

Planning and Highways Committee

Tuesday 20 March 2018 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
20 MARCH 2018**

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 27 February 2018
- 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 - 10)
Report of the Director of City Growth Department
- 8. Land between James Walton Court and Station Road, Sheffield S20 3GY (Case No. 18/00037/FUL)** (Pages 11 - 24)
- 9. Within The Curtilage Of 200 Abbey Lane Sheffield S8 0BU (Case No. 17/04966/FUL)** (Pages 25 - 40)
- 10. Koh-I-Noor, 386 Handsworth Road, Sheffield, S13 9BY (Case No. 17/03290/OUT)** (Pages 41 - 64)
- 11. Record of Planning Appeal Submissions and Decisions** (Pages 65 - 68)
Report of the Director of City Growth Department
- 12. Date of Next Meeting**
The next meeting of the Committee will be held on 10 April 2018

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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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Planning and Highways Committee

Meeting held 27 February 2018

PRESENT: Councillors Dianne Hurst (Chair), David Baker, Jack Clarkson, Michelle Cook, Tony Damms, Roger Davison, Zahira Naz, Peter Price, Peter Rippon, Chris Rosling-Josephs, Andrew Sangar (Substitute Member), Zoe Sykes and Cliff Woodcraft (Substitute Member)

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Ian Auckland and Joe Otten and Councillors Andrew Sangar and Cliff Woodcraft attended the meeting as the duly appointed substitutes. An apology for absence was also received from Councillor Alan Law but no substitute was appointed.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the meeting of the Committee, held on 6 February 2018, 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. CONFIRMATION OF TREE PRESERVATION ORDER NO. 416A: ON LAND AT 396 MYERS GROVE LANE

6.1 The Director of City Growth Department submitted a report seeking confirmation of Tree Preservation Order No. 416A on land at 396 Myers Grove Lane, Sheffield, S6 5LA. The report stated that the Order was made on 7 December 2017 to protect ten large Sycamore trees in the front gardens of the property.

6.2 It was explained that, whilst the owner of the property had questioned the necessity for the Order, no formal objection had been received. A copy of the Order and site plan, the letters received from the owner of the property and the

Tree Evaluation Method for Preservation Orders were attached to the report now submitted.

6.3 Consideration was also given to a late representation in support of the Tree Preservation Order from Loxley Valley Protection Society, which was detailed in a supplementary report circulated at the meeting.

6.4 **RESOLVED:** That no objections having been received, Tree Preservation Order No. 416A made on 7 December 2017 on land at 396 Myers Grove Lane, be confirmed unmodified.

7. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

7.0.1 **RESOLVED:** That 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.

7.1 COWMOUTH FARM, 33 HEMSWORTH ROAD, S8 8LJ (CASE NO. 17/04771/FUL)

7.1.1 Notwithstanding the officer's recommendation and having (a) noted the wording of Condition 21 that was proposed to be removed in respect of the application being considered below and that, subject to planning permission being granted, a further application would also be required to vary Conditions 3 and 9 of the site's reserved matters approval (Case No.16/02968/REM), as detailed in a supplementary report circulated at the meeting and (b) heard representations at the meeting from a local Ward Councillor speaking against the removal of Condition 21 and from the applicant's agent speaking in support of the removal of Condition 21, an application for planning permission under Section 73 to remove Condition 21, imposed by planning approval Case No. 15/00158/ OUT, in respect of the provision of a shared pedestrian/cycle path at Cowmouth Farm, 33 Hemsworth Road, Sheffield, S8 8LJ (Case No. 17/04771/FUL) be refused, as the Committee considered that removing the pedestrian/cycle path from the proposed housing scheme through to Warminster Place would result in the loss of a valuable local facility that provided and promoted choice of sustainable travel options, increased the permeability of the site and access to public areas and contributed towards a sustainable environment and neighbourhood, as such it was considered be contrary to the aims of policies CS53 and CS74 of the Sheffield Development Framework Core Strategy, T7 and T10 of the Unitary Development Plan and paragraph 69 of the National Planning Policy Framework.

7.2 PYRAMID CARPETS, 709 CHESTERFIELD ROAD, S8 0SL (CASE NO. 17/03517/FUL)

- 7.2.1 Having (a) noted a correction to the report now submitted on Page 53 in respect of Policy CS26 concerning the housing density figures, as detailed in a supplementary report circulated at the meeting and (b) heard representations at the meeting from a local Ward Councillor speaking against the proposed development and from the applicant's agent speaking in support of the proposed development, an application for planning permission for the change of use of the 1st and 2nd floors to use as 14 apartments including rear extensions at Pyramid Carpets, 709 Chesterfield Road, Sheffield, S8 0SL (Case No. 17/03517/FUL) be granted, conditionally, for the reasons detailed in the report now submitted.

8 RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 8.1 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.

9 DATE OF NEXT MEETING

- 9.1 It was noted that the next meeting of the Committee will be held at 2:00p.m. on Tuesday, 20 March, 2018 at the Town Hall.

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SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Director of City Growth Department

Date: 20/03/2018

Subject: Applications under various acts/regulations

Author of Report: Lucy Bond and Chris Heeley

Summary:

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

Recommendations:

Background Papers:

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.

Category of Report: OPEN

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Case Number	18/00037/FUL (Formerly PP-06623751)
Application Type	Full Planning Application
Proposal	Erection of a dwellinghouse with integral garage
Location	Land Between James Walton Court And Station Road Sheffield S20 3GY
Date Received	02/01/2018
Team	City Centre and East
Applicant/Agent	Mrs Linda Trollope
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:

4FA/154 01a Rev A - Location and Site Plan
4FA/154 01a 04 - Side Elevation and Boundary Wall
4FA/154 01a 02a - Elevations and Floor Plans

Reason: In order to define the permission.

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

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

when the protection measures are in place and the protection shall not be removed until the completion of the development.

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

4. No development shall commence until a mines gas risk assessment has been undertaken and a desktop study report has been submitted to and approved in writing by the Local Planning Authority. The report shall be prepared in accordance with Contaminated Land Report CLR11.

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.

5. Any intrusive investigation recommended in the Mines Gas Risk Assessment Desktop Study 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.

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

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

7. No development shall commence until the highways improvements (which expression shall include traffic control, pedestrian and cycle safety measures) 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 are implemented (subject to the approval of the traffic regulation order) before the dwelling is brought into use.

Highway Improvements: Measures to restrict on-street parking close to the junction of James Walton Court and Station Road.

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.

8. No development shall commence until further intrusive site investigations within the footprint of the proposed building 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. The report shall incorporate the findings arising from the intrusive site investigations and any remedial measures necessary, including the submission of a plan showing the areas of search undertaken to ascertain the presence / absence of mine entry: 443381-003 within the application site boundary. In the event that site investigations confirm the need for remedial works to treat areas of shallow mine workings or special foundations are required 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)

9. 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.

10. 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.

11. Prior to the house being occupied details of the siting and design of a boundary fence to separate the house plot from the landscaping buffer strip which is to be retained adjacent to Station Road shall be submitted to and approved by the Local Planning Authority. The approved fence shall be implemented before the house is occupied and thereafter permanently retained. The landscaping within the buffer strip adjacent to Station Road shall not be removed and shall be maintained as woodland planting. The retained buffer strip shall not be used as part of the garden/amenity area for the dwelling.

Reason: In order to ensure the woodland buffer strip adjoining Station Road is retained in the interests of the visual amenity of the locality and ensuring a green corridor is maintained for the movement of wildlife.

12. A comprehensive and detailed hard and soft landscape scheme for the site including details for the management and improvement of the landscape buffer zone adjoining Station Road shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

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

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

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

14. 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.

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

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

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

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

Other Compliance Conditions

17. 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.

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

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

19. 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.

20. Construction works that are audible at the site boundary shall only take place between 0730 hours and 1800 hours on Monday to Fridays, and between 0800 hours and 1300 hours on Saturdays, and not at any time on Sundays and Public Holidays.

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

Attention is Drawn to the Following Directives:

1. The applicant is advised that the development should not include any of the land identified in yellow on the highway adoption planning previously supplied by email.
2. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980. You should apply for permission, quoting your planning permission reference number, by contacting:

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

Tel: (0114) 273 6136
Email: dawn.jones@sheffield.gov.uk

3. The applicant is advised that Sheffield City Council, as Highway Authority, require that drives/vehicular access points be designed to prevent loose gravel or chippings from being carried onto the footway or carriageway, and that they drain away from the footway or carriageway, to prevent damage or injury.
4. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

Telephone: 0114 273 6677
Email: highways@sheffield.gov.uk

They will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.

5. 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:

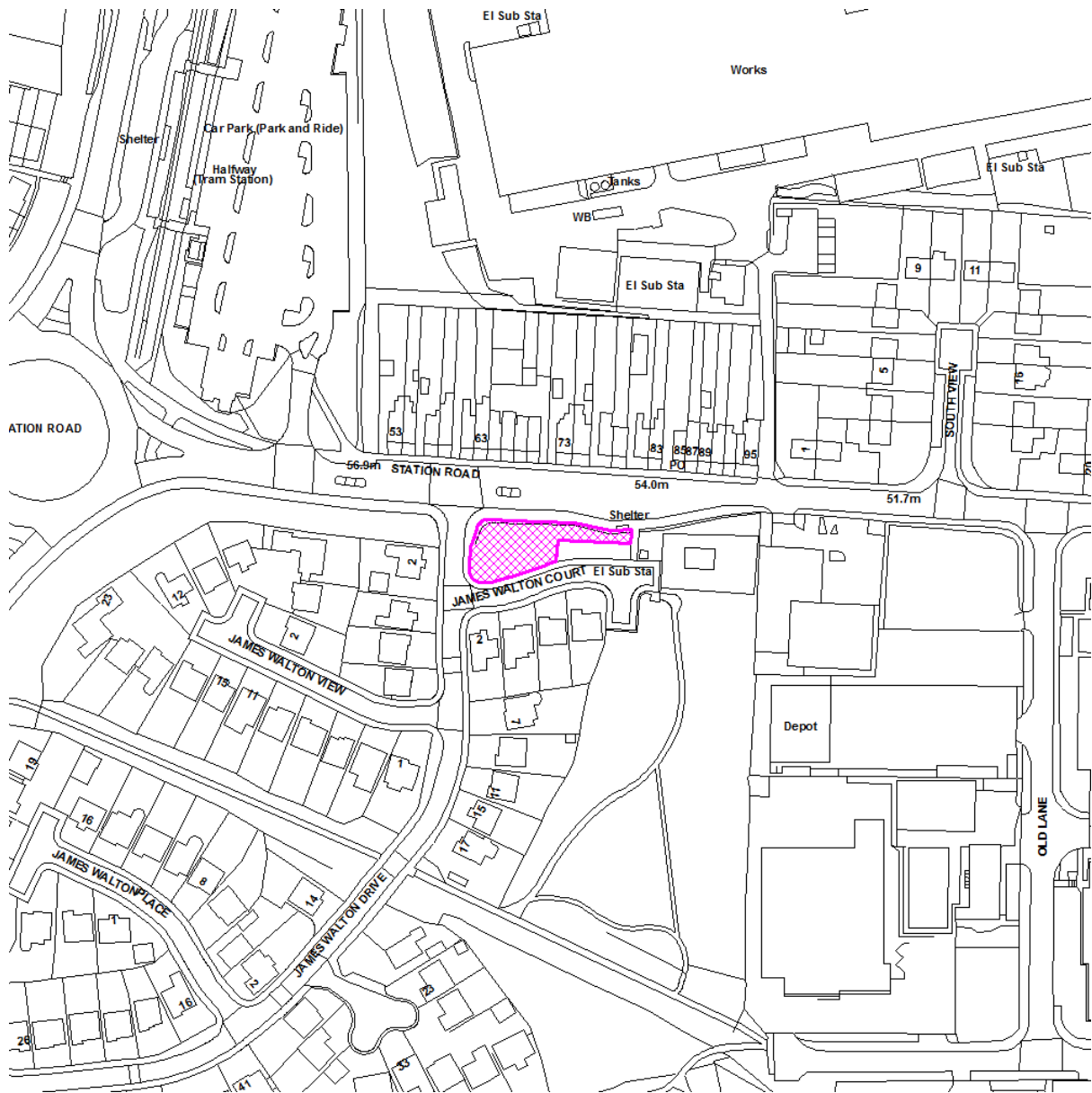
<http://www.sheffield.gov.uk/home/roads-pavements/Address-management>

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.

6. 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.
7. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process, or a draft Liability Notice will be sent if the liable parties have not been assumed using Form 1: Assumption of Liability.

Site Location



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LOCATION AND PROPOSAL

The application site consists of a landscaped area forming part of a housing estate at the corner of Station Road and Rotherham Road, Halfway. The estate was built around 2000 and is a typical suburban development of detached houses faced in brickwork with concrete tile roofs, integral garages open front gardens and frontage parking. The site adjoins a small parking area which is used as off road parking for some of the terraced and semi-detached houses on the opposite side of Station Road. Station Road is a busy road serving Mosborough, the Holbrook Industrial area and Killamarsh.

The application site is covered in trees and shrubs and forms part of a similar landscape buffer area that edges the housing site adjacent to Station Road and Rotherham Road. The site is irregularly shaped and approximately 19m wide at the western end and approximately 4m wide at the eastern end where it screens the car parking serving the housing on the other side of Station Road. The planting on the site is approximately 15 years old and was provided as part of the housing development.

The application is seeking permission for the erection of a 4 bedroom detached house with an integral garage on the southern part of the site whilst retaining a 7m to 5m deep landscape buffer along the Station Road frontage. The plans show a two storey house with an integral garage and a pitched concrete tiled roof with final materials to be agreed. A drive for 2 cars is proposed on the James Walton Drive frontage and the property is provided with an 11m deep rear garden.

RELEVANT PLANNING HISTORY

Planning application 16/03113/FUL for the erection of a dwellinghouse with integral garage was withdrawn following an objection from the Coal Authority and to allow ground investigations to be undertaken.

Planning application 17/01274/FUL was granted for removal of a small area of landscaping at the western part of the site to allow site investigations to be undertaken. This included a condition requiring the landscaping to be reinstated if permission was not granted for a dwelling within 1 year.

SUMMARY OF REPRESENTATIONS

A petition objecting to the proposal and signed by 88 people (mostly residents of the estate) has been received. The grounds of objection are that the landscaping should not be removed as it provides a noise and pollution buffer to the very busy Station Road. The drive which is close to the junction of James Walton Drive, in conjunction with vehicle parking on the road is dangerous and likely to lead to accidents.

11 neighbours have sent in individual letters of objection. The main points raised are as follows.

Highway Safety

- The house drive is too close to the junction (13m) and will compromise pedestrian and vehicular safety as drivers entering the estate from the Killamarsh direction will not be able to see vehicles entering and leaving the drive. The entrance to the estate is already hazardous due to parked cars associated with the tram stop, houses on Station Road and the bridleway. The parking associated with the dwelling will worsen this. The new drive will push this casual parking closer to the junction – parking restrictions should be provided.

Landscape/ecology

- The loss of the buffer planting is contrary to Core Strategy Policy CS 47 and will result in a shortage of open space. The original planning permission required a 10m landscape buffer to be retained. The removal of the buffer planting will result in the loss of ecologically valuable habitat and a wildlife corridor. It will result in the loss of green space which provides a visual break to the built form and its loss will adversely affect residential amenity.

Amenity/Character

- The house is too large for the plot. It is a much smaller plot than the other plots on the estate and out of character with the area and contrary to Core Strategy Policy CS26. It is also contrary to Core Strategy Policy CS74 as it does not enhance or respect distinctive features of the city including townscape and landscape character. The window to window distance is below the minimum acceptable standards and consequently there will be a negative impact on privacy which is contrary to Unitary Development Plan Policy H14. There should be no windows, or the windows on the side elevation should be obscure glazed.

Coal Mining

- The site investigation has not complied with the previous coal mining risk assessment in terms of the depth of investigations to be undertaken.

PLANNING ASSESSMENT

Policy Issues

The site lies within a General Industrial policy area in the Unitary Development Plan where the only acceptable uses are general industry and warehousing (UDP Policies IB5 and IB8). However, this policy is clearly out of date as the site was developed for housing in the late 1990s.

The National Planning Policy Framework states that where the development plan is out of date there is a presumption in favour of granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. Housing applications in particular should be considered in the context of the presumption in favour of sustainable development and housing policies should be considered out of

date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. At the current time the Council cannot demonstrate a five year supply of housing such that this weighs in favour of this proposal.

The Sheffield Development Framework Pre-Submission Proposals Map identifies the site as Open Space and as a Green Link, with the area to the south of the site as a Housing Area. Whilst this shows the emerging direction of policy it has little weight as the Council has decided to prepare a new Local Plan.

Unitary Development Plan Policy LR5 says that development in Open Space Areas will not be permitted where it would make open space ineffective as an environmental buffer.

Core Strategy Policy CS47 is concerned with safeguarding Open Space. This policy says that development in open space is not permitted where it would result in a quantitative shortage of open space; it would result in the loss of open space that is of high quality heritage, landscape or ecological value; local people would be denied access to a local park; or it would cause or increase a break in the City Green Network.

The landscaping on this site was created approximately 15 years ago as a woodland buffer strip between the housing and road. The open space function of this site is that it creates a green edge to the housing development contributing to the visual amenity of the area and helping to mitigate the impact of traffic noise and also provides a potential route for wildlife to move along Station Road.

An open space assessment has been carried out which shows that in this area there is 6.1 hectares per 1000 population as against the guideline of 2.7 hectares per 1000. Therefore the proposal will not result in a quantitative shortage of open space nor would it prevent local people having access to a local park.

There is no evidence that the site has any particular wildlife value other than a potential route for wildlife to move along Station Road. It is considered that the retained landscaping to the Station Road frontage, whilst reduced in depth will continue to perform this function. Similarly it is considered that the retained landscaping can continue to perform its buffer function of maintaining a green edge to the site and softening the urban development whilst also mitigating the noise impact. The new house is likely to be more effective in reducing the noise impact of traffic on Station Road than planting.

Given the above it is considered that the second part of Policy CS47 is engaged and the part of the site that is to be developed for housing can be considered to be surplus for its open space function and it would be too small to be re-designated for another open space function such as allotments or children's play space and therefore its loss can be accepted under Policy CS47.

It is therefore concluded that there is no strong case for resisting the application in principle based on open space policy.

Landscaping

The applicant has submitted a tree report in support of the application. This states that the trees within the site are mainly ash (approx. 6m tall) with some Hawthorn, Dog Rose and Guelder Rose planted as understorey and Blackthorn. It also refers to a single multi-stemmed Ash which might have been coppiced or cut down and the current growth is from the stump and might be the tree referred to in a TPO which exists on the site. The report suggests that the current growth is unlikely to have been noticeable when the TPO was originally made in 1997.

The report refers to the material closest to Station Road being mainly shrubs with the young Ash trees being more in the middle of the site. The applicant's consultant concludes that the most sensible course of action would be to clear the site and replant trees and shrubs following the development.

In your officers view the green edge that this landscape buffer provides to Station Road is important in visual amenity terms, in creating a buffer between the housing and the road and for the movement of wildlife. Therefore it is considered that the complete removal of the buffer and replanting is not acceptable.

The Council's landscape officer has visited the site. In your officers view there are no individual trees or shrubs of high amenity value including the TPO tree which appears to have been lost. It is considered that the proposed 7-5m wide landscape strip which is to be retained is adequate to maintain the positive visual impact the landscaping has along with the green link. Whilst the loss of the landscaping within the site will have a negative visual impact from within the housing site and reduce the width of the green link this is not considered to be so harmful as to justify resisting the proposal.

Character/visual impact

Unitary Development Plan Policy H14 states that in housing areas new buildings will be permitted provided they are well designed and would be in scale and character with the neighbouring buildings.

Core Strategy Policy H26 is concerned with the efficient use of housing land. It says that housing development will be required to make efficient use of housing land but the density of new developments should be in keeping with the character of the area and support the development of sustainable, balanced communities

Core Strategy Policy CS74 states that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods.

The proposed house is positioned opposite number 2 James Walton Court and consequently will balance the existing house on the opposite side of James Walton Drive.

The plot on which the house sits is 270m² (excluding the retained planting). This is similar to the scale of the existing plots adjacent to the site within the estate. The footprint of the house is approximately 90m² whereas the houses adjacent to the site are mainly 70-80m² excluding single storey extensions. Whilst the house is at the

top end of the size range in the estate it is not considered to be so large that would have a harmful impact on the character of the area.

The form and style of the house will be in keeping with the adjoining houses on the estate. The design is relieved by gable roofs, a projecting bay and masonry cills and lintels. The overall design of the house is considered to be satisfactory and will be in keeping with the character of the estate.

It is concluded that the proposal is well designed and will be in scale and character with neighbouring buildings. Whilst it is judged that it will not specifically enhance the character of the area it is considered to respect the local character.

Amenity

Unitary Development Plan Policy H14 says that in housing areas new buildings will be permitted provided that the site would not be overdeveloped or deprive residents of light or privacy.

The proposed house would have a rear garden of approximately 80m² and is 11m long, which is considered to be sufficient for a property of this size. The design has been amended since the original submission so that most of the habitable room windows which faced James Walton Court have been removed. The only windows now facing across James Walton Court towards the existing houses are a ground floor kitchen and utility room window and first floor bathroom windows.

The window to window distance is approximately 21m across James Walton Drive. The distance between the kitchen window and the windows in the houses on the opposite side of James Walton Court is approximately 18m. Window to window distances of 21m are normally expected on the more private facing facades such as rear elevation to rear elevation. However, reduced separation is permitted on many schemes where windows face on to the street, in order to achieve greater street enclosure, to respond to local character and as people are more tolerant of reduced privacy on the street frontages. In this case the window to window distances across the street are quite generous compared to other parts of the city because the houses within the estate have been designed with frontage car parking which pushes the houses back from the street. Given that the instances where the window to window distance are less than 21m are across the street and there is greater separation than found in many streets in Sheffield it is considered that the impact on privacy is not so great as to justify resisting this proposal.

Access Issues

Unitary Development Plan Policy H14 says that in housing areas new buildings will be permitted provided that safe access to the highway network is provided; together with appropriate off-street parking and that there is no danger to pedestrians.

The highway officer considers the location of the drive access to be acceptable as it is located approximately 15m from the Station Road junction. Following the original submission the house layout has been adjusted to move the drive slightly further from the junction. It is good practice for drives to be located 10m or more from the

junction. In this case the drive exceeds this distance from the Station Road junction but is less than this from the James Walton Court junction. This is considered to be acceptable because it maximises the separation of the parking from the main road junction. The highway officer considers that the visibility for drivers who will be slowing as they turn into James Walton Drive will be sufficient. In the case of James Walton Court the reduced distance from the junction is considered to be acceptable due to the low amount of traffic (serving only 4 dwellings) and low speed of vehicles using this junction.

Residents have raised concerns about vehicles parking on the road and pavement close to the junction when visiting adjoining sites. This is a general safety concern and such parking would also reduce the intervisibility between drivers exiting the drive and entering the estate. Given this existing problem, a condition is proposed requiring the applicant to make an application for a traffic regulation order to provide parking restrictions adjacent to the junction. As this is considered under a separate process it is not possible to guarantee that the order will be approved. However given the wider benefits to the estate, the risk of it not being supported is considered to be low.

The application site is provided with 2 off road parking spaces which means the off-street parking provision is in accordance with the Council's parking guidelines for this site.

Therefore it is concluded that there is no case for resisting this application on safety or parking grounds.

Coal Mining Risk Assessment

The applicant has undertaken ground investigations over part of the site to a depth of 2m below ground level and slightly repositioned the house so that it is outside of the zone of influence of a potential mineshaft. The Coal Authority has now withdrawn their objection to the application subject to a condition being attached for further intrusive investigations to be carried out on the site. These intrusive investigations can be carried out after the development is permitted as any remediation which may be required would not affect the siting of the building. The further investigations can take place within the footprint of the proposed building and could mean that some remedial work is required to treat shallow mine workings or that a special foundation design may be required. However there is no reason why the development cannot be made safe with the appropriate mitigation.

SUMMARY AND RECOMMENDATION

The site lies within an open space area and is covered in trees and shrubs that create a buffer to the road and potential route for wildlife whilst providing a landscape setting for the housing. Despite this the proposal is considered to be acceptable in policy terms as a landscape buffer strip to Station Road will be retained which means the valuable functions of the open space and landscaping as described above will be maintained.

The landscaping that will be removed will have a negative visual impact and reduce the width of the green link. However the impact is not considered to be so great that it will have a significantly harmful impact, given that a landscape buffer to the Station Road frontage will be retained. The form and design of the new house is in keeping with the character of the area and it will not have a significant harmful impact on the amenity of adjoining residential occupiers.

The access and parking arrangements are considered to be safe for the reasons described above and the Coal Authority has accepted that the site can be safely developed.

The provision of an additional house within an established residential area is a benefit of the proposal as there is a shortfall in the Council's five year supply of housing which can be balanced against the negative impacts referred to above. It is therefore concluded that there is no strong case for opposing this proposal and it is recommended that planning permission be granted.

Case Number	17/04966/FUL (Formerly PP-06584336)
Application Type	Full Planning Application
Proposal	Erection of two detached dwelling houses with associated works
Location	Within The Curtilage Of 200 Abbey Lane Sheffield S8 0BU
Date Received	05/12/2017
Team	South
Applicant/Agent	Space Studio
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Drawing A17-133/01 Rev D Location Plan Scan Date 07 Mar 2018
Drawing A17-133/02 Rev C Proposed Site Plan Scan Date 07 Mar 2018
Drawing A17-133/03 Rev C Proposed Floor Plans Scan Date 14 Feb 2018
Drawing A17-133/04 Rev C Proposed Front Elevations Scan Date 07 Mar 2018
Drawing A17-133/05 Rev C Side 1 and Side 2 Elevations Scan Date 14 Feb 2018
Drawing A17-133/06 Rev C Proposed Rear Elevations Scan Date 07 Mar 2018

Reason: In order to define the permission.

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

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

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

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

4. A sample panel of the proposed masonry shall be erected on the site and shall illustrate the colour, texture, bedding and bonding of masonry and mortar finish to be used. The sample panel shall be approved in writing by the Local Planning Authority prior to the commencement of the building works and shall be retained for verification purposes until the completion of such works.

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

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

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

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

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

7. 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.

8. The dwellings shall not be occupied unless details have been submitted to and approved in writing by the Local Planning Authority, showing how surface water from the hard standing areas will be prevented from spilling onto the public highway. Once agreed, the measures shall be put into place prior to the dwellings being occupied, and shall thereafter be retained.

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

9. Details of a suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority and the buildings shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

Other Compliance Conditions

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

Reason: To ensure satisfactory drainage arrangements.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Schedule 2, Part 1 (Classes A to H 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 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.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking and re-enacting the order) no windows or other openings shall be formed in the rear or side elevations of the dwellings hereby permitted except those detailed on the approved plans, without the prior written approval of the Local Planning Authority.

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

13. The bathroom windows on the rear elevations of the proposed dwellings facing west towards the rear garden of No. 206 Abbey Lane, shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity, and shall be non-opening. At no time shall the window be glazed in clear glass or be openable.

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

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website 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.

3. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

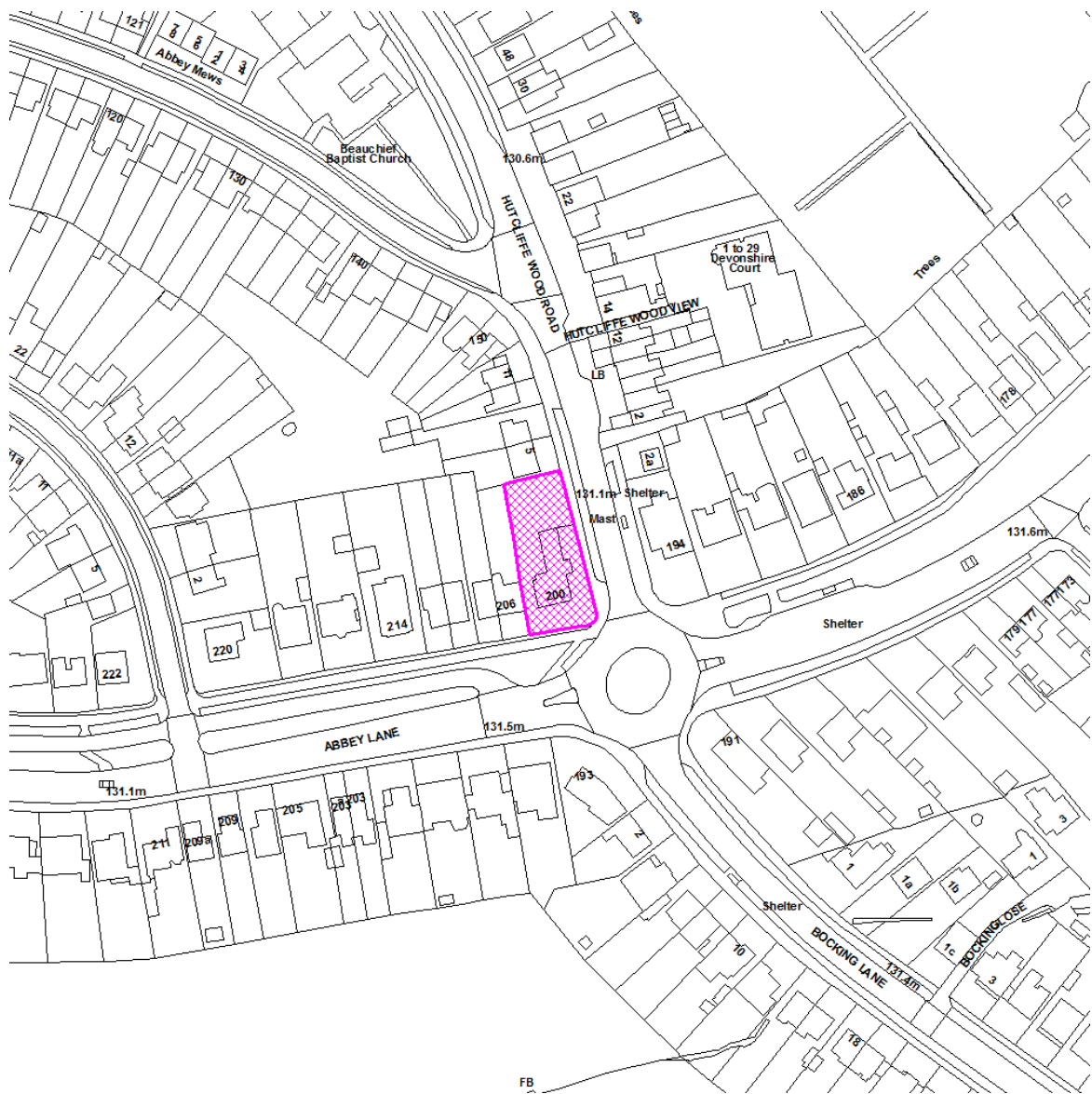
Telephone: 0114 273 6677

Email: highways@sheffield.gov.uk

They will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.

4. 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.
5. 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 site relates to a parcel of land which is currently part of an established garden serving 200 Abbey Lane, which runs adjacent to Hutcliffe Wood Road.

The site lies within a Housing Area as defined in the Unitary Development Plan (UDP). The surrounding area is characterised by a mixture of building styles and designs, which are predominately in residential use, with a row of commercial buildings on the opposite side of Hutcliffe Wood Road.

Planning permission is sought for the erection of 2 No three storey dwelling houses to be positioned between the existing garages serving 200 Abbey Lane and the side elevation of 5 Hutcliffe Wood Road.

RELEVANT PLANNING HISTORY

There is no relevant planning history relating to this site.

SUMMARY OF REPRESENTATIONS

Councillor Alison Teal has made a representation in respect of this application which raises the following points:

- The drawings provide no context to show the unsuitability of the proposal
- Two separate three storey dwellings using building materials unsympathetic to the surrounds so close to an established row of double and single homes creates an inharmonious and clashing streetscape.
- Occupiers of No. 5 Hutcliffe Wood Road will be overshadowed and dominated by such tall buildings, with the enjoyment of the garden severely compromised.
- The proposal will have a detrimental effect on the already dangerous traffic situation on Hutcliffe Wood Road, with residents reversing onto the road being a tremendous concern and the risk of an accident is significant.
- The environmental impact of building on current garden area is unwise from a flood prevent perspective, impacting on the absorption of water.
- Hard surfacing gardens will impact on birds, wildlife, and insects.
- Whilst home owners wish to maximise potential economic yield from their property, this should not be at the expense of the wellbeing of wider communities, reducing the quality of life, spoiling the visual appeal of the street and potentially lower property prices.

12 representations of objection from members of the public have been received, 6 are from immediate neighbours, and 6 are from people living some distance away from the proposal.

Planning Issues Raised:

- The proposed plans are out of character with the neighbouring houses. The tall thin style of the building along with the appearance and materials, and use of balconies is nothing like any of the houses nearby. This would detract from the visual amenity of

the road, 'jarring' and being totally at odds in a settled suburban cityscape, contrary to Policy H14 of the UDP.

- The proposed designs are flat roofed and completely out of keeping with the existing housing all of which have pitched roofs.
- The pastiche materials pallet seems confused with metal cladding, glass balustrade, wooden screen, various tones of grey renders, brick and artificial stone. This variety is excessive unnecessary and not cohesive.
- The density of development is excessive in a suburban area, with the space between the new houses and established street scene too small.
- The nature of the area is one of relatively open spaces, with most properties having gardens larger than the minimum of 50sq metres, and not crammed in.
- A scheme designed with pitched roofs and traditional building materials would be more sympathetic to the area, and the existing urban grain and landscape should be enhanced and retained.
- The proposed design will negatively affect the character of the area, with the houses highly visible from the roundabout, contrary to SCC guidelines that are not supposed to be visually intrusive or create a dominant oppressive environment.
- The two properties will be overbearing for their immediate neighbours (No.208) so closely packed in, being 3 storeys in nature, cutting out natural light.
- The height will create a strong sense of being overlooked.
- The Supplementary Planning Guidance for Designing House Extensions states that unreasonable overshadowing and over dominance of neighbouring dwellings should be avoided. Although this is not an extension, the same concerns need to be observed. One of the new houses is very close to No. 5 adversely affecting their quality of life.
- The houses appear to be the required distance from the side boundary with No. 206, but their height and style will create a feeling of over domination and overshadowing.
- The disproportionately long and tall walls of the new buildings would be oppressive and overwhelming, creating a narrow dark corridor with a sense of imprisonment for occupants of No. 5 as well as blocking light to their ground floor studio area which has a clear glazed window. If this window is obstructed the 'Right to Light' Act will be breached. At the moment, sky is visible from the studio however the proposals mean the whole room will fall within the 0.2% sky factor contour resulting in inadequate daylight.
- The proposed buildings will cause problems with the flow of traffic on an already heavily congested road, with a lack of any turning facility. For houses with 2 or 3 bedrooms, 2 parking spaces should be provided, and those close to busy main roads or junctions should be required to provide a turning area.
- The driveways are between the roundabout and the pelican crossing, causing unnecessary danger to pedestrians and road users.
- There is a bus stop directly opposite the side of No. 200 and halting buses would be opposite where the new drives would be.
- There will be a removal of 3 public parking spaces along Hutcliffe Wood Road, which is very busy with limited parking for residential and people working at the local businesses.
- The site is part of a largish garden and until recently had two large trees, an oak and a willow which have been taken down in order to open up the space, and is not vacant land.

- From a sustainability point, new dwellings with attract more traffic, drainage and waste disposal.
- There will be environmental damage due to the loss of habitat from the garden ecosystem. With the ivy clad boundary fence is a regular bird nesting site.
- The plans show the new houses partly built on the grounds of No. 5, with the boundary drawn incorrectly. There is also a lack of accurate dimensions causing concern regarding reliability, particularly as the scaled/supposed/drawn ridge height of 8.5 metre of No. 5 seems incorrect and should be more likely 8.150 metres.
- Prevailing westerly winds tunnel down the side of No. 5 causing structural damage in the past, building three storeys would create even greater funnelling.

Non-planning issues:

- Flat roofs have a continuing maintenance liability; a pitched roof will give better value for money in the long term.
- Building properties so close to No. 5 and No. 7 raises concerns over likely subsidence.
- Such close proximity of the houses would not enable occupiers of No. 5 to carry out improvements to their own extension which they would like to carry out in the future, and occupiers of No. 5 do not want to be liable for boundary structure maintenance.
- There is a 45° rule relating to the depth of new build foundations and existing properties which should determine distances when windows are not obstructed. According to the National Party Wall Act Booklet, this should be greater if permission is not granted by the neighbour.

PLANNING ASSESSMENT

The main issues to be considered are whether the principle of the development is acceptable in land use policy, the design of the proposal and its impact on the surrounding street scene, the effect on future and existing occupiers and whether suitable highways access and off-street parking is provided.

- Land Use Policy

The application site falls within a Housing Area, and the principle of redeveloping the site for housing (Use Class C3) is in line with the preferred use identified within UDP policy H10 'Development in Housing Areas'.

Policy CS23 of the Core Strategy 'Locations for New Housing' states that new housing development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure. In the period 2008/09 to 2020/21, the main focus will be on suitable, sustainably located, sites within, or adjoining the main urban area of Sheffield.

Core Strategy Policy CS24 'Maximising use of Previously Developed Land for New Housing' seeks ensure that priority is given to developments on previously developed sites and that no more than 12% of dwellings should be constructed on greenfield land in the period up to 2025/26. It also states that such development should only occur on small sites within urban areas, where it can be justified on sustainability grounds.

The site is small within an existing urban area and sustainably close to a regular bus route and within walking distance of local schools and services. As a former residential garden, this parcel of land is classed as a greenfield site however, the latest data taken in 2016/17 demonstrates an average since 2004/5 of just under 5% of completions have been carried out on greenfield sites, and therefore in this context, the development of this small urban greenfield site for new housing complies with the aims of policies CS23 and CS24.

Paragraph 49 of the NPPF stipulates that housing applications should be considered in the context of the presumption in favour of sustainable development and, that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Based upon the most current information available, a deliverable supply of housing land over the coming 5 years cannot be demonstrated. The Local Planning Authority has identified a 4.5 year of supply, which is a shortfall of 1,185 dwellings, as detailed in the SHLAA Interim Position Paper 2017. The issue of a shortage in housing land availability is a material consideration which supports the principle of residential development at this site and the proposal would provide a small but helpful contribution to the local supply of housing land, in a sustainable location.

Density of Development

Policy CS31 'Housing in the South West' of the Core Strategy seeks to protect the character of south west Sheffield to ensure that new developments respect the character of an area.

Policy CS26 'Efficient Use of Housing Land and Accessibility' of the Core Strategy requires housing developments to make efficient use of land, but that it should be in keeping with the character of the area. In this location, near to high frequency bus routes in the urban area, the policy identifies that a density of 40-60 dwellings per hectare would be appropriate.

This proposal for 2 dwellings on a site which is 0.028 hectares would represent approximately 70 dwellings per hectare. Densities outside of the appropriate ranges will be allowed whereby they achieve good design and reflect the character of an area.

The proposed dwellings front directly onto Hutcliffe Wood Road, having a similar position and presence to the immediate neighbours at No. 5 and 7 Hutcliffe Wood Road, and No. 200 Abbey Lane. This maintains the character of the area.

The width of each plot is approximately 7.5 and 8 metres wide fronting onto Hutcliffe Wood Road. Within the surrounding context, No, 206, 208, 210 and 212 Abbey Lane have a similar plot width, as do houses fronting Hutcliffe Wood Road and Dalewood Road, albeit some in the vicinity are slightly wider. The proposed dwellings themselves are approximately 5 metres wide with projecting bays towards the rear, and are similar in scale to houses found in immediate area, again, reflecting the context and density of the area. The acceptability of the design of the dwellings is covered in depth in the Design Section below.

Accordingly the proposal accords to the principles of Policy CS26 and CS31 of the Core Strategy.

- Design Issues

It is important to consider the impact on the character of the area. The Core Strategy policy CS74 'Design Principles' requires development to enhance distinctive features of the area, which is backed up through UDP policies H14 'Conditions on Development in Housing Areas' and BE5 'Building and Design Siting' which expect good quality design in keeping with the scale and character of the surrounding area.

Chapter 7 of the NPPF requires good design, whereby paragraph 56 states that good design is a key aspect of sustainable development and should contribute positively for making places better for people. Paragraph 65 requires that planning permission should not be refused 'for buildings that promote high levels of sustainability because of concerns about incompatibility with an existing townscape if those concerns have been mitigated by good design', and at paragraph 60 that planning decisions should not attempt to impose architectural styles or particular tastes.

The surrounding area is characterised by a mixture of building styles and designs. There is a mixture of semi-detached two storey properties under pitched roofs in particular along this side of Hutcliffe Wood Road and Dalewood Road. With Abbey Lane made up of a variety of detached bungalows, semi-detached and detached two storey dwellings. On the opposite the side of Hutcliffe Wood Road is a parade of three storey commercial buildings. Materials in the immediate area are predominately red brick, and render, with some stonework. Front boundaries are either stone or brick walls with hedging/shrubs above.

This application proposes 2no. three storey detached buildings taking a contemporary form. The footprint of each building is considered appropriate and does not fill the width of the site, allowing for the views between the proposal and immediate neighbours. The proposed dwellings sit in a similar position to the immediate neighbours at No. 5 and 7 Hutcliffe Wood Road, and follow the line of the existing dwelling at No. 200 Abbey Lane. The buildings are designed to have two storey front elevations reflecting the surrounding area, with an additional storey proposed which is set back under a flat roof.

Amended plans have been received showing the removal of the render. Whilst there is render in the immediate street scene, this proposal is considered to be a new insertion in the street scene, and must feature high quality materials. It is now proposed to use a good quality bed brick as the main facing material, with a grey metal clad second floor and projecting bay to the side. Windows and doors are detailed as powder coated aluminium.

The balcony and screening has been omitted from the plans as it was considered to create a top heavy and overly fussy feature, with a simple parapet defining the top of the main front elevation. This terminates at a similar height to the eaves of the neighbour two storey properties, with the second floor set back sitting just below the

ridge height of the neighbours. Whilst it is accepted that there aren't any flat roof buildings in the immediate area, the scale and massing of these buildings proposed are considered to respect the neighbouring buildings, and a flat roof is considered an appropriate feature of this contemporary form.

The plans show the stone wall being retained/rebuilt with timber gates inserted, which respect the character of the area.

Overall, the buildings are well designed and whilst they do not replicate the existing neighbouring buildings, they are considered to sit comfortably within the street scene. Subject to satisfactory building materials being used, a good quality scheme can be achieved and the proposals will comply with Policies BE5, H14, and CS74 and the NPPF Chapter 7.

- Living Conditions

Policy H14 part (c) and (d) requires that new development in housing areas should not cause harm to the amenities of existing residents. Paragraph 17 of the NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. These are further supported by Supplementary Planning Guidance 'Designing House Extensions' (SPG) which whilst strictly relevant to house extensions, does lay out good practice detailed guidelines and principles for new build structures and their relationship to existing houses.

Impact on Neighbouring Occupiers

The closest neighbouring properties are No. 5 Hutcliffe Wood Road located to the north, the existing dwelling at No. 200 Abbey Lane located to the south, and the rear garden area serving No 206 Abbey Lane located to the west. Hutcliffe Wood Road runs adjacent to the site to the east.

The guidelines found in the adopted Supplementary Planning Guidance on Designing House Extensions are not strictly applicable in this instance owing to them relating to house extensions. However they do suggest a number of detailed guidelines relating to overbearing and overshadowing, privacy and overlooking, and appropriate garden sizes. These guidelines include that two storey dwellings which face directly towards each other should be a minimum of 21 metres, and that rear garden lengths should be at least 10 metres, to ensure that privacy is retained. Two storey buildings should not be placed closer than 12 metres from a ground floor main habitable window, and a two storey extension built along site another dwelling should make an angle of no more than 45° with the nearest point of a neighbour's window to prevent adverse overshadowing and overbearing.

The above guidelines are reflected in the South Yorkshire Residential Design Guide (SYRDG), which Sheffield considers Best Practice Guidance, but which is not adopted as Supplementary Planning Guidance.

No. 5 Hutcliffe Wood Road is positioned immediately to the north of the proposed dwellings. With regard to overlooking, ground floor windows in the rear will be screened by 2 metre high boundary treatment, with clear glazed first and second

floor windows positioned to overlook Hutcliffe Wood Road. The proposal will not create any adverse overlooking to occupiers of No. 5. The main habitable windows in No. 5 are positioned in the front and rear of the property, and with the proposal not extending further forward or back than No. 5, the 45° rule found in the SPG for overbearing and overshadowing is complied with. To the side of No. 5 is what appears to be a garage from the front elevation, which is used as a workshop/studio by the applicant. This room is served by a window in the rear elevation facing down the garden, and a window in the side elevation looking towards the application site. The proposed buildings will reduce the amount of light to this side window, however, it is not considered to be a main window serving a habitable room, and as such limited weight can be given to protecting this window which relies on third party land for light/outlook above the existing 2 metre high boundary, and is not the sole source of light to that room.

The property at No.206 Abbey Lane is approximately 20 metres away at a splayed angle and as such no adverse overbearing will be created. The gardens to the rear of No. 206 Abbey Lane and those adjacent to the west are positioned in closer proximity of the proposed new dwellings. Main habitable windows are proposed at ground floor level in the rear of the dwellings facing towards the rear garden of No. 206 Abbey Lane, and those gardens adjacent, which will be screened by an appropriate 2 metre high boundary treatment. At first floor level, a small obscure glazed window is proposed in each of the proposed dwellings serving a bathroom which can be conditioned to be fixed, and as such no adverse overlooking will be created to properties or gardens to the west.

With regard to overbearing and overshadowing, overshadowing to the garden of No.206 will be to a minimum with proposal being due east, and so just the earlier morning sun will be lost to the bottom of the gardens. The proposals are two storeys to the parapet with a third floor (one bedroom) set in from the rear elevation, and have a similar scale to the neighbouring properties. At present this area is open land and not developed, so erecting two buildings will create some overbearing, however this is not considered to be to an unacceptable level.

There will be a loss of amenity space afforded to occupiers of No. 200 Abbey Lane. However there remains space immediately to the rear of the dwelling which amounts to approximately 110 square metres of private useable garden space, and therefore this reduction is considered acceptable. Windows on the rear of 200 Abbey Lane will not experience any unacceptable overbearing, or overlooking. All other properties are sufficient distance away from the proposal so that they are not adversely affected by the development.
Amenity for Future Occupiers

The proposed dwellings are considered to provide a good outlook from main habitable rooms, providing a quality living accommodation for future occupants. The rear garden areas provide 50 square metres of private useable amenity space. This does comply with the guidelines in the SPG which require minimum garden size of 50 square metres for a two or more bedroomed house.

The SYRDG does identify that for 3+ bedroom dwellings 60 square metres of private garden should be provided. There is therefore a minor shortfall in the garden

provision relative to the SYRDG. However the garden area provided does accord with SPG guidelines and the layout and orientation of the garden is such that it will provide useful, private, useable amenity space with good sunlight provision, and is therefore considered acceptable.

It is considered that the proposed development would not adversely impact on the amenities of existing occupiers to an unacceptable level, or on occupiers of the proposed new dwellings. Accordingly, the proposal complies with UDP policy H14 and paragraph 17 of the NPPF.

Highways Considerations:

Policy H14 (part d) requires a development to provide safe access to the highway network and provide appropriate off-street parking and not endanger pedestrians.

Paragraph 17 of the NPPF seeks to focus development in sustainable locations and make the fullest possible use of public transport, walking and cycling, focussing significant development in locations which are or can be made sustainable.

Paragraph 32 requires that safe and suitable access to a site can be achieved for all people, and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of developments are severe.

The existing house at 200 Abbey Lane retains its car parking and garaging with each of the proposed dwellings having 2 off street parking spaces. In this location, this level of off-street parking is considered appropriate for 3 bedroom dwellings.

The off street parking relies on cars entering or exiting the site by reversing out onto Hutcliffe Wood Road. Whilst it is acknowledged that this is a busy main road with a roundabout close to the site, there are similar scenarios either side of the application site whereby cars have to either reverse from or onto Hutcliffe Wood Road, and therefore the risk to highway safety is not considered to be severe. Furthermore, there is a wide grass verge directly to the front of the proposed site along for wide angle of visibility.

The site is located within a sustainable location, and there are a number of bus stops within walking distance of the site and commercial facilities opposite.

The proposal complies with Policy H14(d) and the NPPF.

- Landscaping/Ecology

Policy GE15 - 'Trees and Woodlands' within the UDP states that trees and woodlands will be encouraged and protected. It appears that a mature oak tree and willow tree have been removed recently, prior to the submission of this application. Whilst this is regrettable, the loss of these did not require any formal permission and therefore it is not a material planning consideration in this instance.

Policy GE11 'Nature Conservation and Development' requires the natural environment to be protected and enhanced, with new development respecting and promoting nature conservation. The development will build on the previously undeveloped garden area, and therefore there will inevitably be a loss of some

limited existing habitat and biodiversity. However this is considered to be minimal, and there remains undeveloped garden areas adjacent to the site.

- Flood Risk and Drainage

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

Policy CS67 'Flood Risk Management' of the Core Strategy states that the extent and impact of flooding should be reduced. In this instance, the areas of hardstanding should be construction from a porous material, which would restrict surface water run-off, and this can be controlled through a relevant condition to any approval to ensure any alterations are to a minimum.

- Community Infrastructure Levy (CIL)

CIL has now been formally introduced; it applies to all new floor space and places a levy on all new development. The money raised will be put towards essential infrastructure needed across the city as a result of new development which could provide transport movements, school places, open space etc. The application site lies within CIL Charging Zone 4 with the charge for this development being £50 per square metre.

- Response to Representations

The majority of issues raised through representations are discussed in the above report. Those which are not, are addressed in the section below.

- Issues relating to potential subsidence and devaluation of neighbouring properties are not planning considerations.

- The applicant has confirmed that the site boundary is correct to their knowledge, however, planning permission goes with the land and not the owner, and the sanction is that the person wanting to implement the permission would be unable to do so on the basis that the true owner can prevent it from happening. This is a civil matter between the interested parties.

- No 5 wished to extend and make alterations to their property. There is no reason why these can't take place if permission is granted, and the proposals are built.

- The 45° rule relating to the distance from foundations of neighbouring properties is not a planning matter. The correct guideline is that found in the SPG relating to overshadowing and is measured on a horizontal axis.

SUMMARY AND RECOMMENDATION

The principle of erecting two dwellings on the site is considered acceptable in land use policy terms. The amendments secured to the proposal have resulted in a development that is considered to have an acceptable impact upon the character of the immediate street scene and wider area. It is considered that the development would avoid any implications in highway safety terms, and does not have a detrimental impact on the amenities of occupiers of neighbouring properties.

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

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

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Case Number	17/03290/OUT (Formerly PP-06270283)
Application Type	Outline Planning Application
Proposal	Demolition of existing single-storey restaurant and erection of 2 shop units (use class A1) and 12 no. apartments in 2 x 2.5 storey blocks with associated car parking, cycle storage and landscaping
Location	Koh-I-Noor 386 Handsworth Road Sheffield S13 9BY
Date Received	04/08/2017
Team	City Centre and East
Applicant/Agent	Tatlow Stancer Architects
Recommendation	Grant Conditionally

Time Limit for Commencement of Development

1. Application for approval in respect of any matter reserved by this permission must be made not later than the expiration of three years from the date of this decision.

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

2. The development shall be begun not later than whichever is the later of the following dates:- the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

3. The development shall not be commenced unless and until full particulars and plans thereof shall have been submitted to the Local Planning Authority and planning approval in respect thereof including details of landscaping (matters reserved by this permission) shall have been obtained from the Local Planning Authority.

Reason: Until full particulars and plans of the development (including details of the matters hereby reserved) are submitted to and approved by the Local Planning Authority they cannot agree to the development proceeding.

Approved/Refused Plan(s)

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

- Drawing no. A4-01 'Site Location Plan'
- Drawing no. A3-03 Rev B 'Proposed Site Plan'
- Drawing no. A1-06 Rev B 'Proposed Elevations'
- Drawing no. A3-04 Rev B' Street Elevations Existing & Proposed'
- Drawing no. A1-05 Rev A 'Proposed Plans'
- Drawing no. HRS 01 'Tree Survey'

Reason: In order to define the permission.

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

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

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

6. 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.

7. 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.

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

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

9. No development shall commence until detailed proposals for surface water disposal, including calculations to demonstrate a 30% reduction compared to the existing peak flow based on a 1 in 1 year rainfall event have been submitted to and approved in writing by the Local Planning Authority. This will require the existing discharge arrangements, which are to be utilised, to be proven and alternative more favourable discharge routes, according to the hierarchy, to be discounted. Otherwise greenfield rates (QBar) will apply.

An additional allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided for the minimum 30 year return period storm with the 100 year return period storm plus climate change retained within the site boundary. The development shall thereafter be carried out 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.

10. 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.

11. No development shall commence until full details of measures to protect the existing trees to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance

with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

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

12. No development shall commence until the highways improvements (which expression shall include traffic control, pedestrian and cycle safety measures) 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 retail units and apartments is/are brought into use and the retail units and apartments shall not be brought into use until the highway improvements listed below have been carried out.

Highway Improvements: Infilling of gap in the central reservation of Handsworth Rd

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.

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

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

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

14. Prior to the installation of any commercial kitchen fume extraction system details shall first have been to and approved in writing by the Local Planning Authority. These details shall be in accordance with Defra document; "Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust Systems and shall include:

a) Plans showing the location of the fume extract terminating and including a low resistance cowl.

b) Acoustic emissions data.

c) Details of any filters or other odour abatement equipment.

d) Details of the systems required cleaning and maintenance schedule.

The approved equipment shall then be installed, operated, retained and maintained in accordance with the approved details.

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

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

a) Be based on the findings of approved noise survey (Assessment of the potential intrusion of external noise and recommendations for building envelope, ref: 12236.01.v2, dated: 07/17, prepared by Noise Assess);

b) Be capable of achieving the following noise levels:

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

Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);

Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);

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

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

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

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

16. 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.

17. 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.

18. 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.

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

a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.
b) Be capable of restricting noise breakout from the commercial use(s) to the street to levels not exceeding the prevailing ambient noise level when measured:

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

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

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

Before such scheme of works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority. [Noise Rating Curves should be measured as an LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]

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

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

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

21. Details of a suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority and the apartments shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

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

- Windows
- Window reveals
- Eaves
- Balconies
- Entrance canopies
- Rainwater goods
- Roller shutters including in relation with stone facade
- Shop front in relation with stone facade
- Horizontal stone bands

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

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

23. The apartments and retail units shall not be used unless all redundant accesses have been permanently stopped up and reinstated to kerb and footway, and any associated changes to adjacent waiting restrictions that are considered necessary by the Local Highway Authority including any Traffic Regulation Orders are implemented. The means of vehicular access shall be restricted solely to those access points indicated in the approved plans.

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

24. 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.

25. The apartments and retail units shall not be used unless the cycle parking accommodation as shown on the approved drawing no. A3-03 Rev B has been provided in accordance with the approved plan and thereafter, such cycle parking accommodation shall be retained.

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

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

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

27. The development shall not be begun until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the reconstruction of the footways adjoining the

site before the development is brought into use. The detailed materials specification shall have first been approved in writing by the Local Planning Authority.

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

28. Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, details of the proposed surfacing of the car parking accommodation shall have been submitted to and approved in writing by the Local Planning Authority. The apartments and retail units shall not be used unless the car parking accommodation for 19 cars has been provided in accordance with the approved plans and thereafter such car parking accommodation shall be retained for the sole use of the occupiers of the development hereby approved.

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

29. Apartment nos. 3 and 6 shall not be occupied unless a screen has been erected on the west facing side of the balcony but before such screen is provided, details shall first have been submitted to and approved in writing and thereafter such screen shall be retained.

Reason: In the interests of adjacent residents.

30. Apartment nos. 5 and 8 shall not be occupied unless a screen has been erected on the west facing side of the balcony but before such screen is provided, details shall first have been submitted to and approved in writing and thereafter such screen shall be retained.

Reason: In the interests of adjacent residents.

Other Compliance Conditions

31. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried out only between the hours of 0800 to 2000 Mondays to Saturdays and between the hours of 1000 to 1600 on Sundays and Public Holidays.

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

32. Commercial deliveries to and collections from the building shall be carried out only between the hours of 0800 to 2000 on Mondays to Saturdays and not on Sundays and Public Holidays.

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

33. No customer shall be permitted to be on the premises outside the following times: 0800 to 2300 hours, Mondays to Saturdays and 1000 and 2200 hours on Sundays and Public Holidays.

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

34. 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.

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

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

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

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

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

Reason: To ensure satisfactory drainage arrangements.

38. No windows serving the retail floor space shall be blocked up, filmed over or otherwise rendered non transparent.

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

39. 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.

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 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.

3. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980. You should apply for permission, quoting your planning permission reference number, by contacting:

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

Tel: (0114) 273 6136
Email: dawn.jones@sheffield.gov.uk

4. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received 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

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

The notice should be sent to:-

Highway Co-Ordination
Sheffield City Council
Town Hall
Sheffield
S1 2HH

Telephone: 0114 273 6677
Email: highways@sheffield.gov.uk

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

Where the notice is required as part of S278 or S38 works, the notice will be submitted by Highways Development Management.

6. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

Telephone: 0114 273 6677
Email: highways@sheffield.gov.uk

They will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.

7. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website here:

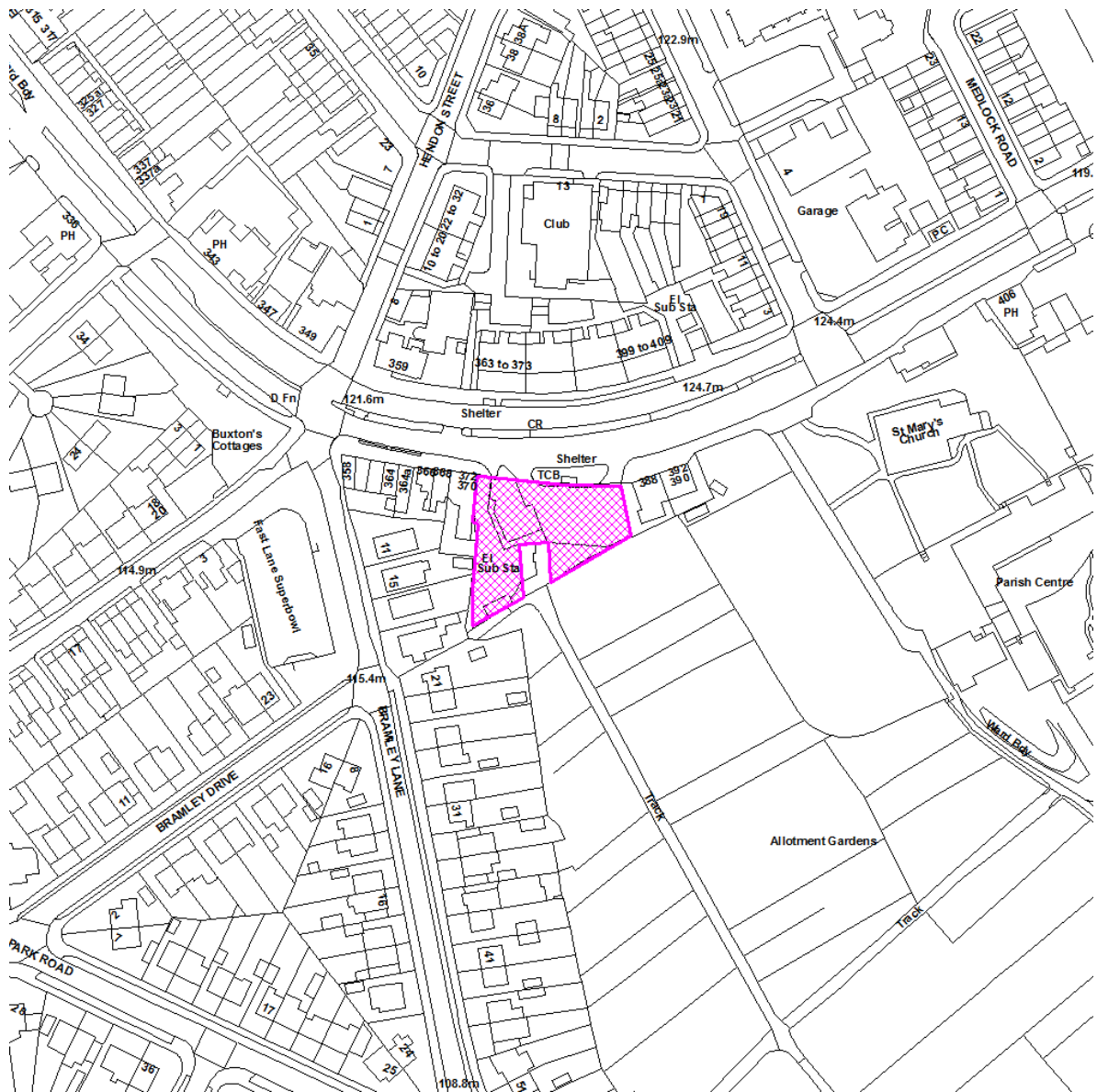
<http://www.sheffield.gov.uk/home/roads-pavements/Address-management>

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.

8. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process, or a draft Liability Notice will be sent if the liable parties have not been assumed using Form 1: Assumption of Liability.

Site Location



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LOCATION AND PROPOSAL

The application site, which lies within the Handsworth Local Shopping Area, relates to an asymmetrical piece of land that comprises a single-storey restaurant building and the car park to that restaurant which is presently used as a hand car wash. A large YEB sub-station, which is served by a gated means of vehicular access from Handsworth Road is positioned to the west, within the rear space of the site. A small scale fencing business also operates from the western half of the site (the tenancy agreement due to expire soon). The site occupies a prominent position fronting onto the dual carriageway of Handsworth Road, in close proximity to a signalised junction.

The site occupies a plot that is approximately 0.15 hectares; positioned midway within a parade of shop units. The site is bounded by retail units to the east, single and two-storey retail units to the west, a three-storey block of flats to the north and allotments (Green Belt Land) to the south. The character of the main Handsworth road frontage is dominated by residential properties, dating from the mid to late 20th Century.

Planning permission was refused in July 2010 (refer 10/01333/FUL) following a recommendation to grant conditionally, for the demolition of the existing restaurant building and to develop the site for a mixed use scheme comprising 3 shop units (Class A1) and 14 apartments in a three-storey block, with ancillary car parking accommodation, servicing area, and cycle and bin stores. The application was refused for three reasons; insufficient car parking, which could lead to an increase in on-street parking and displacement of existing; it would generate additional vehicular movements in the peak hours which would generate additional congestion, be detrimental to road users and the free and safe flow of traffic on Handsworth Road and further decrease in air quality; and design grounds.

An Appeal was lodged and a hearing was held. The Inspector concurred with the Local Authority insofar as the development would have an adverse impact on the street scene and on balance, it would have a detrimental effect on highway conditions in Handsworth Road.

This application is seeking Outline consent, with approval sought for access, appearance and scale and siting. The proposed development will involve the demolition of the existing single-storey restaurant building and erection of 2 x two-storey building that will provide 2 retail units at ground floor with 12 apartments at first and second floor with additional accommodation provided in the roof space. A new means of access will be provided which will lead to an ancillary car park of 19 spaces, a cycle store, and small communal garden area.

RELEVANT PLANNING HISTORY

16/04200/PREAPP – Pre-application advice sought for the erection of 12 apartments and 2 retail units – November 2016.

16/02593/FUL – Continuation of use of land as a hand car wash facility – Granted Conditionally – 03.11.2016.

10/01333/FUL – Demolition of existing single-storey restaurant and erection of 3 shop units (Use Class A1) and 14 apartments in a three-storey block, with ancillary car parking accommodation, servicing area, cycle and bin stores (resubmission of 09/03691/FUL) – Refused – 14.07.2010.

09/03691/FUL – Demolition of existing single-storey restaurant and erection of 3 shop units and 14 apartments in a three-storey block – Withdrawn – 17.03.2010.

SUMMARY OF REPRESENTATIONS

Two site notices were displayed 11.10.2017 and following neighbour consultation, one letter on behalf of 3 businesses and 1 resident, 1 letter of objection and one letter in support has been received, comments of which are summarised below.

- The proposal is the same as previously refused and consider that it does not accept the findings carried out by the Appeal Inspector of 12.04.2011. The decision also states that an application would not be considered in the future.
- Local businesses and residents share the same opinion and it should be rejected on the same grounds.
- There is an electricity sub-station on the site and parking for 20 vehicles is unacceptable when the only access and egress is via an access which the adjacent unit has a rights of way to.
- Will be difficult to reverse whilst others exiting the car park.

A letter has also been received from Councillor M Rooney, objecting on the grounds that:-

- it is completely unsuitable for any residential development let alone one of this size.
- Exiting and entering the site would be difficult and dangerous given the nature size and location of the site.
- There is not enough space to provide the car parking spaces.
- Does not take account of the ownership of the surrounding land, their rights and their requirements.

The MP for Sheffield South East, Clive Betts has also objected to the proposal, on the same grounds as Councillor Rooney and that the application should be refused.

The Coal Authority, having considered the content and conclusions of the submitted Phase 1 Geotechnical and Geo-Environmental Site Investigation Report, has confirmed that they concur with the recommendations of the submitted report and that intrusive site investigation works and appropriate remediation is required to be carried out prior to development commencing. A condition is recommended.

PLANNING ASSESSMENT

Land Use Policy

The National Planning Policy Framework states housing applications in particular should be considered in the context of the presumption in favour of sustainable development and housing policies should be considered out of date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. At the current time the Council cannot demonstrate a five year supply of housing such that this weighs in favour of this proposal.

The application site lies within a Local Shopping Area, adjacent to an Area of Special Character, as defined in the Unitary Development Plan and as such, UDP Policies S7 and S10 are relevant.

UDP Policy S7 states that shops (Class A1) are the Preferred Use, but that other uses such as offices used by the public (Class A2), food and drink outlets (formerly Class A3), business (Class B1), hotels (C1), housing (C3) and leisure and recreational facilities (D2) are also acceptable. The proposed development, which comprises 3 Class A1 shop units and 14 residential units are therefore acceptable uses in principle and will comply with this Policy.

UDP Policy S10, in particular, (a) states that new development will be acceptable subject to it not leading to a concentration of uses, which would prejudice the dominance of Preferred uses in the Area. The Shopping Area is occupied by a variety of uses and since 2 additional A1 shop units are proposed, the dominance of A1 uses will not be undermined but will provide a positive contribution to the vitality and viability of the Local Shopping Area. The residential units will not be at street level, but at first and second floor level, thus, will not prejudice the character of the area.

The proposal will also need to be consistent with Policies contained within the Sheffield Development Framework, Core Strategy, adopted in March 2009. Of particular relevance are Policies CS24, CS26 and CS41.

Core Strategy Policy CS24, 'Maximising the use of previously developed land for new housing' places an emphasis on building on brownfield sites, with a target of 88%. The site is currently being used as a car wash facility and as a restaurant and is therefore considered to be previously developed land. The redevelopment of the site will contribute towards the 88% target; thus, it will comply with Policy CS24.

Core Strategy Policy CS26, 'Efficient Use of Housing Land and Accessibility' seeks to ensure efficient use of land but keep densities to a ratio which reflects the character of the area. Densities do vary in the City and a site such as this, which is near to a high frequency bus route, is recommended to have a density of 40 to 60 dwellings per hectare. The net density for the proposed development will be 80 dwellings per hectare, which is above the recommended range and will accord with Policy CS26.

Core Strategy Policy CS41 'Creating Mixed Communities' encourages the creation of mixed communities, which will be promoted by encouraging the development of housing to meet a range of needs including a mix of prices, sizes, types and tenures. The proposed development comprises 9 x 2 bedroom and 3 x 1 bedroom apartments, which does offer some variety, especially given that this is a small scale major development. The area has a high volume of family homes, so there is likely to be the demand for smaller units such as these. In this regard, the proposed development will comply with Policy CS41.

Design/Visual Amenity

As the proposed development involves the erection of new buildings, UDP Policy S10 and Core Strategy Policy CS74 are relevant. Policy S10(d) states that the proposal should be well designed and of a scale and nature appropriate to the site; and (e) comply with Policies for the Built and Green Environment as appropriate.

UDP Policy BE5, which relates to building design and siting, sets out the principles for good design and encourages the use of good quality materials. BE5 (a) states that new buildings should complement the scale, form and architectural style of surrounding buildings and in BE5 (d) it states that in all new developments, design should be to a human scale wherever possible and particularly in large-scale developments, the materials should be varied and the overall mass of buildings broken down. Section (f) of the Policy states that the design should take full advantage of the site's natural and built features; and in (g), that the design, orientation and layout of developments should encourage the conservation of energy and other natural resources.

Core Strategy Policy CS74 sets out the design principles for new development, with a particular emphasis on achieving high quality development, which will respect, take advantage of and enhance the distinctive features of its districts and neighbourhoods.

Members should be aware that pre-application discussions have taken place prior to the submission of this application and the proposal has been developed in response to the Appeal Inspector's comments on a previous scheme (10/01333/FUL).

The Appeal Inspector, at the time of considering the previous proposal accepted that there were 3-storey flats and flat roofed buildings within the vicinity. However, apart from these and a few other exceptions, they considered that Handsworth's prevailing character was traditional 2-storey pitched roofed buildings, many of which were built in stone.

The Inspector was of the opinion that the proposal would create a continuous frontage, as a result of a long flat-roofed block. This, combined with the chosen materials, would result in a top-heavy appearance. The Inspector concluded that the proposed development did not meet the requirements of Policies BE5 and CS74 as it did not complement the scale, form and architectural style of surrounding buildings.

The current scheme seeks Outline consent with approval sought for appearance, scale and layout. Two x two-storey buildings, with further accommodation in the roof space are proposed, which will give an overall height of 2.5 storeys. The scale of the development has been reduced in terms of its general massing and the level of accommodation provided, compared with the previous proposal. The buildings will vary in height, owing to difference in land levels, but responding positively to the topography. A continuous eaves level will be achieved to the building immediately adjacent to property no. 388. The additional roof height will not appear as a visually prominent feature in the street scene but simply read as a typical two-storey property.

The buildings will be separated by a means of vehicular access to a rear car park, which will provide sufficient distance between the blocks, to break up the frontage, avoiding a long continuous mass of development. Incorporating a pitched roof further reduces the massing effect by breaking up the front elevations, and will also reflect one of the key architectural features dominant within the Handsworth area. The proposed first floor accommodation will be in alignment with those of the adjacent unit of no. 388, thus maintaining some continuity along this frontage. The second floor accommodation will be provided within the roof space, with no projections beyond the roof slope and as such, will not be noticeably read in the street.

The roofline will step down, to reflect the topography. To the west, immediately adjacent to the site is a parade of retail units of which the closest units are single-storey in height. Further down the parade are two-storey, pitched roofed buildings. The new buildings will be 1.5 storeys higher than the adjacent units, in particular the retail premises 'Drinks Express' (no. 372 Handsworth Road). This is acknowledged and it will be visible in the street scene, however, it is not considered that it will dominate the site and have a detrimental visual impact on the wider views of the site.

The present layout of the site is somewhat haphazard and the new buildings will serve to provide some uniformity to the frontage and will form an integral part of the street frontage. The buildings will be set forward on the site as previously, at the back edge of the pavement, which will respect the existing building line along this frontage between the adjacent properties of nos. 388 and 370 Handsworth Road. The buildings will be viewed simply as an infill development. The footprint of the buildings will follow a similar format to that of adjacent units and will comfortably fit within the plot, without over-developing the site.

The elevations of the proposed buildings are of simple design and will be treated using a simple palette of materials, the predominant material being natural stone, which is particularly welcomed given the local context and will complement the proposed black window frames. Both buildings will comprise of typical shop fronts at ground floor level which will have full height glazing. The building will be suitably grounded by running the stonework straight to the pavement and the ground floor will be distinctly defined, through the finish and detailing of the stonework. Roller shutters are proposed to the retail units however, these will not be retro-fitted but will form an integral part of the retail frontages, the details of which will be secured by condition.

The upper floors will be denoted by a series of vertically orientated openings that will be glazed, with coloured panels positioned alongside. The windows are appropriately positioned and of a scale consistent with the scale of the buildings. A horizontal band will be introduced both at ground and first floor, which will enrich the elevations by providing additional visual interest. Details will be secured by condition.

The side elevations on the outer edge of the buildings will remain blank although the same horizontal stone bandings will extend across the gables, which will enhance the elevations. The bin stores and a simple detailed, glazed pedestrian entrance with canopy will be provided within the inner side elevations facing onto the means of access. This level of detailing is acceptable given that they are not principal elevations. Rear elevations will be treated in the same materials and similar detailing and fenestration pattern as the front elevation, but with the addition of a tall centrally positioned glazed element which will provide light to the proposed stairwell. Maximising the south-facing aspect, individual balconies will be provided to some apartments, which also offer views over the allotments.

At the rear of the site will be a communal landscaped garden and an ancillary car parking area, which is sub-divided by an existing electricity sub-station. A cycle store will be positioned adjacent to the rear boundary. New fencing will be introduced along the east and west boundaries and the southern boundary, which is denoted by a stone wall, will remain in situ with appropriate infilling and repair works to be carried out.

The proposed development represents a 'flats over shops' proposal, which is typical in this Shopping Area and other shopping areas. There are a variety of built forms within the immediate vicinity, although there is a fairly strong Victorian influence, which is reflected in the proportions of the building. This proposal will facilitate the removal of an eyesore and its replacement with a well-designed scheme, and will consolidate the use of the land whilst utilising the space efficiently. The redevelopment of the site is welcomed and the proposal offers the opportunity to introduce a more contemporary addition to this prominent street frontage, which will be sympathetic to the character of the Area and also provide facilities that will better serve the needs of the community.

Sustainability Issues

Core Strategy Policy CS65, which relates to renewable energy and carbon reduction, requires that all significant developments should provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy.

In the submitted Planning Statement it has been indicated 10% can be achieved and as such, this will be secured by condition.

Access Issues

UDP Policy BE7, which refers to the design of buildings used by the public, requires that provision is made to allow people with disabilities safe and easy access to the building and to appropriate parking spaces. The site will be developed such that level thresholds will be achieved to all entrances, for both the residential element and the commercial units. Further consideration has been given to all elements of the development, including the internal arrangements which will include full lift access to all floors, external access arrangements, and car parking accommodation.

Residential Amenity Issues

As the proposal involves a change of use, UDP Policy S10 will apply. Of particular relevance is section (b) which states that residents or visitors in any hotel, hostel, residential institution or housing should not suffer from unacceptable living conditions, including air pollution, noise, other nuisance or risk to health or safety.etc.

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

The site lies within a Local Shopping Area, where there are a number of commercial premises operating at ground floor level, with residential flats above. Immediately to the west is the retail premises 'Drinks Express' (no. 372 Handsworth Road) and beyond, within the parade are other retail units. There are no immediate residential properties to the west of the site that will be affected by the proposed development.

The site is therefore set within a mixed commercial and residential area with moderate background noise levels throughout the late evening. The predominant noise is road traffic of Handsworth Road. The proposal involves residential above commercial uses and as such, there is significant potential for external noise, through glazing to habitable rooms. There is also potential for structure borne noise between the commercial and residential element. Noise is likely to be generated as a result of people entering and leaving the commercial units, anti-social behaviour, and plant and equipment proposed for mechanical services. There is also a potential for disamenity as a result of odours, which will need to be carefully controlled.

The Environmental Protection Service (EPS) has confirmed no objection to the proposed development, subject to the imposition of a number of conditions which will secure sound insulation measures, appropriate odour abatement equipment and control plant and equipment.

The proposed development will provide satisfactory living conditions for future residents. The internal layouts of the proposed accommodation are typical, and will provide adequate outlook and natural daylight to all habitable rooms, offering a good level of space to meet the needs of future residents.

Effect on Existing Residential Properties

Adjacent to the site, to the east, is the two-storey property (no. 388), which is occupied by William Hill betting shop, with ancillary storage above. In the side elevation of that property is a single window located at first floor level. This window does not serve a main habitable room and as such, there will be no significant impact on that property. Within the rear elevation of the property are windows with security grilles attached. The windows do not appear to serve any living accommodation.

To the north, opposite the site, is a three-storey block of flats, which are in excess of 30 metres away from the site. The degree of separation between the existing flats and the proposed new apartments is considered to be acceptable and will accord with the guidelines laid down in Supplementary Planning Guidance on House Extensions, which sets a minimum distance of 21 metres between main facing habitable room windows. Accordingly, the proposal will not cause overlooking and neither will the building have an overbearing impact on those properties.

To the south-west of the site are residential properties, which front onto Bramley Lane and have rear gardens facing east towards the site. The land falls away significantly from the north to the south down Bramley Lane such that residential properties are positioned to reflect the topography and are set down below the application site. Nos. 11, 15, 17 and 19 are bungalows. Beyond the site of no. 11, to the north and east, the land is already built up with buildings and yard areas serving the adjacent shop units.

Nos. 15 and 17 have small rear gardens, which are raised and no. 15 has a garage located in the rear garden, abutting the west boundary of the application site.

The application site is elevated, but given the orientation of the proposed new building and the fact that there will be a distance of no less than 25 metres between the new building and the above-mentioned properties, there will be no adverse impact in terms of residential amenity. The proposed building will not face directly onto the bungalows, and to mitigate against potential overlooking resulting from the nearest balconies (serving apartment nos. 8 and 14), a condition will be imposed requiring a high screen to be positioned on the west elevation of the balconies. Other balconies will be sufficiently distanced away to not raise any concerns in respect of reduced privacy levels.

The proposed building will be positioned to the north of the site, away from the Bramley Lane properties. Owing to the orientation of the plot, it is concluded that there will be little or no loss of direct sunlight to the adjacent properties and neither will the building have an overbearing impact.

Within the rear curtilage of the site will be a car parking area, which will serve the new apartments. The traffic movements generated by the proposed car parking area are not considered to be significant and unlikely to have an adverse impact on the neighbouring properties of 11 – 19 Bramley Lane. A screen fence will also be erected along the west boundary, which will provide a physical barrier to this area.

On this basis, the proposed development is considered acceptable in amenity terms, with no adverse impact on existing or future residents. In this regard, the proposed development will meet the requirements of the adopted plan.

Highway Issues

UDP Policy S10 (f) states that any new development should be adequately served by transport facilities, provide safe access to the highway and appropriate off-street parking, and not endanger pedestrians.

A car park will be provided at the rear of the site, which will be served with a new means of vehicular access from Handsworth Road. The car park will provide 19 car parking spaces of which 2 will be to disabled access standards. The spaces will serve the commercial units and the residential accommodation.

The previous scheme was refused on highway grounds and subsequently considered at appeal. The Inspector was of the opinion that a shortfall of 9 spaces was significant and would be detrimental to highway safety. The Inspector was also concerned with regards to the servicing arrangements which were proposed to be carried out within the site. It was considered that, owing to the site being of restricted dimensions, manoeuvring would be difficult and there was potential for conflict between delivery vehicles and visitors/customers. Concern was also expressed in respect of the dual use of the car park for both residents and customers.

The proposed development has been scaled down insofar as the number of retail units and associated floor space has been reduced, and the number of apartments has been reduced from 14 to 12.

UDP parking guidelines recommend that there should be 1 space per apartment, plus 1 visitor space per 4 flats, which gives a total of 15 spaces. It should be borne in mind that they are guidelines, which are designed to be applied flexibly, for different circumstances. In respect of the retail element, the guidelines vary as to whether the units will be food or non-food. One space per 35m² is suggested for non-food and one space per 20m² is suggested for food use. The combined floor area for the retail units will be 147m². Given that it is not known as to the type of A1 retail use, a pragmatic approach needs to be taken. If one unit is food related and the other is non-food, the recommended parking requirement would be approx. 4.5 to 7 spaces. The development will provide 4 spaces, which is considered to be a reasonable number in a designated shopping area and given that the other spaces within the site could also potentially be used, especially during the daytime, this would meet the demand if required. The Highways Officer does not have any objection to the flexible use of these parking spaces and is of the opinion that it is not necessary to formally allocate the spaces.

There have been concerns amongst objectors in respect of increased on-street parking and the likely traffic hazards resulting from such congestion. There is limited on-street car parking accommodation available to the east adjacent to properties 388–392 Handsworth Road. Further resident concerns have been raised about the potential for more illegal parking of vehicles along Handsworth

Road, which is a busy dual carriageway. The level of proposed development has been reduced and the amount of available in-curtilage parking has been increased, such that it is considered that the increased demand for on-street parking will not be so significant that a refusal will be justified. The site is located within a Shopping Area, where it is not always feasible to provide complimentary parking. The adjacent commercial units do not provide in-curtilage parking. Furthermore, the presumption should not be that visitors to both the existing and proposed shop units will arrive by car. It is likely that some local residents will walk to the site or may choose to use public transport.

It is unfortunate that an existing YEB sub-station occupies a substantial space within the rear curtilage of the site, which prevents the opportunity to increase the level of parking.

Servicing will be carried out on-street immediately adjacent to the site, on Handsworth Road, which is how other adjacent units are currently serviced, given the absence of any in-curtilage space. It is not considered that the increased level of servicing in this manner will be so significant that it will have an adverse effect on the highway, especially as this is a temporary operation.

A secure cycle store will be provided to serve the future residents and 3 cycle stands will be provided within the footway which will serve as short stay spaces for the wider area.

A number of highway improvements and works in the highway will take place as part of the application including the relocation of the bus stop and telephone box; closing the existing gap in the central reservation to prevent vehicles making 'U' turns; improvement works to the nearby pedestrian crossing; closure of redundant accesses and; the reconstruction of the footway adjacent to the site.

In the event of an emergency, a fire appliance will be able to access the building from Handsworth Road.

The proposed development, largely complies with the current parking standards, and in light of the Inspector's conclusion, which was a balanced decision, and the fact that this is a reduced scheme, the proposed development is considered acceptable in highways terms and will meet the requirements of the adopted plan.

Drainage

Core Strategy Policy CS67 requires developments to significantly reduce surface water run-off from the site.

Yorkshire Water and the Lead Local Flood Authority (LLFA) have been consulted and in principle, there is no objection to the proposal, subject to full details being submitted of the proposed means of disposal of surface water drainage and the requirement to achieve a 30% reduction in the existing peak discharge rate.

Land Contamination

A Geo-environmental desk top report has been submitted, which given the existing uses on the site, which includes a petrol filling station, there is the potential for contaminants on the site and as such, further site investigations are required. A condition will be imposed to secure appropriate investigations and remediation measures are carried out.

Affordable Housing

The scheme is not large enough to trigger an affordable housing requirement.

Community Infrastructure Levy

The scheme will be liable for a contribution under the Community Infrastructure Levy, which was introduced 15th July 2015. The site lies within CIL Charging Zone 3 where the CIL charge is £30 per square metre.

SUMMARY AND RECOMMENDATION

In land use terms, the proposal is considered acceptable in principle and will facilitate the redevelopment of a prominent site in a sustainable location.

The proposal represents a typical 'flats over shops' concept, which is characteristic of the area, and is reflected not just in this local shopping area but in other local shopping areas within the City. It is considered that this type of development will enhance the character of the area and remove an existing eyesore.

It is relevant to note that, although the site is not particularly large, the onset costs are high, owing to the position of the YEB sub-station and the need to re-direct cables which currently run beneath the existing restaurant. The financial viability of the scheme is therefore dependent on achieving a minimal level of development on the site.

The design of the proposed development is considered acceptable in terms of its scale, form, detail and siting. Some degree of articulation has been incorporated into the design and the use of good quality materials will ensure the proposal will be in keeping with the character of the area. The footprint is similar to that of adjacent units and the layout of the site maximises the available space and takes advantage of the south-facing aspect.

Existing and future residents will not be adversely affected by the proposed development.

With regard to highway safety, the site is located within a Local Shopping Area, which is well served by public transport and it is not considered that the existing on-street parking problem will be exacerbated to such a degree that a refusal is justified in this highly sustainable location. The scale of the development has been reduced since the previous scheme and it is not considered that it will result in a significant demand for on-street parking. The highway improvements proposed will also address some of the traffic safety concerns.

The site is considered to be an eyesore and given its history, the proposed development represents a good opportunity to consolidate the land and facilitate a permanent use for the site, which will be in keeping with the existing shopping area and be more compatible with the surrounding area than the present restaurant and car wash.

The proposed development will comply with all other policy requirements. On this basis, the proposal is considered acceptable and will accord with the identified policies within the Core Strategy and the Unitary Development Plan (UDP) as well as being in line with the National Planning Policy Framework.



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 20 March 2018

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 20 MARCH 2018

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 Advertisement Consent for the display of 1x internally illuminated 6-sheet sequential display unit on telephone kiosk for on the telephone box fronting 129Pinstone Street Sheffield S1 2HL (Case No 17/04108/HOARD)

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse Advertisement Consent for the replacement of non-illuminated vinyl sign with 1x internally illuminated 6-sheet sequential display unit at the telephone box adjacent To Sheffield Hallam University Arundel Gate Sheffield S1 2PN (Case No 17/04109/HOARD)

(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse Advertisement Consent for the replacement of non-illuminated vinyl sign with 1x internally illuminated 6-sheet sequential display unit at the telephone box adjacent to Sheffield Interchange Pond Street Sheffield S1 2BW (Case No 17/04116/HOARD)

(iv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse Advertisement Consent for the replacement of non-illuminated vinyl sign with 1x internally illuminated 6-sheet sequential display unit at the telephone box opposite Midland Station Sheaf Street Sheffield S1 2BP (Case No 17/04117/HOARD)

(v) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse Prior Notification for the siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) at the pavement outside the Town Hall Pinstone Street Sheffield S1 2HN (Case No 17/03091/TEL)

(vi) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse Prior Notification for the siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) at pavement outside 2 Leopold Street Sheffield S1 2GY (Case No 17/03090/TEL)

(vii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse Prior Notification for the siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) at pavement outside Bow House West Street City Centre Sheffield S1 4EP (Case No 17/03087/TEL)

(viii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse Planning Permission for the replacement windows/facade and addition of balconies to 1st , 2nd, 3rd and 4th floors at 40-50 Castle Square Sheffield S1 2GF (Case No 17/04660/FUL)

3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the delegated decision of the Council to refuse planning consent for a first-floor side extension at Bentiholme Farm Bent Hills Lane Sheffield S35 0GE (Case No 17/04336/FUL)

Officer Comment:-

The Inspector considered the main issues to be whether the proposal was, a) inappropriate development, b) its effect on the openness of the Green Belt, c) the effect on the character and appearance of the building and, d) if inappropriate, whether there were very special circumstances justifying the development

- a) The house has been previously extended. The proposed additional accommodation was considered, when taken into account with the earlier extensions, to be a disproportionate addition and therefore contrary to the NPPF, UDP Policy GE6 and Guideline 9 of the SPG “Designing House Extensions”
- b) Whilst the proposal would be noticeable, the Inspector considered that the effect would be limited and so the impact on openness was not significant.
- c) The appearance of the house has been significantly altered by earlier extensions and its visibility would be tempered by the proximity to larger buildings. The Inspector concluded that the effect on the character and appearance of the house would not be unacceptable.
- d) Whilst sympathetic to the applicant’s needs, these did not outweigh the strong protection given to Green Belts and so no “very special circumstances” were found to exist.

Accordingly, the Inspector dismissed the appeal.

5.0 RECOMMENDATIONS

That the report be noted

Rob Murfin
Chief Planning Officer

20 March 2018

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