

# Planning and Highways Committee

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**Tuesday 10 April 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**

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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.

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## **PUBLIC ACCESS TO THE MEETING**

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

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

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

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

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

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## **FACILITIES**

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

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

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**PLANNING AND HIGHWAYS COMMITTEE AGENDA  
10 APRIL 2018**

**Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 1 - 4)  
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 5 - 6)  
Minutes of the meeting of the Committee held on 20 March 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 7 - 8)  
Report of the Director of Regeneration and Development Services
- 8. Land at Former Dial House Club, 72 Far Lane (Case No. 18/00214/FUL)** (Pages 9 - 26)
- 9. The Polish Catholic Centre, 518-520 Ecclesall Road (Case No. 17/05136/FUL)** (Pages 27 - 38)
- 10. Baldwins Omega Centre, Brincliffe Hill (Case No. 17/04961/REM)** (Pages 39 - 86)  
Please note that this application has now been withdrawn from the meeting (10 April 2018) and will be submitted to a future meeting of the Committee.
- 11. 20 Woodburn Drive (Case No. 17/04628/FUL)** (Pages 87 - 98)
- 12. Site Of Bannerdale Centre, 125 Bannerdale Road (Case No. 13/04206/COND1)** (Pages 99 - 104)
- 13. Record of Planning Appeal Submissions and Decisions** (Pages 105 - 108)  
Report of the Director of the City Growth Department
- 14. Date of Next Meeting**  
The next meeting of the Committee will be held on 1 May 2018

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

Further advice can be obtained from Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email [gillian.duckworth@sheffield.gov.uk](mailto:gillian.duckworth@sheffield.gov.uk).

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Planning and Highways Committee

Meeting held 20 March 2018

**PRESENT:** Councillors Peter Rippon (Chair), David Baker, Jack Clarkson, Michelle Cook, Tony Damms, Roger Davison, Dianne Hurst Bob Johnson, Alan Law, Peter Price, Zoe Sykes, Bob Pullin (Substitute Member) and Vickie Priestley (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 Vickie Priestley and Bob Pullin attended the meeting as the duly appointed substitutes. Apologies for absence were also received from Councillors Chris Rosling-Josephs and Zahira Naz but no substitutes were appointed.

**2. EXCLUSION OF PUBLIC AND PRESS**

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

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. MINUTES OF PREVIOUS MEETING**

4.1 The minutes of the meeting of the Committee, held on 27 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. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS**

6.0.1 **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.

**6.1. LAND BETWEEN JAMES WALTON COURT AND STATION ROAD, SHEFFIELD S20 3GY (CASE NO. 18/00037/FUL)**

6.1.1 Subject to an amendment to condition 7, an amendment to the report and consideration of additional representations, as outlined in a supplementary report circulated at the meeting, and, following consideration at the meeting of representations from a local resident speaking against the application and the agent for the applicant speaking in support of the application, an application for planning permission for erection of a dwelling house with internal garage at land between James Walton Court and Station Road (Case No. 18/00037/FUL) be granted, conditionally.

**6.2. WITHIN THE CURTILAGE OF 200 ABBEY LANE, SHEFFIELD S8 0BU (CASE NO. 17/04966/FUL)**

6.2.1 Subject to amendments to conditions 2 and 8, and following consideration of additional representations, as outlined in a supplementary report circulated at the meeting, and following consideration of representations at the meeting from three local residents speaking against the application, an application for planning permission for erection of two detached dwelling houses with associated works within the curtilage of 200 Abbey Lane (Case No 17/04966/FUL) be granted, conditionally.

**6.3. KOH-I-NOOR, 386 HANDSWORTH ROAD, SHEFFIELD, S13 9BY (CASE NO. 17/03290/OUT)**

6.3.1 Following consideration of additional letters of representation, and subject to amendments to conditions 2 and 12 and an additional directive, as outlined in a supplementary report circulated at the meeting, an application for outline planning permission for 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 at Koh-I-Noor, 386 Handsworth Road (Case No. 17/03290/OUT) be granted, conditionally.

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

7.1 The Committee received and noted a report of the Chief Planning Officer detailing (a) the planning appeals recently submitted to the Secretary of State and (b) the outcome of recent planning appeals, along with a summary of the reasons given by the Secretary of State in his decision.

**8. DATE OF NEXT MEETING**

8.1 It was noted that the next meeting of the Committee will be held at 2:00p.m. on Tuesday, 10 April, 2018 at the Town Hall.



## SHEFFIELD CITY COUNCIL Planning and Highways Committee

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Report of: Director of City Growth Department

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Date: 10/04/2018

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Subject: Applications under various acts/regulations

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Author of Report: Chris Heeley 2734218

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Summary:

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

Recommendations:

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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	18/00214/FUL (Formerly PP-06656850)
Application Type	Full Planning Application
Proposal	Erection of 4 dwellinghouses and 3 flats in a courtyard block and provision of car parking accommodation
Location	Land At Former Dial House Club 72 Far Lane Sheffield S6 4FF
Date Received	15/01/2018
Team	West and North
Applicant/Agent	Development Delivery Consultancy
Recommendation	Grant Conditionally Subject to the completion of a Legal Agreement

## Time limit for Commencement of Development

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

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

## Approved/Refused Plan(s)

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

Site Location Plan - Dwg No: 00  
Site layout - Dwg No: 01 rev D  
Proposed Floor Plan - Dwg No: 02  
Proposed elevations - Dwg No: 03  
landscape layout - Dwg No 102 rev B (hard landscaping only)

Reason: In order to define the permission.

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

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

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

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

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

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

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

6. No development shall commence until full details of measures to protect the trees indicated to be retained on TPM landscapes landscape drawing ref: 102 rev B 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 and details of the construction of the parking spaces underneath the tree canopy to minimise the impact on the existing tree roots. Protection of trees shall be in accordance with BS 5837, 2005 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

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.

7. No development shall commence until detailed plot and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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

8. 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.

9. 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.

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

10. 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.

11. 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.

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

- (i) Window reveals
- (ii) Dormer windows
- (iii) Eaves
- (iv) Verges
- (v) Doors
- (vi) Stone detailing

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

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

13. The soft landscape scheme is not approved. Prior to the commencement of development or within an alternative timeframe to be agreed in writing by the Local Planning Authority a comprehensive soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include specific species and planting to enhance the biodiversity of the site.

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

14. No development shall take place until details of the proposed means of disposal of surface water drainage, including but not exclusive to:

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical ;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and



c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change have been submitted to and approved by the Local Planning Authority.

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

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

15. Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, details of the proposed surfacing, layout and marking out of the car parking accommodation shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not be used unless the car parking accommodation 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.

16. Prior to the commencement of development details of the proposed permeable surfacing of the car parking areas including specification materials and construction shall be submitted to and approved in writing by the Local Planning Authority. The car parking areas shall be provided in accordance with the approved details and thereafter retained.

Reason: In the interest of sustainable drainage.

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

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

18. 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 development 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

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. 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.

21. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage

22. 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.

#### Attention is Drawn to the Following Directives:

1. 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.
2. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of

demolition and construction will be carried out during normal working hours, i.e. 0800 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from the Environmental Protection Service, Howden House, Union Street, Sheffield, S1 2SH, tel. 0114 2734651.

3. 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.
4. The applicant should be aware that a legal agreement has been completed in respect of this proposal.
5. Before commencement of the development, and upon completion, you will be required to carry out a dilapidation survey of the highways adjoining the site with the Highway Authority. Any deterioration in the condition of the highway attributable to the construction works will need to be rectified.

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

Telephone: 0114 273 6677

Email: [highways@sheffield.gov.uk](mailto:highways@sheffield.gov.uk)

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

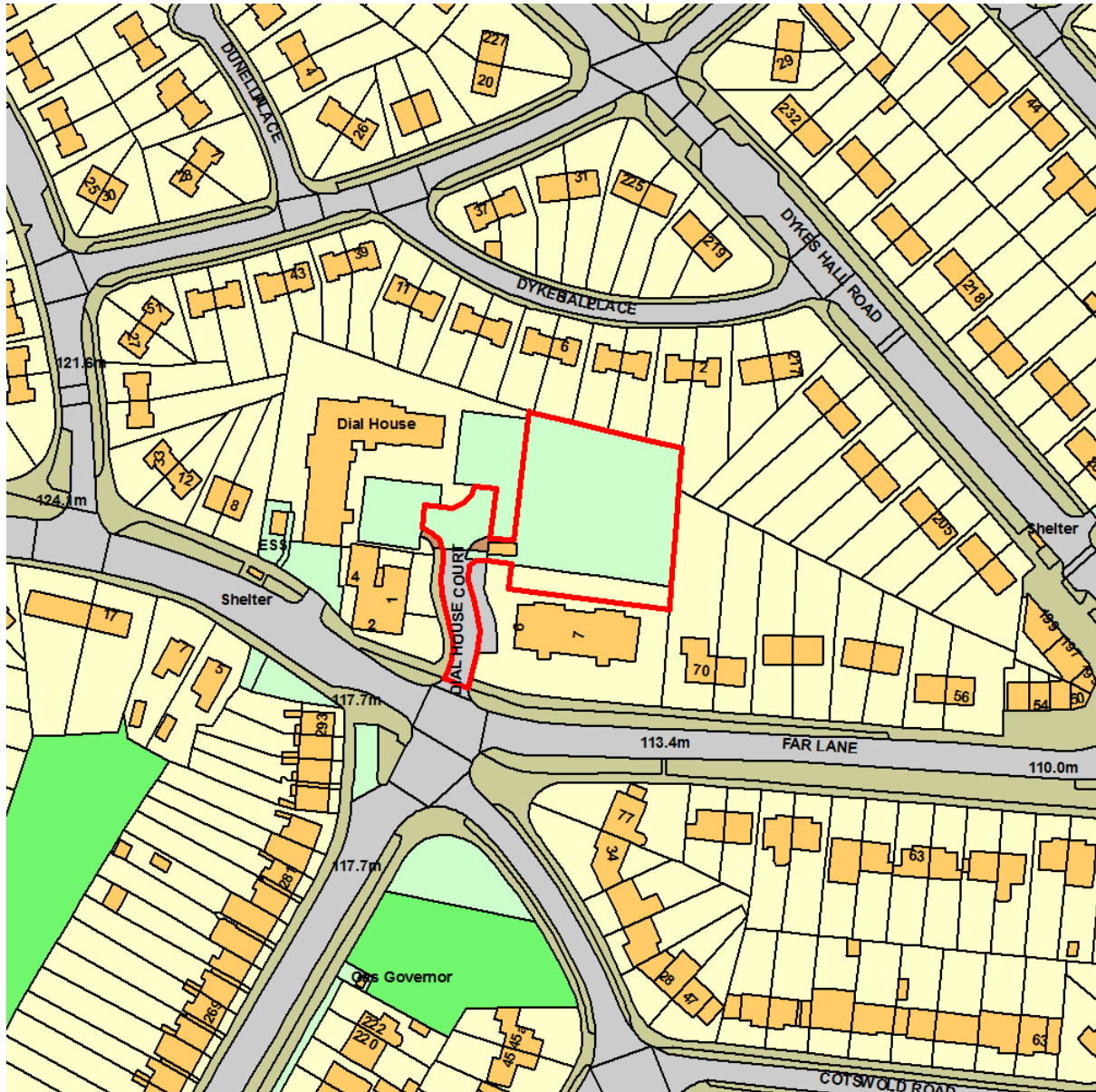
<http://www.sheffield.gov.uk/home/roads-pavements/Address-management>

For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk).

Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

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

## Site Location



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## LOCATION AND PROPOSAL

This application relates to a roughly square parcel of land approximately 0.4 hectares in area which is located to the rear of the former Dial House Club site on Far Lane/Ben Lane opposite the junction with Dykes Lane.

The application site was historically used as a parking area and part of a bowling green associated with the Dial House club which was fire damaged and closed in 2005.

Planning consent for 32 apartments and 3 dwellings was granted on appeal in 2006 to redevelop the wider Dial House club site which included the conversion of the grade II former club building and erection of two three storey blocks of flats. The bowling green facility was removed and partially built over as part of the scheme. A series of conditions were attached to the planning consent which included the requirement to provide a new bowling green and pavilion on the application site. The inspector noted the presence of a legal agreement to supplement the conditions requiring the provision of the bowling green.

Since the Dial House club closed the site has remained vacant and the bowling green has not been used. The application site was cleared as part of the redevelopment of the wider club site, levelled and left vacant. To date the bowling green and associated pavilion have not been provided and due to a lack of demand for the facilities the applicants are seeking permission to redevelop the site for residential purposes.

This application seeks permission to erect four three bedroom dwelling houses and three one/two bedroom flats with associated parking and landscaping. The development is arranged in an 'L' shaped block and the site is accessed from Dial House Court which is a private road that serves the existing flats and dwellings on the former Dial House club site.

The application site is in an allocated Housing Area as defined in the adopted Sheffield Unitary Development Plan (UDP) and the locality comprises of dwellings of varying age, design and character.

## PLANNING HISTORY

Planning permission and listed building consent to redevelop the Dial House club site was refused for the erection of 44 apartments in 2 x 4-storey blocks and alterations to Dial House to form 2 dwellings (03/03668/FUL and 03/03678/LBC).

Subsequent revised full planning and listed building applications were granted on appeal in 2006 (04/04797/FUL and 04/04808/LBC ) for the erection of 32 apartments in 2 x 3 storey blocks and alterations to Dial House to form 3 dwellings and associated car parking accommodation - resubmission application.

There have been a number of difficulties with the development of this site over the years as the scheme was initially commenced and then left incomplete for a number of years. During 2013 and 2014 a series of conditions discharge applications and a non-material amendment application were submitted to regularise the changes that were made to the scheme during its construction. The most recent application which was retrospective is detailed below:

14/02250/FUL - Application to allow alteration to ground floor window opening of former Dial House Club building on south elevation to Ben Lane (Application under

Section 73 to vary condition 3 of appeal reference APP/J4423/A/05/1190189) -  
Granted Conditionally.

## REPRESENTATIONS

The application has been publicised by way of site notice and individual letters. Seven letters of representation have been received in objection to the scheme including two representations from the same address and comments by Loxley Valley Protection Society. The issues raised are summarised as follows:

- The grassed amenity area to the rear of the flat blocks on Far Lane will be substantially reduced.
- The development will reduce on-site parking provision for existing residents.
- The development will affect property values.
- The development will create noise and disturbance and disrupt the availability of parking during the construction phase. Residents should be compensated for disturbance.
- Construction vehicles will damage the existing access road into the site.
- Landscaping and tree planting will block light to all residents.
- Dwellings are already overlooked from existing apartments and the overlooking impact will be increased by the proposed development.
- Loss of privacy.
- The site will be cleared of trees as no preservation orders are in place.
- The development will eradicate all wildlife from the site including foxes and barn owls.
- The existing car park will be hazardous to potential families and children who may move in.
- No evidence of energy saving measures are shown on the plans such as solar panels.
- Boundary fencing will be moved and existing amenity areas affected.
- Insufficient car parking provided, existing spaces are already full particularly in the evenings and two visitor spaces will be lost and not replaced.
- Bin movements and storage will damage cars.
- The drainage details relate to a bowling green and not the proposed development.

### Loxley Valley Protection Society

- The views and objections of the local residents should be taken into account when determining their application.
- The site has a long and complex planning history and previous approvals and conditions applications show the site as a bowling green which has not been provided despite conditions being imposed on the previous consent.
- The Bowling Green area is now more suited to wildlife and residents have identified that barn owls forage on the site.
- The land should be retained as a bowling green for the benefit of residents.

### Policy Issues

The site is in a housing policy area as defined in the adopted Sheffield Unitary Development Plan, where policy H10 identifies housing as the preferred use of land. As such the principle of redeveloping this site for seven dwellings is considered acceptable.

#### Housing Land Supply and density

The NPPF requires local authorities to identify a 5 year supply of specific 'deliverable' sites for housing with an additional 5% buffer. In addition, Policy CS22 (Scale for the Requirement for New Housing) within the Sheffield Development Framework Core Strategy (CS), sets out Sheffield's housing targets until 2026.

In relation to Sheffield's current housing land supply position, although the latest monitoring shows in excess of a 5-year supply of housing sites against the CS targets, these targets pre-date the National Planning Policy Framework and should now be considered out of date.

The latest Government household growth projections suggest that housing need in the city is higher than was previously planned for in the CS and, as such, the city has an approximate 4.5 year supply of housing using the latest growth projections.

It is clear that a residential proposal such as this would make a small but positive contribution towards the identified housing supply shortfall and this should be afforded appropriate weight as a material consideration.

The proposal accords with Core Strategy Policy CS23 (Locations for Housing Development) as the site is considered to be a suitable and sustainably located site within the urban area of Sheffield

Policy CS24 of the CS seeks to maximise the use of previously developed land for new housing. Approximately half of the application site is considered to be previously developed land comprising of a former car park associated with the club and the redevelopment of this part of the site is considered fully compliant with policy CS24. The former bowling green part of the site could however be considered to be greenfield land despite having been removed and partially built over as part of the adjoining development. The development of new homes on the former bowling green part of the site is not therefore considered to contribute towards achieving the aim of maximising the use of previously developed land for new housing.

Policy CS24 however sets out circumstances in which housing on greenfield sites will be developed in the period to 2025/26. Part (b) of CS24 allows the redevelopment of small sites within existing urban areas where it can be justified on sustainability grounds. Part (d) of CS24 also allows redevelopment of sustainably located sites within urban areas if annual monitoring shows that there is less than a 5-year supply of deliverable sites. Given the results of the most recent assessment of housing land availability, described above, and the sustainable location of the site it is concluded that part (b) and (d) of the policy are relevant and that the redevelopment of the entire site would be acceptable in principle in accordance with policy CS24.

## Density

Core Strategy policy CS26 seeks to make efficient use of land for new housing and sets out appropriate density ranges for different locations depending on accessibility. In this location the appropriate density range is 30 - 50 dwellings per hectare. The proposal for 7 houses on this site represents a density of around 17 dwellings per hectare. This is below the density recommended by policy CS26, however this is largely due to the existing constraints of the site including the proximity of adjoining development and the need to provide appropriate parking and turning space within the site. Taking account of the above the density of the scheme is considered acceptable and does not appear out of character with the surrounding area.

## Loss of Bowling Green

The previous appeal decision that related to redevelopment of the former Dial House club site concluded that the former club and its associated bowling green was not a publically available community facility as it was a private members club.

As noted above the former bowling green was removed, partially built over and never re-provided as part of the redevelopment of the wider site. As such the proposed development is not considered to result in the actual loss of any existing sporting facilities. Furthermore the site has not been used for in excess of 5 years therefore Sport England has not been consulted on the application.

Notwithstanding the above it is acknowledged that the previous appeal decision required the provision of a replacement bowling green and pavilion facility on the application site and if the site is redeveloped for the purposes proposed these facilities, which could be considered formal open space for the purposes of CS47, will not be provided. The developer is proposing to make a contribution (via section 106 agreement) towards the enhancement of sport, recreation and leisure facilities in the area in lieu of providing the bowling green and pavilion on site. The applicants have indicated that there is a lack of interest or demand for a bowling green on this site as following the closure of the club the site has not been publically accessible resulting in any local teams that formerly used the site relocating to other greens in the area including the higher quality bowling green's available in Hillsborough Park. This has resulted in a lack of demand for new bowling green facility on the site.

From an open space perspective policy CS47 (Safeguarding of Open Space) sets out the Council's policy for proposals that seek to build upon open space and sets out the criteria where development will and will not be permitted. The Council's open space audit indicates that there is a slight shortage of outdoor sports provision in the area; 0.2 hectare less than the required standard of 1.14 hectares per 1000 population. However this site is not in active use as a sports facility and has had no public access since 2005, thus it has not contributed to outdoor sports provision over this time and due to its limited size it has not been considered as part of the Council's open space audits for the area. On this basis, although there is an existing shortage of formal open space provision the development would not result in any further quantitative shortage of either informal or formal open space and it is



considered that the enhancement of easily accessible off site facilities would be preferable in this case.

The land is not considered to be a high quality space or contain any significant heritage, landscape or ecological features that would warrant its protection or retention. Given the site's inaccessibility for such a long period of time, it cannot be argued that the loss of the land would deny the local people access to a local park or to a smaller informal open space. The loss of the space would not impact upon the City's Green Network.

In light of the above the principle of accepting a contribution towards the enhancement of off-site facilities in the area in lieu of direct provision of the bowling green facility, which there is little or no demand for is considered acceptable.

A contribution of £53,415.63 has been offered by the applicants. The contribution is based on the costings provided by the applicant's quantity surveyors for a bowling green and small pavilion building identified in the original approval for the Dial House club site. The costings have been discussed with colleagues in the Councils Parks and Countryside section and are considered to be a reasonable estimation of the cost of providing the bowling green and pavilion on the site.

The contribution proposed however only equates to 87% of the total cost of providing the bowling green and pavilion. The applicants state that in order to secure the redevelopment of the site it is not viable to make a section 106 contribution based on the full costs of the bowling green facilities. This is unfortunate, however the alternative option of not accepting the contribution offered could see the site remain vacant and undeveloped; the council enforcing the original planning conditions requiring the applicant to provide a facility which would not be high quality and which there is little demand for. Alternatively the applicant could apply to remove the conditions imposed on the original permission and if successful remove the requirement to provide the facility and/or make any contribution towards off site enhancements. On that basis it is considered that the section 106 contribution offered is preferable and acceptable.

It should also be noted that the development will also be making a CIL contribution of approximately £17,000 and as such alongside the section 106 contribution a total of approximately £70,415.63 will be secured. Parks colleagues have indicated that Hillsborough Park should be the focus of the 106 contribution and that the contribution could go towards a number of existing facilities in the park including enhancing existing play, sports and leisure facilities. Parks colleagues have also indicated that the contribution would be a valuable part of a match funding bid being prepared for wider improvements to the park.

For the reasons above, it is concluded that the proposal complies with paragraphs 14, 17, and 49 of the NPPF as well as Core Strategy Policies CS23, CS24, CS26 and CS47.

Design, scale and layout

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

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

The site is roughly square in shape and the proposed dwellings are laid out in an L shaped block with a parking court, communal amenity space for the three flats and private garden areas for each of the dwellings located to the rear of the building. Additional parking and turning space is provided to the front of the site and an existing area of communal amenity associated with the neighbouring block of flats fronting Far Lane will be enlarged to create additional communal amenity space for the use of existing and future residents of the former dial house site.

The site is largely screened from the public highway by a three storey block of flats fronting Far Lane. As such the site is not viewed prominently in the street scene. Nevertheless the design of the development is considered to be high quality comprising of contemporary dwellings which are faced in stone with slate roofs to match the existing buildings on the former dial house club site.

The development is two storeys in height with the four family properties including accommodation in the roof space. The scale of the development is considered appropriate and is considered consistent with the scale of the built form in the area.

The development is not considered to have any impact on the appearance or setting of the listed part of the former dial house club which is separated from the application site by a large car parking area and access road.

In light of the above the design and layout of the scheme is considered acceptable taking account of the constraints of the site. The scheme therefore complies with BE5 of the UDP and CS74 of the CS.

#### Amenity Issues

UDP Policy H15 (Design of New Housing Developments) expects the design of new housing developments to provide good quality living accommodation. This includes adequate private garden space or communal open space to ensure that basic standards of daylight, privacy, security and outlook are met.

The site is relatively flat however it is elevated approximately 1 to 1.5 metres above the rear gardens of dwellings to the north on Dykes Hall Place and to the east No. 70 Far Lane whose large rear garden forms the entire eastern boundary of the site.

The privacy distances achieved between the proposed dwellings and existing dwellings to on Dykes Hall Place is in excess of 21 metres, and a separation distances in excess of 10 metres are achieved between the proposed dwellings, the eastern site boundary and the existing block of flats to the south. Taking account of

these separation distances and the two storey scale of the buildings proposed the development is not considered to give rise to any harmful overlooking, overshadowing or overbearing issues.

Both the communal and private garden areas for the proposed dwellings are considered to be adequate, well laid out and proportionate to the size of the dwellings proposed.

The site is located in an established residential area and future residents are not considered to be exposed to any noise issues which require the provision of enhanced or increased glazing or ventilation specifications.

The site will be accessed through via an existing private road and parking area associated with the adjoining flats, however given the limited scale of the development any additional traffic movements associated with it are not considered to give rise to any harmful noise and disturbance issues.

In light of the above the proposal is considered to comply with UDP Policy H15.

## Highways

Core Strategy Policy CS53 'Management of Demand for Travel' sets out a variety of ways in which the increased demand for travel will be managed across the City.

The existing Dial House club site is access from Far Lane via a private road which serves the existing dwellings on the adjoining site. In order to accommodate access to the application site two unallocated car parking spaces will be removed from the existing car park. The loss of these car parking spaces is not considered to be significant, as an additional visitor space is provided within the application site which could be used by anyone visiting residents of the existing and proposed development. Also as part of the redevelopment of the former Dial House club site the developer provided one additional car parking spaces as part of the development, which further limits the impact on parking levels within the site

Furthermore the conditions attached to the original planning consent did not require the provision of dedicated parking for the bowling green and as such it must be concluded that the level of car parking provided within the existing car park areas was considered adequate to accommodate the users of the bowling green as well as the adjoining residential development.

Within the application site two vehicle spaces are provided for each of the 5 dwellings which have two bedrooms or more and one space is provided for each of the one bedroom flats. A further visitor space is also provided within the site. The spaces are generally provided within the communal areas to the front and rear of the building. The overall level of parking provision for the development is considered to be acceptable.

It should be noted that the site is sustainably located in close proximity to local shopping facilities and services including schools.

In considering the highway matters above, it is concluded that the granting of planning permission will not adversely compromise the operation, performance or safety of the local highway network or harmfully affect the provision of car parking within the site. As such the proposal is considered to be satisfactory with the aims of Policy CS53 of the Core Strategy.

#### Drainage Issues

Policy CS67 (Flood Risk Management) sets out that the extent and impact of flooding will be reduced by a number of means including: requiring developments to significantly limit surface water runoff, requiring the use of sustainable drainage techniques on sites where this is feasible and practicable and promoting sustainable drainage management in rural areas.

The site is located in Flood zone 1 where land and properties are considered to be at the lowest risk of flooding.

Yorkshire water have identified that the current proposals to discharge surface water to the combined sewer are not acceptable without first considering and discounting alternatives such as the feasibility of soakaways. As such a series of conditions are to be imposed requiring final details of site drainage. The submitted plans indicate that permeable surfaces will be used in the parking areas associated with the development.

#### Landscape and Ecology Issues

NPPF paragraph 118 states that in determining planning applications, local authorities should aim to conserve and enhance biodiversity and should encourage opportunities to incorporate biodiversity in and around the development.

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

The site comprises of overgrown grassland surrounded by residential development. Local residents have identified that the site is used for foraging by barn owls and other species such as fox. The Councils Ecology section has confirmed that there are no records of barn owls in the locality but other species of owl could be in the area. It is considered that the loss of this small area of grassland which was intended and is still currently required (by way of condition) to be used as a bowling green would not be significantly harmful from an ecology perspective.

The application indicates that a large area of communal amenity space will be retained as part of the development. However a revised and detailed landscape design will be worked up with specific intention to enhance ecology where possible through the planting of native species and fruit/nectar bearings species.

There are some mature trees located in the north east and north west corners of the site. The trees are not considered worthy of a preservation order however they do provide some welcome mature landscaping and are indicated to be retained as part of the scheme. Some works are required in the root protection areas of the trees in the north west corner of the site in order to form the car parking spaces. A condition will be imposed to minimise any harmful impact on the roots of the trees. In light of the above the proposal is considered acceptable from an ecology and biodiversity perspective.

### Sustainability

Policy CS63, 64 and 65 sets out the Councils sustainability objectives with regard to new development. As noted above the site is in a sustainable location with good access to local services.

The applicants have indicated that they will be adopting a fabric first approach in order to meet the requirements of policy. Full details will be secured by condition.

In light of the above the proposal is considered to be acceptable from a sustainability perspective.

### Section 106 Open Space contribution

As noted above a contribution of £53,415.63 towards the provision of sports, leisure and recreation facilities within Hillsborough Park will be secured by way of section 106 agreement.

### Community Infrastructure Levy (CIL)

In accordance with the CIL and Planning Obligations Supplementary Planning Document the site falls in the CIL charging Zone 3 and is liable for a contribution of £30 per square metre. The development will secure a CIL contribution of approximately £17,100.

### Land Contamination

Due to the previous use of the site and unknown ground conditions a series of land contamination and remediation conditions are recommended to be imposed in order that ensure that future residents are protected from potential contamination and ground gas.

### RESPONSE TO REPRESENTATIONS

- The effect in property values is not a planning matter.
- Controls over hours of working are covered by separate legislation.
- Bin storage arrangements have been amended as part of the scheme with a dedicated collection and storage area provided within the site away from the parking areas associated with the existing flats.

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

## SUMMARY AND RECOMMENDATION

This application seeks permission to erect 7 dwellings comprising of four three bedroom dwellings and three one/two bed flats on part of the former Dial House club site.

The site was historically used as a parking area and bowling green associated with the Dial House club which closed in 2005. Planning conditions were imposed on the original planning permission (granted in 2006) to redevelop the wider Dial House club site (now occupied) which required the application site to be provided as a new bowling green with pavilion.

The new bowling green and pavilion has not been provided and the application site has stood vacant and unused for a number of years with no public access. The applicants have indicated that there is a lack of demand for a bowling green and pavilion on the site and in lieu of providing the facilities are proposing to make a section 106 contribution towards the enhancement of sports, recreation and leisure facilities in the area (Hillsborough Park).

The principle of making a section 106 contribution towards the provision/enhancement of off-site open space to allow the redevelopment of this sustainable housing development is acceptable. The proposal will make a contribution, albeit small, towards delivering the Council's required housing land supply which is considered to outweigh any minor loss of formal open space provision from this site.

The development will deliver a high quality residential scheme and is not considered to give rise to any harmful amenity, highways or ecology issues.

The appropriate CIL contributions will also be secured in addition to section 106 contributions.

In light of the above the proposal is considered to accord with adopted national and local planning policy and guidance and as such it is recommended that planning consent is granted subject to conditions and a section 106 securing the following;

## HEADS OF TERMS FOR LEGAL AGREEMENT

A financial contribution in the sum of £53,415.63 towards the provision or enhancement of sports, leisure and recreation facilities in Hillsborough Park provided in accordance with the principles set out in the Council's CIL and Planning and Obligations SPD.

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Case Number	17/05136/FUL
Application Type	Full Planning Application
Proposal	Change of use from former Members Club (Sui Generis) to Public House (Use class A4)
Location	The Polish Catholic Centre 518 - 520 Ecclesall Road Sheffield S11 8PY
Date Received	15/12/2017
Team	South
Applicant/Agent	MG3 Bars
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:

Site Location Plan received by the Local Planning Authority on 19th December 2017

Ground Floor Plan received by the Local Planning Authority on 9th January 2018

First Floor Plan received by the Local Planning Authority on 9th January 2018

Roof Plan received by the Local Planning Authority on 9th January 2018

Decking ramp location plan received by the Local Planning Authority on 21st March 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)

Other Compliance Conditions

3. A dedicated off street parking space for disabled persons shall be provided and clearly marked as such before the development is first brought into use. Such car parking shall thereafter be retained for the sole use of disabled persons.

Reason: In the interests of making appropriate provision for the disabled

4. No customer shall be permitted to be on the premises outside the following times: 0700 to 2230 hours Sundays to Thursdays and 0700 to 2330 hours on Fridays and Saturdays.

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

5. 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.

6. Commercial deliveries to and collections from the building shall be carried out only between the hours of 0700 to 2000 on Mondays to Saturdays and between the hours of 0900 to 2000 on Sundays and Public Holidays.

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

7. Customers shall not be permitted to use the external curtilage areas of the premises between the hours of 2100 and 1000 (the following day) other than for the purposes of access and egress.

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

8. 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.

9. Amplified sound or live music shall only be played within the building and in such a way that noise breakout does not exceed the prevailing ambient noise level by more than 3dB when measured at 1m from the façade of ;
- a) as a 15 minute LAeq, and;
  - b) at any one third octave band centre frequency as a 15 minute LZeq.

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

10. The entrance door on the Wilson Road elevation shall only be used so as to provide access for disabled persons.

Reason : In the interests of the residential amenity of dwellings on Wilson Road.

11. No activity by staff members including smoking breaks shall occur on the Wilson Road hardstanding area between 2100 hours and 0700 hours Mondays to Saturdays and between 2100 hours and 0900 hours on Sundays and Public Holidays.

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

12. No movement, sorting or removal of waste bottles, materials or other articles, nor movement of skips or bins shall be carried on outside the building/s within the site of the development between 2100 and 0700 hours Mondays to Saturdays and between 2100 and 0900 hours on Sundays and Public Holidays.

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

13. The first floor flat shall only be occupied by person/s employed in the functioning of the ground floor use.

Reason : In the interests of the amenity of the occupant of the flat

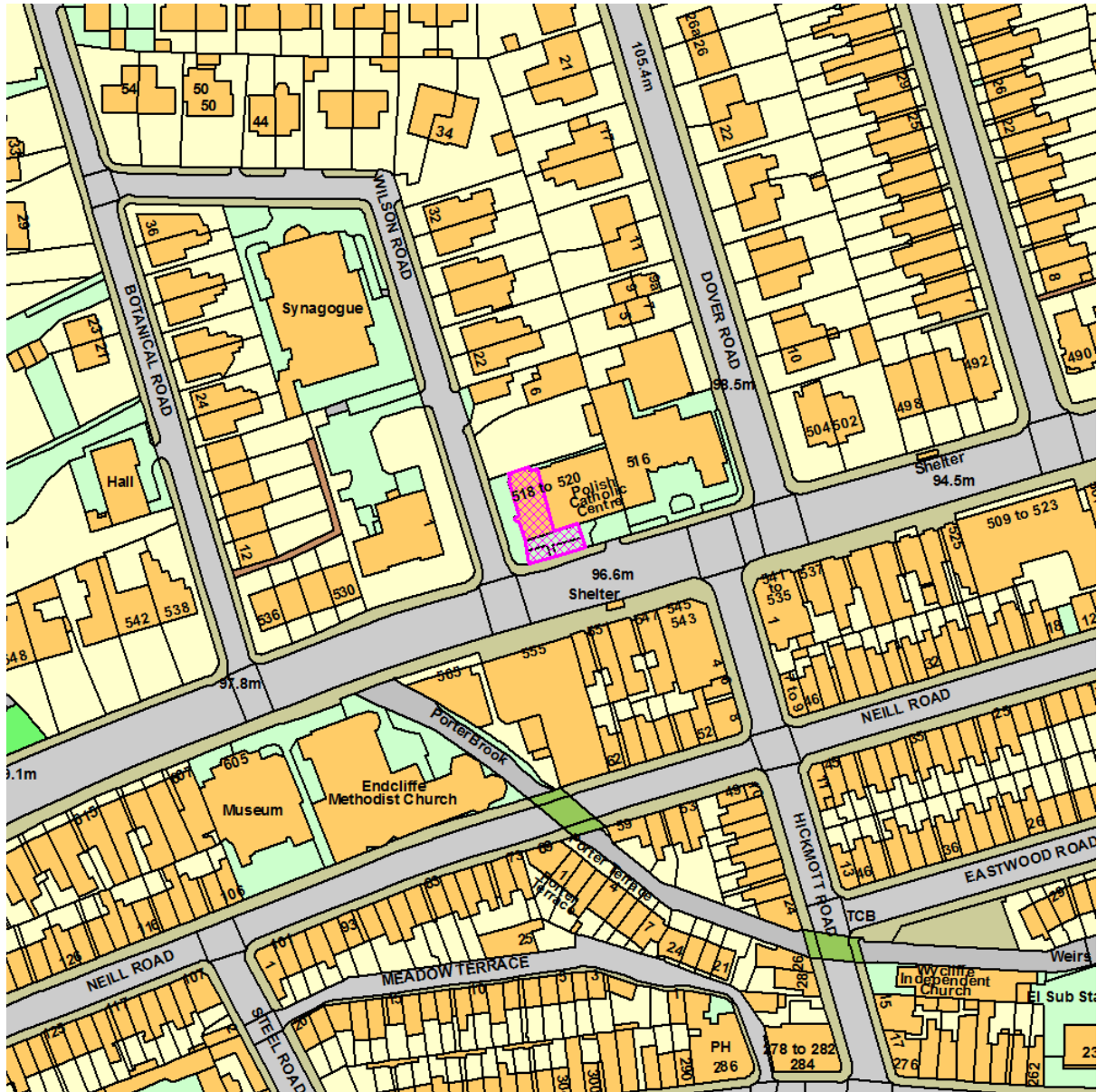
14. The gradient of the ramp providing access to the decked area on the Ecclesall Road frontage shall have a maximum gradient of 1:12

Reason : In the interests of providing suitable disabled access to the decked area.

Attention is Drawn to the Following Directives:

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

## Site Location



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## LOCATION AND PROPOSAL

The application relates to a stone built property that previously formed part of the complex of buildings known as the Polish Catholic Club. The building lies at the junction of Wilson Road and Ecclesall Road.

The property is two storeys in height. The first floor contains former committee rooms towards the front of the building with a one bedroom flat located at the rear.

The current/most recent use would best be described as a Private Members Club

The site lies in an allocated Housing Area on the north side of Ecclesall Road. The curtilage of the building adjoins the Millennium Hall to the east, residential curtilage

to the north and to the west on the opposite side of Wilson Road there is residential accommodation in the form of flats.

On the Ecclesall Road frontage there is a recently approved raised area of decking behind the stone boundary wall. On the Wilson Road frontage there is an area of hardstanding immediately adjacent back edge of footway

The character of Ecclesall Road at this point is mixed. The south side of the road is exclusively commercial in nature and is allocated as District Shopping Area in the Unitary Development Plan. The north side is a mixture of residential and commercial properties, though residential is the dominant use, hence the Housing allocation in the UDP.

It is proposed to change the use of the premises to a bar (Use Class A4)

There is an existing license to sell alcohol at the premises but this is not a planning consideration

The intended hours of use stated in the application were to open until midnight but the Applicant has since agreed to limit hours to those required by the Council on other similar uses on Ecclesall Road.

#### RELEVANT PLANNING HISTORY

Permission was granted in 2018 (17/04189/FUL) for the provision of decking and balustrade to the Ecclesall Road frontage.

#### SUMMARY OF REPRESENTATIONS

There have been 18 representations (16 objections with 2 representations of support) regarding this application including submissions from:

Cllr Magid

The Botanical Gate Community Association

Botanical Area Community Association

Endcliffe Corner Community Organisation

Cllr Magid comments as follows:

- The property lies next door to the Pointing Dog which has had a massive impact on the lives of residents in the area in terms of traffic, parking, noise and associated issues. I would ask that conditions are applied that reflect the significant combined impact of these adjacent licensed premises on the lives of people living close by;
- The opening hours must be restricted in line with similar uses on Ecclesall Road

The Botanical Area Community Association comments as follows:

- Hours of operation should be limited in line with other similar establishments on Ecclesall Road;
- Some residents have from time to time been disturbed by late night noise from the Millennium Hall, which is part of the development;
- There is already a large cluster of bars and restaurants along this section of Ecclesall Road and the cumulative effect of these impacts on residential amenity.

The Botanical Gate Community Association comment as follows:

- The opening hours must be restricted in line with similar uses on Ecclesall Road

Endcliffe Corner Community Organisation:

- Object to the proposed opening times. The opening hours must be restricted in line with similar uses on Ecclesall Road

Summary of other points raised:

- Object unless robust conditions are in place to protect residents from unnecessary noise. Residents are regularly woken at night by drunken people screaming/yelling/singing/arguing as they leave the local bars;
- The proposal would exacerbate existing problems with traffic and congestion particularly taxis picking up and dropping off customers;
- There are already too many drinking establishments in the locality;
- This is not a small pub;
- The applicant has indicated that there are 4 parking spaces and this is woefully inadequate particularly since the spaces are so small that anyone parking a standard sized car in them will obstruct / block the pavement;
- Taxis turning in Wilson Road already reduce visibility at the junction making it difficult to navigate safely;
- Taxis using side streets to turn results in more noise disturbance and pollution;
- The only realistic disabled entrance is on Wilson Road and this would be compromised by having parking on the adjacent hardstanding;
- Committee should insist that this establishment uses their Ecclesall Road entrance as the main entrance and keep the Wilson Road one just for the disabled. The issue of where the main entrance to the pub will be is will dictate not only where noise will concentrate but also where taxis will gather and idle their engines while waiting for passengers;
- The closing time for the Beer Garden should be restricted to 9.30 pm;
- There is some concern that these people have not been properly consulted about the proposal and the effect it will have on them;
- noise from the Millennium Hall carries to our house from the clear storey windows above the flat roof of the hall;
- The role of the first floor rooms isn't specified;
- The management and staff should be limited in their operations outside the premises when putting out waste/having breaks.

Matters Raised That Are Not Material Planning Considerations Within The Remit Of This Application

- Rubbish and mess has increased with broken glass and vomit from the night before, and the inevitable spill over from industrial bins that are kept on the pavement;

- Driving along Ecclesall Road at peak drinking time is awful - as groups and individuals walk in front of traffic to cross from one bar to another;
- Required action relating to noise from the Pointing Dog roof equipment, particularly impacting residents at 6 Wilson Rd, remains outstanding;
- The Council has always welcomed and indeed encouraged the setting up of community groups in the city. Disappointingly though, when it comes to deciding planning and licensing applications scant regard is taken of their representations;
- Taxis wait with their engines running on double yellow lines on Ecclesall Road at the corner with Wilson Road. The problem with this is that it is dangerous because they block the view of residents who wish to drive down Wilson Road to turn onto Ecclesall Road;
- Cars routinely park on double yellow lines or pavements, taxis block the junctions;
- The idea that noise could be starting up again, possibly more insistent and more frequent than before, is very stressful. The Hall should have windows fixed, install double or secondary glazing on the NE & NW sides of the clear storey and limit opening hours to close at 11.30 p.m.

#### Letters of Support

- The property is empty and has been closed too long;
- Good for Sheffield;
- Good move;
- Strongly support

#### PLANNING ASSESSMENT

In this case then the key considerations should be considered in the light of policies in the Sheffield Unitary Development Plan.

The site lies within an allocated Housing Area and therefore the following policies apply:

Policy H10 indicates that A3 uses can be acceptable within Housing Areas subject to the checks and balances provided by Policy H14. The A4 use class had not been created at the time of the publishing of the UDP but the UDP does refer to 'food and drink' uses within this category.

Policy H14 'Conditions on Development in Housing Areas' states that non-housing uses are acceptable provided they:

- (i) occupy only a small area and not lead to a concentration of non-housing uses which would threaten the residential character of the Housing Area; and
- (k) not lead to air pollution, noise, smell, excessive traffic levels or other nuisance, or risk to health and safety for people living nearby;

## Dominance of Residential Use

This change of use would not represent a significant shift in the balance between residential and non-residential properties within the Housing Area as whole and as such is considered to satisfy Policy H14(i)

## Residential Amenity

The nearest residential properties to the proposal would be the flat above, the property to the rear on Wilson Road (18 metres from the rear of the Polish Club, 32 metres from the front entrance) and the flats on the opposite side of Wilson Road (19 metres from the disabled entrance in the side elevation and 25 metres from the main entrance). The principal concern therefore relates to the potential for noise generation and subsequent disturbance to neighbouring dwellings and the flat above the premises.

With regard to the first floor flat the Applicant has indicated that the flat will not be let separately from the business and this precludes the necessity to impose a condition on any approval requiring wall/floor/ceiling noise attenuation between ground and first floor.

The potential for noise generated by customers entering and leaving the premises and noise at the rear of the premises that may arise from staff activity remain areas of concern.

With regard to the first of these it is accepted that Ecclesall Road itself is a well-travelled thoroughfare with a degree of background noise present. There is significant vehicular and pedestrian traffic in the locality into the evening hours and some of this persists into the late evening and night-time.

Night time site visits have been conducted in this locality in the relatively recent past (in connection with another change of use application on Ecclesall Road close to Wilson Road). These confirmed that there is significant vehicular and pedestrian traffic in the locality into the evening hours and some of this persists into the late evening and night-time though the overall background levels fall away after 23:30 hours. With this in mind it is felt that the movement of persons at the front of the premises is unlikely to lead to significant additional disturbance to occupiers of neighbouring dwellings during the evening hours provided that the use is limited in terms of opening hours in line with the Local Planning Authority's consistent approach to operational hours along Ecclesall Road (an approach that has been supported at appeal by the Planning Inspectorate).

Customers (except for disabled customers) would be prevented from using the side entrance door on Wilson Road by a condition imposed on any approval.

Having regard to the amenity of residential properties to the rear of the premises it is apparent that a trade 'kitchen' lies to the rear of the premises and the bin store lies within the external courtyard area close to the boundary.

It is considered likely that staff operating in these areas might want to open doors/windows onto external side and rear areas to remove waste/have breaks resulting in a potential for noise propagation in the quieter areas to the rear of the premises.

It is considered likely that there is some difference in ambient noise levels between the front and rear/side of the premises and if permission is to be granted there is a need to closely control staff activities to prevent noise breakout. It is considered unlikely that the noise 'events' of the type occurring at the front of the premises (visitors arriving/leaving chatting on occasions at heightened volume) would be replicated to the rear by staff. Nonetheless with lower background levels noise events such as bottles being discarded into bins are likely to 'spike' well above background.

To this end it is felt that a condition should be imposed restricting times that such activities can occur.

It is recommended that such hours be limited to prevent such activity between 21:00 hours and 07:00 hours on Mondays to Saturdays and 21:00 hours and 09:00 hours on Sundays and Bank Holidays.

Officers have previously raised concerns (on similar applications) with regard to the potential for noise generation on nearby streets through 'remote' parking of cars.

This concern formed the basis for a reason for refusal at 464 Ecclesall Road in 2012 (12/00214/CHU) but the implication of the Inspector's decision in that case was that such potential did not, in its own right, justify a reason for refusal.

Given the similarities with that case, the Inspectors comments on that appeal and taking into consideration the fact that the proposed use is less likely to generate vehicular traffic than, for example, a hot food take-away it is not felt that this concern represents a robust reason for refusal.

#### Amenity Issues other than Noise/Disturbance

In this case, given that there is no significant food preparation intended, the waste is likely to be limited largely to packaging/bottles rather than organic waste which tends to engender odours and potentially attract vermin.

It is not considered that the kitchen space would allow for significant intensification of food preparation at the premises but a condition should be added to ensure that no further external plant or flues can be attached to the outside of the building without LPA consent.

Given all of the above and suitably conditioned, the proposed change of use is considered acceptable with regard to UDP Policy H14.



## Highway Issues

The site has very limited facilities for off-street parking and these are somewhat compromised by other on-site fixtures. Whilst the application indicates that the hardstanding on Wilson Road can accommodate 4 vehicles the length of the spaces is marginal and, as such, these cannot all be considered as viable/suitable parking. There is limited on-street parking available during the evenings when the pub is likely to be at its busiest and parking restrictions are not in force. A resident's parking scheme does exist on the surrounding residential streets which would restrict on street parking between 08:00 and 20:30 hours.

Notwithstanding all of the above it is considered highly likely that the great majority of the clientele will arrive at the premises on foot.

Taking these factors into consideration, and given the highly sustainable location, and large residential catchment within easy walking distance it is not considered that an absence of dedicated off street car parking represents a robust reason for refusal.

The proposed use is unlikely to differ in its servicing arrangements to the most recent use. As such it is not considered that the likelihood of service deliveries occurring from Wilson Road represents an adequate reason for refusal. However the hours of such deliveries should be limited in the interests of residential amenity

## Accessibility

Disabled access can be achieved from Wilson Road as it has been for the Polish Centre. Accessible toilets are available in the Millennium Hall (the Applicant has provided evidence that these facilities will be available over the period of the lease even when the Millennium Hall is not in use).

## Response to Representations

Matters relating to residential amenity have been dealt with in the main body of this report.

The matter of retail dominance/concentration of bars etc. in the locality is not material in this case as the site does not lie within the DSC.

The Millennium Hall does not form part of this application though the accessible toilets therein will remain available to disabled. This flexible arrangement is welcomed by the Local Planning Authority though the absence of such facilities within the red line itself would not form a robust reason for refusal.

The use of the Millennium Hall for booked events will not differ from current arrangements other than the fact that the bar under consideration in this application will have limited hours of use as opposed to the current situation where no limits apply other than those available through environmental health legislation.

Matters relating to residential amenity, highways and dominance have been dealt with in the main body of this report.

Matters relating to illegal parking and the littering/ anti-social behaviour by members of the public are not material planning considerations.

The application red line boundary excludes the Millennium Hall and therefore this space cannot be limited by condition. The activities within this space are not subject to planning control and to seek to condition the Hall retrospectively would be beyond the scope of this application.

A degree of interaction between this permission, should it be granted, and the Hall will remain but the most significant difference between the current and future situations, would be that the activities in this part of the building will be subject to planning control.

The decking area is already the subject of a condition as attached to permission 17/04189/FUL but this condition has been repeated on this application in the interests of clearly defining the new permission.

#### Summary and Recommendation

This is an application for a change of use of a private members club to a public bar. It is not considered that the scheme, with external seating area as previously approved, would introduce significant impact on the living conditions of neighbours from activity at the front of the building given the prevailing circumstances on Ecclesall Road.

The current use as a private members bar is historic and has no controls in place with regard to hours of use. Whilst the application may involve some intensification of the use of the premises a conditional approval will enable the Local Planning Authority to apply planning controls on this planning unit.

Potential disturbance to neighbours from activities at the side/rear can be mitigated by suitable conditions.

Subject to conditions the scheme is therefore considered acceptable with regard to Policy H14 of the Unitary Development Plan.  
The proposal is therefore recommended for conditional approval.

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Case Number	17/04961/REM (Formerly PP-06570523)
Application Type	Approval of Reserved Matters
Proposal	Demolition of existing buildings and erection of 52 apartments in 6 blocks with associated car parking and landscaping (Application to approve details relating to appearance, landscaping, scale and layout - matters reserved under planning application 15/04019/OUT)
Location	Baldwins Omega Ltd Brincliffe Hill Sheffield S11 9DF
Date Received	04/12/2017
Team	South
Applicant/Agent	DLP Planning Ltd
Recommendation	Grant Conditionally

Time Limit for Commencement of Development

Approved/Refused Plan(s)

1. With the exception of details to be agreed in order to satisfy the other conditions of this notice, the development shall be carried out in strict accordance with the following approved plans:
  - Red Line Boundary Plan scanned on 09 February 2018.
  - Ground Floor Masterplan received via email dated 27 March 2018 (Ref: 182/P1.03/C).
  - First Floor Masterplan received via email dated 27 March 2018 (Ref: 182/P1.04/C).
  - Second Floor Masterplan received via email dated 27 March 2018 (Ref: 182/P1.05/C).
  - Third Floor Masterplan received via email dated 27 March 2018 (Ref: 182/P1.06/C).
  - Fourth Floor Masterplan received via email dated 27 March 2018 (Ref: 182/P1.07/B).
  - Roof Plan scanned on 04 December 2017 (Ref: 182/P1.08).
  - Landscape Masterplan scanned on 13 March 2018 (Ref: 551/BOS08/C).
  - Block A Elevations scanned on 09 February 2018 (Ref: 182/P3.01/A).
  - Block B Elevations received via email dated 27 March 2018 (Ref: 182/P3.02/B).

- Block C Elevations scanned on 23 February 2018 (Ref: 182/P3.03/B).
- Block D Elevations scanned on 06 March 2018 (Ref: 182/P3.04/B).
- Block E Elevations scanned on 09 February 2018 (Ref: 182/P3.05/A).
- Block F Elevations scanned on 09 February 2018 (Ref: 182/P3.06/A).
- Block A Floor Plans scanned on 09 February 2018 (Ref: 182/P1.09/A - P1.10A - P1.11A - P1.12/A & P1.13A).
- Block B Floor Plans scanned on 09 February 2018 (Ref: 182/P1.14/A - P1.15A - P1.16A & P1.17/A).
- Block C Floor Plans scanned on 09 February 2018 (Ref: 182/P1.18/A & P1.19A).
- Block D Floor Plans scanned on 06 March 2018 (Ref: 182/P1.20/B - P1.21/B - P1.22/B & P1.23/B).
- Block E Floor Plans scanned on 09 February 2018 (Ref: 182/P1.24/A - P1.25/A - P1.26/A & P1.27/A).
- Block F Floor Plans scanned on 09 February 2018 (Ref: 182/P1.28/A - P1.29/A - P1.30/A & P1.31/A).
- Site Sections A-B scanned on 04 December 2017 (Ref: 182/D2.01).
- Site Sections C-D scanned on 04 December 2017 (Ref: 182/D2.02).
- Site Sections E-F received via email dated 27 March 2018 (Ref: 182/D2.03/A).
- Site Sections G-H received via email dated 27 March 2018 (Ref: 182/P2.04/A).
- Site Section I received via email dated 27 March 2018 (Ref: 182/P2.08).
- Large Scale Section Plans scanned on 08 January 2018 (Ref: 182/P2.06 & 180/P2.07).

Reason: In order to define the permission.

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

2. No works, which include the creation of trenches or culverts or the presence of pipes, shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:
  - a) Creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
  - b) Open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Once agreed each phase of the development shall be carried out in accordance with these details.

Reason: In the interests of ecology and protected species.

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

Reason: In the interests of biodiversity.

4. No phase of development shall commence until full details of measures to protect the retained trees affected by that phase have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be implemented. These measures shall include a construction methodology statement detailing how any works within the Root Protection Areas (RPAs) of these trees will be implemented and a plan showing these accurate RPAs.

Reason: It is essential that this condition is complied with before any other works on site commence given that damage to trees is irreversible.

5. Before any phase of development commences a final Rock Slope Stability Report, which shall include detailed proposals (as required) to ensure the long term stability of the rock faces that sit within and adjacent to the site and timeframe's for implementation, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details thereafter.

Reason: In the interests of the safe redevelopment of the site and the safety of surrounding residents/property.

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

6. Before any development commences a phasing plan shall have been submitted to and approved in writing by the Local Planning Authority. The relevant phasing conditions within this notice shall accord to this agreed phasing plan thereafter, unless an alternative phasing plan is subsequently agreed.

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

7. Before any development commences a method statement detailing how Japanese knotweed (*Fallopia japonica*) on the site will be treated and disposed of, including timeframe's, shall have been submitted to and

approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed method statement thereafter.

Reason: To ensure the appropriate redevelopment of the site.

8. If development does not commence before 25th August 2019, then no development shall commence until additional Bat Emergence Surveys, including mitigation measures as relevant, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the recommendations of the updated survey thereafter.

Reason: In the interests of ecology.

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

Reason: In the interests of ecology.

10. No removal of hedgerows, trees or shrubs, or the demolition of structures that may be used by breeding birds, shall take place between 1st March and 31st August inclusive, unless a qualified ecologist has undertaken a detailed check for active birds' nests immediately before the vegetation is cleared, or demolition works commence, and provided written confirmation that has been approved by the Local Planning Authority that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds.

Reason: In the interests of ecology.

11. The first and second floor southernmost windows/glazing (one window on each floor) on the east facing elevation of Block E (these form part of a larger corner window) shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and any part of the window(s) that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The window(s) shall be permanently retained in that condition thereafter.

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

12. The ground, first and second floor windows (one window on each floor) on the north east facing elevation of Block B, which is located on the section of this block that is closest to the northern boundary, shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and any part of the window(s) that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The window(s) shall be permanently retained in that condition thereafter.

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

13. Within three months of the development commencing on a relevant phase, details of privacy screens serving the balconies in the following locations, as relevant to that phase, shall have been submitted to and approved in writing by the Local Planning Authority:

- a) The eastern side of the third floor balcony on Block E.
- b) The eastern side of the easternmost first and second floor balconies on the southern elevation of Block E.
- c) The southern side of the first and second floor balconies on the eastern elevation of Block D.
- d) The northern side of the first and second floor balconies on the north section of the east facing elevation of Block B.

Before first occupation of the relevant phase the approved details/screens shall be in place and they shall thereafter be retained.

Reason: In the interests of delivering a suitable form of development from an amenity perspective.

14. Within three months of development commencing on the two blocks to the north of the site (shown as Block A & B on the approved plans) the following details shall have been submitted to and approved in writing by the Local Planning Authority:

- a) Measures to ensure vehicles do not have to the potential to drive/fall over the cliff edge.
- b) Protective measures along the northern boundary to stop residents falling over the cliff edge.

Reason: In the interests of the safe redevelopment of the site and the safety of future and surrounding residents/property.

15. Before first occupation of the relevant phase the approved bin storage and cycle parking, as identified on the approved plans, shall be in place and thereafter such cycle parking and bin storage accommodation shall be retained.

Reason: In the interests of delivering sustainable forms of transport and the amenities of the locality.

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

Reason: In order to ensure an appropriate quality of development

17. Sample panels of proposed masonry and cladding associated with the relevant phase shall be erected on the site and shall (as appropriate) illustrate the colour, texture, bedding and bonding and mortar finish to be used. The sample panel(s) shall be approved in writing by the Local Planning Authority prior to the commencement of the relevant phase and shall be retained for verification purposes until the completion of that phase.

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

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

- a) Junctions between cladding materials, which shall include glazing.
- b) Windows, including reveals.
- c) Doors, including any plant room doors.
- d) Eaves, parapets and verges.
- e) External wall construction.
- f) Cladding patterns.
- g) Canopies.
- h) Rainwater Goods.
- i) Cantilevers, including soffits.
- j) Louvres.
- k) Balconies, balustrades and railings.

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

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

19. No externally mounted plant or equipment, including rooftop plant, shall be fitted to any building within the development unless full details thereof, including screening and acoustic emissions data as relevant, have first been submitted to and approved in writing by the Local Planning Authority. Once installed such plant or equipment should not be altered.

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

20. Before any building is occupied full details of proposals for the inclusion of public art within the application site, including a timetable for delivery, shall have been submitted to and approved in writing by the Local Planning Authority.

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



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

21. Within six months of any development commencing details of two rapid electric charging points for electric vehicles, including locations, technical information, a timeframe for implementation and signage, shall have been submitted to and approved in writing by the Local Planning Authority. The agreed measures shall have been provided in accordance with those details and thereafter retained.

Reason: In order to promote the development of clean technologies and to mitigate the air quality impact of the development.

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

The approved landscape works shall be implemented prior to the relevant phase 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, relevant to the corresponding phase, and any plant failures within that 5 year period shall be replaced.

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

#### Other Compliance Conditions

23. No phase of development shall be occupied unless the car parking accommodation relating to that phase and as shown on the approved has been provided in accordance with those plans.

Once in place the car parking shall be retained and used for the sole purpose intended thereafter.

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

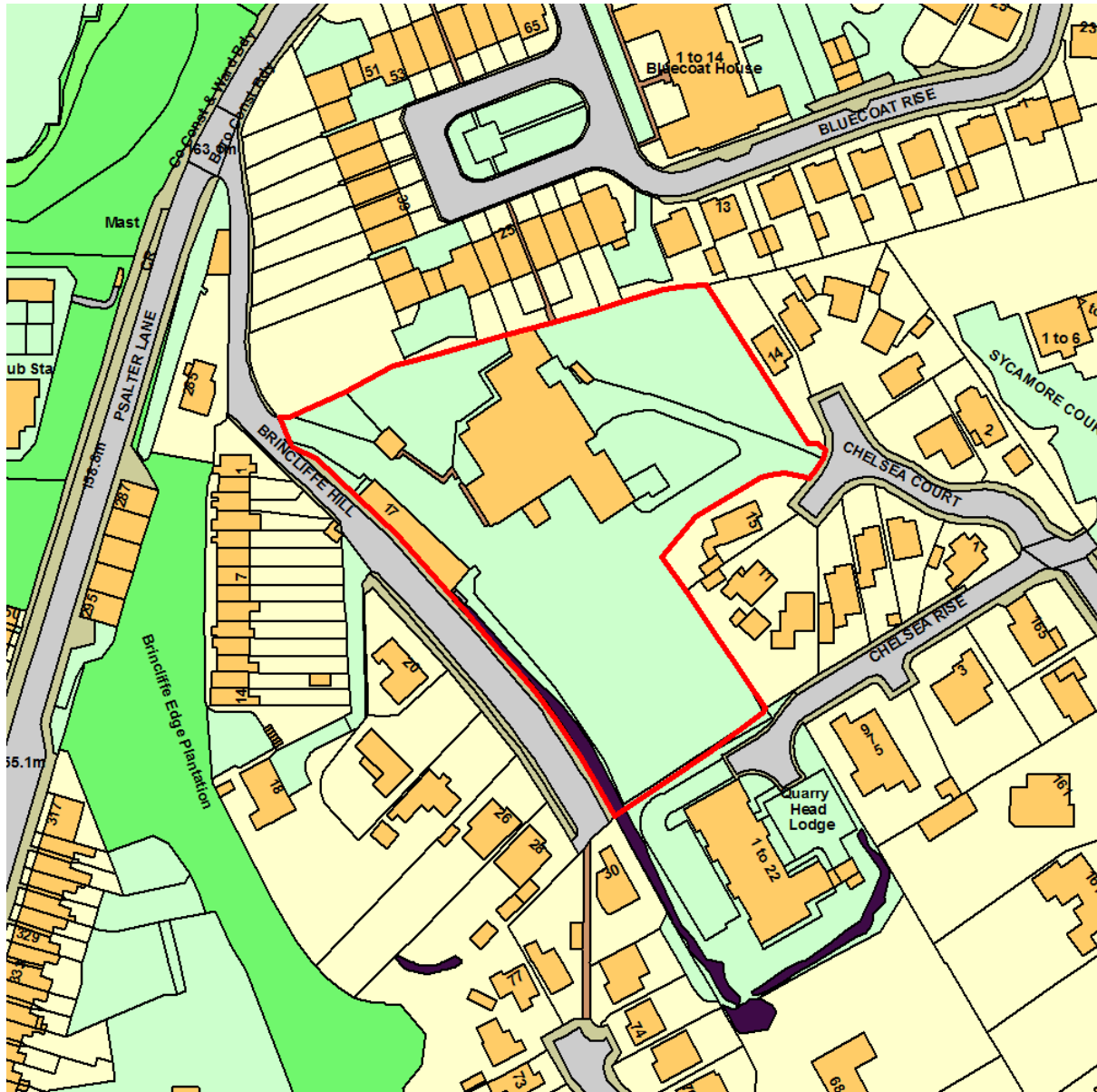
24. There shall be no gates or other means of enclosure at the entrance of the site from Chelsea Court.

Reason: In the interests of highway safety.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process, or a draft Liability Notice will be sent if the liable parties have not been assumed using Form 1: Assumption of Liability.
3. The applicant is advised that within the representations received from surrounding residents it has been suggested that the site was used for military training purposes during World War One and the potential for live ammunition needs to be accounted for during the construction of the development.
4. The applicant is advised that the highest quality materials are expected to be used in respect of this scheme and this should include natural zinc and natural stone cladding.

## Site Location



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## INTRODUCTION

Members are reminded that outline planning permission was approved at Planning Committee for this site in February 2016. This outline approval was for the demolition of the existing buildings and the re-development of the land for residential purposes (Ref: 15/04019/OUT).

Within this outline application all matters, with the exception of vehicle access into the site, were reserved for future approval.

The vehicle access arrangements approved allowed only emergency vehicles to enter or leave the site via Brincliffe Hill, while all other vehicles would access the site via Chelsea Court.

As the access arrangements into the site have already been approved, this reserved matters application is therefore seeking agreement in relation to appearance, landscaping, layout and scale.

## LOCATION

The application relates to a site of approximately 0.85 hectares in area, which is located in the south west of the city within an allocated Housing Area, as defined by the adopted Sheffield Unitary Development Plan (UDP).

The site use is currently the Baldwin's Omega restaurant and function rooms (Use Class A3).

The restaurant itself is a sizeable, predominantly single storey building with both pitched and flat roofs, and is located towards the northern boundary of the site. Owing to the falling ground level across the site from west to east, the existing building does achieve two storey elements.

A further single/two storey flat roofed commercial building located along the western boundary is also to be demolished as part of the proposals.

The remainder of the site is dominated by a large car park (approximately 95 spaces), although there are some areas of soft landscaping adjacent to the main building, along the north and north west boundaries. The southern and western boundaries are in part defined by a number of large trees.

The site is currently accessible to vehicular traffic from Brincliffe Hill to the north west and Chelsea Court to the east. However, as established by the approval of the previous outline application, only emergency vehicles would access the site from Brincliffe Hill as part of any residential scheme.

Owing to its former use as a quarry there are quite dramatic changes in land levels across the site, with land falling towards the residential properties to the north and east, to the Bluecoats Estate and Chelsea Court respectively. By contrast the residential properties to the west, which front onto Brincliffe Hill, are elevated notably above the application site. The apartment block to the south, which is accessed via Chelsea Rise, is on a similar level to the application site.

More generally, with the exception of the current use as a restaurant and function rooms, the surrounding area has a strong residential character.

An Area of Special Character skirts the north west corner of the site, but none of the proposed buildings sit within this area, while the Nether Edge Conservation Area is set approximately 41 metres to the south east and 22 metres to the north east. However, owing to changing land levels and existing buildings, views of the proposals will be rare from within the conservation area itself.

Several trees that are subject to Tree Preservation Orders (TPOs) border the north west boundary of the site, but these trees are not within the red line boundary.

## PROPOSAL

The proposed scheme is for the erection of 52 apartments (31 two bedroom and 21 three bedroom) in six blocks that will range between two and five storeys. Each of the blocks will follow a contemporary approach to design, including the incorporation of flat roofs.

Block A is set to the north west of the site and ranges between two and five storeys.

Block B is set to the north of the site and ranges between three and four storeys, with the upper floor set back.

Block C is actually two buildings each of which is two storeys in height. These are set to the east of the site and provide four two bedrooms units.

Blocks D, E and F are set adjacent to one another on the western section of the site. These blocks are mainly three to four storeys in height, but also include two storey sections.

The principal external materials will be brick for Blocks B, E & F and stone for Blocks A, C & D. There are several unifying design features across the blocks, including balconies and recessed masonry panels.

The scheme has utilised the existing land levels to provide a mixture of undercroft and surface level car parking.

The undercroft parking has facilitated the creation of a podium that will be utilised as communal amenity space. Amenity space is also provided in the form of private terraces/balconies and within existing areas of landscaping that will be retained. Blocks A, C & F also incorporate areas of green roof.

## RELEVANT PLANNING HISTORY

As discussed above, outline planning permission for the demolition of the existing buildings, and the re-development of the land for residential purposes with vehicular access from Chelsea Court, was approved in February 2016 under planning reference 15/04019/OUT.

Within this outline application all matters, with the exception of vehicle access from Chelsea Court, were reserved for future approval.

It is noted that originally this outline application sought permission for the erection of 38 dwellings (a mixture of flats and detached dwellings). However, owing to concerns in regard to the indicative layout, based on the limited information provided at that time, the exact number of units was not approved, and just the principle of residential development was established.

## SUMMARY OF REPRESENTATIONS

- Representation from Paul Bloomfield acting as a Member of Parliament

A representation has been received from Paul Bloomfield in his role as a Member of Parliament for Sheffield Central, which states that local residents have highlighted issues around a lack of notification and consultation with regard to the planning application.

Concerns are also expressed within this representation in respect to:

- The lack of car parking provision.
- Traffic generated by the scheme and the associated noise and pollution.
- The scale/size of the proposed blocks and the impact this has on the character of the area.
- The impact of the blocks on residential amenity with respect to shadowing and privacy.

- Representation from Councillor Mahammad Maroof

Councillor Maroof has written to object to the proposals in his role as a councillor for the Nether Edge and Sharrow Ward.

Within this representation concern is expressed that the development will have a detrimental impact on the locality owing to its substantial scale. It is also stated that the proposals will create many problems, not only for the occupants of the proposed new dwellings, but also for the existing residents on its doorstep.

It is stated that the site is ill served through a narrow opening onto an already busy junction where three roads meet and which are used separately by the occupants of two existing blocks of flats and a number of private residences.

The objection also states that the site is poorly served by public transport, given that there is only one bus service near to the site and this is unreliable, infrequent and under threat from low usage. As a consequence, there will be a high ownership of cars in an area which is too small to cater for them.

- Representation from Councillor Alison Teal

Councillor Teal has written to object to the proposals and states that this application is substantially different in scale to the outline application and completely out of proportion and character with this conservation area.

Councillor Teal states that the proposal is likely to affect the quality of life of surrounding residents and cites issues of outlook, privacy, noise and light pollution.

Councillor Teal also considers the proposals would represent too many dwellings feeding an already dangerous junction (Chelsea Court). In addition, because of inadequate pavements planned, this will put pedestrians (and cyclists) at risk, including school children and elderly people who cross the site for access.

A question is also raised in respect to the residents of Brincliffe Hill, who do not wish to use the dangerous Psalter Lane junction, but now might be obliged to (instead of having relatively safer access via Chelsea Court)?

Other concerns raised within this representation are:

- Inadequate parking.
- Stability in respect of the existing rock faces.
- Drainage/sewer capacity.
- Loss of trees and impact on ecology.
  
- Representation from the Sheffield Area Geology Trust

The Sheffield Area Geology Trust have sought comfort that the former quarry face on the western boundary should remain available for viewing and study for geological reasons as the site is listed as a Local Geological Site.

More clarity is also requested with respect to works to the rock face and it is requested that the rock will either be exposed, or left as it is.

- Representation from the Sheffield and Rotherham Wildlife Trust

The Sheffield and Rotherham Wildlife Trust have provided the following comments:

- Has the increase in unit numbers resulted in the loss of more trees on the site?
- Suitable investigations need to be made with respect to the presence of badgers on the site and suitable mitigation should also be conditioned as required.
- Investigation as to the presence of wildlife in the rock face to the west of the site is needed.
- Removal of vegetation on the rock face should be limited.
- It is difficult to determine which trees are to be removed.
- There are many positive elements with respect to the scheme and these include brown roofs, new tree and shrub planting and the inclusion of bird/bat boxes.
- An Ecological Management Plan should be conditioned.

- Representations from Local Residents and Local Community Groups

In response to the neighbour notification process 74 letters of representation have been received objecting to the scheme.

These representations, which are summarised below, have been received from individual residents, the Brincliffe, Chelsea, and Bluecoats Residents Group, the Banner Cross Neighbourhood Group and the Nether Edge Neighbourhood Group.

#### (a) Highway Matters

- On street car parking is a concern, most notably in relation to Chelsea Road, Chelsea Court and Brincliffe Hill, where overspill and inconsiderate parking already creates manoeuvring difficulties and adversely impacts on residential amenity and highway safety.

- The proposal provides inadequate off street car parking and poor access.
- The units proposed are likely to attract young professionals who will have more than one car per unit.
- The access from Chelsea Court is not capable of accommodating two-way traffic and will be particularly problematic during periods of freezing weather due to ice/snow on the roads.
- In recent years the construction of the apartment blocks at Quarry Head Lodge and Sycamore Court has already caused a considerable increase in traffic and wear and tear on the road surfaces. The addition of more dwellings would exacerbate this situation.
- The surrounding highways have not been designed to accommodate the volume of traffic being proposed and already suffer in regards to manoeuvrability and capacity. There have been a number of 'near misses' already and the proposals will lead to increased issues/risk.
- The increased on-street parking could result in emergency vehicles not being able to access properties.
- The site is not sustainable with only one bus service operating along Psalter Lane for example. As such, car parking provision which falls below the maximum standards should not be supported.
- The Brincliffe Hill/Psalter Lane junction should be utilised as a vehicle access point for future residents to ease the pressure on Chelsea Court and other roads on this side of the site.
- The Brincliffe Hill/Psalter Lane junction is not dangerous and there are no reports of accidents at this junction.
- Suitable consideration has not been offered to the safety of other junctions that will be used as alternatives to the Brincliffe Hill/Psalter Lane junction. These are the subject of traffic accidents.
- How will the proposed restricted use of the Brincliffe Hill/Psalter Lane junction for emergency vehicles only be enforced?
- The footpaths/shared surfaces into and within the site are inadequate and will create conflicts between pedestrians and vehicles. This is a clear safety concern.
- The site has long been used as a thoroughfare for pedestrians of all ages, will this still be the case?
- A pedestrian route through should be retained during the construction works.
- A dedicated adopted public footpath should be provided through the site.
- The traffic data offered for the current use of the site is taken on a Friday, which is a busy night. This is not representative of a typical weekday when traffic is much less significant. In addition, vehicle movements associated with the current use will be at different times in comparison to a residential scheme.
- The trip generation data used within the Transport Statement was collated during the school holidays and is therefore unreliable.
- How will construction traffic be managed/access the site. Such traffic will damage surrounding highways/verges and cars associated with this phase will also take up on-street car parking spaces.
- The submitted Transport Statement should consider the highway impact of the scheme against maximum parking standards to ensure suitable highway mitigation is provided.
- Parts of Brincliffe Hill are narrow with no footpaths and therefore it should not be a pedestrian route into the site.



- Brincliffe Hill is a private road and what measures will be taken to deal with the impact on this highway if vehicles associated with residents begin to use it to park vehicles.
- Signage at the end of Brincliffe Hill could be introduced to stop people trying to use it as a through route.
- The decision to not have cable connected television and internet by the residents of Brincliffe Hill (so they don't lose the ability to access their homes while it being connected) must be respected.
- Brincliffe Hill cannot accommodate emergency vehicles as it is too narrow for two way traffic.
- Visibility from Chelsea Rise is limited.
- Can a formal cycle route be created through the site, or can the current prohibition of cycling between Quarry Lane and Brincliffe Hill be removed?
- The scheme does not include electric vehicle charging points.
- The width of Chelsea Court is between 5.05 metres and 5.3 metres, not the 6.2 metres as claimed within the Transport Statement and, according to the Governments Vehicular Access Standards, the minimum width of an access should be 6.0m for a two way traffic.
- The Transport Statement includes several inaccuracies, including the width of the site access from Chelsea Court. It also underestimates the amount of vehicles using the junction of Chelsea Court/Rise/Road.
- Monies gathered through the Community Infrastructure Levy contribution associated with the development should be utilised to improve bicycle and pedestrian connections around the site.
- Using the average car ownership for residents of apartments across the city is ambiguous and this does not reflect the demographic of the people who would live in this area. Such people are likely to have above average car ownership.
- The footway within the site narrows to 0.7 metres, which is insufficient.

#### (b) Amenity Considerations

- The proposed buildings will have an unacceptable impact on the amenity of local residents with respect to matters such as noise pollution, outlook, over dominance, over shadowing, light pollution and overlooking. This problem will be exacerbated when the changing land levels are accounted for.
- The disruption to residents during the construction works will be significant.
- The loss of trees on the rock face to the west will impact on the views and privacy of residents along Brincliffe Hill.
- The construction phase will result in dust nuisance for surrounding residents.
- Are there any asbestos/hazardous substance issues with the existing building?

#### (c) Drainage Considerations

- Drains/sewers in the locality have overflowed in the past and created flooding problems and health risks. These issues will be exacerbated by the proposals as these historic drains have not been designed to cope with the influx of new residential development.
- The use of soakaways would be likely to lead to the flooding of surrounding properties.

#### (d) Land Stability Considerations

- The proposed development would have an impact on the stability of the surrounding quarry walls, which is a clear health and safety issue. Not enough information is available to take a considered view on this.
- The developers should consider permanently taking over ownership/maintenance of the quarry walls.
- The earlier outline application stated that the stability of the quarry face is not a planning concern, is this correct?
- The Rock Stability Report fails to address the digging of semi basement foundations.

#### (e) Design Considerations

- From a design perspective the proposed contemporary architecture does not complement the area.
- The scale and footprint of the blocks are out of character with the surroundings, including the Nether Edge Conservation Area, which are largely defined by two storey properties.
- The site lends itself to family houses with gardens.
- The proposals are a complete overdevelopment.

#### (f) Ecology & Landscape Considerations

- The geodiversity of the rock face should be protected and this could be done via a planning condition.
- The development will have a negative impact on wildlife, including protected species that are evident on the application site, and this should be avoided/mitigated.
- The scheme would result in the loss of a number of trees and this is not acceptable.

#### (g) Other Considerations

- Safety barriers should be provided to prevent vehicles going over the cliff edge to the north of the site and into the residential gardens below.
- The area already suffers from air pollution and the proposed will increase this.
- The site was used for military training purposes during World War 1 and the potential for live ammunition needs to be investigated.
- The proposed number of units is far in excess of the number proposed within the outline application (36). This represents a 40% increase in unit numbers.
- The exact number of units was removed from the outline description at the last minute and approval simply given for the principal of residential development. Had residents been made aware of this change then further objections would have resulted during the outline stage of the application.
- The density of housing proposed on this site is excessive and does not meet planning policies.
- Continuing to allow large scale development such as this in quiet residential areas will eventually have a detrimental economic impact on the city in general.
- The scheme offers very little in terms of sustainable energy.

- It is very likely that future residents will occupy units via short tenancy agreements. As such, these tenants will not have the same interests in looking after the area as an owner occupier.
- The scheme is one of several similar proposals in the local area over recent times and the cumulative impact of such proposals needs to be considered.
- The proposals are more concerned with developer profit rather than protecting the amenity of surrounding residents.
- The proposals will have a negative impact on the value of surrounding properties.
- Neighbour letters were sent out over the Christmas period, which did not allow sufficient opportunity for residents to comment.
- Not enough residents along Chelsea Court had been sent formal neighbour letters with regard to the proposals.
- The consultation process in relation to the application was not sufficient and this includes no site notices being put up.
- Insufficient neighbour consultation took place with respect to the outline application.
- No public consultation took place ahead of the application being submitted.
- The application site encroaches onto third party land and the appropriate land ownership certificates have not been served.
- No mobile phone masts should be erected on the roofs of the proposed blocks until such time that it is conclusively established as being not detrimental to health. These masts would also be an eyesore.
- Brincliffe Hill could be a location for voyeurs looking down into the new apartments.
- Who is liable for the damage of vehicles if they are parked on privately owned land?

## PLANNING ASSESSMENT

To ensure it is suitably comprehensive the following assessment will make reference to all relevant material considerations. However, it will be made clear when matters have already been established/agreed as part of the approval of the earlier outline planning permission (Ref: 15/04019/OUT).

In such cases, most notably in respect of the acceptability of residential development on the site and the agreed vehicle access point being from Chelsea Court, it is not appropriate to revisit the fundamentals of such matters as part of the consideration of this reserved matters application.

However and by way of an example, matters such as the suitability of the local highway network and the proposed access point to accommodate the level of traffic being proposed do require consideration.

### National Planning Policy Framework

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

## Land Use

The site is located entirely within a Housing Area as defined by the adopted Sheffield Unitary Development Plan (UDP). As such, the proposed housing use is preferred and indeed has been approved in principle within the earlier outline approval.

## Housing Land Supply

The NPPF requires local authorities to identify a 5 year supply of specific 'deliverable' sites for housing with an additional 5% buffer.

In addition, Policy CS22 (Scale for the Requirement for New Housing) within the Sheffield Development Framework Core Strategy (CS), sets out Sheffield's housing targets until 2026.

In relation to Sheffield's current housing land supply position, although the latest monitoring shows in excess of a 5-year supply of housing sites against the CS targets, these targets pre-date the National Planning Policy Framework and should now be considered out of date.

The latest Government household growth projections suggest that housing need in the city is higher than was previously planned for in the CS and, as such, the city has an approximate 4.5 year supply of housing using the latest growth projections.

It is clear that a residential proposal such as this would make a substantial positive contribution towards the identified housing supply shortfall and this should be offered appropriate weight as a material consideration.

## Development of Brownfield Land

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

## Housing Density

Policy CS26 (Efficient Use of Housing Land and Accessibility) within the CS requires appropriate housing densities to ensure the efficient use of land.

Policy CS31 (Housing in the South West) within the CS states that, in South-West Sheffield priority will be given to safeguarding and enhancing its areas of character. As such, the scale of new development will be largely defined by what can be accommodated at an appropriate density through infilling, windfall sites and development in district centres and other locations well served by public transport.

The recommended density for a site such as this, which is within 400 metres of the Banner Cross District Shopping Centre, is between 50-80 dwellings per hectare, as set out in Policy CS26. This scheme achieves a density of approximately 63 dwellings per hectare and this therefore accords with the above policies.

It is worth noting as a point of clarity that within the previous committee report that accompanied the outline application the acceptable density range is identified as being between 40-60 dwellings per hectare. This was an incorrect statement as it failed to account for the proximity of the Banner Cross District Shopping Centre.

## Design

The NPPF states that development should always seek to secure high quality design, but decision makers should not attempt to impose architectural styles or a particular taste, albeit they should promote and reinforce local distinctiveness.

Policy BE1 (Townscape Design) within the UDP states that a high quality townscape will be promoted with a positive approach to conservation and a high standard of new design.

Policy BE5 (Building Design and Siting) of the UDP states that original architecture will be encouraged, but that new buildings should complement the scale, form and architectural style of surrounding buildings.

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

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

### - Demolition

The existing buildings on the site are reflective of their function, offering a sprawling generally single storey appearance with a mixture of roof forms (flat and pitched).

Whilst these structures are not considered to be particularly poor from a design perspective, subject to a suitable scheme being developed, they are not of such a quality that would warrant any resistance to their removal.

### - Contemporary Approach

It is considered that the principle of contemporary architecture, which includes flat roofed buildings, is both long established and acceptable. Indeed, such architecture, if of an appropriate quality, is accepted on more sensitive sites, including within Sheffield's conservation areas.

While the quality of the architecture is considered further below, it would be unreasonable and inconsistent to resist the principle of flat roofed contemporary buildings on this site.

### - Height

In relation to height, the blocks vary between two and five storeys and the approach taken has been to position the lower two storey block (Block C) at the site entrance

fronting Chelsea Court, so this will reflect the scale of existing properties that are set along this street, which are either single or two storey units with pitched roofs.

There would then be a gradual transition in the height of the blocks as the site is accessed from Chelsea Court, with the taller five storey element in the north west corner (Block A). Although it should be noted that only a limited section of this block reaches five storeys, before transitioning down to four and then two storeys. This block would be approximately 85 metres away from the main site entrance at Chelsea Court.

From a height perspective, when the flat roof design is accounted for, it is considered that the two and three storey elements of the proposed blocks are reflective of the heights of neighbouring dwellinghouses, when their pitched roofs are accounted for.

Whilst the four and five storey elements of the blocks are taller than the majority of the surrounding residential units, it is considered that owing to the unique characteristics of the site, resulting from its use as a former quarry, it has a very limited amount of visibility from principal public views. For example it is set substantially lower than the land to the west (Brincliffe Hill). As such, this does allow discretion for this additional height in places.

Indeed a similar approach to height has been followed with respect to the apartment block which is accessed from Chelsea Rise and set to the immediate south of the application site (Quarry Head Lodge). This block provides three floors of accommodation along with a pitched roof and reaches a height of 11.15 metres. This is akin to the four storey elements of the proposed scheme, which measures approximately 12.67 metres in height.

It should be noted that during the course of pre-application discussions a view was provided looking towards the site from Ecclesall Road South and this demonstrated that the taller elements of the scheme would not be visible over the top of the existing tree canopy when the site is viewed from this direction (the west) and this is welcomed.

#### - Footprint

As Block C has a frontage onto Chelsea Court the footprint of this block has been limited to reflect the domestic scale of the existing Chelsea Court properties.

There is greater flexibility with respect to the footprint of the remainder of the blocks given that these do not have to address existing road frontages. As such, while the footprint of these blocks varies depending on their position within the site, the size of these footprints is viewed as being fairly typical of apartment schemes of this nature.

Again Quarry Head Lodge, which is set to the immediate south of the application site, offers a useful example of this as it occupies a similar footprint to the proposed blocks.

#### - Layout/External Areas

The general layout of the blocks is considered to be logical with buildings facing onto existing and new public highways/public routes and private amenity areas.

This layout has been defined to a large extent by the numerous constraints this unique site offers, with such constraints including:

- The need to set the blocks a sufficient distance away from the surrounding residential uses to ensure amenity is suitably protected.
- The desire to protect the existing landscaped area to the north east of the site as this provides a welcoming entrance and a buffer between the taller elements of the scheme and Chelsea Court.
- The need to set any buildings away from the tall quarry wall that runs along the west boundary.
- The established access points into the site from Chelsea Court and Brincliffe Hill.

One unique feature of the layout relates to the undercroft car parking with private amenity areas above on a podium level. This solution ensures that the public areas of the site are not dominated by car parking, while also utilising the existing ground levels across the site.

The main pedestrian route through the site will be well overlooked and is positioned in a way that ensures the route between Chelsea Court and Brincliffe Hill is convenient/direct for people wishing to use it.

#### - Detailing and Materials

The materials being proposed are of a suitably high quality and include stone cladding, brickwork, zinc cladding and aluminium windows, with the final samples being conditioned should Members be minded to approve the scheme.

The principle external material will be brick for Blocks B, E & F and stone for Blocks A, C & D. The change in material is intended to create some variety across the blocks, with the stone buildings set in the more prominent locations marking gateways. There are also further subtle differences between the stone and brick blocks, most notably the use of recessed top floors and zinc cladding on the brick blocks. This approach is supported.

There are also several unifying design features across all the blocks to ensure a suitable degree of legibility, including balconies, recessed masonry and aluminium windows.

All of the blocks will be well articulated with a number of features that add interest, including the top floor setbacks and recessed balconies. The architect has also introduced layers into the elevations in places by manipulating how the principal material is utilised.

Overall the combination of the high quality materials and rich detailing will ensure an appropriate quality and appearance.

## Sustainability

Policy CS63 (Responses to Climate Change) within the CS sets out the overarching approach to reduce the city's impact on climate change. These actions include:

- Giving priority to development in the city centre and other areas that are well served by sustainable forms of transport.
- Giving preference to development on previously developed land where this is sustainably located.
- Adopting sustainable drainage systems.

In relation to the requirements of CS63, the site is in a sustainable location in respect of access to local amenities and public transport. For example, the site is within a reasonable walking distance (within 400 metres) of the multitude of amenities available within the Banner Cross District Shopping Centre, which is also on a high frequency bus route.

In addition, the site is previously developed and the scheme will incorporate sustainable drainage systems that will result in a reduced surface water run-off rate (see Drainage Section below).

Policy CS64 (Climate Change, Resources and Sustainable Design of Development) within the CS sets out a suite of requirements in order for all new development to be designed to reduce emissions.

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

Policy CS65 (Renewable Energy and Carbon Reduction) within the CS sets out objectives to support renewable and low carbon energy generation and further reduce carbon emissions.

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

The applicant has confirmed that the 10% target will be achieved across scheme and this will be provided in part by incorporating high levels of insulation (the fabric first approach).

The scheme also includes a number of further features that add to its sustainability credentials. The most notable involve the provision of several green/brown roofs, two vehicle charging points, extensive cycle parking and the creation of additional soft landscape areas in comparison to the existing site.



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

## Highways

Paragraph 32 of the NPPF states that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'

Policy CS51 (Transport Priorities) within the CS identifies strategic transport priorities for the city, which include containing congestion levels and improving air quality.

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

### - Vehicle Access and Highway Widths

The establishment of the principal vehicle access point into the site from Chelsea Court, which is already a main vehicle access for the existing use, was approved within the outline application, as was utilising the Psalter Lane/Brincliffe Hill access for emergency vehicles only. As such, it is not appropriate to reconsider such matters within this reserved matters application.

However, consideration needs to be given to the suitability of the local highway network, most notably Chelsea Court, and the proposed access point to accommodate the level of traffic being proposed.

Clearly Chelsea Court and the surrounding roads were designed prior to the current guidance and, whilst not formally adopted by Sheffield, it is considered that the South Yorkshire Residential Design Guide offers a useful modern day reference point in terms of expected standards.

Of most use is Paragraph B 2.1.6 (Page 143) within the Technical Requirements Section. This advises that for roads with a 20 miles per hour (mph) design speed, which is what we should be aiming for on all residential roads, the appropriate minimum width is 4.8 metres. For comparison, Paragraph 2.1.7 states that where a road has a higher design speed the width should be 5.5 metres.

Given that Chelsea Court is a cul-de-sac, and the layout of the new scheme will also create a cul-de-sac, it is perfectly reasonable to consider that the lower design speed of 20mph is appropriate and these highways should have a minimum width of 4.8 metres to be considered 'fit for purpose'.

In this respect Chelsea Court has a carriageway width that in all instances is in excess of 4.8 metres, being approximately 5.1 metres at the narrowest point, and the layout plan identifies that the access road into the site will have a minimum width of 5.2 metres, which is at the point of access from Chelsea Court, before increasing in width to approximately 5.5 metres within the site itself.

Based on the above, it is considered that both Chelsea Court, the access point into the site and the roads within the site will be of a sufficient width/design to ensure appropriate highway safety standards are achieved.

#### - Traffic Generation/Highway Capacity

It is anticipated that the average amount of combined vehicle arrival/departure movements in the morning peak hour would be 13 and this would rise to 23 in the afternoon peak hour. Over the course of a typical 12 hour period the combined vehicle arrivals and departures to the site would be around 201, or 17 movements an hour, and this is before movements associated with the existing use of the site as a restaurant and function space are discounted.

It is noted that these figures are provided through the use of TRICS (Trip Rate Information Computer System), which is a database of trip rates for developments used in the United Kingdom for transport planning purposes, specifically to quantify the trip generation of new developments.

Given these relatively low trip generation figures, it is considered that the scheme would have a minimal impact on the existing highway network and would certainly not create capacity issues that could be considered as severe, which is the acceptability test set out within the NPPF.

#### - Pedestrian Access

As identified within the representations received from interested parties, most notably local residents, the Baldwins Omega site has been informally used as a pedestrian link between Chelsea Court and Brincliffe Edge/Psalter Lane for a number of years. Concerns have been raised that this arrangement would not be retained as part of the development.

In reply to this the applicant's team have confirmed that the existing pedestrian connection through the site will be retained and this is clearly indicated on the submitted plans. This proposed pedestrian access will be a combination of a segregated pedestrian footway and a shared surface, which is set towards the north west of the site.

In terms of pedestrian/residents safety when manoeuvring through the site, it has already been identified above that vehicle speeds would be low. Further to this a segregated footpath ranging between 1.2/2 metres in width is shown running from the main entrance point at Chelsea Court and terminating adjacent to Block A. Whilst ideally the 1.2 metre width would be improved upon, it is accepted as it only relates to approximately the first 13 metres of this footway, which runs a total of 83 metres.

A shared surface would then be created adjacent to Block A, which is the section of the site that will see very few vehicle movements as the Brincliffe Edge/Psalter Lane access will only function as an access point for emergency vehicles. As such, there is no objection to a shared surface in this location from a pedestrian safety perspective.

A further shared surface is proposed adjacent to Blocks D, E & F, which is an area that will be used by residents and visitors, rather than pedestrians walking through the site. Again owing to the anticipated low vehicle speeds and restricted vehicle movements this creates no pedestrian/highway safety concerns.

Speaking in more general terms about shared surfaces, it is again appropriate to make reference to the South Yorkshire Residential Design Guide, which indicates that shared space streets are acceptable where vehicle movements are exceptionally low (less than 40 vehicle movements per hour). As identified above the anticipated maximum number of vehicles movements are much less than this, being around 23 per hour.

#### - Car/Cycle Parking Provision

The scheme incorporates 31 two bedroom apartments and 21 three bedroom apartments. In accordance with Sheffield City Council Information Sheet Three: Car Parking Guidelines, the maximum parking standards for a two/three bedroom unit would be two parking spaces, with an additional visitor space provided for every four apartments, which would result in 13 visitor spaces in this case. The overall maximum car parking spaces for this development would therefore be 117 for residents and visitors.

However, this is the maximum provision and this can therefore be relaxed in circumstances where a site is in a sustainable location for example. In this case the site is within easy walking distance of the Banner Cross District Shopping Centre (within 400 metres), which also acts as a high frequency bus route. Furthermore, it is accepted that car ownership associated with apartments is generally lower than with traditional family dwellinghouses.

As such, it is not deemed necessary to impose maximum parking standards and the following is therefore considered appropriate and is achieved as part of the proposals:

- 1 car parking space per 2 bedroom unit (there are 31 two bedroom units in total).
- 2 car parking spaces per 3 bedroom unit (there are 21 three bedroom units in total).
- 14 visitor spaces.
- Total requirement for 87 spaces.

When some additional mobility spaces are accounted for, the scheme actually achieves 91 car parking spaces, which is above the level required on this particular site.

It is therefore considered that, whilst it is not possible to fully guard against people parking on surrounding highways, with the parking provision and relatively sustainable location accounted for, the concerns expressed within the representations that the scheme will create unreasonable on-street car parking pressures, and therefore exacerbate capacity issues, are not considered to be reasonable.

In terms of undercroft car parking provision this raises no objections from a highway safety perspective and is a solution that is employed elsewhere in the city.

It is also noted that the scheme includes one secure cycle space per apartment, which is welcomed.

#### - Tracking/Serviceing

Tracking information has been provided within Appendix C of the Transport Statement which demonstrates that a refuse vehicle can enter the site from Chelsea Court, turn within the site, and exit via Chelsea Court in a forward gear.

Tracking information has also been provided that demonstrates that a fire tender can access the site from Brincliffe Hill.

#### Drainage/Flood Risk

Policy CS67 (Flood Risk Management) within the CS states that the extent and impact of flooding should be reduced by incorporating a number of measures in developments. These measures include:

- Requiring the new development to limit surface water run-off.
- Ensuring buildings are resilient to flood damage.
- Promoting the use of sustainable drainage techniques.

The site itself is located within Flood Zone 1 and therefore not at any significant risk of flooding.

Drainage was considered within the outline application and a planning condition was imposed to ensure that surface water run-off/discharge is reduced by 30% in comparison to the existing situation.

This reduction in the surface water run-off rate will partly be achieved through the provision of green/brown roofs and the increase in grassed/soft landscaped areas in comparison to the existing situation.

In terms of the overall design of the drainage system, soakaways will be considered, but these may provide problematic owing the notable changes in topography relative to the neighbouring land. As such, it is possible that underground attenuation tanks may offer the agreed solution in association with natural features such as the green/brown roofs.

The final details of the drainage design will however be agreed when the applicant seeks to approve details relative to the drainage conditions imposed by the outline application, as is normal practice.

With respect to the discharge of foul water from the development, several representations from third parties have raised concerns with respect to how the sewers will cope and have cited examples of existing capacity issues.

Discharge of foul water was considered by Yorkshire Water as part of the outline application and no issues were raised with respect to capacity problems. Yorkshire Water in fact identifies the 150mm diameter public foul sewer recorded in Chelsea Court as the appropriate discharge point.

Subject to complying with the conditions imposed on the outline application, Yorkshire Water and the Lead Local Flood Authority have confirmed that these proposals are acceptable in principle and the scheme is therefore in accordance with Policy CS67 within the CS.

#### Access

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

H15 (Design of New Housing Developments) within the UDP states that the design of new housing developments will be expected to provide easy access to homes and circulation around the site for people with disabilities or with prams.

In relation to the general layout of the scheme itself, owing to the sloping nature of the site it does create challenges with respect to achieving access for all users. However, with the exception of Block C and the two storey element of Block A, level access is achieved into all blocks. Furthermore, the mobility parking spaces are located next to the main entrances into the blocks from the car parks and, with the exception of Block C, all blocks will have lift access.

Level access onto the podium is also provided from the public realm via a level route to the west of Block D.

Based on the above when the levels of the site are accounted for the proposals are considered to offer a suitable response from an access perspective.

#### Affordable Housing

Policy CS40 (Affordable Housing) within the CS states that developers of all new housing schemes of 15 units or greater will be required to contribute towards the provision of affordable housing where this is practical and financially viable.

The target within Policy CS40 is between 30 & 40% of the units, but a more spatial approach to affordable housing provision is now adopted within the Community Infrastructure Levy and Planning Obligations Supplementary Planning Document (2015) (SPD). The SPD identifies affordable housing provision based on viability across a particular area. This site falls within the City Centre and West area and sites within this area have a target of 10% for affordable housing provision.

This matter was considered in its broadest sense during the outline application, as, at that stage, it was not possible to determine if it would be financially viable to meet the 10% requirement because a detailed scheme was still to be brought forward.

A condition was therefore placed on the outline permission so affordable housing could be considered in detail at a later date, which is the normal approach.

Although a detailed scheme is now being considered as part of this reserved matters application, the technically correct way to deal with the affordable housing requirement when it has been conditioned within an earlier outline approval is through an application to agree details relating to the relevant condition, rather than within the reserved matters application itself.

In the spirit of transparency however it should be noted that the applicant had provided a financial appraisal as part of the original submission of this reserved matters application and this has been considered by CP Viability, acting as an independent valuer/expert on such matters.

At this stage there is a notable difference between the figure the applicant considers to be viable and the figure CP Viability and officers consider viable.

This issue will need to be resolved before development commences on site, as is stated in the relevant condition (see Condition 17 of 15/04019/OUT), and there is a separate conditions application currently under consideration (see 15/04019/COND1). It is not however necessary or appropriate to determine this issue as part of this reserved matters application.

#### Amenity of Future Occupiers

Paragraph 17 within the NPPF states that the planning system should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

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

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

H15 (Design of New Housing Developments) within the UDP states that the design of new housing developments will be expected to provide adequate private gardens or communal open space to ensure that basic standards of daylight, privacy, security and outlook are met for all residents.

In relation to noise, the site is surrounded on all sides by residential accommodation and is set a good distance from Psalter Lane. As such, future residents will not be exposed to problematic sources of noise.

Owing to the past land use there are land contamination matters that would need to be tackled as part of the construction phase. The relevant planning conditions were attached to the outline approval to ensure this is addressed.

Having assessed the submitted information in terms of internal layouts and the positioning of buildings, it is considered that occupiers will generally be afforded good living conditions in terms of space standards, outlook, light and privacy.

For example, it is clear that careful thought has been offered with respect to matters such as the positioning of windows and balconies to ensure overlooking between blocks will be minimised. Measures such as obscuring windows and providing screens to balconies where appropriate will also be utilised to avoid unreasonable overlooking.

A scheme like this does however require some compromise with respect to the residential amenity of future occupiers, verses good design and providing suitable surveillance. For example the separation distance between the southern elevation of Blocks A & B and the north facing elevation of Block D is approximately 9.5 metres and, although facing windows are off-set from each other, this is still not ideal from a privacy standpoint.

However, this relationship does allow the main pedestrian route from Chelsea Court to Brincliffe Hill to be well overlooked and ensures the respective elevations have suitable articulation.

Taking all of these factors into account, including the mitigation measures such as offsetting windows, it would not be reasonable to resist the scheme on this basis.

In relation to external amenity space a number of units will be provided with balconies or small garden areas, which is welcomed. However, the opportunity for balconies is restricted to an extent by the need to protect the residential amenity of adjacent occupiers.

Each of the blocks will also have direct access to communal amenity space and this forms a substantial area of the site. Further to this, Chelsea Park is within approximately a 325 metre walk of the site and this offers a welcome bonus for future residents.

Based on the above the proposal is considered to offer an acceptable level of amenity for future occupiers.

#### Amenity of Surrounding Residents

Paragraph 17 within the NPPF states that the planning system should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

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

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

When approving new development an assessment needs to be made as to the impact on surrounding uses in relation to matters such as over shadowing, over dominating and privacy infringements. In this case such an assessment also needs have regard to changes in land levels.

- Brincliffe Hill Properties

With respect to the properties set to the west, which front onto Brincliffe Hill, these are generally set at a considerably higher level than the application site itself.

Indeed the section plans provided with the application show that the properties along the southern section of Brincliffe Hill will be set approximately eight metres higher than the application site and would therefore face towards the top floor of Blocks E & F.

The windows and balconies within the western elevations of Blocks D, E & F, facing towards Brincliffe Hill, would be in excess of 30 metres from the existing facing windows of the Brincliffe Hill properties, and in some cases this distance is in excess of 40 metres.

This difference in land levels is reduced in relation to the properties that sit to the north of Brincliffe Hill and face towards Block A, resulting in the ridge of this block sitting slightly higher than the ridge of the Brincliffe Hill properties. However, there is still in excess of thirty metres between the taller elements of Block A and these Brincliffe Hill properties.

With these separation distances and changes in land levels accounted for, it is considered that the scheme would not have an unacceptable impact on the amenity of the Brincliffe Hill residents/properties.

- Quarry Head Lodge

With regard to Quarry Head Lodge, which is the residential apartment scheme set to the direct south, it is noted that this neighbouring building has main habitable windows within its northern elevation, facing towards the application site, and these windows are set within nine metres of the common boundary.



The proposed southern elevation of Block E would result in main habitable windows being sited approximately 18 metres away from the northern elevation of Quarry Head Lodge and balconies approximately 16.5 metres away.

Whilst not ideal from a privacy perspective, it would be entirely unreasonable to resist windows and a limited number of balconies on the southern elevation of Block E because of the presence of a development of an adjacent site, which is unduly relying on the application site for outlook/privacy.

As such, it is considered that with the retention of the existing mature trees on the common boundary, the separation distances being proposed will achieve the correct balance between retaining privacy between the existing and proposed apartment blocks, and not unduly constraining the development potential of the application site.

In relation to the potential for the over shadowing and over dominating of the residents with Quarry Head Lodge, this is not considered to be problematic for the following reasons:

- There is no significant change in land levels.
- The separation distance between buildings is appropriate, being approximately 18 metres.
- The proposed building is set to the north and therefore does not interfere with the path of the sun.
  
- Chelsea Court Properties

In terms of the relationship between Block C, which is the two storey block, and 15 Chelsea Court, which sits to the south of this block, it is firstly noted that, although 15 Chelsea Court is set at a slightly lower level, it has no main habitable windows within the north facing gable wall.

Furthermore, the closest section of the new block will run almost parallel with the gable wall of this existing property, while the section that projects beyond the rear elevation of number 15 will be set approximately 9.3 metres from the common boundary. It is also noted that Block C is set to the north of 15 Chelsea Court and therefore does not interfere with the path of the sun.

With respect to privacy, there will be no windows in the proposed south facing gable walls of this new block, which is the elevation that faces number 15.

In relation to the impact of Blocks E & F on the rear elevations and gardens of the Chelsea Road properties, it is noted that these existing properties are set to the east of these blocks and at a lower level, with the difference in land level ranging between approximately 2.5 and 3.2 metres.

To mitigate the impact on these existing properties from a shadowing and dominance perspective, the proposed blocks have been set away from the common boundary by a minimum distance of approximately 11.6 metres and are no closer than 21 metres from the rear elevations of these existing properties. It is also noted that the top floors of the blocks have been set back to soften any impact.

These distances are considered as being sufficient to ensure unacceptable over shadowing/dominance will not be created, even with the land levels and orientation accounted for.

In terms of privacy, there are no balconies proposed on the east elevations of Blocks E & F, which face towards the rear of the Chelsea Court properties, and it is proposed for a screen to be erected along the east facing side of the balconies that are set on the southern elevation of Block E.

In relation to the ground floor windows within Blocks E & F, these will face onto an existing low wall and fence that form the rear boundary of the Chelsea Court properties and which act as a screen.

In relation to the first and second floor windows, as it is proposed to obscure the southernmost windows within the east elevation of Block E at both first and second floor, the closest windows within the east elevation of this block will be approximately 13.9 metres from the common boundary with the Chelsea Court properties, and 24 metres from the original main facing windows within the rear elevations. These distances are also very similar in respect of the first and second floor windows within Block F and the Chelsea Court properties.

In terms of window to window distances, it is also worth noting that, as the Chelsea Court properties are bungalows, the first and second floor windows within Blocks E & F will generally afford direct views onto, or over, the roofs of these existing properties.

As the top floors of these two blocks are set back from the main east elevation, the distances between facing windows and common boundaries is increased, which compensates for these windows being at a higher level. For example, the top floor of Block E is set back a minimum distance of 4.5 metres.

From the public realm an existing low wall and fence ensures that views into the rear gardens of the Chelsea Court properties cannot be achieved.

14 Chelsea Court is set to the east of Block B and is approximately 2.5 metres lower in terms of land level. However, the gable wall of Block B is 19.6 metres away from the common boundary and there are no windows that directly overlook this neighbouring property.

With the separation distances and changes in land levels accounted for, it is therefore considered that the scheme would not have an unacceptable impact on the amenity of the Chelsea Court residents/properties.

#### - The Bluecoats Estate

The Bluecoats Estate is set to the immediate north of the application site and is at a much lower level, with the sections provided showing a level difference of approximately 11.5 metres in places, although this level difference is reduced to around 4.5 metres towards the eastern section of the site.

In terms of separation distances, generally the rear elevations of the taller sections of Block A and Block B will be between approximately 13 and 18 metres from the common boundary, and between 26 and 30 metres from the rear elevations of the Bluecoats properties.

There is one element where Block B reaches a point in its north east corner that will be approximately 23 metres from the rear elevation of the facing Bluecoats property, and 9 metres from the common boundary. However, this section of the building then splays away from the boundary, rather than forming a solid mass.

In terms of privacy, owing to the dramatic land levels, many of the new windows will face onto or over the roof of the Bluecoats properties, with only limited views gained into the existing gardens and lower floor windows of these properties. Furthermore, it is considered that the separation distances involved are sufficient to protect privacy in instances when there would be facing windows. It is also noted that balconies are not being proposed on the north elevation of Blocks A & B.

In terms of dominance and outlook, owing to the presence of the rock face, only limited views of the proposed blocks will be gained from a number of the adjacent existing gardens and ground floor windows, which tend to be the spaces that provide the main day to day living accommodation, as demonstrated within the submitted section plans.

In terms of shadowing, given that the Bluecoats properties are set to the north of the application site, they are most susceptible to being over shadowed. In this respect the South Yorkshire Residential Design Guide offers a useful point of reference to determine acceptability from a shadowing perspective.

With this in mind, Section B1.3 identifies the 25 degree rule, which is defined by taking a horizontal line extending back from the centre point of the lowest window and drawing a line upwards at 25 degrees. All built development facing a back window should be below the 25 degree line to be considered to have an acceptable impact from a shadowing perspective. The plans have been amended to ensure this guideline is met.

In this respect, the section plans provided demonstrate that the vast majority of Blocks A & B would not breach this 25 degree line. In places where the 25 degree line would have been breached (relating to Block A), the existing rock face is shown to be already breaching this line, and therefore the new block would not make this shadowing situation unacceptable.

There is also an element where Block B reaches a point in its north east corner that breaches the 25 degree line. However, as already identified above, this section of the building then splays away from the common boundary, rather than forming a solid mass.

With the above in mind, and when the separation distances are accounted for, it would not be reasonable to refuse the scheme based on the amenity impact on these properties.

## The Quarry Face and Stability

It is noted that in response to concerns raised by residents with respect to matters relating to slope/quarry face stability and subsidence within the outline approval, it was stated within the subsequent report presented to Members at Committee that such matters 'are the realm of Building Regulations.'

This statement is not accurate as, for example, a Guidance Note published in March 2014 by the Ministry of Housing, Communities & Local Government states that, working alongside a number of other regimes, including Building Regulations and the Coal Authority, planning authorities have to consider the implications of land stability as this could, for example, result in risks to property and the public.

This guidance note goes on to state that, with respect to land stability, planning authorities should ensure development is not placed in unstable locations without precautions being taken.

In order to address this issue the application has been accompanied by a Rock Slope Stability Assessment, which provides an understanding of the long term stability of these relevant rock faces/slopes that border all sides of the site and the effect the proposed development, including the relevant foundations, could have on these features.

The assessment also provides initial indicative proposals to mitigate any identified issues. However, a final detailed mitigation scheme will be the subject of a planning condition, should Members be minded to approve this scheme.

The assessment itself considers in most detail:

- The principal rock face that forms primarily the west boundary of the site (labelled the main rock face in the assessment). This rock face ranges between approximately six and eight metres in height and is around 70 metres long. The Brincliffe Hill properties are set on top of this particular rock face, although they are set well back from it.
- The northern boundary of the site, which is formed by a similar rock face, and overlooks the recently constructed Bluecoats development. The report notes that this rock face has recently undergone stabilisation works.

The assessment considers matters such as the orientation and existing conditions of the rock faces. It also considers the three possible modes of instability, these being planar (or sliding), wedge and topping instabilities.

In respect to the rock face on the western boundary, a rock mapping exercise was undertaken, although it is noted that large sections of the rock face could not be viewed owing to the extensive vegetation in place. This mapping exercise comprised recording the orientation of the structures visible along the exposed rock faces.

In relation to this western rock face and the modes of instability, it is concluded that there is no risk of planar (sliding) failure, given the shallow dip of the bedding and the expected high friction angle of the sandstone.

There is an anticipated small risk of wedge failure along the slope, caused by the intersection of joint sets J2 and J3 (as defined within the assessment). While this risk is considered low, further investigation is recommended before any development commences and existing vegetation will need to be removed in places to allow this.

There is considered to be a moderate risk of toppling failure, largely owing to the orientation of joint set J1. It is also noted that where trees roots have penetrated and widened this joint set, then the risk of instability grows.

Several mitigation options for the west rock face are proposed for further consideration when additional assessments have been carried out, which will be done before development commences, including:

- Ensuring further tree growth is prevented and any blocks loosened by root action are removed by a rock scaling exercise.
- A roof structure at the toe of the rock face is considered.
- The installation of protective measures including localised rock bolting to particular high risk areas, and the installation of a rock netting system to cover larger exposures.
- Vegetation removal.

In respect to the rock face on the northern boundary, which sits adjacent to the Bluecoats properties, it is noted that a previous stability assessment was carried out in 2014 and extensive stability measures were undertaken. This included vegetation removal, scaling, rock bolts and netting.

As such, the assessment concludes that the location of the proposed future foundations in the northern section of the site (close to the Bluecoats scheme) will not have any influence on the existing repaired and strengthened slope forming the northern boundary of the site, as the distance away from the crest of the rock face is sufficient.

The assessment has been considered by the Building Regulation Section, who have a greater level of experience with respect to such matters, and they have confirmed satisfaction with the content with respect to understanding the risks and proposing mitigation at this stage of the process.

It is proposed that a planning condition be imposed however, should Members be minded to approve the scheme, to secure a final Rock Slope Stability Assessment and the associated mitigation measures before development commences. This will allow further investigations to take place following the removal of existing vegetation as required.

Archaeology

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

As detailed within the original outline application, other than the semi-exposed quarry face on the west boundary (which is more of geological interest than historical) there is little to suggest that historic artefacts will be present below the existing buildings and infrastructure.

The site was used as a sandstone quarry (for grindstones for cutlery working) in the late 19th Century, but historical maps reveal that cranes for haulage of stone may have been the only industrial structures on site.

No further archaeological investigation is therefore required as part of developing the site.

### Landscape/Trees

Policy GE15 (Trees and Woodlands) within the UDP states that trees and woodlands will be encouraged and protected. This is to be achieved in part by requiring developers to retain mature trees, copses and hedgerows, wherever possible, and replace any trees which are lost.

53 of the 83 individual and grouped trees on the site are proposed for removal and the application has been accompanied by a tree survey that identifies that all but one of these trees are either considered to be of a low standard or unsuitable for retention owing to significant defects.

Many of these trees to be removed are sited along the west boundary, including on top of the existing rock face, and in the north east section of the site. Largely these are to come out in order to accommodate the new buildings and the new public route through the site, or to help ensure the long term stability of the western rock face.

A few points of note in this regard include:

- A mature Swedish Whitebeam (labelled 78 on the Tree Protection Plan), which is listed as being a moderate quality, is to be removed in order to help create the segregated footpath.
- The trees that sit on top of the of the rock face along the western boundary, which have been identified for removal, have root areas that are severely restricted by the cliff and the retaining wall, leading to the trees themselves being potentially unstable.

Furthermore, in the longer term these trees could act to destabilise the rock face and indeed the submitted Rock Slope Stability Assessment already identifies that trees roots have penetrated and widened a joint set, which increases the risk of instability.

Whilst the residents of the Brincliffe Hill properties have objected to the loss of these trees, which do provide visual amenity, it would be unreasonable to resist their loss based on the above considerations.

By way of compensation, the landscape plan shows 26 extra heavy standard trees proposed, which are to be planted across the site, and new areas of soft landscaping will also be provided resulting in a notable net increase in such areas in comparison to the existing situation. This includes additional tree planting on the southern boundary and in the north east section of the site, in order to reinforce the tree groups in these locations.

In addition, ivy removal and pruning works will also be undertaken on the retained trees to ensure their long term health and the existing area of landscaping to the north west of the site will be retained, ensuring an open landscaped feel as the site is accessed from Chelsea Court.

Measures will be taken to ensure retained trees are not damaged during the construction phase and this includes protective fencing and compliance with a method statement for any works within the root protection areas of the retained trees.

Speaking more generally the scheme incorporates additional soft landscape features such as green/brown roofs and lawn/meadow areas. Several areas of hard landscaping will also be created, including paved shared surfaces that will help portray a high quality public realm.

It is also noted that information provided demonstrates that the scheme will not impact on the protected trees set on the adjacent land to the north.

Based on these circumstances, the proposals are considered to be acceptable from a landscape perspective.

### Ecology Considerations

Policy GE11 (Nature Conservation and Development) requires development to respect and promote nature conservation.

The application has been accompanied by information that considers in detail the ecological implications of the development. The main points of note in relation to this information is summarised as follows:

#### - Bats

No evidence of bats was found in relation to the existing buildings during the dawn/dusk surveys carried out on site, which followed a preliminary roost assessment.

This assessment also considered the potential for bats to be roosting within the rock face to the west of the site and concluded that the rock face displayed few features with greater than negligible potential to support roosting bats. In addition, following an inspection there was no evidence gathered of bats roosting in this rock face.

As such, no further survey effort is required unless the development does not commence within 24 months of the survey date (25th August 2017).

#### - Birds/Owls

Several of the comments from residents have raised the issue of owls being present and potentially using the rock face for nesting. The ecologist working on behalf of the applicant has confirmed that there was no evidence of owls nesting in the rock face during the relevant inspections.

In relation to bird species, to ensure a cautious approach all clearance of vegetation should take place outside of the bird breeding season (beginning of March to the end of August) unless a suitably qualified person is on site to check any vegetation for the presence of breeding birds. This will be secured via a planning condition should Members be minded to approve the scheme.

#### - Badgers

The initial Ecological Assessment identifies that there are no records of badger activity within 300 metres of the site and only six records of badgers within one kilometre of the site and these are distributed evenly around the surrounding residential areas.

However, following information provided by local residents and The Sheffield and Rotherham Wildlife Trust about the potential for badger activity within the vicinity of the site further survey work was carried out.

This additional survey did conclude that there was some badger activity within the vicinity of the site in the form of one shallow digging, which did not constitute a sett, and one outlier sett in occasional use. Foraging activity was also identified. It is not appropriate to reveal the exact locations of the protected species activity within this assessment.

The conclusions of the report, which are supported by the City Ecology Team, determine that the closure of the outlier sett is very unlikely to have a significant impact on the survival of badgers with respect to their existing range and population status.

A condition is being proposed, should Members be minded to approve the scheme, that would ensure badgers are suitably protected during the construction phase and this includes creating escape ramps from any trenches/excavations that maybe created.

#### - Japanese knotweed

Japanese knotweed was found in one locality on the site and a method statement detailing how it will be treated and disposed of will be secured through a planning condition should Members be minded to approve the application.

#### - Ecology Gains



Much of the area in which the new blocks and hard landscaping are proposed is existing hard surfacing or developed and it therefore offers little in the way of ecology. The main existing area of soft landscaping to the north and east of the site is to be retained and this is welcomed.

Further to this the scheme will introduce features such as green/brown roofs, new native planting, additional soft landscaping areas, bird and bat boxes and log habitat piles.

Subject to condition, the proposals are therefore considered to present suitable credentials from an ecology perspective.

### Geology Considerations

Several representations, most notably from the Sheffield Area Geology Trust, have sought comfort that the former quarry face on the western boundary should remain available for viewing and study for geological reasons as the site is listed as a Local Geological Site.

More clarity is also requested with respect to works to the rock face and ideally the rock will either be exposed, or left as it is.

A large section of the main rock face to the west of the site will be obscured from public view by Blocks D, E & F and, as is evident from the adjacent Bluecoats scheme, it is not uncommon for development such as this, on private land, to limit access to such features.

However, the sections obscured by Blocks D, E & F can be viewed from within the semi-public podium level and, in addition, a section of this rock face will remain visible to the general public from within the main public realm.

Formal agreements to carry out studies of the rock face in the future would need to be made with the land owner however, as would be the case at present.

In terms of future works to the rock face, as identified in the Quarry Face and Stability Section above, it is intended to expose more of the rock face by removing sections of the existing vegetation and existing trees in order to facilitate additional stability investigation and to remove risk of destabilisation in the future.

It is anticipated that the installation of protective measures will be necessary going forward and this could include localised rock bolting to particular high risk areas, and the installation of a rock netting system to cover larger exposures. Such intervention will be kept to a minimum, but is essential to ensure the safe redevelopment of this site for what has already been established as an appropriate use within the outline application.

### Air Quality

As stated within the committee report associated with the outline application, it is not considered that the proposed use will be unacceptable from an air quality perspective.

Pollutants and particulates are only likely to result from residents vehicular movements and, as identified in the above Highways Section, vehicle movements associated with the development will on average be 17 per hour and that is before the existing use of the site is discounted.

A further consideration in respect of air quality relates to dust and in order to tackle this issue a planning condition is attached to the outline application. This condition will secure agreement of dust suppression measures prior to development commencing and relating to the demolition and construction phase.

#### Community Infrastructure Levy (CIL)

The site is located within a CIL Charging Zone with a residential levy of £30 per square metre.

The funds generated through CIL will be used in connection with strategic infrastructure needs.

#### RESPONSE TO REPRESENTATIONS

A number of the points raised within the representations received in respect of this application have been addressed in the above assessment. The outstanding points are responded to as follows.

- The access from Chelsea Court will be particularly problematic during periods of freezing weather due to ice/snow on the roads.

In response, this is the case for many highways/access points in icy/snowy conditions across Sheffield owing to its topography. There is no reason why such issues cannot be dealt with by occupiers/a management company in the future.

- In recent years the construction of the apartment blocks at Quarry Head Lodge and Sycamore Court has already caused a considerable increase in wear and tear on the road surfaces. The addition of more dwellings would exacerbate this situation.

In response, this type of issue is a consequence of any development of this nature and future residents would contribute towards such infrastructure through measures such as Council Tax.

- How will the proposed restricted use of the Brincliffe Hill/Psalter Lane junction for emergency vehicles only be enforced?

In response, the final details are secured via a planning condition on the outline approval. The submitted plans do however indicate bollards at the site entrance to Brincliffe Hill, which would be knocked down in the case of an emergency, as they would be collapsible.

- Pedestrian access through the site must be retained during the construction works.

Whilst it is understood why this is desirable for surrounding residents it is not reasonable to insist on public access across private land during the construction phase.

It may be that the applicant does decide to facilitate this, but this would be agreed with residents outside of the planning process.

- How will construction traffic be managed/access the site.

In response, a planning condition is included within the outline application that secures a Construction Access Plan. This plan requires the routing of construction vehicles and areas identified for contractor parking and the manoeuvring of construction vehicles. Such areas will be within the site, which is of a scale that can facilitate this.

- The developer should be required to ensure highways are left in the condition they are found in.

In response, this will be a matter dealt with by the Highway Department and a dilapidation survey was added as a directive to the outline application.

- Brincliffe Hill is narrow with no footpaths and therefore it should not be a pedestrian route into the site.

In response, Brincliffe Hill is already utilised by vehicles and pedestrians, so there is no notable change in this respect. Furthermore, given the nature of Brincliffe Hill, vehicle speeds are relatively low.

- Brincliffe Hill is a private road and what measures will be taken to deal with the impact on this highway if vehicles associated with residents begin to use it.

In response, it is not anticipated that the approval of this development will result in any notable increase in vehicles parking on Brincliffe Hill. The upkeep of a private road is however a matter for the relevant owners.

- Brincliffe Hill cannot accommodate emergency vehicles as it is too narrow for two way traffic.

In response, Brincliffe Hill is a suitable width to accommodate emergency vehicles, being approximately four metres at its narrowest. This is no different to the scenario experienced on Brincliffe Hill at present.

- Signage at the end of Brincliffe Hill could be introduced to stop people trying to use it as a through route.

In response, signage is already in place making it clear this is not a through route.

- The decision to not have cable television connected and internet by the residents of Brincliffe Hill (so they don't lose the ability to access their homes while it being connected) must be respected.

In response, this is a private matter and not a material planning consideration.

- Visibility from Chelsea Rise is limited.

In response, it is accepted that the sight lines from Chelsea Rise are slightly below the guidelines. However, given that there is no recorded accident history at this junction, along with the limited increase in vehicular movements proposed, it would be unreasonable to refuse the application on this basis.

- Can a formal cycle route be created through the site, or can the current prohibition of cycling between Quarry Lane and Brincliffe Hill be removed?

In response, whilst it is not proportionate to provide a formal cycle route, it will be possible for cyclists to travel through the site. The prohibition issue is not a matter for this planning application.

- The scheme does not include electric vehicle charging points.

In response, a condition will be imposed, should Members be minded to approve the scheme, to secure two charging points within the development.

- The Transport Statement includes several inaccuracies, including the width of the site access from Chelsea Court, which is in fact 5.5 metres. It also underestimates the amount of vehicles using the junction of Chelsea Court/Rise/Road.

In response, there are differences of opinion in this respect. However, the above assessment has clarified points when necessary and assessed the appropriateness of the scheme with respect to highway safety.

- Using the average car ownership for residents of apartments across the city is ambiguous and this does not reflect the demographic of the people who would live in this area. Such people are likely to have above average car ownership.

In response, this is a reasonable point and the above assessment has considered the specific site/application when determining the proposed car parking provision.

- The disruption to residents during the construction works will be significant.

In response, noise and general disturbance is an inevitable consequence of development and is only for a finite period.

Additionally a directive is placed on the outline permission reminding the applicant of the general rules with regard to acceptable hours of work that would create vibration and noise for surrounding residents. Ultimately this is governed under Section 60 of the Control of Pollution Act (1974), which can be enforced by the Environmental Protection Service if required.

- Are there any asbestos/hazardous substance issues with the existing building?

In response, this is not a material consideration with respect to this planning application and would be governed by environmental legislation.

- The developers should consider permanently taking over ownership/maintenance of the quarry walls.

In response, responsibility for the ongoing maintenance of the quarry walls is a matter for the existing and future land owners.

- It is difficult to determine which trees are to be removed.

In response, the submitted Tree Protection Plan makes it clear what trees are to be removed as part of the development.

- An Ecological Management Plan should be conditioned.

In response, the scheme includes several measures to mitigate for the ecological impact of the development and planning conditions securing measures such as the green/brown roofs and landscaping will have retention requirements. As such, given the nature of the scheme, it is felt an Ecological Management Plan is not required in this instance.

- Safety barriers should be provided to prevent vehicles going over the cliff edge and into the residential gardens below.

In response, a planning condition is being proposed to secure measure to guard against this scenario, which could include safety barriers.

- The site was used for military training purposes during World War 1 and the potential for live ammunition needs to be investigated.

In response, the safe redevelopment of the site is the responsibility of the developers/owners. With that said, a directive is being proposed to make the applicant aware of the potential risk.

- The proposed number of units is far in excess of the number proposed within the outline application (36). This represents a 40% increase in unit numbers.

In response, the outline application approved the principle of residential development only, it did not specify numbers.

- The exact amount of residential units was removed from the outline description at the last minute and approval simply given for the principal of residential development. Had residents been made aware of this change then further objections would have resulted during the outline stage of the application.

In response, whilst this has allowed more flexibility at the reserved matters stage, the applicant would have been able to submit a full planning application for the current scheme in any case.

- Continuing to allow large scale development such as this in quiet residential areas will eventually have a detrimental economic impact on the city in general.

In response, there is a counter argument that approving a major development scheme such as this creates investment, jobs and homes for employees.

- It is very likely that future residents will be short term tenants who do not have the same interests in looking after the area than owner occupiers for example.

In response, if the units within the scheme are offered for rent, it is an unreasonable assumption that residents who rent units do not have an interest in looking after the area in which they live.

- The proposals are more concerned with developer profit rather than protecting the amenity of surrounding residents.

In response, officers feel the above assessment demonstrates that the proposed scheme does suitably protect surrounding residential amenity.

- The proposals will have a negative impact on the value of surrounding properties.

In response, the impact of development on the value of surrounding property is not a planning consideration.

- Neighbour letters were sent out over the Christmas period and did not allow sufficient opportunity for residents to comment.

In response, the date neighbour letters are sent out relates to when a planning application is made valid and at times this does fall on public holidays.

Any residents who contacted the planning service expressing concern in this respect were offered an extension to the consultation process and it was also made clear that letters would be accepted throughout the application period.

It is also noted that in excess of 70 representations have been received from residents, so clearly this consultation process has been effective.

- Not enough residents along Chelsea Court had been sent formal neighbour letters with regard to the proposals.

In response to this issue letters were sent to all residents within Chelsea Court early on in the application process.

- No site notices have been put up.

In response, site notices were put up on lampposts surrounding the site on 14 December 2017. This includes Brincliffe Hill, Chelsea Court and Chelsea Rise.

- Insufficient neighbour consultation took place with respect to the outline application.

In response, this consultation exercise was carried out in accordance with Sheffield's Statement of Community Involvement and included individual letter to residents, site notices and advertisement in the press.

- No public consultation took place ahead of the application being submitted.

In response, whilst it is always desirable for a developer to undertake community engagement ahead of submitting a scheme of this nature, this is not something that can be insisted upon.

- The application site encroaches onto third party land and the appropriate land ownership certificates have not been served.

In response, this matter was investigated during the course of the application and resulted in a slight adjustment to the red line boundary to ensure it does not impact on third party land.

- No mobile phone masts should be erected on the roofs of the proposed blocks until such time that it is conclusively established as being not detrimental to health. They would also be an eyesore.

In response, there are no mobile phone masts being proposed as part of the development. Any future application for such structures, if they come forward and require planning permission, will be considered on their own merits at that time.

- Brincliffe Hill could be a location for voyeurs looking down into the new apartments.

In response, this seems unlikely and would be a matter for the police. It is not a material planning consideration.

- Who is liable for the damage of vehicles if they are parked on privately owned land?

In response, liability for such matters would be dealt with through the appropriate channels, which in this case would be the police and insurance companies. This is not a material planning consideration.

## SUMMARY AND RECOMMENDATION

This planning application is for the erection of 52 apartments (31 two bedroom and 21 three bedroom) in six blocks that will range between two and five storeys. Each of the blocks will follow a contemporary approach to design, including the incorporation of flat roofs.

The application has been submitted as reserved matters, following the approval of outline permission for residential development in 2016. This earlier outline consent also approved the principle of vehicle access, this being via Chelsea Court, with only emergency vehicles utilising the Brincliffe Hill/Psalter Lane junction. Matters in relation to appearance, landscaping, layout and scale are therefore being considered at this stage.

The scheme is located within a Housing Area, redevelops a brownfield site and makes a positive contribution to Sheffield's five year housing land supply targets, which are welcome factors.

Given the proximity to the Banner Cross District Shopping Centre the proposed housing destiny is considered appropriate and is policy compliant.

The scale and siting of the new buildings are suitably sympathetic to the context and these blocks incorporate a number of design features to create meaningful articulation and visual interest. This includes incorporating generous amounts of glazing and extensive modelling in the elevations.

When matters such as the sustainable location are accounted for, it has been demonstrated that the impact on the local highway network with regard to issues such as highway safety, capacity and car parking could not be regarded as severe, which is the defined test of acceptability within the National Planning Policy Framework.

Given the separation distances, the proposals would have an acceptable impact upon the amenities of neighbouring occupiers with regard to matters such as privacy, dominance and shadowing, even taking account of the topography of the site and surrounding land.

The proposed blocks would supply 10% of energy from renewable sources, or via a fabric first approach, and include features such as green/brown roofs and electric vehicle charging points, ensuring this is a sustainable form of development.

Future occupiers will be provided with acceptable levels of amenity and the submitted information has demonstrated that the ecology impact can be mitigated, as can the loss of trees. Such mitigation includes new tree planting and the provision of new habitats.

The Rock Face Stability Report has identified that, with mitigation measures such as pinning and netting, the development can be accommodated while ensuring the stability of the rock faces that boarder the site.

As such the proposals are considered to be acceptable and the scheme is recommended for conditional approval.

## RECOMMENDATION

Grant Conditionally.





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Case Number	17/04628/FUL
Application Type	Full Planning Application
Proposal	Demolition of existing conservatory and outbuildings and erection of a single-storey rear extension, erection of a detached garage/workshop and construction of a vehicular access from Burn Grove (Amended drawings received 23rd March 2018)
Location	20 Woodburn Drive Sheffield S35 1YS
Date Received	08/11/2017
Team	West and North
Applicant/Agent	Simon Elliott Associates
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:

Proposed Site Layout Plan received 22nd January 2018.  
Proposed Plan and Elevations (Garage/Workshop) received 23rd March 2018  
Proposed Plan and Elevations (Rear extensions to dwelling) received 23rd March 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)

Other Compliance Conditions

3. The use of the garage/workshop shall at all times remain incidental to the enjoyment of the main dwelling and shall not be sold or let separately.

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

4. 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 side elevation(s) of the proposed single-storey rear extension hereby permitted without the prior written approval of the Local Planning Authority.

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

5. The gradient of vehicular access shall not exceed 1:12.

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

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. 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:

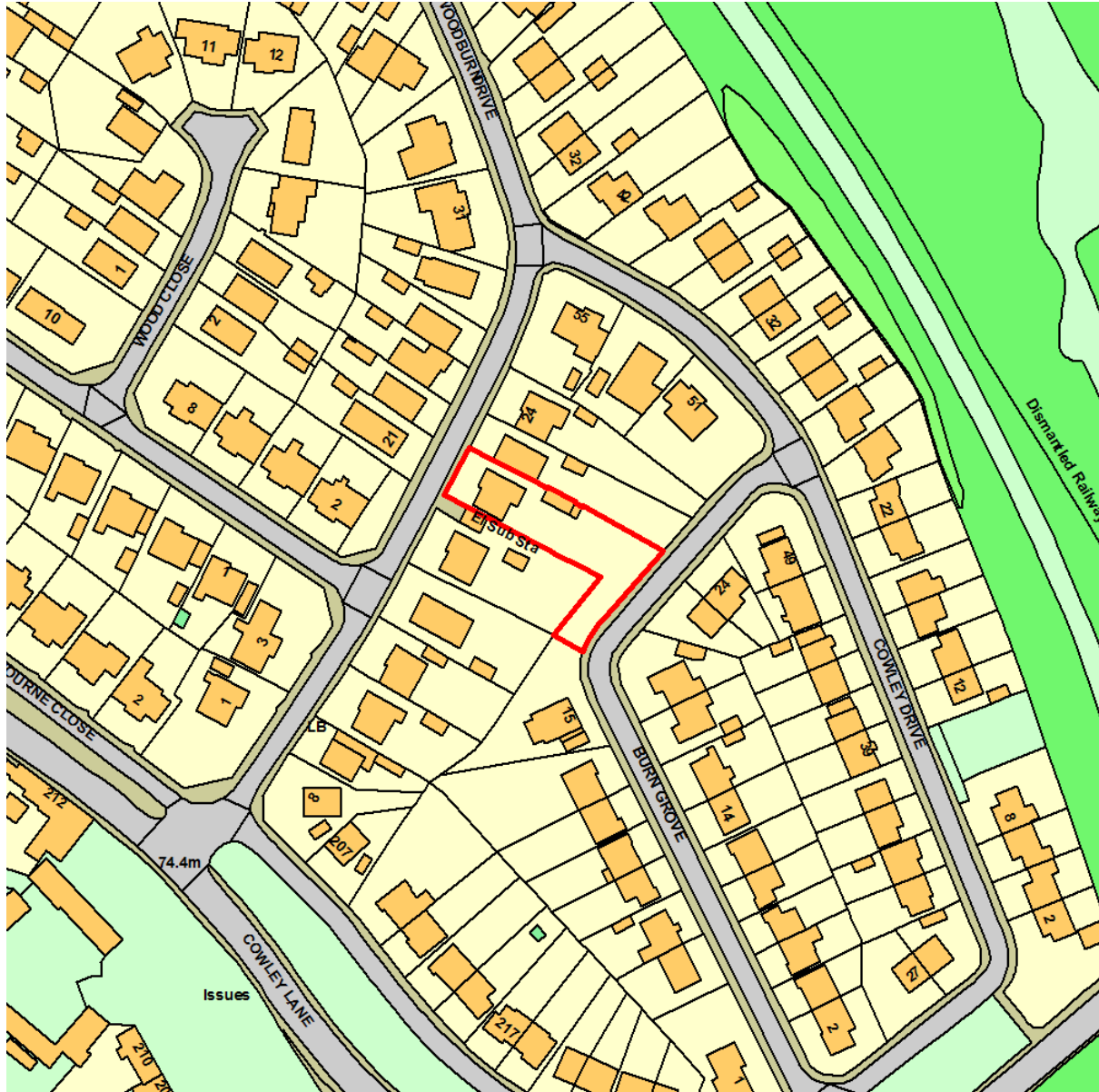
Ms D Jones  
Highways Development Management  
Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

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.

## Site Location



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## LOCATION AND PROPOSAL

The application site relates to a detached bungalow on Woodburn Drive, Chapelton.

The property is faced in brick with a dual-pitched roof and has a small rear conservatory. The property is set back from the street with a small front garden with a driveway to the side which leads to a detached flat roofed garage situated within the rear garden.

The property benefits from a large L shaped rear garden area which in part wraps around the rear of No.18 and No.16 Woodburn Drive. The rear boundary of the site

extends up to the back edge of Burn Grove, a highway which serves residential properties to the east. For the most part the site is level; however there are steps and a small embankment at the rear which rise to meet the level of Burn Grove. The rear boundary is defined by a hedge and numerous trees located within the embankment.

The site is in an allocated Housing Area as defined in the adopted Sheffield Unitary Development Plan. The locality is residential in character comprising a mix of bungalows and two storey properties of varying style and design.

This application seeks planning permission for the demolition of existing conservatory and detached garage, and the erection of a single-storey rear extension, detached garage/workshop and construction of vehicular access onto Burn Grove.

## SUMMARY OF REPRESENTATIONS

72 representations from members of the public have been received in total. 70 representations have been submitted in objection, 1 as a neutral comment and 1 in support.

The objections all reference the proposed garage/workshop and not the proposed extension.

Ecclesfield Parish Council has objected to the proposal with two letters of representation.

Ecclesfield Parish Council has commented with the following concerns:

The proposal is overdevelopment of the site.

The roof is hipped unlike all other garage at other neighbouring properties, which have flat roofs.

Queries raised over potential use of premises as a business.

New access would create problems of access for emergency vehicles, as existing parking causes access problems as existing.

Concerns for pedestrian safety using pavements close to the new exit.

Some trees and shrubs have been removed and burned, but neighbours report that there is a large habitat of wildlife in the remaining trees.

A resident has commented that the site is marked as unsafe to build on due to potential for flooding problems, as prior to the properties being built, there was a small stream running through the area.

The Parish Council supports residents' concerns and objections and request that the application is decided at Planning Committee.

An amended plan has been submitted. Ecclesfield Parish Council have commented with the following:

The amended plans do not address the previous concerns.

The new proposal narrows the entrance, making exiting from the site more dangerous.

Several trees have been removed, making the proposed garage more prominent and overbearing in size and out of keeping with neighbouring properties.

Councillor Andy Bainbridge has stated his support for Ecclesfield Parish Council and all objectors to the application, as it involves a large amount of buildings on a residential site and vehicular access to another road is a concern for residents. Cllr Bainbridge has requested that the application be referred to Planning Committee.

35 of the 72 representations have been submitted in relation to the originally submitted plan

The letter of support specifies no reasons.

The 34 objections received are outlined as follows:

#### Design

Concerns that the garage will have an effect on character of the neighbourhood.  
Concerns that the garage is out of scale and proportion for the area.

#### Amenity

Concerns with regards to noise, dust and smells from the workshop and associated vehicular movements.

Loss of trees resulting in privacy issues, loss of visual amenity and removal of wildlife.

Loss of privacy for neighbours facing garage/workshop.

Structure of building would be overbearing and intrusive.

#### Highways

Severe parking problems on Burn Grove and potential increase in vehicular movements associated with workshop/garage.

Concerns that new access would have restricted visibility onto a narrow road which has a sharp bend.

The property has an existing access which can be used.

Width of the driveway is dangerous and larger than standard driveways in the area.

Concerns over pedestrian and highway safety.

#### Landscape/Ecology

Six or seven tall mature trees are to be felled and 15m of a tall hedge is to be removed which is a habitat to bats and local birds.

#### Flood Risk

Concerns over flood risk as the site was classed as unsuitable for building because of an underground stream.

#### Other matters

Concerns that if permission is granted, a precedent would be set for similar development at neighbouring properties.

Concerns over the use of the workshop as a commercial/industrial unit.



Concerns that the workshop would attract burglars.  
Concerns that the building would be changed to a dwelling in the future.  
Existing garage could be extended and utilised.

#### Non-material Planning Considerations:

The proposed building would greatly impact on views from neighbouring properties (a number of neighbours on Cowley Drive).  
The workshop could impact upon house values.  
Concerns that the proposed rooflight would shine towards neighbouring properties.

Amended plans have been submitted reducing the height of the building.  
Furthermore, it is shown that the garage would be level with the existing garden, with the proposed driveway sloping down from Burn Grove.

37 of the 72 representations were submitted following amendments to the proposal and are all in objection.

They are summarised as below:

#### Design

Garage/workshop would be out of scale and character with the existing bungalow and surrounding area.

#### Amenity

Overbearing and intrusive to neighbours.  
Concerns with regards to noise and pollution from workshop.  
Invasion of privacy from workshop.  
Overdevelopment of the plot.

#### Highway

Proposed access would have restricted visibility and is located near a sharp bend.  
The amendment to the access is more unsafe and narrows the proposed access further.  
Concerns over pedestrian and highway safety.  
Issues with regards to parking congestion on Burn Grove and surrounding streets.  
Parking a motorhome would restrict access further.  
Pavements are safe and should remain so.  
Concerns with regards to the number of vehicles to be parked at the property including a motorhome.

#### Ecology

The natural greenery and wildlife on the proposed site is of great value

#### Flood Risk

Culverted stream within the site and footprint of garage coincides with culvert.  
Properties have standing water issues.  
Concerns that felling trees will exacerbate drainage problems

Other Matters:

Concerns over the use of the workshop and that it will become a commercial use in future.

Amendments do not address residents' concerns.

## PLANNING ASSESSMENT

### Design

UDP policy H14 and Core Strategy policy CS74 expect good quality design in keeping with the scale and character of the surrounding area. Good building design is also reflected in UDP policy BE5. Also relevant is the Supplementary Planning Guidance (SPG) on 'Designing House Extensions' which sets out design and privacy standards.

The existing bungalow is to be rendered. This alteration would not require planning permission.

### Single-storey rear extension

The proposed extension would be finished in render to match the render proposed for the existing bungalow. The extension would have a dual-pitched roof, orientated 90 degrees to the roof of the existing house resulting in a gable facing towards the garden. The proposed extension would be located to the rear of the bungalow and is not considered to be prominent when viewed from public areas. Existing vegetation is to be removed from the rear boundary to allow the formation of the new vehicular access, whilst this may allow views of the proposed extension to be taken from Burn Grove the extension is a fairly typical rear extension and will be seen in the context of the existing dwelling. It should also be noted that the extension would be set back significantly from the street.

In light of the above the design of the single storey extension is considered acceptable and would not detrimentally affect the character and appearance of the dwelling or locality.

### Garage/Workshop

The submitted drawings show that the proposed garage/workshop would be located at the end of the rear garden adjacent to Burn Grove. This garage is proposed in conjunction with a vehicular access from Burn Grove. Members should note that planning permission is not required for the formation of the vehicular access, as the proposal would accord with the limitations of Part 1, Class B of The General Permitted Development Order (GPDO) 2015.

The proposed garage would be rectangular in footprint and would have a dual-pitched roof. It is proposed to construct the garage in a red multi brick. There are numerous brick types in the locality and therefore it is considered that a red multi brick would not be out of character.

In order to accommodate the garage some minor excavation works within the site are required to remove part of the existing embankment and to lower the land level to create the drive access from Burn Grove. The garage would be situated on a similar level as the main part of the existing garden and would be set back approximately 5.4 metres from the back edge of the pavement.

The garage would be visible from Burn Grove, although it will be set on a slightly lower land level and will be afforded screening by mature hedgerow planting located either side of the proposed site access which minimises the visibility of the development. Opposite the site are dwelling houses raised above the level of the street which have attached garages to the side and driveways and gardens to the front. The proposed garage construction would be relatively simple in design and is not uncommon for a residential area. Whilst the garage would introduce a new building on the northern side of Burn Grove, it is considered that the proposed building due to its limited size and scale would not be significantly prominent and would not adversely affect the character of the area. The simple form and pitched roof would replicate the general form of buildings in the area and would have the appearance of an ancillary building to a residential property.

Members should be aware that Part 1, Class E of the GPDO) allows the construction of outbuildings within the curtilage of a dwelling house. The proposed building is approximately 0.4 metres higher than that permitted by the GPDO and therefore planning permission is required. However a very similar building could be constructed to the one proposed without the need for formal planning permission.

#### Amenity

UDP policy H14 says that new development in housing areas should not cause harm to the amenities of existing residents. Core Strategy Policy CS74 requires new development to contribute to the creation of successful neighbourhoods

#### Single-storey rear extension

The submitted drawings show that the proposed extension would project approximately 4 metres off the rear elevation of the bungalow and would replace the existing conservatory. The ridge height is shown to be approx. 5.5 metres and would have an eaves height of approx. 2.8 metres.

The adjoining neighbour at No.22 has a rear extension and as such the extension would only extend beyond the rear elevation of No.22 by just over 1 metre. The proposal would also be set in from the boundary with No.22 by approx. 2.4 metres.

To the other side of the property, there is a substation between the application site and No.18, although No.18's rear garden wraps around the back of the substation. The proposed extension would be set in from this boundary by approx. 1.1 metres. The proposed roof of the extension is to be dual-pitched and thus would slope away from both side boundaries. The extension would have a significant separation distance to the rear boundary.

Given the projection and height of the extension and the separation from neighbouring properties, it is considered that the extension would not detrimentally affect neighbouring living conditions.

#### Garage/Workshop

The proposed garage would be a significant distance from all neighbouring properties and therefore is not considered to detrimentally affect the living conditions of adjoining properties.

It is noted that local residents have raised concerns with regards to the proposed use of the garage/workshop. The applicant has confirmed that the use of the building will be solely for domestic purposes and will not be used as commercial or industrial premises. A planning condition will be imposed to secure this.

In light of the above of proposed garage/workshop as a building incidental to the enjoyment of the dwelling house is not considered to harm to the amenities of neighbouring properties.

#### Highway

UDP policy H14 requires new development to have adequate on-site parking and safe access for vehicles and pedestrians.

Part 1, Class B of The GPDO allows the creation of a vehicular access onto a highway which is not a trunk road or a classified road. Burn Grove is not a trunk or classified road and therefore planning permission would not be required for the creation of this access.

Although the formation of the access would not require planning permission, the access is required in conjunction with the proposed construction of the garage/workshop. Highways Officers are satisfied that the access as shown would provide safe access to and from Burn Grove. The concerns of local residents with regards to the narrow width of the road and local parking problems are noted however the proposal is not considered to harm highway safety and adequate manoeuvring space is available.

It is noted that the property has an existing access from Woodburn Drive, however this is a narrow access of approx. 2.2 metres in width and is restrictive to larger vehicles. The SPG 'Designing House Extensions' requires driveways to have a width of at least 2.75 metres and therefore the existing driveway does not accord with this dimension and is ultimately a narrow access. The applicant has specified that he wishes to park a motorhome within the site and ultimately wishes to proceed with the proposed access from Burn Grove.

The proposed access will provide off-street parking provision, thereby reducing the reliance upon on-street parking, although it is noted that the applicant would be more likely to park on Woodburn Drive at the moment.

Local residents have also raised concerns with regards to pedestrian safety. The access is not dissimilar to other domestic driveways in the area and would have adequate visibility. Whilst, Planning Permission is not required to form the access a vehicular crossing permit is required from the Councils Highways Section who have indicated separately that the access is likely to be considered favourably.

In light of the above the proposal is considered acceptable from a highways perspective.

#### Flood Risk

Local residents have raised concerns with regards to potential flooding and drainage issues, as residents believe there is a culverted stream running through the site. The Land Drainage Department have confirmed that there is a culvert within the site, but it is not on the alignment of the proposed garage. The culvert runs between Cowley Drive to Cowley Lane and is unaffected by the proposed development.

#### Landscape/Ecology

It is noted that residents have raised concerns over the loss of planting and trees and therefore wildlife habitats. The creation of the vehicular access would result in the loss of part of the hedgerow and planting located within the embankment fronting Burn Grove. It is considered that the loss of some of the hedgerow would not significantly harm the appearance of the street scene or bio diversity and the applicant has agreed to retain a degree of planting to retain a soft edge to the street.

It should be noted that the hedge and existing trees could be removed without permission at any time as such it would be unreasonable to resist the proposed works within a domestic setting on landscape/ecology grounds Furthermore, a degree of planting would need to be removed to reasonably allow the formation of the vehicular access, which as stated previously does not require planning permission.

#### RESPONSE TO REPRESENTATIONS

The garage rooflight is a window opening within the roof, not a light.

The applicant has confirmed that the workshop will be used for private residential purposes and will not be a business. If the workshop is to be used for business or industrial activities, then planning permission would be required.

The site is not located within a flood risk area.

Development will not require removal or replacement of the existing street lighting. Separate permission would be required by Highways for its removal/relocation in any instance.

Environmental Protection Regulations would cover noise nuisance and other effects to neighbours,

The proposal is not considered to give rise to any crime issues.

The proposal is not considered to set any form or precedent and similar applications would be considered on their merits as would any proposal to use the building for an alternative use.

## SUMMARY AND RECOMMENDATION

The proposed single-storey rear extension is considered acceptable from a design and amenity perspective and would not detrimentally affect the character and appearance of the dwelling nor detrimentally harm neighbouring living conditions.

The proposed garage/workshop is not considered to detract from the street scene or area and is considered an adequate separation from all neighbouring properties. As such the proposal is not considered to detrimentally affect living conditions of residents. A condition is imposed to ensure the use of the garage at all times remains ancillary to the existing dwelling house. It is also considered that the associated access would have adequate visibility onto the highway to not detrimentally affect highway and pedestrian safety.

In light of the above, the proposal is considered to accord with the provisions of the Unitary Development Plan, adopted SPG guidance, the Core Strategy and the National Planning Policy Framework. It is recommended that planning permission is granted conditionally.

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Case Number	13/04206/COND1
Application Type	Approval of Detail Reserved by Condition
Proposal	Application to approve details in relation to condition number(s): 13 (Affordable Housing Provision) imposed by planning permission 17/03068/FUL (AMENDED DESCRIPTION)
Location	Site Of Bannerdale Centre 125 Bannerdale Road Sheffield S7 2DJ
Date Received	18/10/2017
Team	South
Applicant/Agent	Mr Mark Jones
Recommendation	Condition details approved subject to the completion of a Legal Agreement

Subject to:

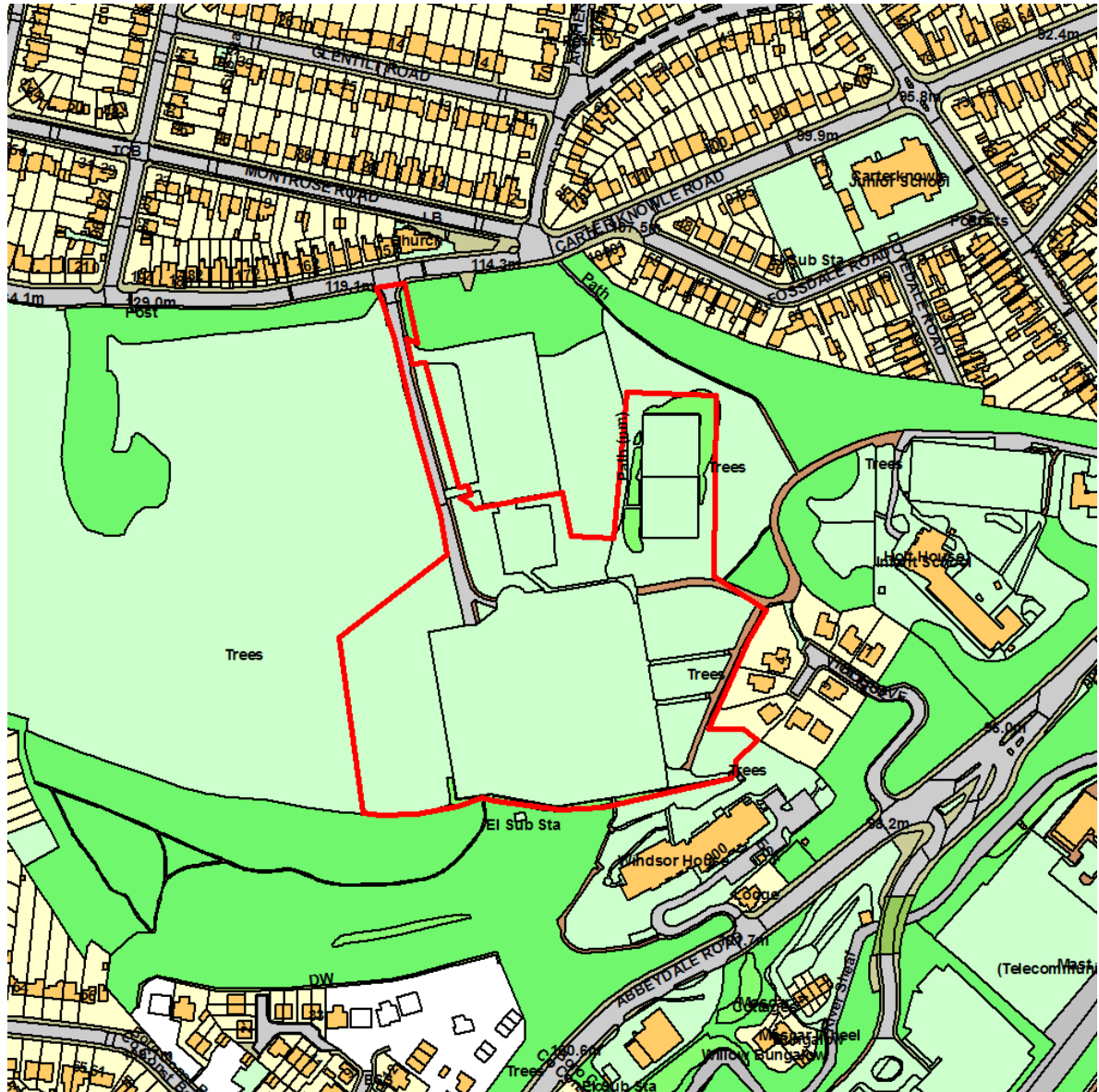
- 1 Conditions Discharged:  
No conditions relate to this section of the notice.
- 2 Details Approved But Condition(s) Remain In Force:  
13
- 3 Details Not Approved  
No conditions relate to this section of the notice.

Attention is Drawn to the Following Directives:

1. The applicant should be aware that a legal agreement is required to be completed in respect of this proposal.



## Site Location



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## LOCATION AND PROPOSAL

The application site relates to the ex Bannerdale Centre site. It is located to the south of Carter Knowle Road and accessed via the previously existing roadway which also serves as the access route to the secondary school which is currently under construction.

Outline consent was granted for residential development of the site in March 2014. A subsequent application secured revision / removal of some of the conditions applied to this original consent, and was approved on 18th December 2017. The reserved matters submission was approved on 18th January 2018 after consideration at the Planning and Highways Committee Meeting.

The current application seeks approval of details as required by condition 13 of the outline approval. This condition requires development at the site to deliver affordable housing at no less than 30% of the development's floor space, or an alternative figure that may be agreed following an independent viability assessment.

The reserved matters scheme included 16 affordable dwellings on-site. The viability appraisal initially provided with the current submission has been reviewed by CP Viability in line with normal procedure. The applicant's original submission, in order to discharge condition 13, proposed the 16 houses on site as per the reserved matters approval, supported by a viability appraisal. This was then assessed by CP Viability on the Council's behalf and resulted in a series of alterations, re-appraisals, and an amended offer from the applicant of 16 on-site affordable units and a £500,000 contribution to affordable provisions off-site.

## RELEVANT PLANNING HISTORY

13/04206/RG3; Residential development with associated open space and landscaping (Outline application under Reg 3 - 1992)  
Approved 12/3/14

17/03068/FUL; Application to remove condition nos. 10, 14 and 19 of planning permission 13/04206/RG3, and to vary conditions no. 6 to allow certain development works within the woodland buffer zone and no. 11 to allow green roof to be omitted if proved unfeasible (Application under Section 73) (AMENDED DESCRIPTION)  
Approved 18/12/17

## SUMMARY OF REPRESENTATIONS

A number of responses querying the proposed details and relevant policies have been received from the Carter Knowle and Millhouses Community Group's representative. These queries can be summarised as follows:

- Query exact details of proposal's affordable housing provision, and whether any provision in addition to the dwellings on-site would be met by a cash payment.
- The Developer's selection of the smaller units as affordable dwellings is assumed to be allowable under policy provisions, but is thought questionable.
- Query regarding the actual requirements of the policy in regards to affordable housing being a percentage of unit numbers or overall floor space.
- Query on the required contribution to off-site affordable housing, and if spending this elsewhere in the city meets policies requiring house types and tenures to be maintained across the city.

## PLANNING ASSESSMENT

The Sheffield Local Plan Core Strategy Policy CS40 states that developers of new housing in all parts of the city will be required to contribute to the provision of affordable housing where this is practicable and financially viable.

Affordable Housing Interim Planning Guidance (IPG) was updated in 2014, and was then replaced by the Community Infrastructure Levy and Planning Obligations Supplementary Planning Document (SPD) in December 2015. Guideline GAH2 of the SPD sets required levels of developer contribution towards affordable housing in different parts of the city, and identifies a contribution requirement of 30% for sites in the South West Affordable Housing Market Area, in which this site falls, subject to scheme viability.

The NPPF at paragraph 173 states that ‘to ensure viability, the costs of any requirements likely to be applied to a development, such as requirements for affordable housing.....should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable’.

The Developer’s initial appraisal concluded that whilst 16 units were to be provided on site, the scheme was not capable of viably providing any additional financial contribution towards off-site provisions. In accordance with normal practice in such cases and reflecting the requirements of the NPPF and policy CS40, CP Viability independently assessed the developer’s viability case on the Council’s behalf.

The applicant’s original offer of 16 houses on site, with no off site contribution, would have resulted in a 19.81% affordable housing contribution against the policy target of 30%. CP Viability’s initial report concluded at that stage that a contribution of £1,219,500 (27.52%) could be delivered in addition to the on-site contribution whilst retaining scheme viability with a reasonable land value and developer profit.

As is normal in such cases, this was challenged by the applicant and discussions were held to resolve areas of dispute, with subsequent amendments made to the applicant’s offer, and further consideration by CP Viability. A revised contribution of £500,000 (22.97%) was subsequently offered which was considered by CP Viability to fall within a range of reasonable contributions that followed sensitivity testing of the original appraisal (based on minor variations in sales values and build costs), and could therefore be supported.

A £500,000 off-site commuted sum in addition to the 16 dwellings on the site is considered to represent a reasonable compromise position, and one that achieves a substantial contribution towards affordable housing provisions locally and within the city. This offer is considered to meet the requirements of Core Strategy policy CS40 and Guideline GAH2 Community Infrastructure Levy and Planning Obligations Supplementary Planning Document (SPD).

Although each case is always different and must therefore be considered on its individual merits, it is interesting to note that the viability appraisal process conducted in relation to the neighbouring Hastings Road (former Abbeydale Grange) site resulted in a similar percentage contribution (22.13%).

## RESPONSE TO REPRESENTATIONS

The majority of the points made in representations took the form of queries, which have been addressed in the above assessment.

A comment was made querying whether the commitment of any off-site commuted sum to securing affordable housing city wide would meet policy. In this case, 16 units are being provided on-site and the commuted sum would allow a greater number of affordable units to be provided elsewhere in the city than would have been possible at the site or within the immediate surroundings. Given the need in the city for an additional 725 affordable units per year, the off-site commuted sum would be able to make a significant contribution towards this provision. Therefore, the proposals would be considered to satisfy the requirements of the CIL and Planning Obligations SPD.

## SUMMARY AND RECOMMENDATION

The current application seeks the discharge of a condition relating to affordable housing provision imposed an outline planning consent for residential development of the former Bannerdale Centre site.

Through negotiations the developer's offer has been increased to 16 dwellings on site and a commuted sum of £500,000 (22.97%), compared to a full policy requirement of 30%. This represents a viable contribution, and an appropriate compromise position. The proposal is therefore considered to meet the requirements of Core Strategy policy CS40 and Guideline GAH2 of the Community Infrastructure Levy and Planning Obligations Supplementary Planning Document (SPD) and the relevant aspects of the National Planning Policy Framework.

Consequently, it is recommended that the application should be approved subject to a Planning Obligation to secure (i) the on-site provision of 16 affordable dwellings, and (ii) the payment of a commuted sum for affordable housing provision.

### Heads of Terms for Unilateral Undertaking

- (i) The owner(s) of the site shall serve on the Council, within 21 days of the commencement of development, notice of the commencement of the development, and in the event of such notice not being served, covenant to pay the Council, immediately on demand, all sums due under the provisions of this Deed,
- (ii) Before the occupation of the 1st dwelling, the owner(s) shall pay to the Council the sum of £500,000 towards the provision of affordable housing. The owner shall not permit occupation of more than one dwelling until such sums have been paid.
- (iii) The owner shall enter into arrangements to secure the provision, operation and retention of affordable housing in the form of the 16 units identified on the approved drawings.



## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Director of City Growth Department

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**Date:** 10 April 2018

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**Subject:** RECORD OF PLANNING APPEALS  
SUBMISSIONS & DECISIONS

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**Author of Report:** Claire Woods 0114 2734219

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### Summary:

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

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### Reasons for Recommendations

### Recommendations:

To Note

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### Background Papers:

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**Category of Report:** OPEN

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## DEVELOPMENT SERVICES

REPORT TO PLANNING &  
HIGHWAYS COMMITTEE  
10 APRIL 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 planning permission for demolition of existing buildings and erection of 3 storey block comprising 12x dwellings with associated vehicular access, car and cycle parking at 62, 64 And 66 High Street Ecclesfield Sheffield S35 9XD (Case No 16/03410/FUL)

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse advertisement consent for 1) Retention of 1x internally illuminated fascia sign to front elevation of building and 2) Retention of 2x illuminated display boxes to front elevation of building at The Common Room 127 - 129 Devonshire Street Sheffield S3 7SB (Case No 17/02818/ADV)

(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse advertisement consent for removal of 4 existing hoardings and erection of 2 illuminated digital 48 sheet displays Clear Channel UK Advertising Right No 0612 01 02 And 03 At Junction With Botsford Street Rutland Road Sheffield S3 9PJ (Case No 17/04479/HOARD)

### 3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the delegated decision of the Council to refuse planning consent for erection of a detached outbuilding to use as office accommodation in ancillary to number 7 Chelsea Rise at 7 Chelsea Rise Sheffield S11 9BS (Case No 17/01939/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the main issue as being the effect of the proposal on the character and appearance of the surrounding area.

She noted the timber outbuilding would be in an elevated corner location within the garden, and that given the relative eaves heights it would be subservient to the existing dwelling.

Even so she considered the structure was relatively large and would completely fill the corner of the garden, significantly elevated above the road.

Despite the lower parts of the building being screened by the boundary wall, and the cul de sac location, with little traffic, it would be unduly prominent and incongruous addition to the street scene and would be seen by occupants and visitors to the adjacent flats.

She noted the presence of other similar structures nearby and the lack of objections from neighbours but considering the scheme on its own merits she concluded it would seriously detract from the character and appearance of the surrounding area in conflict with policies BE5 and H14, and dismissed the appeal.

## 5.0 RECOMMENDATIONS

That the report be noted

Rob Murfin  
Chief Planning Officer

*10 April 2018*

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