 Abbeydale road, S7	Illegal Signs	16/09/2014	08/08/2017 – Some of the signs have been changed and seeking legal advice on whether action can be taken on existing authority granted at Committee for those that remain. 21/04/2017 - Statement to be done for prosecution. 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. 08/02/2016 – Serving 330 Notice on new occupiers and prosecution file being prepared for 223-225 Abbeydale Road. 22/10/2015 – No 280 has been prosecuted and fined £420 in total and the signs have been removed. 13/07/2015 – Property no 280 due in Court in August 2015 and with regards to other properties officers are trying to identify the owners before reporting to prosecution. 16/01/2015 – Occupier details being identified before the matter is reported for prosecution. 14/10/2014 - Writing to owners/occupiers to advice of pending prosecution - locating up to date contact details for each property. (13/00164/ENOA – AW – 166) (13/00160/ENOA – AW – 234) (13/00162/ENOA – AW – 235) (13/00161/ENOA – AW – 243-245)
22.	263 Cemetery Road, S11 8FS	Unauthorised replacement of windows to the front and side of	05/11/2013	08/08/2017 – 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

		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.		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	08/08/2017 – 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.	Ball Inn, Mansfield Road, S12 2AG	Unauthorised Hoarding	21/06/2010	08/08/2017 – A letter to be sent giving a deadline for the hoarding to be removed. 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)
25.	Norfolk Arms Public	Unauthorised fume	19/05/2008	08/08/2017 – Some changes have been made and an

	House, Ringinglow Village, S11 7TS	extraction and Lighting Columns.	& 21/09/2009	<p>assessment is to be carried out to determine if it is in the public interest to take enforcement action. 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.</p> <p>(10/00759/ENBC – BG)</p>
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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	08/08/2017 – Applications have been submitted (16/04644/FUL and 16/04589/EIA) to address the BCN issues, Applications currently pending consideration further enforcement action to be held in abeyance until applications have been determined. 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 Non-compliance with conditions of planning permission 13/03412/FUL</p> <p>Illegal signage</p>	22/11/2016	08/08/2017 - 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	08/08/2017 – A Public enquiry has been opened on 13/06/2017 and has been adjourned to 21/11/2017. 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	28/06/2016	08/08/2017 – Works have been done as required in the EN – NFA. 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.

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
		shipping container		(15/00431/ENCHU - AW)
5.	110 Bolsover Road, S5	Unauthorised external wall insulation added to front and rear walls of house in breach of the materials condition in the planning permission under PD.	11/12/2014	08/08/2017- A further assessment has been carried out and it is considered that in the context of other properties in the area it is considered not expedient to enforce. – NFA. 21/04/2017 - Difficulties in identifying the owners address 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	08/08/2017 – An application (17/02228/FUL) has been granted for alterations to the existing canopy so that it is more acceptable. A letter to be sent to owner asking for confirmation as to when the works will be carried out. 21/04/2017 – Pleaded 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	08/08/2017 – Quotes being requested for direct action. 21/04/2017 – Statements being done for 2 nd 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

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
				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.	290-308 Pitsmoor Road	(1) Use of Ground floor for retail shop, 1 st & 2 nd floors as HIMO, (11/00050/FUL refused) (2) Canopy to front of Shop refused PP	19/4/2011	08/08/2017 - 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. (14/00535/ENBC – KM)
9.	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	15/12/2009	08/08/2017 – In discussions with owners to 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

NO	SITE	BREACH	DATE OF AUTHORITY	CURRENT SITUATION
		green maintenance.		<p>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. (16/00256/ENBC – LB)</p>



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Chief Planning Officer

Date: 22 August 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
22 AUGUST 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 the demolition of existing garage and erection of dwellinghouse at the curtilage Of 47 Glenalmond Road Sheffield S11 7GX (Case No 17/00907/FUL)

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to not approve details for an application to approve details in relation to condition 4 (outdoor furniture), 5 (cafe screens) and 6 (internal layout and obscure glazing) as imposed by planning permission 15/03537/FUL at Kiosk 1The Moor Sheffield S1 4PF (Case No 15/03537/COND3)

(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to grant part refuse part advertisement consent for Sign A - Internally illuminated Wall panel Signs B to O- Re-signage of car dealership at Mercedes Benz Sheffield Road Tinsley Sheffield S9 2FZ (Case No 17/01009/ADV)

(iv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the erection of a first floor extension over existing garage to form additional living accommodation at 35 Farnaby Drive Sheffield S35 4NY (Case No 17/00101/FUL)

(v) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to grant conditionally advertisement consent for the replacement of 2no. existing illuminated 48-sheet advertising displays with 2no. 48-sheet digital LED advertising displays at JCDecaux Advertising No 119 01 45 Metres Southwest Of 1 Vantage Drive Sheffield Road Tinsley Sheffield S9 1RE (Case No 17/01765/ADV)

3.0 RECOMMENDATIONS

That the report be noted

Rob Murfin
Chief Planning Officer

22 August 2017

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